

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**124th General Assembly**

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**2001-2002**

**Sub. H. B. No. 7**

**REPRESENTATIVES Manning, Womer Benjamin, Latta, Seitz, Faber, Reidelbach, Jerse, Perry, Hughes, S. Smith, Carey, Damschroder, Widowfield, Reinhard, DeWine, Husted, Clancy, Salerno, Grendell, Cates, Seaver, Wolpert, Roman, Schmidt, Setzer, Calvert, Niehaus, Hartnett, Carmichael, Flowers, Coates, Hollister, Rhine, Redfern, Stapleton, Cirelli, Jones, Wilson, Jolivette, Sulzer, Goodman, Barrett, G. Smith, Schneider, Buehrer, Schuring, Patton, Raga, DePiero, Fedor, Peterson, Collier, Lendrum, Metzger, Gilb, Oakar, Latell, Britton, Key, Woodard, Schaffer, Aslanides, Otterman, Hoops, Kearns, Fessler, Ford, D. Miller, R. Miller, Beatty, Allen, Barnes, Young, Ogg, Bocchieri**

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**A B I L L**

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

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"distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

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

(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

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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  
or thirty 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 stimulant that is in a final dosage  
form manufactured by a person authorized by the "Federal Food,  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as  
amended, and the federal drug abuse control laws, as defined in  
section 3719.01 of the Revised Code, that is or contains any  
amount of a schedule II depressant substance or a schedule II  
hallucinogenic substance;

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

(2) An amount equal to or exceeding one hundred twenty grams  
or thirty 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 III or IV substance other than an  
anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five

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 82  
units, sixteen grams, or sixteen milliliters of a compound, 83  
mixture, preparation, or substance that is or contains any amount 84  
of a schedule III anabolic steroid. 85

(E) "Unit dose" means an amount or unit of a compound, 86  
mixture, or preparation containing a controlled substance that is 87  
separately identifiable and in a form that indicates that it is 88  
the amount or unit by which the controlled substance is separately 89  
administered to or taken by an individual. 90

(F) "Cultivate" includes planting, watering, fertilizing, or 91  
tilling. 92

(G) "Drug abuse offense" means any of the following: 93

(1) A violation of division (A) of section 2913.02 that 94  
constitutes theft of drugs, or a violation of section 2925.02, 95  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 96  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 97  
2925.37 of the Revised Code; 98

(2) A violation of an existing or former law of this or any 99  
other state or of the United States that is substantially 100  
equivalent to any section listed in division (G)(1) of this 101  
section; 102

(3) An offense under an existing or former law of this or any 103

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other state, or of the United States, of which planting, 104  
cultivating, harvesting, processing, making, manufacturing, 105  
producing, shipping, transporting, delivering, acquiring, 106  
possessing, storing, distributing, dispensing, selling, inducing 107  
another to use, administering to another, using, or otherwise 108  
dealing with a controlled substance is an element; 109

(4) A conspiracy to commit, attempt to commit, or complicity 110  
in committing or attempting to commit any offense under division 111  
(G)(1), (2), or (3) of this section. 112

(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 143  
been placed in a container plainly marked as a sample by a 144  
manufacturer. 145

(M) "Standard pharmaceutical reference manual" means the 146  
current edition, with cumulative changes if any, of any of the 147  
following reference works: 148

(1) "The National Formulary"; 149

(2) "The United States Pharmacopeia," prepared by authority 150  
of the United States Pharmacopoeial Convention, Inc.; 151

(3) Other standard references that are approved by the state 152  
board of pharmacy. 153

(N) "Juvenile" means a person under eighteen years of age. 154

(O) "Counterfeit controlled substance" means any of the 155  
following: 156

(1) Any drug that bears, or whose container or label bears, a 157  
trademark, trade name, or other identifying mark used without 158  
authorization of the owner of rights to that trademark, trade 159  
name, or identifying mark; 160

(2) Any unmarked or unlabeled substance that is represented 161  
to be a controlled substance manufactured, processed, packed, or 162  
distributed by a person other than the person that manufactured, 163

processed, packed, or distributed it; 164

(3) Any substance that is represented to be a controlled 165  
substance but is not a controlled substance or is a different 166  
controlled substance; 167

(4) Any substance other than a controlled substance that a 168  
reasonable person would believe to be a controlled substance 169  
because of its similarity in shape, size, and color, or its 170  
markings, labeling, packaging, distribution, or the price for 171  
which it is sold or offered for sale. 172

(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 practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	227 228 229
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	230 231 232
(5) A person licensed as an auctioneer or apprentice auctioneer or licensed to operate an auction company under Chapter 4707. of the Revised Code;	233 234 235
(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	254 255

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license, or who has been registered for an embalmer's or funeral	256
director's apprenticeship under Chapter 4717. of the Revised Code;	257
(11) A person who has been licensed as a registered nurse or	258
practical nurse, or who has been issued a certificate for the	259
practice of nurse-midwifery under Chapter 4723. of the Revised	260
Code;	261
(12) A person who has been licensed to practice optometry or	262
to engage in optical dispensing under Chapter 4725. of the Revised	263
Code;	264
(13) A person licensed to act as a pawnbroker under Chapter	265
4727. of the Revised Code;	266
(14) A person licensed to act as a precious metals dealer	267
under Chapter 4728. of the Revised Code;	268
(15) A person licensed as a pharmacist, a pharmacy intern, a	269
wholesale distributor of dangerous drugs, or a terminal	270
distributor of dangerous drugs under Chapter 4729. of the Revised	271
Code;	272
(16) A person who is authorized to practice as a physician	273
assistant under Chapter 4730. of the Revised Code;	274
(17) A person who has been issued a certificate to practice	275
medicine and surgery, osteopathic medicine and surgery, a limited	276
branch of medicine, or podiatry under Chapter 4731. of the Revised	277
Code;	278
(18) A person licensed as a psychologist or school	279
psychologist under Chapter 4732. of the Revised Code;	280
(19) A person registered to practice the profession of	281
engineering or surveying under Chapter 4733. of the Revised Code;	282
(20) A person who has been issued a license to practice	283
chiropractic under Chapter 4734. of the Revised Code;	284

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(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 engineer under Chapter 4739. of the Revised Code;	293 294
(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	313

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counselor or professional counselor, licensed as a social worker	314
or independent social worker, or registered as a social work	315
assistant under Chapter 4757. of the Revised Code;	316
(33) A person issued a license to practice dietetics under	317
Chapter 4759. of the Revised Code;	318
(34) A person who has been issued a license or limited permit	319
to practice respiratory therapy under Chapter 4761. of the Revised	320
Code;	321
(35) A person who has been issued a real estate appraiser	322
certificate under Chapter 4763. of the Revised Code.	323
(X) "Cocaine" means any of the following:	324
(1) A cocaine salt, isomer, or derivative, a salt of a	325
cocaine isomer or derivative, or the base form of cocaine;	326
(2) Coca leaves or a salt, compound, derivative, or	327
preparation of coca leaves, including ecgonine, a salt, isomer, or	328
derivative of ecgonine, or a salt of an isomer or derivative of	329
ecgonine;	330
(3) A salt, compound, derivative, or preparation of a	331
substance identified in division (X)(1) or (2) of this section	332
that is chemically equivalent to or identical with any of those	333
substances, except that the substances shall not include	334
decocainized coca leaves or extraction of coca leaves if the	335
extractions do not contain cocaine or ecgonine.	336
(Y) "L.S.D." means lysergic acid diethylamide.	337
(Z) "Hashish" means the resin or a preparation of the resin	338
contained in marihuana, whether in solid form or in a liquid	339
concentrate, liquid extract, or liquid distillate form.	340
(AA) "Marihuana" has the same meaning as in section 3719.01	341
of the Revised Code, except that it does not include hashish.	342

(BB) An offense is "committed in the vicinity of a juvenile" 343  
if the offender commits the offense within one hundred feet of a 344  
juvenile or within the view of a juvenile, regardless of whether 345  
the offender knows the age of the juvenile, whether the offender 346  
knows the offense is being committed within one hundred feet of or 347  
within view of the juvenile, or whether the juvenile actually 348  
views the commission of the offense. 349

(CC) "Presumption for a prison term" or "presumption that a 350  
prison term shall be imposed" means a presumption, as described in 351  
division (D) of section 2929.13 of the Revised Code, that a prison 352  
term is a necessary sanction for a felony in order to comply with 353  
the purposes and principles of sentencing under section 2929.11 of 354  
the Revised Code. 355

(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. 383

(C)(1) Whoever commits a violation of division (A) of this 384  
section that involves any drug other than marihuana is guilty of 385  
illegal manufacture of drugs, and whoever commits a violation of 386  
division (A) of this section that involves marihuana is guilty of 387  
illegal cultivation of marihuana. 388

(2) If Except as otherwise provided in this division, if the 389  
drug involved in the violation of division (A) of this section is 390  
any compound, mixture, preparation, or substance included in 391  
schedule I or II, with the exception of marihuana, illegal 392  
manufacture of drugs is a felony of the second degree, and, 393  
subject to division (E) of this section, the court shall impose as 394  
a mandatory prison term one of the prison terms prescribed for a 395  
felony of the second degree. If the drug involved in the violation 396  
is methamphetamine, any salt, isomer, or salt of an isomer of 397  
methamphetamine, or any compound, mixture, preparation, or 398  
substance containing methamphetamine or any salt, isomer, or salt 399  
of an isomer of methamphetamine and if the offense was committed 400  
in the vicinity of a juvenile, in the vicinity of a school, or on 401  
public premises, illegal manufacture of drugs is a felony of the 402  
first degree, and, subject to division (E) of this section, the 403

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court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 404  
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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. 406  
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(4) If the drug involved in the violation is marihuana, the penalty for the offense shall be determined as follows: 411  
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(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, illegal cultivation of marihuana is a minor misdemeanor. 413  
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(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree. 416  
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(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 419  
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(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 424  
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(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree, and there is a presumption for a prison term for the offense. 429  
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(f) If the amount of marihuana involved equals or exceeds twenty thousand grams, illegal cultivation of marihuana is a 433  
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felony of the second degree, and the court shall impose as a  
mandatory prison term the maximum prison term prescribed for a  
felony of the second degree.

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(D) In addition to any prison term authorized or required by  
division (C) or (E) 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 division  
(A) of this section shall do all of the following that are  
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

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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,  
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.

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(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.

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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

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sustains the burden of going forward with evidence of and 499  
establishes by a preponderance of the evidence the affirmative 500  
defense described in this division, the person may be prosecuted 501  
for and may be convicted of or plead guilty to a misdemeanor 502  
violation of illegal cultivation of marihuana. 503

(G) Arrest or conviction for a minor misdemeanor violation of 504  
this section does not constitute a criminal record and need not be 505  
reported by the person so arrested or convicted in response to any 506  
inquiries about the person's criminal record, including any 507  
inquiries contained in an application for employment, a license, 508  
or any other right or privilege or made in connection with the 509  
person's appearance as a witness. 510

Sec. 2925.041. (A) No person shall knowingly assemble or 511  
possess one or more chemicals that may be used to manufacture a 512  
controlled substance in schedule I or II with the intent to 513  
manufacture a controlled substance in schedule I or II in 514  
violation of section 2925.04 of the Revised Code. 515

(B) In a prosecution under this section, it is not necessary 516  
to allege or prove that the offender assembled or possessed all 517  
chemicals necessary to manufacture a controlled substance in 518  
schedule I or II. The assembly or possession of a single chemical 519  
that may be used in the manufacture of a controlled substance in 520  
schedule I or II, with the intent to manufacture a controlled 521  
substance in either schedule, is sufficient to violate this 522  
section. 523

(C) Whoever violates this section is guilty of illegal 524  
assembly or possession of chemicals for the manufacture of drugs. 525  
Illegal assembly or possession of chemicals for the manufacture of 526  
drugs is a felony of the third degree, and division (C) of section 527  
2929.13 of the Revised Code applies in determining whether to 528  
impose a prison term on the offender. 529

(D) In addition to any prison term authorized by division (C) 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:

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

(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.

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

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(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

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(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

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(3) 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;

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(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

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~~(4)~~(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;

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~~(5)~~(6) A scale or balance for weighing or measuring a controlled substance;

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~~(6)~~(7) A diluent or adulterant, such as quinine

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## As Reported by the Senate Judiciary--Criminal Justice Committee

hydrochloride, mannitol, mannite, dextrose, or lactose, for	592
cutting a controlled substance;	593
<del>(7)</del> (8) A separation gin or sifter for removing twigs and	594
seeds from, or otherwise cleaning or refining, marihuana;	595
<del>(8)</del> (9) A blender, bowl, container, spoon, or mixing device	596
for compounding a controlled substance;	597
<del>(9)</del> (10) A capsule, balloon, envelope, or container for	598
packaging small quantities of a controlled substance;	599
<del>(10)</del> (11) A container or device for storing or concealing a	600
controlled substance;	601
<del>(11)</del> (12) A hypodermic syringe, needle, or instrument for	602
parenterally injecting a controlled substance into the human body;	603
<del>(12)</del> (13) An object, instrument, or device for ingesting,	604
inhaling, or otherwise introducing into the human body, marihuana,	605
cocaine, hashish, or hashish oil, such as a metal, wooden,	606
acrylic, glass, stone, plastic, or ceramic pipe, with or without a	607
screen, permanent screen, hashish head, or punctured metal bowl;	608
water pipe; carburetion tube or device; smoking or carburetion	609
mask; roach clip or similar object used to hold burning material,	610
such as a marihuana cigarette, that has become too small or too	611
short to be held in the hand; miniature cocaine spoon, or cocaine	612
vial; chamber pipe; carburetor pipe; electric pipe; air driver	613
pipe; chillum; bong; or ice pipe or chiller.	614
(B) In determining if <del>an object</del> <u>any equipment, product, or</u>	615
<u>material</u> is drug paraphernalia, a court or law enforcement officer	616
shall consider, in addition to other relevant factors, the	617
following:	618
(1) Any statement by the owner, or by anyone in control, of	619
the <del>object</del> <u>equipment, product, or material</u> , concerning its use;	620
(2) The proximity in time or space of the <del>object</del> <u>equipment,</u>	621

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- product, or material, or of the act relating to the object 622  
equipment, product, or material, to a violation of any provision 623  
of this chapter; 624
- (3) The proximity of the object equipment, product, or 625  
material to any controlled substance; 626
- (4) The existence of any residue of a controlled substance on 627  
the object equipment, product, or material; 628
- (5) Direct or circumstantial evidence of the intent of the 629  
owner, or of anyone in control, of the object equipment, product, 630  
or material, to deliver it to any person whom the owner or person 631  
in control of the object equipment, product, or material knows 632  
intends to use the object to facilitate a violation of any 633  
provision of this chapter. A finding that the owner, or anyone in 634  
control, of the object equipment, product, or material, is not 635  
guilty of a violation of any other provision of this chapter does 636  
not prevent a finding that the object equipment, product, or 637  
material was intended or designed by the offender for use as drug 638  
paraphernalia. 639
- (6) Any oral or written instruction provided with the object 640  
equipment, product, or material concerning its use; 641
- (7) Any descriptive material accompanying the object 642  
equipment, product, or material and explaining or depicting its 643  
use; 644
- (8) National or local advertising concerning the use of the 645  
object equipment, product, or material; 646
- (9) The manner and circumstances in which the object 647  
equipment, product, or material is displayed for sale; 648
- (10) Direct or circumstantial evidence of the ratio of the 649  
sales of the object equipment, product, or material to the total 650  
sales of the business enterprise; 651

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(11) The existence and scope of legitimate uses of the object equipment, product, or material in the community; 652  
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(12) Expert testimony concerning the use of the object equipment, product, or material. 654  
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(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia. 656  
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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. 658  
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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 paraphernalia. 662  
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(D) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 4741. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code. 669  
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(E) Notwithstanding sections 2933.42 and 2933.43 of the Revised Code, any drug paraphernalia that was used, possessed, sold, or manufactured in a violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to division (D)(8) of section 2933.41 of the Revised Code. 676  
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(F)(1) Whoever violates division (C)(1) of this section is 682

guilty of illegal use or possession of drug paraphernalia, a 683  
misdemeanor of the fourth degree. 684

(2) Except as provided in division (F)(3) of this section, 685  
whoever violates division (C)(2) of this section is guilty of 686  
dealing in drug paraphernalia, a misdemeanor of the second degree. 687

(3) Whoever violates division (C)(2) of this section by 688  
selling drug paraphernalia to a juvenile is guilty of selling drug 689  
paraphernalia to juveniles, a misdemeanor of the first degree. 690

(4) Whoever violates division (C)(3) of this section is 691  
guilty of illegal advertising of drug paraphernalia, a misdemeanor 692  
of the second degree. 693

(G) In addition to any other sanction imposed for a violation 694  
of this section, the court shall suspend for not less than six 695  
months or more than five years the driver's or commercial driver's 696  
license or permit of any person who is convicted of or has pleaded 697  
guilty to a violation of this section. If the offender is a 698  
professionally licensed person or a person who has been admitted 699  
to the bar by order of the supreme court in compliance with its 700  
prescribed and published rules, in addition to any other sanction 701  
imposed for a violation of this section, the court forthwith shall 702  
comply with section 2925.38 of the Revised Code. 703

**Sec. 2925.38.** If a person who is convicted of or pleads 705  
guilty to a violation of section 2925.02, 2925.03, 2925.04, 706  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 707  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 708  
Revised Code is a professionally licensed person, in addition to 709  
any other sanctions imposed for the violation, the court forthwith 710  
shall transmit a certified copy of the judgment entry of 711  
conviction to the regulatory or licensing board or agency that has 712  
the administrative authority to suspend or revoke the offender's 713



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professional license. If a person who is convicted of or pleads 714  
guilty to a violation of any section listed in this section is a 715  
person who has been admitted to the bar by order of the supreme 716  
court in compliance with its prescribed and published rules, in 717  
addition to any other sanctions imposed for the violation, the 718  
court forthwith shall transmit a certified copy of the judgment 719  
entry of conviction to the secretary of the board of commissioners 720  
on grievances and discipline of the supreme court and to either 721  
the disciplinary counsel or the president, secretary, and ~~chairman~~ 722  
chairperson of each certified grievance committee. 723

**Sec. 2925.51.** (A) In any criminal prosecution for a violation 724  
of this chapter or Chapter 3719. of the Revised Code, a laboratory 725  
report from the bureau of criminal identification and 726  
investigation, a laboratory operated by another law enforcement 727  
agency, or a laboratory established by or under the authority of 728  
an institution of higher education that has its main campus in 729  
this state and that is accredited by the association of American 730  
universities or the north central association of colleges and 731  
secondary schools, primarily for the purpose of providing 732  
scientific services to law enforcement agencies and signed by the 733  
person performing the analysis, stating that the substance ~~which~~ 734  
that is the basis of the alleged offense has been weighed and 735  
analyzed and stating the findings as to the content, weight, and 736  
identity of the substance and that it contains any amount of a 737  
controlled substance and the number and description of unit 738  
dosages, is prima-facie evidence of the content, identity, and 739  
weight or the existence and number of unit dosages of the 740  
substance. In any criminal prosecution for a violation of section 741  
2925.041 of the Revised Code or a violation of this chapter or 742  
Chapter 3719. of the Revised Code that is based on the possession 743  
of chemicals sufficient to produce a compound, mixture, 744  
preparation, or substance included in schedule I, II, III, IV, or 745

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V, a laboratory report from the bureau or from any laboratory that 746  
is operated or established as described in this division that is 747  
signed by the person performing the analysis, stating that the 748  
substances that are the basis of the alleged offense have been 749  
weighed and analyzed and stating the findings as to the content, 750  
weight, and identity of each of the substances, is prima-facie 751  
evidence of the content, identity, and weight of the substances. 752

Attached to that report shall be a copy of a notarized 753  
statement by the signer of the report giving the name of the 754  
signer and stating that ~~he~~ the signer is an employee of the 755  
laboratory issuing the report and that performing the analysis is 756  
a part of ~~his~~ the signer's regular duties, and giving an outline 757  
of ~~his~~ the signer's education, training, and experience for 758  
performing an analysis of materials included under this section. 759  
The signer shall attest that scientifically accepted tests were 760  
performed with due caution, and that the evidence was handled in 761  
accordance with established and accepted procedures while in the 762  
custody of the laboratory. 763

(B) The prosecuting attorney shall serve a copy of the report 764  
on the attorney of record for the accused, or on the accused if ~~he~~ 765  
the accused has no attorney, prior to any proceeding in which the 766  
report is to be used against the accused other than at a 767  
preliminary hearing or grand jury proceeding where the report may 768  
be used without having been previously served upon the accused. 769

(C) The report shall not be prima-facie evidence of the 771  
contents, identity, and weight or the existence and number of unit 772  
dosages of the substance if the accused or ~~his~~ the accused's 773  
attorney demands the testimony of the person signing the report, 774  
by serving the demand upon the prosecuting attorney within seven 775  
days from the accused or ~~his~~ the accused's attorney's receipt of 776  
the report. The time may be extended by a trial judge in the 777

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interests of justice. 778

(D) Any report issued for use under this section shall 779  
contain notice of the right of the accused to demand, and the 780  
manner in which the accused shall demand, the testimony of the 781  
person signing the report. 782

(E) Any person who is accused of a violation of this chapter 783  
or of Chapter 3719. of the Revised Code is entitled, upon written 784  
request made to the prosecuting attorney, to have a portion of the 785  
substance that is, or of each of the substances that are, the 786  
basis of the alleged violation preserved for the benefit of 787  
independent analysis performed by a laboratory analyst employed by 788  
the accused person, or, if ~~he~~ the accused is indigent, by a 789  
qualified laboratory analyst appointed by the court. Such portion 790  
shall be a representative sample of the entire substance that is, 791  
or of each of the substances that are, the basis of the alleged 792  
violation and shall be of sufficient size, in the opinion of the 793  
court, to permit the accused's analyst to make a thorough 794  
scientific analysis concerning the identity of the substance or 795  
substances. The prosecuting attorney shall provide the accused's 796  
analyst with the sample portion at least fourteen days prior to 797  
trial, unless the trial is to be held in a court not of record or 798  
unless the accused person is charged with a minor misdemeanor, in 799  
which case the prosecuting attorney shall provide the accused's 800  
analyst with the sample portion at least three days prior to 801  
trial. If the prosecuting attorney determines that such a sample 802  
portion cannot be preserved and given to the accused's analyst, 803  
the prosecuting attorney shall so inform the accused person or his 804  
attorney. In such a circumstance, the accused person is entitled, 805  
upon written request made to the prosecuting attorney, to have ~~his~~ 806  
the accused's privately employed or court appointed analyst 807  
present at an analysis of the substance that is, or the substances 808  
that are, the basis of the alleged violation, and, upon further 809

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written request, to receive copies of all recorded scientific data 810  
that result from the analysis and that can be used by an analyst 811  
in arriving at conclusions, findings, or opinions concerning the 812  
identity of the substance or substances subject to the analysis. 813

(F) In addition to the rights provided under division (E) of 814  
this section, any person who is accused of a violation of this 815  
chapter or of Chapter 3719. of the Revised Code that involves a 816  
bulk amount of a controlled substance, or any multiple thereof, or 817  
who is accused of a violation of section 2925.11 of the Revised 818  
Code, other than a minor misdemeanor violation, that involves 819  
marihuana, is entitled, upon written request made to the 820  
prosecuting attorney, to have a laboratory analyst of ~~his~~ the 821  
accused's choice, or, if the accused is indigent, a qualified 822  
laboratory analyst appointed by the court present at a measurement 823  
or weighing of the substance that is the basis of the alleged 824  
violation. Also, the accused person is entitled, upon further 825  
written request, to receive copies of all recorded scientific data 826  
that result from the measurement or weighing and that can be used 827  
by an analyst in arriving at conclusions, findings, or opinions 828  
concerning the weight, volume, or number of unit doses of the 829  
substance subject to the measurement or weighing. 830

Sec. 2925.52. (A) If a person is charged with a violation of 831  
section 2925.041 of the Revised Code or with any violation of this 832  
chapter or Chapter 3719. of the Revised Code that is based on the 833  
possession of chemicals sufficient to produce methamphetamine, any 834  
salt, isomer, or salt of an isomer of methamphetamine, or any 835  
compound, mixture, preparation, or substance containing 836  
methamphetamine or any salt, isomer, or salt of an isomer of 837  
methamphetamine, the law enforcement agency that has custody of 838  
the chemicals may file a motion with the court in which the 839  
charges are pending requesting the court to order the chemicals 840  
destroyed in accordance with this division. If a law enforcement 841

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agency files a motion of that type with a court, the court may 842  
issue an order that requires the containers in which the chemicals 843  
are contained be photographed, orders the chemicals forfeited, and 844  
requires that the chemicals be destroyed. 845

(B) If the court issues an order under division (A) of this 846  
section, the court may include in the order a requirement that the 847  
chemicals be sampled prior to their destruction and that the 848  
samples be preserved. 849

**Sec. 2933.43.** (A)(1) Except as provided in this division or 850  
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 851  
2925.45 of the Revised Code, a law enforcement officer shall seize 852  
any contraband that has been, is being, or is intended to be used 853  
in violation of division (A) of section 2933.42 of the Revised 854  
Code. A law enforcement officer shall seize contraband that is a 855  
watercraft, motor vehicle, or aircraft and that has been, is 856  
being, or is intended to be used in violation of division (A) of 857  
section 2933.42 of the Revised Code only if the watercraft, motor 858  
vehicle, or aircraft is contraband because of its relationship to 859  
an underlying criminal offense that is a felony. 860

Additionally, a law enforcement officer shall seize any 861  
watercraft, motor vehicle, aircraft, or other personal property 862  
that is classified as contraband under division (B) of section 863  
2933.42 of the Revised Code if the underlying offense involved in 864  
the violation of division (A) of that section that resulted in the 865  
watercraft, motor vehicle, aircraft, or personal property being 866  
classified as contraband, is a felony. 867

(2) If a law enforcement officer seizes property that is 868  
titled or registered under law, including a motor vehicle, 869  
pursuant to division (A)(1) of this section, the officer or the 870  
officer's employing law enforcement agency shall notify the owner 871  
of the seizure. The notification shall be given to the owner at 872

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the owner's last known address within seventy-two hours after the seizure, and may be given orally by any means, including telephone, or by certified mail, return receipt requested.

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

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

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

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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  
a petition for the extension of the initial seventy-two-hour  
period has been filed, prior to the expiration of that period,  
under this division but the court does not grant the petition, if  
the vehicle was not in the custody and control of the owner at the  
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 court may require the proof and affidavit described in the

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preceding sentence as conditions precedent to release. If the  
initial seventy-two-hour period has been extended under this  
division, the vehicle and its contents to which the extension  
applies may be retained in accordance with the extension order.  
If, at the end of that extended 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, and if  
the vehicle was not in the custody and control of the owner at the  
time of its seizure, the vehicle and its contents shall be  
released to its owner or the owner's agent, provided that the  
court may require the proof and affidavit described in the third  
preceding sentence as conditions precedent to release. In cases in  
which the court may require proof and affidavits as conditions  
precedent to release, the court also may require the posting of a  
bond, with sufficient sureties approved by the court, in an amount  
equal to the value of the property to be released, as determined  
by the court, and conditioned upon the return of the property to  
the court if it is forfeited under this section, as a further  
condition to release. If, at the end of the initial  
seventy-two-hour period or at the end of any extended period  
granted under this section, the owner has been charged with an  
offense or administrative violation that includes the use of the  
vehicle as an element or has been charged with another offense or  
administrative violation in the actual commission of which the  
motor vehicle was used, or if the vehicle was in the custody and  
control of the owner at the time of its seizure, the vehicle and  
its contents shall be retained pending disposition of the charge,  
provided that upon the filing of a motion for release by the  
owner, if the court determines that the motor vehicle or its  
contents, or both, are not needed as evidence in the underlying  
criminal case or administrative proceeding, the court may permit



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the release of the property that is not needed as evidence to the owner; as a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall be in an amount equal to the value of the property to be released, as determined by the court, shall have sufficient sureties approved by the court, and shall be conditioned upon the return of the property to the court to which it is forfeited under this section.

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

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

Pending a hearing pursuant to division (C) of this section, and notwithstanding any provisions of division (B)(1) or (C) of this section to the contrary, any property lawfully seized pursuant to division (A) of this section because it was contraband of a type described in division (A)(13)(a) or (c) of section 2901.01 of the Revised Code shall not be subject to replevin or other action in any court and shall not be subject to release upon request of the owner, and no judgment shall be enforced against the property. Pending the hearing, and notwithstanding any provisions of division (B)(1) or (C) of this section to the

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contrary, the property shall be kept in the custody of the law enforcement agency responsible for its seizure. 1002  
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A law enforcement agency that seizes property under division (A) of this section because it was contraband of any type described in division (A)(13) of section 2901.01 or division (B) of section 2933.42 of the Revised Code shall maintain an accurate record of each item of property so seized, which record shall include the date on which each item was seized, the manner and date of its disposition, and if applicable, the name of the person who received the item; however, the record shall not identify or enable the identification of the individual officer who seized the item. The record of property of that nature that no longer is needed as evidence shall be open to public inspection during the agency's regular business hours. Each law enforcement agency that, during any calendar year, seizes property under division (A) of this section because it was contraband shall prepare a report covering the calendar year that cumulates all of the information contained in all of the records kept by the agency pursuant to this division for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following: 1004  
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(a) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division; 1030  
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(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code; 1034  
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(c) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request. 1036  
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(C) The prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who has responsibility for the prosecution of the underlying criminal case or administrative proceeding, or the attorney general if the attorney general has that responsibility, shall file a petition for the forfeiture, to the seizing law enforcement agency of the contraband seized pursuant to division (A) of this section. The petition shall be filed in the court that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture. If the property was seized on the basis of both a criminal violation and an administrative regulation violation, the petition shall be filed by the officer and in the court that is appropriate in relation to the criminal case. 1039  
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The petitioner shall conduct or cause to be conducted a search of the appropriate public records that relate to the seized property for the purpose of determining, and shall make or cause to be made reasonably diligent inquiries for the purpose of determining, any person having an ownership or security interest in the property. The petitioner then shall give notice of the forfeiture proceedings by personal service or by certified mail, return receipt requested, to any persons known, because of the conduct of the search, the making of the inquiries, or otherwise, to have an ownership or security interest in the property, and shall publish notice of the proceedings once each week for two consecutive weeks in a newspaper of general circulation in the county in which the seizure occurred. The notices shall be personally served, mailed, and first published at least four weeks 1052  
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before the hearing. They shall describe the property seized; state  
the date and place of seizure; name the law enforcement agency  
that seized the property and, if applicable, that is holding the  
property; list the time, date, and place of the hearing; and state  
that any person having an ownership or security interest in the  
property may contest the forfeiture.

If the property seized was determined by the seizing law  
enforcement officer to be contraband because of its relationship  
to an underlying criminal offense or administrative violation, no  
forfeiture hearing shall be held under this section unless the  
person pleads guilty to or is convicted of the commission of, or  
an attempt or conspiracy to commit, the offense or a different  
offense arising out of the same facts and circumstances or unless  
the person admits or is adjudicated to have committed the  
administrative violation or a different violation arising out of  
the same facts and circumstances; a forfeiture hearing shall be  
held in a case of that nature no later than forty-five days after  
the conviction or the admission or adjudication of the violation,  
unless the time for the hearing is extended by the court for good  
cause shown. The owner of any property seized because of its  
relationship to an underlying criminal offense or administrative  
violation may request the court to release the property to the  
owner. Upon receipt of a request of that nature, if the court  
determines that the property is not needed as evidence in the  
underlying criminal case or administrative proceeding, the court  
may permit the release of the property to the owner. As a  
condition precedent to a release of that nature, the court may  
require the owner to execute a bond with the court. Any bond so  
required shall have sufficient sureties approved by the court,  
shall be in a sum equal to the value of the property, as  
determined by the court, and shall be conditioned upon the return  
of the property to the court if the property is forfeited under

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this section. Any property seized because of its relationship to  
an underlying criminal offense or administrative violation shall  
be returned to its owner if charges are not filed in relation to  
that underlying offense or violation within thirty days after the  
seizure, if charges of that nature are filed and subsequently are  
dismissed, or if charges of that nature are filed and the person  
charged does not plead guilty to and is not convicted of the  
offense or does not admit and is not found to have committed the  
violation.

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

Where possible, a court holding a forfeiture hearing under  
this section shall follow the Rules of Civil Procedure. When a  
hearing is conducted under this section, property shall be  
forfeited upon a showing, by a preponderance of the evidence, by  
the petitioner that the person from which the property was seized  
was in violation of division (A) of section 2933.42 of the Revised  
Code. If that showing is made, the court shall issue an order of  
forfeiture. If an order of forfeiture is issued in relation to  
contraband that was released to the owner or the owner's agent  
pursuant to this division or division (B)(1) of this section, the  
order shall require the owner to deliver the property, by a  
specified date, to the law enforcement agency that employed the  
law enforcement officer who made the seizure of the property, and  
the court shall deliver a copy of the order to the owner or send a  
copy of it by certified mail, return receipt requested, to the  
owner at the address to which notice of the seizure was given  
under division (A)(2) of this section. Except as otherwise

provided in this division, all rights, interest, and title to the 1130  
forfeited contraband vests in the state, effective from the date 1131  
of seizure. 1132

No property shall be forfeited pursuant to this division if 1133  
the owner of the property establishes, by a preponderance of the 1134  
evidence, that the owner neither knew, nor should have known after 1135  
a reasonable inquiry, that the property was used, or was likely to 1136  
be used, in a crime or administrative violation. No bona fide 1137  
security interest shall be forfeited pursuant to this division if 1138  
the holder of the interest establishes, by a preponderance of the 1139  
evidence, that the holder of the interest neither knew, nor should 1140  
have known after a reasonable inquiry, that the property was used, 1141  
or likely to be used, in a crime or administrative violation, that 1142  
the holder of the interest did not expressly or impliedly consent 1143  
to the use of the property in a crime or administrative violation, 1144  
and that the security interest was perfected pursuant to law prior 1145  
to the seizure. If the holder of the interest satisfies the court 1146  
that these requirements are met, the interest shall be preserved 1147  
by the court. In a case of that nature, the court shall either 1148  
order that the agency to which the property is forfeited reimburse 1149  
the holder of the interest to the extent of the preserved interest 1150  
or order that the holder be paid for the interest from the 1151  
proceeds of any sale pursuant to division (D) of this section. 1152

(D)(1) Contraband ordered forfeited pursuant to this section 1153  
shall be disposed of pursuant to divisions (D)(1) to (7) of 1154  
section 2933.41 of the Revised Code or, if the contraband is not 1155  
described in those divisions, may be used, with the approval of 1156  
the court, by the law enforcement agency that has custody of the 1157  
contraband pursuant to division (D)(8) of that section. In the 1158  
case of contraband not described in any of those divisions and of 1159  
contraband not disposed of pursuant to any of those divisions, the 1160  
contraband shall be sold in accordance with this division or, in 1161

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the case of forfeited moneys, disposed of in accordance with this 1162  
division. If the contraband is to be sold, the prosecuting 1163  
attorney shall cause a notice of the proposed sale of the 1164  
contraband to be given in accordance with law, and the property 1165  
shall be sold, without appraisal, at a public auction to the 1166  
highest bidder for cash. The proceeds of a sale and forfeited 1167  
moneys shall be applied in the following order: 1168

(a) First, to the payment of the costs incurred in connection 1169  
with the seizure of, storage of, maintenance of, and provision of 1170  
security for the contraband, the forfeiture proceeding, and, if 1171  
any, the sale; 1172

(b) Second, the remaining proceeds or forfeited moneys after 1173  
compliance with division (D)(1)(a) of this section, to the payment 1174  
of the balance due on any security interest preserved pursuant to 1175  
division (C) of this section; 1176

(c) Third, the remaining proceeds or forfeited moneys after 1177  
compliance with divisions (D)(1)(a) and (b) of this section, as 1178  
follows: 1179

(i) If the forfeiture was ordered in a juvenile court, ten 1180  
per cent to one or more alcohol and drug addiction treatment 1181  
programs that are certified by the department of alcohol and drug 1182  
addiction services under section 3793.06 of the Revised Code and 1183  
that are specified in the order of forfeiture. A juvenile court 1184  
shall not certify an alcohol or drug addiction treatment program 1185  
in the order of forfeiture unless the program is a certified 1186  
alcohol and drug addiction treatment program and, except as 1187  
provided in division (D)(1)(c)(i) of this section, unless the 1188  
program is located in the county in which the court that orders 1189  
the forfeiture is located or in a contiguous county. If no 1190  
certified alcohol and drug addiction treatment program is located 1191  
in any of those counties, the juvenile court may specify in the 1192  
order a certified alcohol and drug addiction treatment program 1193

located anywhere within this state. 1194

(ii) If the forfeiture was ordered in a juvenile court, 1195  
ninety per cent, and if the forfeiture was ordered in a court 1196  
other than a juvenile court, one hundred per cent to the law 1197  
enforcement trust fund of the prosecuting attorney and to the law 1198  
enforcement trust fund of the county sheriff if the county sheriff 1199  
made the seizure, to the law enforcement trust fund of a municipal 1200  
corporation if its police department made the seizure, to the law 1201  
enforcement trust fund of a township if the seizure was made by a 1202  
township police department, township police district police force, 1203  
or office of a township constable, to the law enforcement trust 1204  
fund of a park district created pursuant to section 511.18 or 1205  
1545.01 of the Revised Code if the seizure was made by the park 1206  
district police force or law enforcement department, to the state 1207  
highway patrol contraband, forfeiture, and other fund if the state 1208  
highway patrol made the seizure, to the department of public 1209  
safety investigative unit contraband, forfeiture, and other fund 1210  
if the investigative unit of the department of public safety made 1211  
the seizure, to the board of pharmacy drug law enforcement fund 1212  
created by division (B)(1) of section 4729.65 of the Revised Code 1213  
if the board made the seizure, or to the treasurer of state for 1214  
deposit into the peace officer training commission fund if a state 1215  
law enforcement agency, other than the state highway patrol, the 1216  
investigative unit of the department of public safety, or the 1217  
state board of pharmacy, made the seizure. The prosecuting 1218  
attorney may decline to accept any of the remaining proceeds or 1219  
forfeited moneys, and, if the prosecuting attorney so declines, 1220  
the remaining proceeds or forfeited moneys shall be applied to the 1221  
fund described in this division that relates to the law 1222  
enforcement agency that made the seizure. 1223

A law enforcement trust fund shall be established by the 1224  
prosecuting attorney of each county who intends to receive any 1225



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remaining proceeds or forfeited moneys pursuant to this division, 1226  
by the sheriff of each county, by the legislative authority of 1227  
each municipal corporation, by the board of township trustees of 1228  
each township that has a township police department, township 1229  
police district police force, or office of the constable, and by 1230  
the board of park commissioners of each park district created 1231  
pursuant to section 511.18 or 1545.01 of the Revised Code that has 1232  
a park district police force or law enforcement department, for 1233  
the purposes of this division. There is hereby created in the 1234  
state treasury the state highway patrol contraband, forfeiture, 1235  
and other fund, the department of public safety investigative unit 1236  
contraband, forfeiture, and other fund, and the peace officer 1237  
training commission fund, for the purposes described in this 1238  
division. 1239

Proceeds or forfeited moneys distributed to any municipal 1240  
corporation, township, or park district law enforcement trust fund 1241  
shall be allocated from the fund by the legislative authority only 1242  
to the police department of the municipal corporation, by the 1243  
board of township trustees only to the township police department, 1244  
township police district police force, or office of the constable, 1245  
and by the board of park commissioners only to the park district 1246  
police force or law enforcement department. 1247

Additionally, no proceeds or forfeited moneys shall be 1248  
allocated to or used by the state highway patrol, the department 1249  
of public safety, the state board of pharmacy, or a county 1250  
sheriff, prosecuting attorney, municipal corporation police 1251  
department, township police department, township police district 1252  
police force, office of the constable, or park district police 1253  
force or law enforcement department unless the state highway 1254  
patrol, department of public safety, state board of pharmacy, 1255  
sheriff, prosecuting attorney, municipal corporation police 1256  
department, township police department, township police district 1257

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police force, office of the constable, or park district police 1258  
 force or law enforcement department has adopted a written internal 1259  
 control policy under division (D)(3) of this section that 1260  
 addresses the use of moneys received from the state highway patrol 1261  
 contraband, forfeiture, and other fund, the department of public 1262  
 safety investigative unit contraband, forfeiture, and other fund, 1263  
 the board of pharmacy drug law enforcement fund, or the 1264  
 appropriate law enforcement trust fund. ~~The~~ 1265

The state highway patrol contraband, forfeiture, and other 1266  
 fund, the department of public safety investigative unit 1267  
 contraband, forfeiture, and other fund, and a law enforcement 1268  
 trust fund shall be expended only in accordance with the written 1269  
 internal control policy so adopted by the recipient, and, subject 1270  
 to the requirements specified in division (D)(3)(a)(ii) of this 1271  
 section, only to pay the costs of protracted or complex 1272  
 investigations or prosecutions, to provide reasonable technical 1273  
 training or expertise, to provide matching funds to obtain federal 1274  
 grants to aid law enforcement, in the support of DARE programs or 1275  
 other programs designed to educate adults or children with respect 1276  
 to the dangers associated with the use of drugs of abuse, to pay 1277  
the costs of emergency action taken under section 3745.13 of the 1278  
Revised Code relative to the operation of an illegal 1279  
methamphetamine laboratory if the forfeited property or money 1280  
involved was that of a person responsible for the operation of the 1281  
laboratory, or for other law enforcement purposes that the 1282  
 superintendent of the state highway patrol, department of public 1283  
 safety, prosecuting attorney, county sheriff, legislative 1284  
 authority, board of township trustees, or board of park 1285  
 commissioners determines to be appropriate. The board of pharmacy 1286  
 drug law enforcement fund shall be expended only in accordance 1287  
 with the written internal control policy so adopted by the board 1288  
 and only in accordance with section 4729.65 of the Revised Code, 1289

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except that it also may be expended to pay the costs of emergency 1290  
action taken under section 3745.13 of the Revised Code relative to 1291  
the operation of an illegal methamphetamine laboratory if the 1292  
forfeited property or money involved was that of a person 1293  
responsible for the operation of the laboratory. The state highway 1294  
patrol contraband, forfeiture, and other fund, the department of 1295  
public safety investigative unit contraband, forfeiture, and other 1296  
fund, the board of pharmacy drug law enforcement fund, and a law 1297  
enforcement trust fund shall not be used to meet the operating 1298  
costs of the state highway patrol, of the investigative unit of 1299  
the department of public safety, of the state board of pharmacy, 1300  
of any political subdivision, or of any office of a prosecuting 1301  
attorney or county sheriff that are unrelated to law enforcement. 1302  
1303

Proceeds and forfeited moneys that are paid into the state 1304  
treasury to be deposited into the peace officer training 1305  
commission fund shall be used by the commission only to pay the 1306  
costs of peace officer training. 1307

Any sheriff or prosecuting attorney who receives proceeds or 1308  
forfeited moneys pursuant to this division during any calendar 1309  
year shall file a report with the county auditor, 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 municipal corporation police 1315  
department that is allocated proceeds or forfeited moneys from a 1316  
municipal corporation law enforcement trust fund pursuant to this 1317  
division during any calendar year shall file a report with the 1318  
legislative authority of the municipal corporation, no later than 1319  
the thirty-first day of January of the next calendar year, 1320  
verifying that the proceeds and forfeited moneys were expended 1321

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only for the purposes authorized by this division and division 1322  
(D)(3)(a)(ii) of this section and specifying the amounts expended 1323  
for each authorized purpose. Any township police department, 1324  
township police district police force, or office of the constable 1325  
that is allocated proceeds or forfeited moneys from a township law 1326  
enforcement trust fund pursuant to this division during any 1327  
calendar year shall file a report with the board of township 1328  
trustees of the township, no later than the thirty-first day of 1329  
January of the next calendar year, verifying that the proceeds and 1330  
forfeited moneys were expended only for the purposes authorized by 1331  
this division and division (D)(3)(a)(ii) of this section and 1332  
specifying the amounts expended for each authorized purpose. Any 1333  
park district police force or law enforcement department that is 1334  
allocated proceeds or forfeited moneys from a park district law 1335  
enforcement trust fund pursuant to this division during any 1336  
calendar year shall file a report with the board of park 1337  
commissioners of the park district, no later than the thirty-first 1338  
day of January of the next calendar year, verifying that the 1339  
proceeds and forfeited moneys were expended only for the purposes 1340  
authorized by this division and division (D)(3)(a)(ii) of this 1341  
section and specifying the amounts expended for each authorized 1342  
purpose. The superintendent of the state highway patrol shall file 1343  
a report with the attorney general, no later than the thirty-first 1344  
day of January of each calendar year, verifying that proceeds and 1345  
forfeited moneys paid into the state highway patrol contraband, 1346  
forfeiture, and other fund pursuant to this division during the 1347  
prior calendar year were used by the state highway patrol during 1348  
the prior calendar year only for the purposes authorized by this 1349  
division and specifying the amounts expended for each authorized 1350  
purpose. The executive director of the state board of pharmacy 1351  
shall file a report with the attorney general, no later than the 1352  
thirty-first day of January of each calendar year, verifying that 1353  
proceeds and forfeited moneys paid into the board of pharmacy drug 1354

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law enforcement fund during the prior calendar year were used only 1355  
in accordance with section 4729.65 of the Revised Code and 1356  
specifying the amounts expended for each authorized purpose. The 1357  
peace officer training commission shall file a report with the 1358  
attorney general, no later than the thirty-first day of January of 1359  
each calendar year, verifying that proceeds and forfeited moneys 1360  
paid into the peace officer training commission fund pursuant to 1361  
this division during the prior calendar year were used by the 1362  
commission during the prior calendar year only to pay the costs of 1363  
peace officer training and specifying the amount used for that 1364  
purpose. 1365

(2) If more than one law enforcement agency is substantially 1366  
involved in the seizure of contraband that is forfeited pursuant 1367  
to this section, the court ordering the forfeiture shall equitably 1368  
divide the proceeds or forfeited moneys, after calculating any 1369  
distribution to the law enforcement trust fund of the prosecuting 1370  
attorney pursuant to division (D)(1)(c) of this section, among any 1371  
county sheriff whose office is determined by the court to be 1372  
substantially involved in the seizure, any legislative authority 1373  
of a municipal corporation whose police department is determined 1374  
by the court to be substantially involved in the seizure, any 1375  
board of township trustees whose law enforcement agency is 1376  
determined by the court to be substantially involved in the 1377  
seizure, any board of park commissioners of a park district whose 1378  
police force or law enforcement department is determined by the 1379  
court to be substantially involved in the seizure, the state board 1380  
of pharmacy if it is determined by the court to be substantially 1381  
involved in the seizure, the investigative unit of the department 1382  
of public safety if it is determined by the court to be 1383  
substantially involved in the seizure, and the state highway 1384  
patrol if it is determined by the court to be substantially 1385  
involved in the seizure. The proceeds or forfeited moneys shall be 1386

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

(3)(a)(i) Prior to being allocated or using any proceeds or  
forfeited moneys out of the state highway patrol contraband,  
forfeiture, and other fund, the department of public safety  
investigative unit contraband, forfeiture, and other fund, the  
board of pharmacy drug law enforcement fund, or a law enforcement  
trust fund under division (D)(1)(c) of this section, the state  
highway patrol, the department of public safety, the state board  
of pharmacy, and a county sheriff, prosecuting attorney, municipal  
corporation police department, township police department,  
township police district police force, office of the constable, or  
park district police force or law enforcement department shall  
adopt a written internal control policy that addresses the state  
highway patrol's, department of public safety's, state board of  
pharmacy's, sheriff's, prosecuting attorney's, police  
department's, police force's, office of the constable's, or law  
enforcement department's use and disposition of all the proceeds  
and forfeited moneys received and that provides for the keeping of  
detailed financial records of the receipts of the proceeds and  
forfeited moneys, the general types of expenditures made out of

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the proceeds and forfeited moneys, the specific amount of each 1419  
general type of expenditure, and the amounts, portions, and 1420  
programs described in division (D)(3)(a)(ii) of this section. The 1421  
policy shall not provide for or permit the identification of any 1422  
specific expenditure that is made in an ongoing investigation. 1423

All financial records of the receipts of the proceeds and 1424  
forfeited moneys, the general types of expenditures made out of 1425  
the proceeds and forfeited moneys, the specific amount of each 1426  
general type of expenditure by the state highway patrol, by the 1427  
department of public safety, by the state board of pharmacy, and 1428  
by a sheriff, prosecuting attorney, municipal corporation police 1429  
department, township police department, township police district 1430  
police force, office of the constable, or park district police 1431  
force or law enforcement department, and the amounts, portions, 1432  
and programs described in division (D)(3)(a)(ii) of this section 1433  
are public records open for inspection under section 149.43 of the 1434  
Revised Code. Additionally, a written internal control policy 1435  
adopted under this division is a public record of that nature, and 1436  
the state highway patrol, the department of public safety, the 1437  
state board of pharmacy, or the sheriff, prosecuting attorney, 1438  
municipal corporation police department, township police 1439  
department, township police district police force, office of the 1440  
constable, or park district police force or law enforcement 1441  
department that adopted it shall comply with it. 1442

(ii) The written internal control policy of a county sheriff, 1443  
prosecuting attorney, municipal corporation police department, 1444  
township police department, township police district police force, 1445  
office of the constable, or park district police force or law 1446  
enforcement department shall provide that at least ten per cent of 1447  
the first one hundred thousand dollars of proceeds and forfeited 1448  
moneys deposited during each calendar year in the sheriff's, 1449  
prosecuting attorney's, municipal corporation's, township's, or 1450

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park district's law enforcement trust fund pursuant to division 1451  
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 1452  
section 2925.44 of the Revised Code, and at least twenty per cent 1453  
of the proceeds and forfeited moneys exceeding one hundred 1454  
thousand dollars that are so deposited, shall be used in 1455  
connection with community preventive education programs. The 1456  
manner in which the described percentages are so used shall be 1457  
determined by the sheriff, prosecuting attorney, department, 1458  
police force, or office of the constable after the receipt and 1459  
consideration of advice on appropriate community preventive 1460  
education programs from the county's board of alcohol, drug 1461  
addiction, and mental health services, from the county's alcohol 1462  
and drug addiction services board, or through appropriate 1463  
community dialogue. The financial records described in division 1464  
(D)(3)(a)(i) of this section shall specify the amount of the 1465  
proceeds and forfeited moneys deposited during each calendar year 1466  
in the sheriff's, prosecuting attorney's, municipal corporation's, 1467  
township's, or park district's law enforcement trust fund pursuant 1468  
to division (B)(7)(c)(ii) of section 2923.46 or division 1469  
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 1470  
of that amount that was used pursuant to the requirements of this 1471  
division, and the community preventive education programs in 1472  
connection with which the portion of that amount was so used. 1473

As used in this division, "community preventive education 1474  
programs" includes, but is not limited to, DARE programs and other 1475  
programs designed to educate adults or children with respect to 1476  
the dangers associated with the use of drugs of abuse. 1477

(b) Each sheriff, prosecuting attorney, municipal corporation 1478  
police department, township police department, township police 1479  
district police force, office of the constable, or park district 1480  
police force or law enforcement department that receives in any 1481  
calendar year any proceeds or forfeited moneys out of a law 1482



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enforcement trust fund under division (D)(1)(c) of this section or 1483  
uses any proceeds or forfeited moneys in its law enforcement trust 1484  
fund in any calendar year shall prepare a report covering the 1485  
calendar year that cumulates all of the information contained in 1486  
all of the public financial records kept by the sheriff, 1487  
prosecuting attorney, municipal corporation police department, 1488  
township police department, township police district police force, 1489  
office of the constable, or park district police force or law 1490  
enforcement department pursuant to division (D)(3)(a) of this 1491  
section for that calendar year, and shall send a copy of the 1492  
cumulative report, no later than the first day of March in the 1493  
calendar year following the calendar year covered by the report, 1494  
to the attorney general. 1495

The superintendent of the state highway patrol shall prepare 1496  
a report covering each calendar year in which the state highway 1497  
patrol uses any proceeds or forfeited moneys in the state highway 1498  
patrol contraband, forfeiture, and other fund under division 1499  
(D)(1)(c) of this section, that cumulates all of the information 1500  
contained in all of the public financial records kept by the state 1501  
highway patrol pursuant to division (D)(3)(a) of this section for 1502  
that calendar year, and shall send a copy of the cumulative 1503  
report, no later than the first day of March in the calendar year 1504  
following the calendar year covered by the report, to the attorney 1505  
general. 1506

The department of public safety shall prepare a report 1507  
covering each fiscal year in which the department uses any 1508  
proceeds or forfeited moneys in the department of public safety 1509  
investigative unit contraband, forfeiture, and other fund under 1510  
division (D)(1)(c) of this section that cumulates all of the 1511  
information contained in all of the public financial records kept 1512  
by the department pursuant to division (D)(3)(a) of this section 1513  
for that fiscal year. The department shall send a copy of the 1514

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cumulative report to the attorney general no later than the first 1515  
day of August in the fiscal year following the fiscal year covered 1516  
by the report. The director of public safety shall include in the 1517  
report a verification that proceeds and forfeited moneys paid into 1518  
the department of public safety investigative unit contraband, 1519  
forfeiture, and other fund under division (D)(1)(c) of this 1520  
section during the preceding fiscal year were used by the 1521  
department during that fiscal year only for the purposes 1522  
authorized by that division and shall specify the amount used for 1523  
each authorized purpose. 1524

The executive director of the state board of pharmacy shall 1525  
prepare a report covering each calendar year in which the board 1526  
uses any proceeds or forfeited moneys in the board of pharmacy 1527  
drug law enforcement fund under division (D)(1)(c) of this 1528  
section, that cumulates all of the information contained in all of 1529  
the public financial records kept by the board pursuant to 1530  
division (D)(3)(a) of this section for that calendar year, and 1531  
shall send a copy of the cumulative report, no later than the 1532  
first day of March in the calendar year following the calendar 1533  
year covered by the report, to the attorney general. Each report 1534  
received by the attorney general is a public record open for 1535  
inspection under section 149.43 of the Revised Code. Not later 1536  
than the fifteenth day of April in the calendar year in which the 1537  
reports are received, the attorney general shall send to the 1538  
president of the senate and the speaker of the house of 1539  
representatives a written notification that does all of the 1540  
following: 1541

(i) Indicates that the attorney general has received from 1542  
entities or persons specified in this division reports of the type 1543  
described in this division that cover the previous calendar year 1544  
and indicates that the reports were received under this division; 1545

(ii) Indicates that the reports are open for inspection under 1546

section 149.43 of the Revised Code; 1547

(iii) Indicates that the attorney general will provide a copy 1548  
of any or all of the reports to the president of the senate or the 1549  
speaker of the house of representatives upon request. 1550

(4)(a) A law enforcement agency that receives pursuant to 1551  
federal law proceeds from a sale of forfeited contraband, proceeds 1552  
from another disposition of forfeited contraband, or forfeited 1553  
contraband moneys shall deposit, use, and account for the proceeds 1554  
or forfeited moneys in accordance with, and otherwise comply with, 1555  
the applicable federal law. 1556

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

(c) If the investigative unit of the department of public 1566  
safety receives pursuant to federal law proceeds from a sale of 1567  
forfeited contraband, proceeds from another disposition of 1568  
forfeited contraband, or forfeited contraband moneys, the 1569  
appropriate governmental officials shall deposit into the 1570  
department of public safety investigative unit contraband, 1571  
forfeiture, and other fund all interest or other earnings derived 1572  
from the investment of the proceeds or forfeited moneys. The 1573  
department shall use and account for that interest or other 1574  
earnings in accordance with the applicable federal law. 1575

(d) Divisions (D)(1) to (3) of this section do not apply to 1576  
proceeds or forfeited moneys received pursuant to federal law or 1577

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to the interest or other earnings that are derived from the 1578  
investment of proceeds or forfeited moneys received pursuant to 1579  
federal law and that are described in division (D)(4)(b) of this 1580  
section. 1581

(E) Upon the sale pursuant to this section of any property 1582  
that is required to be titled or registered under law, the state 1583  
shall issue an appropriate certificate of title or registration to 1584  
the purchaser. If the state is vested with title pursuant to 1585  
division (C) of this section and elects to retain property that is 1586  
required to be titled or registered under law, the state shall 1587  
issue an appropriate certificate of title or registration. 1588

(F) Notwithstanding any provisions of this section to the 1589  
contrary, any property that is lawfully seized in relation to a 1590  
violation of section 2923.32 of the Revised Code shall be subject 1591  
to forfeiture and disposition in accordance with sections 2923.32 1592  
to 2923.36 of the Revised Code; any property that is forfeited 1593  
pursuant to section 2923.44 or 2923.45 of the Revised Code in 1594  
relation to a violation of section 2923.42 of the Revised Code or 1595  
in relation to an act of a juvenile that is a violation of section 1596  
2923.42 of the Revised Code may be subject to forfeiture and 1597  
disposition in accordance with sections 2923.44 to 2923.47 of the 1598  
Revised Code; and any property that is forfeited pursuant to 1599  
section 2925.42 or 2925.43 of the Revised Code in relation to a 1600  
felony drug abuse offense, as defined in section 2925.01 of the 1601  
Revised Code, or in relation to an act that, if committed by an 1602  
adult, would be a felony drug abuse offense of that nature, may be 1603  
subject to forfeiture and disposition in accordance with sections 1604  
2925.41 to 2925.45 of the Revised Code or this section. 1605

(G) Any failure of a law enforcement officer or agency, a 1606  
prosecuting attorney, village solicitor, city director of law, or 1607  
similar chief legal officer, a court, or the attorney general to 1608  
comply with any duty imposed by this section in relation to any 1609

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property seized or with any other provision of this section in 1610  
relation to any property seized does not affect the validity of 1611  
the seizure of the property, provided the seizure itself was made 1612  
in accordance with law, and is not and shall not be considered to 1613  
be the basis for the suppression of any evidence resulting from 1614  
the seizure of the property, provided the seizure itself was made 1615  
in accordance with law. 1616

(H) Contraband that has been forfeited pursuant to division 1617  
(C) of this section shall not be available for use to pay any fine 1618  
imposed upon a person who is convicted of or pleads guilty to an 1619  
underlying criminal offense or a different offense arising out of 1620  
the same facts and circumstances. 1621

**Sec. 3745.13.** (A) When emergency action is required to 1622  
protect the public health or safety or the environment, any person 1623  
responsible for causing or allowing an unauthorized spill, 1624  
release, or discharge of material into or upon the environment or 1625  
responsible for the operation of an illegal methamphetamine 1626  
manufacturing laboratory that has caused contamination of the 1627  
environment is liable to the municipal corporation, county, 1628  
township, countywide emergency management agency established under 1629  
section 5502.26 of the Revised Code, regional authority for 1630  
emergency management established under section 5507.27 of the 1631  
Revised Code, or emergency management program established by a 1632  
political subdivision under section 5502.271 of the Revised Code, 1633  
having territorial jurisdiction, or responsibility for emergency 1634  
management activities in the location of the spill, release, ~~or~~ 1635  
discharge, or contamination, for the necessary and reasonable, 1636  
additional or extraordinary costs it incurs in investigating, 1637  
mitigating, minimizing, removing, or abating the spill, release, 1638  
~~or~~ discharge, or contamination, in the course of its emergency 1639  
action, but, to the extent criteria and methods for response 1640  
actions prescribed under 40 C.F.R. 300, as amended, may be applied 1641

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to the type of material involved and the conditions of the spill, 1642  
release, ~~or~~ discharge, or contamination, that person is liable for 1643  
those costs only if the political subdivision, countywide agency, 1644  
or regional authority employed those criteria and methods in its 1645  
emergency action. ~~The~~ 1646

The officers of the municipal corporation, county, township, 1647  
countywide emergency management agency, or regional authority for 1648  
emergency management performing the emergency action shall keep a 1649  
detailed record of its costs for investigating, mitigating, 1650  
minimizing, removing, or abating the unauthorized spill, release, 1651  
~~or~~ discharge, or contamination; promptly after the completion of 1652  
those measures, shall certify those costs to the city director of 1653  
law or village solicitor, as appropriate, of the municipal 1654  
corporation, the prosecuting attorney of the county in the case of 1655  
a county, township, or countywide emergency management agency, or 1656  
the legal counsel retained thereby in the case of a regional 1657  
authority for emergency management; and may request that the legal 1658  
officer or counsel bring a civil action for recovery of costs 1659  
against the person responsible for the unauthorized spill, 1660  
release, or discharge. ~~The~~ or responsible for the operation of the 1661  
illegal methamphetamine manufacturing laboratory that caused 1662  
contamination of the environment. If the officers request that the 1663  
legal officer or counsel bring such a civil action regarding 1664  
emergency action taken in relation to the operation of an illegal 1665  
methamphetamine manufacturing laboratory that has caused 1666  
contamination of the environment, the legal officer or counsel 1667  
also may pursue a forfeiture proceeding against the responsible 1668  
person under sections 2923.31 to 2923.36, 2923.44 to 2923.47, 1669  
sections 2925.41 to 2925.45, or sections 2933.42 to 2933.43 of the 1670  
Revised Code, or in any other manner authorized by law. 1671

The legal officer or counsel shall submit a written, itemized 1672  
claim for the total certified costs incurred by the municipal 1673

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corporation, county, township, countywide agency, or regional 1674  
authority for the emergency action to the responsible party and a 1675  
written demand that those costs be paid to the political 1676  
subdivision, countywide agency, or regional authority. Not less 1677  
than thirty days before bringing a civil action for recovery of 1678  
those costs, the legal officer or counsel shall mail written 1679  
notice to the responsible party informing the responsible party 1680  
that, unless the total certified costs are paid to the political 1681  
subdivision, countywide agency, or regional authority within 1682  
thirty days after the date of mailing of the notice, the legal 1683  
officer or counsel will bring a civil action for that amount. ~~In~~ 1684  
Except for emergency action taken in relation to the operation of 1685  
an illegal methamphetamine manufacturing laboratory that has 1686  
caused contamination of the environment, in making a determination 1687  
of an award for reimbursement, the responsible party's status as a 1688  
taxpayer to the governmental entity shall be taken into 1689  
consideration. Nothing in this section prevents a political 1690  
subdivision, countywide emergency management agency, or regional 1691  
authority for emergency management from entering into a settlement 1692  
of a claim against a responsible party that compromises the amount 1693  
of the claim. Moneys recovered ~~under~~ as described in this section 1694  
shall be credited to the appropriate funds of the political 1695  
subdivision, countywide agency, or regional authority from which 1696  
moneys were expended in performing the emergency action. 1697

(B) As used in this section: 1698

(1) "Methamphetamine" means methamphetamine, any salt, 1699  
isomer, or salt of an isomer of methamphetamine, or any compound, 1700  
mixture, preparation, or substance containing methamphetamine or 1701  
any salt, isomer, or salt of an isomer of methamphetamine. 1702

(2) "Illegal methamphetamine manufacturing laboratory" means 1703  
any laboratory or other premises that is used for the manufacture 1704  
or production of methamphetamine in violation of section 2925.04 1705

of the Revised Code, whether or not there has been a prior 1706  
conviction of that violation. 1707

**Sec. 4507.16.** (A)(1) The trial judge of any court of record, 1708  
in addition to or independent of all other penalties provided by 1709  
law or by ordinance, shall suspend for not less than thirty days 1710  
or more than three years or shall revoke the driver's or 1711  
commercial driver's license or permit or nonresident operating 1712  
privilege of any person who is convicted of or pleads guilty to 1713  
any of the following: 1714

(a) Perjury or the making of a false affidavit under this 1715  
chapter, or any other law of this state requiring the registration 1716  
of motor vehicles or regulating their operation on the highway; 1717

(b) Any crime punishable as a felony under the motor vehicle 1718  
laws of this state or any other felony in the commission of which 1719  
a motor vehicle is used; 1720

(c) Failing to stop and disclose identity at the scene of the 1721  
accident when required by law or ordinance to do so; 1722

(d) Street racing as defined in section 4511.251 of the 1723  
Revised Code or any substantially similar municipal ordinance; 1724

(e) Willfully eluding or fleeing a police officer; 1725

(f) Trafficking in cigarettes with the intent to avoid 1726  
payment of the cigarette tax under division (A) of section 1727  
5743.112 of the Revised Code; 1728

(2) Subject to division (D)(1) of this section, the trial 1729  
judge of any court of record, in addition to or independent of all 1730  
other penalties provided by law or by ordinance, shall suspend the 1731  
driver's or commercial driver's license or permit or nonresident 1732  
operating privilege of any person who is convicted of or pleads 1733  
guilty to a violation of section 2903.06 or 2903.08 of the Revised 1734  
Code. The suspension shall be for the period of time specified in 1735



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section 2903.06 or 2903.08 of the Revised Code, whichever is applicable. 1736  
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(3) If a person is convicted of or pleads guilty to a violation of section 2907.24 of the Revised Code, an attempt to commit a violation of that section, or a violation of or an attempt to commit a violation of a municipal ordinance that is substantially equivalent to that section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the trial judge of a court of record, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for thirty days the person's driver's or commercial driver's license or permit. 1738  
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The trial judge of any court of record, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence not to exceed six months, if imprisonment was not imposed for the offense for which the person was convicted. 1748  
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(4) If the trial judge of any court of record suspends or revokes the driver's or commercial driver's license or permit or nonresident operating privilege of a person who is convicted of or pleads guilty to any offense for which such suspension or revocation is provided by law or ordinance, in addition to all other penalties provided by law or ordinance, the judge may issue an order prohibiting the offender from registering, renewing, or transferring the registration of any vehicle during the period that the offender's license, permit, or privilege is suspended or revoked. The court promptly shall send a copy of the order to the registrar of motor vehicles. 1755  
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Upon receipt of such an order, neither the registrar nor any deputy registrar shall accept any application for the 1766  
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registration, registration renewal, or transfer of registration of 1768  
any motor vehicle owned or leased by the person named in the order 1769  
during the period that the person's license, permit, or privilege 1770  
is suspended or revoked, unless the registrar is properly notified 1771  
by the court that the order of suspension or revocation has been 1772  
canceled. When the period of suspension or revocation expires or 1773  
the order is canceled, the registrar or deputy registrar shall 1774  
accept the application for registration, registration renewal, or 1775  
transfer of registration of the person named in the order. 1776

(B) Except as otherwise provided in this section, the trial 1777  
judge of any court of record and the mayor of a mayor's court, in 1778  
addition to or independent of all other penalties provided by law 1779  
or by ordinance, shall revoke the driver's or commercial driver's 1780  
license or permit or nonresident operating privilege of any person 1781  
who is convicted of or pleads guilty to a violation of division 1782  
(A) of section 4511.19 of the Revised Code, of a municipal 1783  
ordinance relating to operating a vehicle while under the 1784  
influence of alcohol, a drug of abuse, or alcohol and a drug of 1785  
abuse, or of a municipal ordinance that is substantially 1786  
equivalent to division (A) of section 4511.19 of the Revised Code 1787  
relating to operating a vehicle with a prohibited concentration of 1788  
alcohol in the blood, breath, or urine or suspend the license, 1789  
permit, or privilege as follows: 1790

(1) Except when division (B)(2), (3), or (4) of this section 1791  
applies and the judge or mayor is required to suspend or revoke 1792  
the offender's license or permit pursuant to that division, the 1793  
judge or mayor shall suspend the offender's driver's or commercial 1794  
driver's license or permit or nonresident operating privilege for 1795  
not less than six months nor more than three years. 1796

(2) Subject to division (B)(4) of this section, if, within 1797  
six years of the offense, the offender has been convicted of or 1798  
pleaded guilty to one violation of division (A) or (B) of section 1799

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

(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 1832  
municipal corporation located in any other state that is 1833  
substantially similar to division (A) or (B) of section 4511.19 of 1834  
the Revised Code, or if the offender previously has been convicted 1835  
of or pleaded guilty to a violation of division (A) of section 1836  
4511.19 of the Revised Code under circumstances in which the 1837  
violation was a felony and regardless of when the violation and 1838  
the conviction or guilty plea occurred, the judge shall suspend 1839  
the offender's driver's or commercial driver's license or permit 1840  
or nonresident operating privilege for a period of time set by the 1841  
court but not less than three years, and the judge may permanently 1842  
revoke the offender's driver's or commercial driver's license or 1843  
permit or nonresident operating privilege. 1844

(5) The filing of an appeal by a person whose driver's or 1845  
commercial driver's license is suspended or revoked under division 1846  
(B)(1), (2), (3), or (4) of this section regarding any aspect of 1847  
the person's trial or sentence does not stay the operation of the 1848  
suspension or revocation. 1849

(C) The trial judge of any court of record or the mayor of a 1850  
mayor's court, in addition to or independent of all other 1851  
penalties provided by law or by ordinance, may suspend the 1852  
driver's or commercial driver's license or permit or nonresident 1853  
operating privilege of any person who violates a requirement or 1854  
prohibition of the court imposed under division (F) of this 1855  
section or division (G)(1) of section 2951.02 of the Revised Code 1856  
as follows: 1857

(1) For not more than one year, upon conviction for a first 1858  
violation of the requirement or prohibition; 1859

(2) For not more than five years, upon conviction for a 1860  
second or subsequent violation of the requirement or prohibition 1861  
during the same period of required use of an ignition interlock 1862  
device that is certified pursuant to section 4511.83 of the 1863

Revised Code. 1864

(D)(1) The trial judge of any court of record, in addition to 1865  
or independent of all other penalties provided by law or by 1866  
ordinance, shall permanently revoke the driver's or commercial 1867  
driver's license or permit or nonresident operating privilege of 1868  
any person who is convicted of or pleads guilty to a violation of 1869  
section 2903.04 or 2903.06 of the Revised Code in a case in which 1870  
division (D) of section 2903.04 or division (B) of section 2903.06 1871  
of the Revised Code requires the judge to permanently revoke the 1872  
license, permit, or privilege. 1873

(2) In addition to any prison term authorized or required by 1874  
the section that establishes the offense and sections 2929.13 and 1875  
2929.14 of the Revised Code, and in addition to any other sanction 1876  
imposed for the offense under the section that establishes the 1877  
offense or sections 2929.11 to 2929.182 of the Revised Code, the 1878  
court that sentences an offender who is convicted of or pleads 1879  
guilty to a violation of section 2925.02, 2925.03, 2925.04, 1880  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 1881  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 1882  
Revised Code either shall revoke or, if it does not revoke, shall 1883  
suspend for not less than six months or more than five years, as 1884  
specified in the section that establishes the offense, the 1885  
person's driver's or commercial driver's license or permit. If the 1886  
person's driver's or commercial driver's license or permit is 1887  
under suspension on the date the court imposes sentence upon the 1888  
person, any revocation imposed upon the person that is referred to 1889  
in division (D)(2) of this section shall take effect immediately. 1890  
If the person's driver's or commercial driver's license or permit 1891  
is under suspension on the date the court imposes sentence upon 1892  
the person, any period of suspension imposed upon the person that 1893  
is referred to in division (D)(2) of this section shall take 1894  
effect on the next day immediately following the end of that 1895

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period of suspension. If the person is sixteen years of age or 1896  
older and is a resident of this state but does not have a current, 1897  
valid Ohio driver's or commercial driver's license or permit, the 1898  
court shall order the registrar to deny to the person the issuance 1899  
of a driver's or commercial driver's license or permit for six 1900  
months beginning on the date the court imposes a sentence upon the 1901  
person. If the person has not attained the age of sixteen years on 1902  
the date the court sentences the person for the violation, the 1903  
period of denial shall commence on the date the person attains the 1904  
age of sixteen years. 1905

(E) Except as otherwise provided in this section, the trial 1906  
judge of any court of record and the mayor of a mayor's court, in 1907  
addition to or independent of all other penalties provided by law 1908  
or ordinance, shall suspend for not less than sixty days nor more 1909  
than two years the driver's or commercial driver's license or 1910  
permit or nonresident operating privilege of any person who is 1911  
convicted of or pleads guilty to a violation of division (B) of 1912  
section 4511.19 of the Revised Code or of a municipal ordinance 1913  
substantially equivalent to that division relating to operating a 1914  
vehicle with a prohibited concentration of alcohol in the blood, 1915  
breath, or urine. 1916

(F)(1) A person is not entitled to request, and a judge or 1917  
mayor shall not grant to the person, occupational driving 1918  
privileges under division (F) of this section if a person's 1919  
driver's or commercial driver's license or permit or nonresident 1920  
operating privilege has been suspended pursuant to division (B) or 1921  
(C) of this section or pursuant to division (F) of section 1922  
4511.191 of the Revised Code, and the person, within the preceding 1923  
seven years, has been convicted of or pleaded guilty to three or 1924  
more violations of one or more of the following: 1925

(a) Division (A) or (B) of section 4511.19 of the Revised 1926  
Code; 1927

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(b) 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;	1928 1929 1930
(c) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;	1931 1932 1933
(d) 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;	1934 1935 1936
(e) 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;	1937 1938 1939
(f) 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;	1940 1941 1942 1943 1944 1945 1946
(g) 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.	1947 1948 1949 1950
(2) Any other person who is not described in division (F)(1) of this section and whose driver's or commercial driver's license or nonresident operating privilege has been suspended under any of those divisions may file a petition that alleges that the suspension would seriously affect the person's ability to continue the person's employment. The petition of a person whose license, permit, or privilege was suspended pursuant to division (F) of section 4511.191 of the Revised Code shall be filed in the court	1951 1952 1953 1954 1955 1956 1957 1958

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specified in division (I)(4) of that section, and the petition of  
a person whose license, permit, or privilege was suspended under  
division (B) or (C) of this section shall be filed in the  
municipal, county, mayor's, or in the case of a minor, juvenile  
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 3123.611 or  
4506.16 of the Revised Code or whose commercial driver's license  
or commercial driver's temporary instruction permit has been  
suspended under section 3123.58 of the Revised Code, and shall not  
grant occupational driving privileges during any of the following  
periods of time:

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

(b) The first thirty days of suspension imposed upon an  
offender whose license, permit, or privilege is suspended pursuant  
to division (B)(2) of this section or division (F)(2) of section  
4511.191 of the Revised Code. On or after the thirty-first day of



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suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices. 1991  
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(c) The first one hundred eighty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(3) of this section or division (F)(3) of section 4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions on or after the one hundred eighty-first day of the suspension only if division (F) of this section does not prohibit the judge from granting the privileges and only if the judge, at the time of granting the privileges, also issues an order prohibiting the offender, while exercising the occupational driving privileges during the period commencing with the one hundred eighty-first day of suspension and ending with the first year of suspension, from operating any motor vehicle unless it is equipped with a certified ignition interlock device. After the first year of the suspension, the court may authorize the offender to continue exercising the occupational driving privileges in vehicles that are not equipped with ignition interlock devices. If the offender does not petition for occupational driving privileges until after the first year of suspension and if division (F) of this section does not prohibit the judge from granting the privileges, the judge may grant the offender occupational driving privileges without requiring the use of a certified ignition interlock device. 1996  
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(d) The first three years of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(4) of this section or division (F)(4) of section 4511.191 of the Revised Code. The judge may grant occupational 1919  
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driving privileges to an offender who receives a suspension under 2023  
either of those divisions after the first three years of 2024  
suspension only if division (F) of this section does not prohibit 2025  
the judge from granting the privileges and only if the judge, at 2026  
the time of granting the privileges, also issues an order 2027  
prohibiting the offender from operating any motor vehicle, for the 2028  
period of suspension following the first three years of 2029  
suspension, unless the motor vehicle is equipped with a certified 2030  
ignition interlock device. 2031

(G) If a person's driver's or commercial driver's license or 2032  
permit or nonresident operating privilege has been suspended under 2033  
division (E) of this section, and the person, within the preceding 2034  
seven years, has been convicted of or pleaded guilty to three or 2035  
more violations identified in division (F)(1) of this section, the 2036  
person is not entitled to request, and the judge or mayor shall 2037  
not grant to the person, occupational driving privileges under 2038  
this division. Any other person whose driver's or commercial 2039  
driver's license or nonresident operating privilege has been 2040  
suspended under division (E) of this section may file a petition 2041  
that alleges that the suspension would seriously affect the 2042  
person's ability to continue the person's employment. The petition 2043  
shall be filed in the municipal, county, or mayor's court that has 2044  
jurisdiction over the place of arrest. Upon satisfactory proof 2045  
that there is reasonable cause to believe that the suspension 2046  
would seriously affect the person's ability to continue the 2047  
person's employment, the judge of the court or mayor of the 2048  
mayor's court may grant the person occupational driving privileges 2049  
during the period during which the suspension otherwise would be 2050  
imposed, except that the judge or mayor shall not grant 2051  
occupational driving privileges for employment as a driver of 2052  
commercial motor vehicles to any person who is disqualified from 2053  
operating a commercial motor vehicle under section 4506.16 of the 2054

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Revised Code, and shall not grant occupational driving privileges 2055  
during the first sixty days of suspension imposed upon an offender 2056  
whose driver's or commercial driver's license or permit or 2057  
nonresident operating privilege is suspended pursuant to division 2058  
(E) of this section. 2059

(H)(1) After a driver's or commercial driver's license or 2060  
permit has been suspended or revoked pursuant to this section, the 2061  
judge of the court or mayor of the mayor's court that suspended or 2062  
revoked the license or permit shall cause the offender to deliver 2063  
the license or permit to the court. The judge, mayor, or clerk of 2064  
the court or mayor's court, if the license or permit has been 2065  
suspended or revoked in connection with any of the offenses listed 2066  
in this section, forthwith shall forward it to the registrar with 2067  
notice of the action of the court. 2068

(2) Suspension of a commercial driver's license under this 2069  
section shall be concurrent with any period of disqualification 2070  
under section 3123.611 or 4506.16 of the Revised Code or any 2071  
period of suspension under section 3123.58 of the Revised Code. No 2072  
person who is disqualified for life from holding a commercial 2073  
driver's license under section 4506.16 of the Revised Code shall 2074  
be issued a driver's license under this chapter during the period 2075  
for which the commercial driver's license was suspended under this 2076  
section, and no person whose commercial driver's license is 2077  
suspended under this section shall be issued a driver's license 2078  
under this chapter during the period of the suspension. 2079

(I) No judge shall suspend the first thirty days of 2080  
suspension of a driver's or commercial driver's license or permit 2081  
or a nonresident operating privilege required under division (A) 2082  
of this section, no judge or mayor shall suspend the first six 2083  
months of suspension required under division (B)(1) of this 2084  
section, no judge shall suspend the first year of suspension 2085  
required under division (B)(2) of this section, no judge shall 2086

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suspend the first year of suspension required under division 2087  
(B)(3) of this section, no judge shall suspend the first three 2088  
years of suspension required under division (B)(4) of this 2089  
section, no judge or mayor shall suspend the revocation required 2090  
by division (D) of this section, and no judge or mayor shall 2091  
suspend the first sixty days of suspension required under division 2092  
(E) of this section, except that the court shall credit any period 2093  
of suspension imposed pursuant to section 4511.191 or 4511.196 of 2094  
the Revised Code against any time of suspension imposed pursuant 2095  
to division (B) or (E) of this section as described in division 2096  
(J) of this section. 2097

(J) The judge of the court or mayor of the mayor's court 2098  
shall credit any time during which an offender was subject to an 2099  
administrative suspension of the offender's driver's or commercial 2100  
driver's license or permit or nonresident operating privilege 2101  
imposed pursuant to division (E) or (F) of section 4511.191 or a 2102  
suspension imposed by a judge, referee, or mayor pursuant to 2103  
division (B)(1) or (2) of section 4511.196 of the Revised Code 2104  
against the time to be served under a related suspension imposed 2105  
pursuant to this section. 2106

(K) The judge or mayor shall notify the bureau of any 2107  
determinations made, and of any suspensions or revocations 2108  
imposed, pursuant to division (B) of this section. 2109

(L)(1) If a court issues an ignition interlock order under 2110  
division (F) of this section, the order shall authorize the 2111  
offender during the specified period to operate a motor vehicle 2112  
only if it is equipped with a certified ignition interlock device. 2113  
The court shall provide the offender with a copy of an ignition 2114  
interlock order issued under division (F) of this section, and the 2115  
copy of the order shall be used by the offender in lieu of an Ohio 2116  
driver's or commercial driver's license or permit until the 2117  
registrar or a deputy registrar issues the offender a restricted 2118

license. 2119

An order issued under division (F) of this section does not 2120  
authorize or permit the offender to whom it has been issued to 2121  
operate a vehicle during any time that the offender's driver's or 2122  
commercial driver's license or permit is suspended or revoked 2123  
under any other provision of law. 2124

(2) The offender may present the ignition interlock order to 2125  
the registrar or to a deputy registrar. Upon presentation of the 2126  
order to the registrar or a deputy registrar, the registrar or 2127  
deputy registrar shall issue the offender a restricted license. A 2128  
restricted license issued under this division shall be identical 2129  
to an Ohio driver's license, except that it shall have printed on 2130  
its face a statement that the offender is prohibited during the 2131  
period specified in the court order from operating any motor 2132  
vehicle that is not equipped with a certified ignition interlock 2133  
device, and except that the date of commencement and the date of 2134  
termination of the period shall be indicated conspicuously upon 2135  
the face of the license. 2136

(3) As used in this section: 2137

(a) "Ignition interlock device" has the same meaning as in 2138  
section 4511.83 of the Revised Code. 2139

(b) "Certified ignition interlock device" means an ignition 2140  
interlock device that is certified pursuant to section 4511.83 of 2141  
the Revised Code. 2142

**Sec. 4507.169.** (A) The registrar of motor vehicles shall 2143  
suspend for the period of time specified in this division the 2144  
driver's or commercial driver's license or permit of, or deny for 2145  
such period of time the issuance of a driver's or commercial 2146  
driver's license or permit to, any person who is a resident of 2147  
this state and is convicted of or pleads guilty to a violation of 2148

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a statute of any other state or any federal statute that is 2149  
substantially similar to section 2925.02, 2925.03, 2925.04, 2150  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2151  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 2152  
Revised Code. Upon receipt of a report from a court, court clerk, 2153  
or other official of any other state or from any federal authority 2154  
that a resident of this state was convicted of or pleaded guilty 2155  
to an offense described in this division, the registrar shall send 2156  
a notice by regular first class mail to the person, at the 2157  
person's last known address as shown in the records of the bureau 2158  
of motor vehicles, informing the person of the suspension or 2159  
denial, that the suspension or denial will take effect twenty-one 2160  
days from the date of the notice, and that, if the person wishes 2161  
to appeal the suspension or denial, the person must file a notice 2162  
of appeal within twenty-one days of the date of the notice 2163  
requesting a hearing on the matter. If the person requests a 2164  
hearing, the registrar shall hold the hearing not more than forty 2165  
days after receipt by the registrar of the notice of appeal. The 2166  
filing of a notice of appeal does not stay the operation of the 2167  
suspension or denial that must be imposed pursuant to this 2168  
division. The scope of the hearing shall be limited to whether the 2169  
person actually was convicted of or pleaded guilty to the offense 2170  
for which the suspension or denial is to be imposed. 2171

The period of suspension or denial the registrar is required 2172  
to impose under this division shall end either on the last day of 2173  
any period of suspension of the person's nonresident operating 2174  
privilege imposed by the state or federal court located in the 2175  
other state, or the date six months and twenty-one days from the 2176  
date of the notice sent by the registrar to the person under this 2177  
division, whichever is earlier. 2178

The registrar shall subscribe to or otherwise participate in 2179  
any information system or register, or enter into reciprocal and 2180

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mutual agreements with other states and federal authorities, in 2181  
order to facilitate the exchange of information with other states 2182  
and the United States government regarding persons who plead 2183  
guilty to or are convicted of offenses described in this division 2184  
and therefore are subject to the suspension or denial described in 2185  
this division. 2186

(B) The registrar shall suspend for the period of time 2187  
specified in this division the driver's or commercial driver's 2188  
license or permit of, or deny for such period of time the issuance 2189  
of a driver's or commercial driver's license or permit to, any 2190  
person who is a resident of this state and is convicted of or 2191  
pleads guilty to a violation of a statute of any other state or a 2192  
municipal ordinance of a municipal corporation located in any 2193  
other state that is substantially similar to section 4511.19 of 2194  
the Revised Code. Upon receipt of a report from another state made 2195  
pursuant to section 4507.60 of the Revised Code indicating that a 2196  
resident of this state was convicted of or pleaded guilty to an 2197  
offense described in this division, the registrar shall send a 2198  
notice by regular first class mail to the person, at the person's 2199  
last known address as shown in the records of the bureau of motor 2200  
vehicles, informing the person of the suspension or denial, that 2201  
the suspension or denial will take effect twenty-one days from the 2202  
date of the notice, and that, if the person wishes to appeal the 2203  
suspension or denial, the person must file a notice of appeal 2204  
within twenty-one days of the date of the notice requesting a 2205  
hearing on the matter. If the person requests a hearing, the 2206  
registrar shall hold the hearing not more than forty days after 2207  
receipt by the registrar of the notice of appeal. The filing of a 2208  
notice of appeal does not stay the operation of the suspension or 2209  
denial that must be imposed pursuant to this division. The scope 2210  
of the hearing shall be limited to whether the person actually was 2211  
convicted of or pleaded guilty to the offense for which the 2212

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suspension or denial is to be imposed. 2213

The period of suspension or denial the registrar is required 2214  
to impose under this division shall end either on the last day of 2215  
any period of suspension of the person's nonresident operating 2216  
privilege imposed by the state or federal court located in the 2217  
other state, or the date six months and twenty-one days from the 2218  
date of the notice sent by the registrar to the person under this 2219  
division, whichever is earlier. 2220

(C) The registrar shall suspend for the period of time 2221  
specified in this division the driver's or commercial driver's 2222  
license or permit of, or deny for such period of time the issuance 2223  
of a driver's or commercial driver's license or permit to, any 2224  
child who is a resident of this state and is convicted of or 2225  
pleads guilty to a violation of a statute of any other state or 2226  
any federal statute that is substantially similar to section 2227  
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2228  
2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2229  
2925.36, or 2925.37 of the Revised Code. Upon receipt of a report 2230  
from a court, court clerk, or other official of any other state or 2231  
from any federal authority that a child who is a resident of this 2232  
state was convicted of or pleaded guilty to an offense described 2233  
in this division, the registrar shall send a notice by regular 2234  
first class mail to the child, at the child's last known address 2235  
as shown in the records of the bureau of motor vehicles, informing 2236  
the child of the suspension or denial, that the suspension or 2237  
denial will take effect twenty-one days from the date of the 2238  
notice, and that, if the child wishes to appeal the suspension or 2239  
denial, the child must file a notice of appeal within twenty-one 2240  
days of the date of the notice requesting a hearing on the matter. 2241  
If the child requests a hearing, the registrar shall hold the 2242  
hearing not more than forty days after receipt by the registrar of 2243  
the notice of appeal. The filing of a notice of appeal does not 2244



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stay the operation of the suspension or denial that must be 2245  
imposed pursuant to this division. The scope of the hearing shall 2246  
be limited to whether the child actually was convicted of or 2247  
pleaded guilty to the offense for which the suspension or denial 2248  
is to be imposed. 2249

The period of suspension the registrar is required to impose 2250  
under this division shall end either on the last day of any period 2251  
of suspension of the child's nonresident operating privilege 2252  
imposed by the state or federal court located in the other state, 2253  
or the date six months and twenty-one days from the date of the 2254  
notice sent by the registrar to the child under this division, 2255  
whichever is earlier. If the child is a resident of this state who 2256  
is sixteen years of age or older and does not have a current, 2257  
valid Ohio driver's or commercial driver's license or permit, the 2258  
notice shall inform the child that the child will be denied 2259  
issuance of a driver's or commercial driver's license or permit 2260  
for six months beginning on the date of the notice. If the child 2261  
has not attained the age of sixteen years on the date of the 2262  
notice, the notice shall inform the child that the period of 2263  
denial of six months shall commence on the date the child attains 2264  
the age of sixteen years. 2265

The registrar shall subscribe to or otherwise participate in 2266  
any information system or register, or enter into reciprocal and 2267  
mutual agreements with other states and federal authorities, in 2268  
order to facilitate the exchange of information with other states 2269  
and the United States government regarding children who are 2270  
residents of this state and plead guilty to or are convicted of 2271  
offenses described in this division and therefore are subject to 2272  
the suspension or denial described in this division. 2273

(D) The registrar shall suspend for the period of time 2274  
specified in this division the driver's or commercial driver's 2275  
license or permit of, or deny for such period of time the issuance 2276

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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  
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,

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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; 2342

(b) A municipal ordinance relating to operating a motor 2343  
vehicle with a prohibited concentration of alcohol in the blood, 2344  
breath, or urine; 2345

(c) Section 2903.04 of the Revised Code in a case in which 2346  
the person was subject to the sanctions described in division (D) 2347  
of that section; 2348

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 2349  
section 2903.08 of the Revised Code or a municipal ordinance that 2350  
is substantially similar to either of those divisions; 2351

(e) Division (A)(2), (3), or (4) of section 2903.06, division 2352  
(A)(2) of section 2903.08, or former section 2903.07 of the 2353  
Revised Code, or a municipal ordinance that is substantially 2354  
similar to any of those divisions or that former section, in a 2355  
case in which the jury or judge found that the person was under 2356  
the influence of alcohol, a drug of abuse, or alcohol and a drug 2357  
of abuse. 2358

(2) The first thirty days of the suspension, if the person 2359  
has been convicted one time within five years of the date of the 2360  
offense giving rise to the suspension under this section of any 2361  
violation identified in division (E)(1) of this section. 2362

(3) The first one hundred eighty days of the suspension, if 2363  
the person has been convicted two times within five years of the 2364  
date of the offense giving rise to the suspension under this 2365  
section of any violation identified in division (E)(1) of this 2366  
section. 2367

(4) No occupational driving privileges may be granted if the 2368  
person has been convicted three or more times within five years of 2369  
the date of the offense giving rise to the suspension under this 2370  
section of any violation identified in division (E)(1) of this 2371  
section. 2372

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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.

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

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

(1) "Child" means a person who is under the age of eighteen years, except that any person who violates a statute or ordinance described in division (C) or (D) of this section prior to attaining eighteen years of age shall be deemed a "child" irrespective of the person's age at the time the complaint or other equivalent document is filed in the other state or a

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hearing, trial, or other proceeding is held in the other state on 2405  
the complaint or other equivalent document, and irrespective of 2406  
the person's age when the period of license suspension or denial 2407  
prescribed in division (C) or (D) of this section is imposed. 2408

(2) "Is convicted of or pleads guilty to" means, as it 2409  
relates to a child who is a resident of this state, that in a 2410  
proceeding conducted in a state or federal court located in 2411  
another state for a violation of a statute or ordinance described 2412  
in division (C) or (D) of this section, the result of the 2413  
proceeding is any of the following: 2414

(a) Under the laws that govern the proceedings of the court, 2415  
the child is adjudicated to be or admits to being a delinquent 2416  
child or a juvenile traffic offender for a violation described in 2417  
division (C) or (D) of this section that would be a crime if 2418  
committed by an adult; 2419

(b) Under the laws that govern the proceedings of the court, 2420  
the child is convicted of or pleads guilty to a violation 2421  
described in division (C) or (D) of this section; 2422

(c) Under the laws that govern the proceedings of the court, 2423  
irrespective of the terminology utilized in those laws, the result 2424  
of the court's proceedings is the functional equivalent of 2425  
division (F)(2)(a) or (b) of this section. 2426

**Section 2.** That existing sections 2925.01, 2925.04, 2925.14, 2427  
2925.38, 2925.51, 2933.43, 3745.13, 4507.16, and 4507.169 of the 2428  
Revised Code are hereby repealed. 2429