

# As Introduced

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S. B. No. 163

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## A B I L L

To amend sections 2151.28, 2151.35, 2152.19, 2152.21,  
2705.05, and 4511.99 and to enact sections 4511.741  
and 5579.11 of the Revised Code to prohibit  
specifically the dropping or throwing of articles  
or objects from or upon any part of a lane, road,  
street, alley, bridge, or overpass and to create  
the Highway, Bridge, and Overpass Vandal Fence Fund  
and the Highway, Bridge, and Overpass Vandal Fence  
Task Force.

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

**Section 1.** That sections 2151.28, 2151.35, 2152.19, 2152.21,  
2705.05, and 4511.99 be amended and sections 4511.741 and 5579.11  
of the Revised Code be enacted to read as follows:

**Sec. 2151.28.** (A) No later than seventy-two hours after the  
complaint is filed, the court shall fix a time for an adjudicatory  
hearing. The court shall conduct the adjudicatory hearing within  
one of the following periods of time:

(1) Subject to division (D) of section 2152.13 of the Revised  
Code, if the complaint alleged that the child violated section  
2151.87 of the Revised Code or is a delinquent or unruly child or

a juvenile traffic offender, the adjudicatory hearing shall be  
held and may be continued in accordance with the Juvenile Rules.

(2) If the complaint alleged that the child is an abused,  
neglected, or dependent child, the adjudicatory hearing shall be  
held no later than thirty days after the complaint is filed,  
except that, for good cause shown, the court may continue the  
adjudicatory hearing for either of the following periods of time:

(a) For ten days beyond the thirty-day deadline to allow any  
party to obtain counsel;

(b) For a reasonable period of time beyond the thirty-day  
deadline to obtain service on all parties or any necessary  
evaluation, except that the adjudicatory hearing shall not be held  
later than sixty days after the date on which the complaint was  
filed.

(B) At an adjudicatory hearing held pursuant to division  
(A)(2) of this section, the court, in addition to determining  
whether the child is an abused, neglected, or dependent child,  
shall determine whether the child should remain or be placed in  
shelter care until the dispositional hearing. When the court makes  
the shelter care determination, all of the following apply:

(1) The court shall determine whether there are any relatives  
of the child who are willing to be temporary custodians of the  
child. If any relative is willing to be a temporary custodian, the  
child otherwise would remain or be placed in shelter care, and the  
appointment is appropriate, the court shall appoint the relative  
as temporary custodian of the child, unless the court appoints  
another relative as custodian. If it determines that the  
appointment of a relative as custodian would not be appropriate,  
it shall issue a written opinion setting forth the reasons for its  
determination and give a copy of the opinion to all parties and  
the guardian ad litem of the child.

The court's consideration of a relative for appointment as a temporary custodian does not make that relative a party to the proceedings.

(2) The court shall comply with section 2151.419 of the Revised Code.

(3) The court shall schedule the date for the dispositional hearing to be held pursuant to section 2151.35 of the Revised Code. The parents of the child have a right to be represented by counsel; however, in no case shall the dispositional hearing be held later than ninety days after the date on which the complaint was filed.

(C)(1) The court shall direct the issuance of a summons directed to the child except as provided by this section, the parents, guardian, custodian, or other person with whom the child may be, and any other persons that appear to the court to be proper or necessary parties to the proceedings, requiring them to appear before the court at the time fixed to answer the allegations of the complaint. The summons shall contain the name and telephone number of the court employee designated by the court pursuant to section 2151.314 of the Revised Code to arrange for the prompt appointment of counsel for indigent persons. A child alleged to be an abused, neglected, or dependent child shall not be summoned unless the court so directs. A summons issued for a child who is under fourteen years of age and who is alleged to be a delinquent child, unruly child, or a juvenile traffic offender shall be served on the parent, guardian, or custodian of the child in the child's behalf.

If the person who has physical custody of the child, or with whom the child resides, is other than the parent or guardian, then the parents and guardian also shall be summoned. A copy of the complaint shall accompany the summons.

(2) In lieu of appearing before the court at the time fixed 83  
in the summons and prior to the date fixed for appearance in the 84  
summons, a child who is alleged to have violated section 2151.87 85  
of the Revised Code and that child's parent, guardian, or 86  
custodian may sign a waiver of appearance before the clerk of the 87  
juvenile court and pay a fine of one hundred dollars. If the child 88  
and that child's parent, guardian, or custodian do not waive the 89  
court appearance, the court shall proceed with the adjudicatory 90  
hearing as provided in this section. 91

(D) If the complaint contains a prayer for permanent custody, 92  
temporary custody, whether as the preferred or an alternative 93  
disposition, or a planned permanent living arrangement in a case 94  
involving an alleged abused, neglected, or dependent child, the 95  
summons served on the parents shall contain as is appropriate an 96  
explanation that the granting of permanent custody permanently 97  
divests the parents of their parental rights and privileges, an 98  
explanation that an adjudication that the child is an abused, 99  
neglected, or dependent child may result in an order of temporary 100  
custody that will cause the removal of the child from their legal 101  
custody until the court terminates the order of temporary custody 102  
or permanently divests the parents of their parental rights, or an 103  
explanation that the issuance of an order for a planned permanent 104  
living arrangement will cause the removal of the child from the 105  
legal custody of the parents if any of the conditions listed in 106  
divisions (A)(5)(a) to (c) of section 2151.353 of the Revised Code 107  
are found to exist. 108

(E)(1) Except as otherwise provided in ~~division~~ divisions 109  
(E)(2) and (3) of this section, the court may endorse upon the 110  
summons an order directing the parents, guardian, or other person 111  
with whom the child may be to appear personally at the hearing and 112  
directing the person having the physical custody or control of the 113  
child to bring the child to the hearing. 114

(2) In cases in which the complaint alleges that a child is 115  
an unruly or delinquent child for being an habitual or chronic 116  
truant and that the parent, guardian, or other person having care 117  
of the child has failed to cause the child's attendance at school, 118  
the court shall endorse upon the summons an order directing the 119  
parent, guardian, or other person having care of the child to 120  
appear personally at the hearing and directing the person having 121  
the physical custody or control of the child to bring the child to 122  
the hearing. 123

(3) In cases in which the complaint alleges that a child 124  
previously has been adjudicated a delinquent child for having 125  
committed a violation of section 4511.741 of the Revised Code or a 126  
substantially similar municipal ordinance and also alleges that 127  
the child again has committed a violation of section 4511.741 of 128  
the Revised Code or a substantially similar municipal ordinance 129  
and that the parent, guardian, or other person having care of the 130  
child failed to prevent the latest violation, the court shall 131  
endorse upon the summons an order directing the parent, guardian, 132  
or other person having care of the child to appear personally at 133  
the hearing and directing the person having the physical custody 134  
or control of the child to bring the child to the hearing. 135

(F)(1) The summons shall contain a statement advising that 136  
any party is entitled to counsel in the proceedings and that the 137  
court will appoint counsel or designate a county public defender 138  
or joint county public defender to provide legal representation if 139  
the party is indigent. 140

(2) In cases in which the complaint alleges a child to be an 141  
abused, neglected, or dependent child and no hearing has been 142  
conducted pursuant to division (A) of section 2151.314 of the 143  
Revised Code with respect to the child or a parent, guardian, or 144  
custodian of the child does not attend the hearing, the summons 145  
also shall contain a statement advising that a case plan may be 146

prepared for the child, the general requirements usually contained 147  
in case plans, and the possible consequences of failure to comply 148  
with a journalized case plan. 149

(G) If it appears from an affidavit filed or from sworn 150  
testimony before the court that the conduct, condition, or 151  
surroundings of the child are endangering the child's health or 152  
welfare or those of others, that the child may abscond or be 153  
removed from the jurisdiction of the court, or that the child will 154  
not be brought to the court, notwithstanding the service of the 155  
summons, the court may endorse upon the summons an order that a 156  
law enforcement officer serve the summons and take the child into 157  
immediate custody and bring the child forthwith to the court. 158

(H) A party, other than the child, may waive service of 159  
summons by written stipulation. 160

(I) Before any temporary commitment is made permanent, the 161  
court shall fix a time for hearing in accordance with section 162  
2151.414 of the Revised Code and shall cause notice by summons to 163  
be served upon the parent or guardian of the child and the 164  
guardian ad litem of the child, or published, as provided in 165  
section 2151.29 of the Revised Code. The summons shall contain an 166  
explanation that the granting of permanent custody permanently 167  
divests the parents of their parental rights and privileges. 168

(J) Any person whose presence is considered necessary and who 169  
is not summoned may be subpoenaed to appear and testify at the 170  
hearing. Anyone summoned or subpoenaed to appear who fails to do 171  
so may be punished, as in other cases in the court of common 172  
pleas, for contempt of court. Persons subpoenaed shall be paid the 173  
same witness fees as are allowed in the court of common pleas. 174

(K) The failure of the court to hold an adjudicatory hearing 175  
within any time period set forth in division (A)(2) of this 176  
section does not affect the ability of the court to issue any 177

order under this chapter and does not provide any basis for  
attacking the jurisdiction of the court or the validity of any  
order of the court.

(L) If the court, at an adjudicatory hearing held pursuant to  
division (A) of this section upon a complaint alleging that a  
child is an abused, neglected, dependent, delinquent, or unruly  
child or a juvenile traffic offender, determines that the child is  
a dependent child, the court shall incorporate that determination  
into written findings of fact and conclusions of law and enter  
those findings of fact and conclusions of law in the record of the  
case. The court shall include in those findings of fact and  
conclusions of law specific findings as to the existence of any  
danger to the child and any underlying family problems that are  
the basis for the court's determination that the child is a  
dependent child.

**Sec. 2151.35.** (A)(1) Except as otherwise provided by division  
(A)(3) of this section or in section 2152.13 of the Revised Code,  
the juvenile court may conduct its hearings in an informal manner  
and may adjourn its hearings from time to time. The court may  
exclude the general public from its hearings in a particular case  
if the court holds a separate hearing to determine whether that  
exclusion is appropriate. If the court decides that exclusion of  
the general public is appropriate, the court still may admit to a  
particular hearing or all of the hearings relating to a particular  
case those persons who have a direct interest in the case and  
those who demonstrate that their need for access outweighs the  
interest in keeping the hearing closed.

Except cases involving children who are alleged to be unruly  
or delinquent children for being habitual or chronic truants and  
cases involving children who are alleged to be delinquent children  
for having committed a violation of section 4511.741 of the

Revised Code or a substantially similar municipal ordinance and 209  
who previously have been adjudicated delinquent for having 210  
committed such a violation and except as otherwise provided in 211  
section 2152.13 of the Revised Code, all cases involving children 212  
shall be heard separately and apart from the trial of cases 213  
against adults. The court may excuse the attendance of the child 214  
at the hearing in cases involving abused, neglected, or dependent 215  
children. The court shall hear and determine all cases of children 216  
without a jury, except cases involving serious youthful offenders 217  
under section 2152.13 of the Revised Code. 218

If a complaint alleges a child to be a delinquent child, 219  
unruly child, or juvenile traffic offender, the court shall 220  
require the parent, guardian, or custodian of the child to attend 221  
all proceedings of the court regarding the child. If a parent, 222  
guardian, or custodian fails to so attend, the court may find the 223  
parent, guardian, or custodian in contempt. 224

If the court finds from clear and convincing evidence that 225  
the child violated section 2151.87 of the Revised Code, the court 226  
shall proceed in accordance with divisions (F) and (G) of that 227  
section. 228

If the court at the adjudicatory hearing finds from clear and 229  
convincing evidence that the child is an abused, neglected, or 230  
dependent child, the court shall proceed, in accordance with 231  
division (B) of this section, to hold a dispositional hearing and 232  
hear the evidence as to the proper disposition to be made under 233  
section 2151.353 of the Revised Code. If the court at the 234  
adjudicatory hearing finds beyond a reasonable doubt that the 235  
child is a delinquent or unruly child or a juvenile traffic 236  
offender, the court shall proceed immediately, or at a postponed 237  
hearing, to hear the evidence as to the proper disposition to be 238  
made under section 2151.354 or Chapter 2152. of the Revised Code. 239  
If the court at the adjudicatory hearing finds beyond a reasonable 240



doubt that the child is an unruly child for being an habitual  
truant, or that the child is an unruly child for being an habitual  
truant and that the parent, guardian, or other person having care  
of the child has failed to cause the child's attendance at school  
in violation of section 3321.38 of the Revised Code, the court  
shall proceed to hold a hearing to hear the evidence as to the  
proper disposition to be made in regard to the child under  
division (C)(1) of section 2151.354 of the Revised Code and the  
proper action to take in regard to the parent, guardian, or other  
person having care of the child under division (C)(2) of section  
2151.354 of the Revised Code. If the court at the adjudicatory  
hearing finds beyond a reasonable doubt that the child is a  
delinquent child for being a chronic truant or for being an  
habitual truant who previously has been adjudicated an unruly  
child for being an habitual truant, or that the child is a  
delinquent child for either of those reasons and the parent,  
guardian, or other person having care of the child has failed to  
cause the child's attendance at school in violation of section  
3321.38 of the Revised Code, the court shall proceed to hold a  
hearing to hear the evidence as to the proper disposition to be  
made in regard to the child under division (A)(6)(a) of section  
2152.19 of the Revised Code and the proper action to take in  
regard to the parent, guardian, or other person having care of the  
child under division (A)(6)(b) of section 2152.19 of the Revised  
Code.

If the court at the adjudicatory hearing finds beyond a  
reasonable doubt that the child is a delinquent child for having  
committed a violation of section 4511.741 of the Revised Code or a  
substantially similar municipal ordinance and also finds by a  
preponderance of the evidence that the child previously was  
adjudicated delinquent for having committed such a violation and  
that the parent, guardian, or other person having care of the

child failed to prevent the latest such violation, the court shall  
order disposition to be made in regard to the child in accordance  
with section 2152.19 of the Revised Code. The court also shall  
find the parent, guardian, or other person having care of the  
child in contempt of the court order issued under that section and  
shall fine the parent, guardian, or other person having care of  
the child the amount specified in section 2152.19 of the Revised  
Code.

If the court does not find the child to have violated section  
2151.87 of the Revised Code or to be an abused, neglected,  
dependent, delinquent, or unruly child or a juvenile traffic  
offender, it shall order that the case be dismissed and that the  
child be discharged from any detention or restriction theretofore  
ordered.

(2) A record of all testimony and other oral proceedings in  
juvenile court shall be made in all proceedings that are held  
pursuant to section 2151.414 of the Revised Code or in which an  
order of disposition may be made pursuant to division (A)(4) of  
section 2151.353 of the Revised Code, and shall be made upon  
request in any other proceedings. The record shall be made as  
provided in section 2301.20 of the Revised Code.

(3) The authority of a juvenile court to exclude the general  
public from its hearings that is provided by division (A)(1) of  
this section does not limit or affect any right of a victim of a  
crime or delinquent act, or of a victim's representative, under  
Chapter 2930. of the Revised Code.

(B)(1) If the court at an adjudicatory hearing determines  
that a child is an abused, neglected, or dependent child, the  
court shall not issue a dispositional order until after the court  
holds a separate dispositional hearing. The court may hold the  
dispositional hearing for an adjudicated abused, neglected, or  
dependent child immediately after the adjudicatory hearing if all

parties were served prior to the adjudicatory hearing with all  
documents required for the dispositional hearing. The  
dispositional hearing may not be held more than thirty days after  
the adjudicatory hearing is held. The court, upon the request of  
any party or the guardian ad litem of the child, may continue a  
dispositional hearing for a reasonable time not to exceed the time  
limits set forth in this division to enable a party to obtain or  
consult counsel. The dispositional hearing shall not be held more  
than ninety days after the date on which the complaint in the case  
was filed.

If the dispositional hearing is not held within the period of  
time required by this division, the court, on its own motion or  
the motion of any party or the guardian ad litem of the child,  
shall dismiss the complaint without prejudice.

(2) The dispositional hearing shall be conducted in  
accordance with all of the following:

(a) The judge or referee who presided at the adjudicatory  
hearing shall preside, if possible, at the dispositional hearing;

(b) The court may admit any evidence that is material and  
relevant, including, but not limited to, hearsay, opinion, and  
documentary evidence;

(c) Medical examiners and each investigator who prepared a  
social history shall not be cross-examined, except upon consent of  
the parties, for good cause shown, or as the court in its  
discretion may direct. Any party may offer evidence supplementing,  
explaining, or disputing any information contained in the social  
history or other reports that may be used by the court in  
determining disposition.

(3) After the conclusion of the dispositional hearing, the  
court shall enter an appropriate judgment within seven days and  
shall schedule the date for the hearing to be held pursuant to

section 2151.415 of the Revised Code. The court may make any order  
of disposition that is set forth in section 2151.353 of the  
Revised Code. A copy of the judgment shall be given to each party  
and to the child's guardian ad litem. If the judgment is  
conditional, the order shall state the conditions of the judgment.  
If the child is not returned to the child's own home, the court  
shall determine which school district shall bear the cost of the  
child's education and shall comply with section 2151.36 of the  
Revised Code.

(4) As part of its dispositional order, the court may issue  
any order described in division (B) of section 2151.33 of the  
Revised Code.

(C) The court shall give all parties to the action and the  
child's guardian ad litem notice of the adjudicatory and  
dispositional hearings in accordance with the Juvenile Rules.

(D) If the court issues an order pursuant to division (A)(4)  
of section 2151.353 of the Revised Code committing a child to the  
permanent custody of a public children services agency or a  
private child placing agency, the parents of the child whose  
parental rights were terminated cease to be parties to the action  
upon the issuance of the order. This division is not intended to  
eliminate or restrict any right of the parents to appeal the  
permanent custody order issued pursuant to division (A)(4) of  
section 2151.353 of the Revised Code.

(E) Each juvenile court shall schedule its hearings in  
accordance with the time requirements of this chapter.

(F) In cases regarding abused, neglected, or dependent  
children, the court may admit any statement of a child that the  
court determines to be excluded by the hearsay rule if the  
proponent of the statement informs the adverse party of the  
proponent's intention to offer the statement and of the

particulars of the statement, including the name of the declarant, 367  
sufficiently in advance of the hearing to provide the party with a 368  
fair opportunity to prepare to challenge, respond to, or defend 369  
against the statement, and the court determines all of the 370  
following: 371

(1) The statement has circumstantial guarantees of 372  
trustworthiness; 373

(2) The statement is offered as evidence of a material fact; 374

(3) The statement is more probative on the point for which it 375  
is offered than any other evidence that the proponent can procure 376  
through reasonable efforts; 377

(4) The general purposes of the evidence rules and the 378  
interests of justice will best be served by the admission of the 379  
statement into evidence. 380

(G) If a child is alleged to be an abused child, the court 381  
may order that the testimony of the child be taken by deposition. 382  
On motion of the prosecuting attorney, guardian ad litem, or any 383  
party, or in its own discretion, the court may order that the 384  
deposition be videotaped. Any deposition taken under this division 385  
shall be taken with a judge or referee present. 386

If a deposition taken under this division is intended to be 387  
offered as evidence at the hearing, it shall be filed with the 388  
court. Part or all of the deposition is admissible in evidence if 389  
counsel for all parties had an opportunity and similar motive at 390  
the time of the taking of the deposition to develop the testimony 391  
by direct, cross, or redirect examination and the judge determines 392  
that there is reasonable cause to believe that if the child were 393  
to testify in person at the hearing, the child would experience 394  
emotional trauma as a result of participating at the hearing. 395

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 396

child, the court may make any of the following orders of 397  
disposition, in addition to any other disposition authorized or 398  
required by this chapter: 399

(1) Any order that is authorized by section 2151.353 of the 400  
Revised Code for the care and protection of an abused, neglected, 401  
or dependent child. 402

(2) Commit the child to the temporary custody of any school, 403  
camp, institution, or other facility operated for the care of 404  
delinquent children by the county, by a district organized under 405  
section 2152.41 or 2151.65 of the Revised Code, or by a private 406  
agency or organization, within or without the state, that is 407  
authorized and qualified to provide the care, treatment, or 408  
placement required; 409

(3) Place the child on community control under any sanctions, 410  
services, and conditions that the court prescribes. As a condition 411  
of community control in every case and in addition to any other 412  
condition that it imposes upon the child, the court shall require 413  
the child to abide by the law during the period of community 414  
control. As referred to in this division, community control 415  
includes, but is not limited to, the following sanctions and 416  
conditions: 417

(a) A period of basic probation supervision in which the 418  
child is required to maintain contact with a person appointed to 419  
supervise the child in accordance with sanctions imposed by the 420  
court; 421

(b) A period of intensive probation supervision in which the 422  
child is required to maintain frequent contact with a person 423  
appointed by the court to supervise the child while the child is 424  
seeking or maintaining employment and participating in training, 425  
education, and treatment programs as the order of disposition; 426

(c) A period of day reporting in which the child is required 427

each day to report to and leave a center or another approved 428  
reporting location at specified times in order to participate in 429  
work, education or training, treatment, and other approved 430  
programs at the center or outside the center; 431

(d) A period of community service of up to five hundred hours 432  
for an act that would be a felony or a misdemeanor of the first 433  
degree if committed by an adult, up to two hundred hours for an 434  
act that would be a misdemeanor of the second, third, or fourth 435  
degree if committed by an adult, or up to thirty hours for an act 436  
that would be a minor misdemeanor if committed by an adult; 437

(e) A requirement that the child obtain a high school 438  
diploma, a certificate of high school equivalence, vocational 439  
training, or employment; 440

(f) A period of drug and alcohol use monitoring; 441

(g) A requirement of alcohol or drug assessment or 442  
counseling, or a period in an alcohol or drug treatment program 443  
with a level of security for the child as determined necessary by 444  
the court; 445

(h) A period in which the court orders the child to observe a 446  
curfew that may involve daytime or evening hours; 447

(i) A requirement that the child serve monitored time; 448

(j) A period of house arrest with or without electronic 449  
monitoring; 450

(k) A period of electronic monitoring without house arrest or 451  
electronically monitored house arrest that does not exceed the 452  
maximum sentence of imprisonment that could be imposed upon an 453  
adult who commits the same act. 454

A period of electronically monitored house arrest imposed 455  
under this division shall not extend beyond the child's 456  
twenty-first birthday. If a court imposes a period of 457

electronically monitored house arrest upon a child under this 458  
division, it shall require the child: to wear, otherwise have 459  
attached to the child's person, or otherwise be subject to 460  
monitoring by a certified electronic monitoring device or to 461  
participate in the operation of and monitoring by a certified 462  
electronic monitoring system; to remain in the child's home or 463  
other specified premises for the entire period of electronically 464  
monitored house arrest except when the court permits the child to 465  
leave those premises to go to school or to other specified 466  
premises; to be monitored by a central system that can determine 467  
the child's location at designated times; to report periodically 468  
to a person designated by the court; and to enter into a written 469  
contract with the court agreeing to comply with all requirements 470  
imposed by the court, agreeing to pay any fee imposed by the court 471  
for the costs of the electronically monitored house arrest, and 472  
agreeing to waive the right to receive credit for any time served 473  
on electronically monitored house arrest toward the period of any 474  
other dispositional order imposed upon the child if the child 475  
violates any of the requirements of the dispositional order of 476  
electronically monitored house arrest. The court also may impose 477  
other reasonable requirements upon the child. 478

Unless ordered by the court, a child shall not receive credit 479  
for any time served on electronically monitored house arrest 480  
toward any other dispositional order imposed upon the child for 481  
the act for which was imposed the dispositional order of 482  
electronically monitored house arrest. 483

(1) A suspension of the driver's license, probationary 484  
driver's license, or temporary instruction permit issued to the 485  
child or a suspension of the registration of all motor vehicles 486  
registered in the name of the child. A child whose license or 487  
permit is so suspended is ineligible for issuance of a license or 488  
permit during the period of suspension. At the end of the period 489



of suspension, the child shall not be reissued a license or permit 490  
until the child has paid any applicable reinstatement fee and 491  
complied with all requirements governing license reinstatement. 492

(4) Commit the child to the custody of the court; 493

(5) Require the child to not be absent without legitimate 494  
excuse from the public school the child is supposed to attend for 495  
five or more consecutive days, seven or more school days in one 496  
school month, or twelve or more school days in a school year; 497

(6)(a) If a child is adjudicated a delinquent child for being 498  
a chronic truant or an habitual truant who previously has been 499  
adjudicated an unruly child for being a habitual truant, do either 500  
or both of the following: 501

(i) Require the child to participate in a truancy prevention 502  
mediation program; 503

(ii) Make any order of disposition as authorized by this 504  
section, except that the court shall not commit the child to a 505  
facility described in division (A)(2) of this section unless the 506  
court determines that the child violated a lawful court order made 507  
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 508  
Code or division (A)(5) of this section. 509

(b) If a child is adjudicated a delinquent child for being a 510  
chronic truant or a habitual truant who previously has been 511  
adjudicated an unruly child for being a habitual truant and the 512  
court determines that the parent, guardian, or other person having 513  
care of the child has failed to cause the child's attendance at 514  
school in violation of section 3321.38 of the Revised Code, do 515  
either or both of the following: 516

(i) Require the parent, guardian, or other person having care 517  
of the child to participate in a truancy prevention mediation 518  
program; 519

(ii) Require the parent, guardian, or other person having 520  
care of the child to participate in any community service program, 521  
preferably a community service program that requires the 522  
involvement of the parent, guardian, or other person having care 523  
of the child in the school attended by the child. 524

(7)(a) If a child is adjudicated a delinquent child for 525  
having committed a violation of section 4511.741 of the Revised 526  
Code or a substantially similar municipal ordinance, the court 527  
shall do both of the following: 528

(i) Make any order of disposition required by this chapter. 529  
The court also may make any order of disposition authorized by 530  
this chapter. 531

(ii) Issue an order to the parent, guardian, or other person 532  
having care of the child requiring the parent, guardian, or other 533  
person having care of the child to prevent the child from 534  
committing another such violation. The order shall warn the 535  
parent, guardian, or other person having care of the child that in 536  
any subsequent adjudication of the child as a delinquent child for 537  
again committing a violation of section 4511.741 of the Revised 538  
Code or a substantially similar municipal ordinance, the court 539  
will be required to impose a fine of not more than twenty thousand 540  
dollars on the parent, guardian, or other person having care of 541  
the child for violation of the court order. 542

(b) If a child is adjudicated a delinquent child for having 543  
committed a violation of section 4511.741 of the Revised Code or a 544  
substantially similar municipal ordinance and the child previously 545  
was adjudicated delinquent for having committed such a violation, 546  
the court shall do both of the following: 547

(i) Make any order of disposition required by this chapter. 548  
The court also may make any order of disposition authorized by 549  
this chapter. 550

(ii) Impose a fine of not more than twenty thousand dollars 551  
on the parent, guardian, or other person having care of the child 552  
for violating the court order described in division (A)(7)(a)(ii) 553  
of this section. Prior to imposing the fine, the court shall hear 554  
any testimony that the parent, guardian, or other person having 555  
care of the child offers that would explain why the parent, 556  
guardian, or other person having care of the child was not able to 557  
prevent the child from committing the subsequent violation. The 558  
court may hear this testimony at the same proceeding during which 559  
the child is adjudicated a delinquent child for having committed a 560  
violation of section 4511.741 of the Revised Code or a 561  
substantially similar municipal ordinance or at a separate 562  
proceeding. In determining the amount of the fine, the court shall 563  
give due consideration to this testimony, but shall assign such 564  
probative value to the testimony as the court determines proper. 565

566

All fines collected pursuant to division (A)(7)(b)(ii) of 567  
this section shall be deposited in the state treasury to the 568  
credit of the highway, bridge, and overpass vandal fence fund 569  
created by section 5579.11 of the Revised Code. 570

(8) Make any further disposition that the court finds proper, 571  
except that the child shall not be placed in any of the following: 572

573

(a) A state correctional institution, a county, multicounty, 574  
or municipal jail or workhouse, or another place in which an adult 575  
convicted of a crime, under arrest, or charged with a crime is 576  
held; 577

(b) A community corrections facility, if the child would be 578  
covered by the definition of public safety beds for purposes of 579  
sections 5139.41 to 5139.45 of the Revised Code if the court 580  
exercised its authority to commit the child to the legal custody 581  
of the department of youth services for institutionalization or 582

institutionalization in a secure facility pursuant to this  
chapter.

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

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

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

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

(D)(1) If a child is adjudicated a delinquent child for  
committing an act that would be a felony if committed by an adult

and if the child caused, attempted to cause, threatened to cause,  
or created a risk of physical harm to the victim of the act, the  
court, prior to issuing an order of disposition under this  
section, shall order the preparation of a victim impact statement  
by the probation department of the county in which the victim of  
the act resides, by the court's own probation department, or by a  
victim assistance program that is operated by the state, a county,  
a municipal corporation, or another governmental entity. The court  
shall consider the victim impact statement in determining the  
order of disposition to issue for the child.

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

(3) A victim impact statement shall be kept confidential and  
is not a public record. However, the court may furnish copies of  
the statement to the department of youth services if the  
delinquent child is committed to the department or to both the  
adjudicated delinquent child or the adjudicated delinquent child's  
counsel and the prosecuting attorney. The copy of a victim impact  
statement furnished by the court to the department pursuant to  
this section shall be kept confidential and is not a public  
record. The copies of a victim impact statement that are made  
available to the adjudicated delinquent child or the adjudicated  
delinquent child's counsel and the prosecuting attorney pursuant

to this division shall be returned to the court by the person to  
whom they were made available immediately following the imposition  
of an order of disposition for the child under this chapter.

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

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

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

complying with the conditions of the delinquent child's community control. The court that places a delinquent child on community control under this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of community control if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court also shall provide the written notice described in division (E)(2) of this section to each parent, guardian, or custodian of the delinquent child who is described in that division.

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

(G) If a juvenile court commits a delinquent child to the custody of any person, organization, or entity pursuant to this section and if the delinquent act for which the child is so committed is a sexually oriented offense, the court in the order of disposition shall inform the person, organization, or entity that it is the preferred course of action in this state that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code and shall encourage the

person, organization, or entity to provide that treatment.

**Sec. 2152.21.** (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:

(1) Impose costs and one or more financial sanctions in accordance with section 2152.20 of the Revised Code;

(2) Suspend the child's driver's license, probationary driver's license, or temporary instruction permit or the registration of all motor vehicles registered in the name of the child for a definite period not exceeding two years. A child whose license or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(3) Place the child on community control;

(4) Require the child to make restitution for all damages caused by the child's traffic violation;

(5)(a) If the child is adjudicated a juvenile traffic offender for committing a violation of division (A) of section 4511.19 of the Revised Code or of a municipal ordinance that is substantially equivalent to that division, commit the child, for not longer than five days, to either of the following:

(i) To the temporary custody of a detention facility or district detention facility established under section 2152.41 of the Revised Code;

(ii) To the temporary custody of any school, camp, institution, or other facility for children operated in whole or in part for the care of juvenile traffic offenders of that nature



by the county, by a district organized under section 2152.41 or  
2151.65 of the Revised Code, or by a private agency or  
organization within the state that is authorized and qualified to  
provide the care, treatment, or placement required.

(b) If an order of disposition committing a child to the  
temporary custody of a home, school, camp, institution, or other  
facility of that nature is made under division (A)(5)(a) of this  
section, the length of the commitment shall not be reduced or  
diminished as a credit for any time that the child was held in a  
place of detention or shelter care, or otherwise was detained,  
prior to entry of the order of disposition.

(6) If, after making a disposition under divisions (A)(1) to  
(5) of this section, the court finds upon further hearing that the  
child has failed to comply with the orders of the court and the  
child's operation of a motor vehicle constitutes the child a  
danger to the child and to others, the court may make any  
disposition authorized by divisions (A)(1), (3), (4), and ~~(7)~~(8)  
of section 2152.19 of the Revised Code, except that the child may  
not be committed to or placed in a secure correctional facility  
unless authorized by division (A)(5) of this section, and  
commitment to or placement in a detention facility may not exceed  
twenty-four hours.

(B) If a child is adjudicated a juvenile traffic offender for  
violating division (A) or (B) of section 4511.19 of the Revised  
Code, in addition to any order of disposition made under division  
(A) of this section, the court shall suspend the temporary  
instruction permit, probationary driver's license, or driver's  
license issued to the child for a definite period of at least  
three months but not more than two years or, at the discretion of  
the court, until the child attends and satisfactorily completes a  
drug abuse or alcohol abuse education, intervention, or treatment  
program specified by the court. During the time the child is

attending the program, the court shall retain any temporary  
instruction permit, probationary driver's license, or driver's  
license issued to the child and shall return the permit or license  
when the child satisfactorily completes the program.

(C) If a child is adjudicated a juvenile traffic offender for  
violating division (B)(1) or (2) of section 4513.263 of the  
Revised Code, the court shall impose the appropriate fine set  
forth in section 4513.99 of the Revised Code. If a child is  
adjudicated a juvenile traffic offender for violating division  
(B)(3) of section 4513.263 of the Revised Code and if the child is  
sixteen years of age or older, the court shall impose the fine set  
forth in division (G) of section 4513.99 of the Revised Code. If a  
child is adjudicated a juvenile traffic offender for violating  
division (B)(3) of section 4513.263 of the Revised Code and if the  
child is under sixteen years of age, the court shall not impose a  
fine but may place the child on probation or community control.

(D) A juvenile traffic offender is subject to sections  
4509.01 to 4509.78 of the Revised Code.

**Sec. 2705.05.** (A) ~~In~~ Except as provided in division (B) of  
this section, in all contempt proceedings, the court shall conduct  
a hearing. At the hearing, the court shall investigate the charge  
and hear any answer or testimony that the accused makes or offers  
and shall determine whether the accused is guilty of the contempt  
charge. If the accused is found guilty, the court may impose any  
of the following penalties:

(1) For a first offense, a fine of not more than two hundred  
fifty dollars, a definite term of imprisonment of not more than  
thirty days in jail, or both;

(2) For a second offense, a fine of not more than five  
hundred dollars, a definite term of imprisonment of not more than

sixty days in jail, or both;

(3) For a third or subsequent offense, a fine of not more than one thousand dollars, a definite term of imprisonment of not more than ninety days in jail, or both.

(B) In determining whether to impose a fine for contempt under division (A)(7)(b) of section 2152.19 of the Revised Code, a juvenile court is not required to conduct a separate hearing as required by division (A) of this section, but shall comply with the procedures described in division (A)(7)(b) of section 2152.19 of the Revised Code prior to imposing the fine.

(C) In all contempt proceedings initiated pursuant to section 2705.031 of the Revised Code against an employer, the bureau of workers' compensation, an employer that is paying workers' compensation benefits, a board, board of trustees, or other governing entity of a retirement system, person paying or distributing income to an obligor under a support order, or financial institution that is ordered to withhold or deduct an amount of money from the income or other assets of a person required to pay support and that fails to withhold or deduct the amount of money as ordered by the support order, the court also may require the employer, the bureau of workers' compensation, an employer that is paying workers' compensation benefits, a board, board of trustees, or other governing entity of a retirement system, person paying or distributing income to an obligor under a support order, or financial institution to pay the accumulated support arrearages.

**Sec. 4511.741.** (A) As used in this section, "highway" means a highway, lane, road, street, alley, bridge, or overpass.

(B) No person shall drop, throw, hoist, or otherwise transfer any object upon or from any part of a highway if such action presents a risk of harm to any person, vehicle, streetcar,

trackless trolley, animal-drawn vehicle, animal drawing an  
animal-drawn vehicle, or watercraft.

**Sec. 4511.99.** (A) Whoever violates division (A)(1), (2), (3),  
or (4) of section 4511.19 of the Revised Code, in addition to the  
license suspension or revocation provided in section 4507.16 of  
the Revised Code and any disqualification imposed under section  
4506.16 of the Revised Code, shall be punished as provided in  
division (A)(1), (2), (3), or (4) of this section. Whoever  
violates division (A)(5), (6), or (7) of section 4511.19 of the  
Revised Code, in addition to the license suspension or revocation  
provided in section 4507.16 of the Revised Code and any  
disqualification imposed under section 4506.16 of the Revised  
Code, shall be punished as provided in division (A)(5), (6), (7),  
or (8) of this section.

(1) Except as otherwise provided in division (A)(2), (3), or  
(4) of this section, the offender is guilty of a misdemeanor of  
the first degree and the court shall sentence the offender to a  
term of imprisonment of three consecutive days and may sentence  
the offender pursuant to section 2929.21 of the Revised Code to a  
longer term of imprisonment. In addition, the court shall impose  
upon the offender a fine of not less than two hundred fifty and  
not more than one thousand dollars.

The court may suspend the execution of the mandatory three  
consecutive days of imprisonment that it is required to impose by  
this division, if the court, in lieu of the suspended term of  
imprisonment, places the offender on probation and requires the  
offender to attend, for three consecutive days, a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code. The court also may suspend the execution of  
any part of the mandatory three consecutive days of imprisonment  
that it is required to impose by this division, if the court

places the offender on probation for part of the three consecutive 865  
days; requires the offender to attend, for that part of the three 866  
consecutive days, a drivers' intervention program that is 867  
certified pursuant to section 3793.10 of the Revised Code; and 868  
sentences the offender to a term of imprisonment equal to the 869  
remainder of the three consecutive days that the offender does not 870  
spend attending the drivers' intervention program. The court may 871  
require the offender, as a condition of probation, to attend and 872  
satisfactorily complete any treatment or education programs that 873  
comply with the minimum standards adopted pursuant to Chapter 874  
3793. of the Revised Code by the director of alcohol and drug 875  
addiction services, in addition to the required attendance at a 876  
drivers' intervention program, that the operators of the drivers' 877  
intervention program determine that the offender should attend and 878  
to report periodically to the court on the offender's progress in 879  
the programs. The court also may impose any other conditions of 880  
probation on the offender that it considers necessary. 881

Of the fine imposed pursuant to this division, twenty-five 882  
dollars shall be paid to an enforcement and education fund 883  
established by the legislative authority of the law enforcement 884  
agency in this state that primarily was responsible for the arrest 885  
of the offender, as determined by the court that imposes the fine. 886  
This share shall be used by the agency to pay only those costs it 887  
incurs in enforcing section 4511.19 of the Revised Code or a 888  
substantially similar municipal ordinance and in informing the 889  
public of the laws governing the operation of a motor vehicle 890  
while under the influence of alcohol, the dangers of operating a 891  
motor vehicle while under the influence of alcohol, and other 892  
information relating to the operation of a motor vehicle and the 893  
consumption of alcoholic beverages. Fifty dollars of the fine 894  
imposed pursuant to this division shall be paid to the political 895  
subdivision that pays the cost of housing the offender during the 896

offender's term of incarceration to the credit of the fund that  
pays the cost of the incarceration. If the offender was confined  
as a result of the offense prior to being sentenced for the  
offense but is not sentenced to a term of incarceration, the fifty  
dollars shall be paid to the political subdivision that paid the  
cost of housing the offender during that period of confinement.  
The political subdivision shall use this share to pay or reimburse  
incarceration or treatment costs it incurs in housing or providing  
drug and alcohol treatment to persons who violate section 4511.19  
of the Revised Code or a substantially similar municipal ordinance  
and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section. Twenty-five  
dollars of the fine imposed pursuant to this division shall be  
deposited into the county indigent drivers alcohol treatment fund  
or municipal indigent drivers alcohol treatment fund under the  
control of that court, as created by the county or municipal  
corporation pursuant to division (N) of section 4511.191 of the  
Revised Code. The balance of the fine shall be disbursed as  
otherwise provided by law.

(2)(a) Except as otherwise provided in division (A)(4) of  
this section, the offender is guilty of a misdemeanor of the first  
degree, and, except as provided in this division, the court shall  
sentence the offender to a term of imprisonment of ten consecutive  
days and may sentence the offender pursuant to section 2929.21 of  
the Revised Code to a longer term of imprisonment if, within six  
years of the offense, the offender has been convicted of or  
pleaded guilty to one violation of the following:

(i) Division (A) or (B) of section 4511.19 of the Revised  
Code;

(ii) 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;

(iii) A municipal ordinance relating to operating a vehicle 929  
with a prohibited concentration of alcohol in the blood, breath, 930  
or urine; 931

(iv) Section 2903.04 of the Revised Code in a case in which 932  
the offender was subject to the sanctions described in division 933  
(D) of that section; 934

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 935  
section 2903.08 of the Revised Code or a municipal ordinance that 936  
is substantially similar to either of those divisions; 937

(vi) Division (A)(2), (3), or (4) of section 2903.06, 938  
division (A)(2) of section 2903.08, or former section 2903.07 of 939  
the Revised Code, or a municipal ordinance that is substantially 940  
similar to any of those divisions or that former section, in a 941  
case in which the jury or judge found that the offender was under 942  
the influence of alcohol, a drug of abuse, or alcohol and a drug 943  
of abuse; 944

(vii) A statute of the United States or of any other state or 945  
a municipal ordinance of a municipal corporation located in any 946  
other state that is substantially similar to division (A) or (B) 947  
of section 4511.19 of the Revised Code. 948

As an alternative to the term of imprisonment required to be 949  
imposed by this division, but subject to division (A)(12) of this 950  
section, the court may impose upon the offender a sentence 951  
consisting of both a term of imprisonment of five consecutive days 952  
and not less than eighteen consecutive days of electronically 953  
monitored house arrest as defined in division (A) of section 954  
2929.23 of the Revised Code. The five consecutive days of 955  
imprisonment and the period of electronically monitored house 956  
arrest shall not exceed six months. The five consecutive days of 957  
imprisonment do not have to be served prior to or consecutively 958  
with the period of electronically monitored house arrest. 959

In addition, the court shall impose upon the offender a fine 960  
of not less than three hundred fifty and not more than one 961  
thousand five hundred dollars. 962

In addition to any other sentence that it imposes upon the 963  
offender, the court may require the offender to attend a drivers' 964  
intervention program that is certified pursuant to section 3793.10 965  
of the Revised Code. If the officials of the drivers' intervention 966  
program determine that the offender is alcohol dependent, they 967  
shall notify the court, and the court shall order the offender to 968  
obtain treatment through an alcohol and drug addiction program 969  
authorized by section 3793.02 of the Revised Code. The cost of the 970  
treatment shall be paid by the offender. 971

Of the fine imposed pursuant to this division, thirty-five 972  
dollars shall be paid to an enforcement and education fund 973  
established by the legislative authority of the law enforcement 974  
agency in this state that primarily was responsible for the arrest 975  
of the offender, as determined by the court that imposes the fine. 976  
This share shall be used by the agency to pay only those costs it 977  
incurs in enforcing section 4511.19 of the Revised Code or a 978  
substantially similar municipal ordinance and in informing the 979  
public of the laws governing the operation of a motor vehicle 980  
while under the influence of alcohol, the dangers of operating a 981  
motor vehicle while under the influence of alcohol, and other 982  
information relating to the operation of a motor vehicle and the 983  
consumption of alcoholic beverages. One hundred fifteen dollars of 984  
the fine imposed pursuant to this division shall be paid to the 985  
political subdivision that pays the cost of housing the offender 986  
during the offender's term of incarceration. This share shall be 987  
used by the political subdivision to pay or reimburse 988  
incarceration or treatment costs it incurs in housing or providing 989  
drug and alcohol treatment to persons who violate section 4511.19 990  
of the Revised Code or a substantially similar municipal ordinance 991



and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section, and shall  
be paid to the credit of the fund that pays the cost of the  
incarceration. Fifty dollars of the fine imposed pursuant to this  
division shall be deposited into the county indigent drivers  
alcohol treatment fund or municipal indigent drivers alcohol  
treatment fund under the control of that court, as created by the  
county or municipal corporation pursuant to division (N) of  
section 4511.191 of the Revised Code. The balance of the fine  
shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(2)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the  
immobilization for ninety days of the vehicle the offender was  
operating at the time of the offense and the impoundment for  
ninety days of the identification license plates of that vehicle.  
The order for the immobilization and impoundment shall be issued  
and enforced in accordance with section 4503.233 of the Revised  
Code.

(3)(a) Except as otherwise provided in division (A)(4) of  
this section and except as provided in this division, if, within  
six years of the offense, the offender has been convicted of or  
pleaded guilty to two violations identified in division (A)(2) of  
this section, the court shall sentence the offender to a term of  
imprisonment of thirty consecutive days and may sentence the  
offender to a longer definite term of imprisonment of not more  
than one year. As an alternative to the term of imprisonment  
required to be imposed by this division, but subject to division  
(A)(12) of this section, the court may impose upon the offender a

sentence consisting of both a term of imprisonment of fifteen  
consecutive days and not less than fifty-five consecutive days of  
electronically monitored house arrest as defined in division (A)  
of section 2929.23 of the Revised Code. The fifteen consecutive  
days of imprisonment and the period of electronically monitored  
house arrest shall not exceed one year. The fifteen consecutive  
days of imprisonment do not have to be served prior to or  
consecutively with the period of electronically monitored house  
arrest.

In addition, the court shall impose upon the offender a fine  
of not less than five hundred fifty and not more than two thousand  
five hundred dollars.

In addition to any other sentence that it imposes upon the  
offender, the court shall require the offender to attend an  
alcohol and drug addiction program authorized by section 3793.02  
of the Revised Code. The cost of the treatment shall be paid by  
the offender. If the court determines that the offender is unable  
to pay the cost of attendance at the treatment program, the court  
may order that payment of the cost of the offender's attendance at  
the treatment program be made from that court's indigent drivers  
alcohol treatment fund.

Of the fine imposed pursuant to this division, one hundred  
twenty-three dollars shall be paid to an enforcement and education  
fund established by the legislative authority of the law  
enforcement agency in this state that primarily was responsible  
for the arrest of the offender, as determined by the court that  
imposes the fine. This share shall be used by the agency to pay  
only those costs it incurs in enforcing section 4511.19 of the  
Revised Code or a substantially similar municipal ordinance and in  
informing the public of the laws governing the operation of a  
motor vehicle while under the influence of alcohol, the dangers of  
operating a motor vehicle while under the influence of alcohol,

and other information relating to the operation of a motor vehicle 1056  
and the consumption of alcoholic beverages. Two hundred 1057  
seventy-seven dollars of the fine imposed pursuant to this 1058  
division shall be paid to the political subdivision that pays the 1059  
cost of housing the offender during the offender's term of 1060  
incarceration. This share shall be used by the political 1061  
subdivision to pay or reimburse incarceration or treatment costs 1062  
it incurs in housing or providing drug and alcohol treatment to 1063  
persons who violate section 4511.19 of the Revised Code or a 1064  
substantially similar municipal ordinance and to pay for ignition 1065  
interlock devices and electronic house arrest equipment for 1066  
persons who violate that section and shall be paid to the credit 1067  
of the fund that pays the cost of incarceration. The balance of 1068  
the fine shall be disbursed as otherwise provided by law. 1069

(b) Regardless of whether the vehicle the offender was 1070  
operating at the time of the offense is registered in the 1071  
offender's name or in the name of another person, the court, in 1072  
addition to the penalties imposed under division (A)(3)(a) of this 1073  
section and all other penalties provided by law and subject to 1074  
section 4503.235 of the Revised Code, shall order the criminal 1075  
forfeiture to the state of the vehicle the offender was operating 1076  
at the time of the offense. The order of criminal forfeiture shall 1077  
be issued and enforced in accordance with section 4503.234 of the 1078  
Revised Code. 1079

(4)(a)(i) If, within six years of the offense, the offender 1080  
has been convicted of or pleaded guilty to three or more 1081  
violations identified in division (A)(2) of this section, and if 1082  
sentence is not required to be imposed under division 1083  
(A)(4)(a)(ii) of this section, the offender is guilty of a felony 1084  
of the fourth degree and, notwithstanding division (A)(4) of 1085  
section 2929.14 of the Revised Code, may be sentenced to a 1086  
definite prison term that shall be not less than six months and 1087

not more than thirty months. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence either a mandatory term  
of local incarceration of sixty consecutive days of imprisonment  
in accordance with division (G)(1) of section 2929.13 of the  
Revised Code or a mandatory prison term of sixty consecutive days  
of imprisonment in accordance with division (G)(2) of that  
section. If the court requires the offender to serve a mandatory  
term of local incarceration of sixty consecutive days of  
imprisonment in accordance with division (G)(1) of section 2929.13  
of the Revised Code, the court, pursuant to section 2929.17 of the  
Revised Code, may impose upon the offender a sentence that  
includes a term of electronically monitored house arrest, provided  
that the term of electronically monitored house arrest shall not  
commence until after the offender has served the mandatory term of  
local incarceration.

(ii) If the offender previously has been convicted of or  
pleaded guilty to a violation of division (A) of section 4511.19  
of the Revised Code under circumstances in which the violation was  
a felony, regardless of when the prior violation and the prior  
conviction or guilty plea occurred, the offender is guilty of a  
felony of the third degree. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence a mandatory prison term  
of sixty consecutive days of imprisonment in accordance with  
division (G)(2) of section 2929.13 of the Revised Code.

(iii) In addition to all other sanctions imposed on an  
offender under division (A)(4)(a)(i) or (ii) of this section, the  
court shall impose upon the offender, pursuant to section 2929.18  
of the Revised Code, a fine of not less than eight hundred nor  
more than ten thousand dollars.

In addition to any other sanction that it imposes upon the

offender under division (A)(4)(a)(i) or (ii) of this section, the  
court shall require the offender to attend an alcohol and drug  
addiction program authorized by section 3793.02 of the Revised  
Code. The cost of the treatment shall be paid by the offender. If  
the court determines that the offender is unable to pay the cost  
of attendance at the treatment program, the court may order that  
payment of the cost of the offender's attendance at the treatment  
program be made from the court's indigent drivers alcohol  
treatment fund.

Of the fine imposed pursuant to this division, two hundred  
ten dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest  
of the offender, as determined by the court that imposes the fine.  
This share shall be used by the agency to pay only those costs it  
incurs in enforcing section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and in informing the  
public of the laws governing operation of a motor vehicle while  
under the influence of alcohol, the dangers of operation of a  
motor vehicle while under the influence of alcohol, and other  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. Four hundred forty dollars of  
the fine imposed pursuant to this division shall be paid to the  
political subdivision that pays the cost of housing the offender  
during the offender's term of incarceration. This share shall be  
used by the political subdivision to pay or reimburse  
incarceration or treatment costs it incurs in housing or providing  
drug and alcohol treatment to persons who violate section 4511.19  
of the Revised Code or a substantially similar municipal ordinance  
and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section, and shall  
be paid to the credit of the fund that pays the cost of

incarceration. The balance of the fine shall be disbursed as  
otherwise provided by law.

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the sanctions imposed under division (A)(4)(a) of this  
section and all other sanctions provided by law and subject to  
section 4503.235 of the Revised Code, shall order the criminal  
forfeiture to the state of the vehicle the offender was operating  
at the time of the offense. The order of criminal forfeiture shall  
be issued and enforced in accordance with section 4503.234 of the  
Revised Code.

(c) As used in division (A)(4)(a) of this section, "mandatory  
prison term" and "mandatory term of local incarceration" have the  
same meanings as in section 2929.01 of the Revised Code.

If title to a motor vehicle that is subject to an order for  
criminal forfeiture under this section is assigned or transferred  
and division (C)(2) or (3) of section 4503.234 of the Revised Code  
applies, in addition to or independent of any other penalty  
established by law, the court may fine the offender the value of  
the vehicle as determined by publications of the national auto  
dealer's association. The proceeds from any fine imposed under  
this division shall be distributed in accordance with division  
(D)(4) of section 4503.234 of the Revised Code.

(5)(a) Except as otherwise provided in division (A)(6), (7),  
or (8) of this section, the offender is guilty of a misdemeanor of  
the first degree, and the court shall sentence the offender to one  
of the following:

(i) A term of imprisonment of at least three consecutive days  
and a requirement that the offender attend, for three consecutive

days, a drivers' intervention program that is certified pursuant  
to section 3793.10 of the Revised Code;

(ii) If the court determines that the offender is not  
conducive to treatment in the program, if the offender refuses to  
attend the program, or if the place of imprisonment can provide a  
drivers' intervention program, a term of imprisonment of at least  
six consecutive days.

(b) In addition, the court shall impose upon the offender a  
fine of not less than two hundred fifty and not more than one  
thousand dollars.

The court may require the offender, as a condition of  
probation, to attend and satisfactorily complete any treatment or  
education programs that comply with the minimum standards adopted  
pursuant to Chapter 3793. of the Revised Code by the director of  
alcohol and drug addiction services, in addition to the required  
attendance at a drivers' intervention program, that the operators  
of the drivers' intervention program determine that the offender  
should attend and to report periodically to the court on the  
offender's progress in the programs. The court also may impose any  
other conditions of probation on the offender that it considers  
necessary.

Of the fine imposed pursuant to this division, twenty-five  
dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest  
of the offender, as determined by the court that imposes the fine.  
The agency shall use this share to pay only those costs it incurs  
in enforcing section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and in informing the  
public of the laws governing the operation of a motor vehicle  
while under the influence of alcohol, the dangers of operating a  
motor vehicle while under the influence of alcohol, and other

information relating to the operation of a motor vehicle and the 1215  
consumption of alcoholic beverages. Fifty dollars of the fine 1216  
imposed pursuant to this division shall be paid to the political 1217  
subdivision that pays the cost of housing the offender during the 1218  
offender's term of incarceration to the credit of the fund that 1219  
pays the cost of the incarceration. The political subdivision 1220  
shall use this share to pay or reimburse incarceration or 1221  
treatment costs it incurs in housing or providing drug and alcohol 1222  
treatment to persons who violate section 4511.19 of the Revised 1223  
Code or a substantially similar municipal ordinance and to pay for 1224  
ignition interlock devices and electronic house arrest equipment 1225  
for persons who violate that section. Twenty-five dollars of the 1226  
fine imposed pursuant to this division shall be deposited into the 1227  
county indigent drivers alcohol treatment fund or municipal 1228  
indigent drivers alcohol treatment fund under the control of that 1229  
court, as created by the county or municipal corporation pursuant 1230  
to division (N) of section 4511.191 of the Revised Code. The 1231  
balance of the fine shall be disbursed as otherwise provided by 1232  
law. 1233

(6)(a) Except as otherwise provided in division (A)(8) of 1234  
this section and except as provided in this division, if, within 1235  
six years of the offense, the offender has been convicted of or 1236  
pleaded guilty to one violation of division (A) or (B) of section 1237  
4511.19 of the Revised Code, a municipal ordinance relating to 1238  
operating a vehicle while under the influence of alcohol, a drug 1239  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1240  
relating to operating a vehicle with a prohibited concentration of 1241  
alcohol in the blood, breath, or urine, section 2903.04 of the 1242  
Revised Code in a case in which the offender was subject to the 1243  
sanctions described in division (D) of that section, section 1244  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1245  
ordinance that is substantially similar to section 2903.07 of the 1246



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 offender is guilty of a misdemeanor of the first degree,  
and the court shall sentence the offender to a term of  
imprisonment of twenty consecutive days and may sentence the  
offender pursuant to section 2929.21 of the Revised Code to a  
longer term of imprisonment. As an alternative to the term of  
imprisonment required to be imposed by this division, but subject  
to division (A)(12) of this section, the court may impose upon the  
offender a sentence consisting of both a term of imprisonment of  
ten consecutive days and not less than thirty-six consecutive days  
of electronically monitored house arrest as defined in division  
(A) of section 2929.23 of the Revised Code. The ten consecutive  
days of imprisonment and the period of electronically monitored  
house arrest shall not exceed six months. The ten consecutive days  
of imprisonment do not have to be served prior to or consecutively  
with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine  
of not less than three hundred fifty and not more than one  
thousand five hundred dollars.

In addition to any other sentence that it imposes upon the  
offender, the court may require the offender to attend a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code. If the officials of the drivers' intervention  
program determine that the offender is alcohol dependent, they  
shall notify the court, and the court shall order the offender to  
obtain treatment through an alcohol and drug addiction program

authorized by section 3793.02 of the Revised Code. The offender 1279  
shall pay the cost of the treatment. 1280

Of the fine imposed pursuant to this division, thirty-five 1281  
dollars shall be paid to an enforcement and education fund 1282  
established by the legislative authority of the law enforcement 1283  
agency in this state that primarily was responsible for the arrest 1284  
of the offender, as determined by the court that imposes the fine. 1285  
The agency shall use this share to pay only those costs it incurs 1286  
in enforcing section 4511.19 of the Revised Code or a 1287  
substantially similar municipal ordinance and in informing the 1288  
public of the laws governing the operation of a motor vehicle 1289  
while under the influence of alcohol, the dangers of operating a 1290  
motor vehicle while under the influence of alcohol, and other 1291  
information relating to the operation of a motor vehicle and the 1292  
consumption of alcoholic beverages. One hundred fifteen dollars of 1293  
the fine imposed pursuant to this division shall be paid to the 1294  
political subdivision that pays the cost of housing the offender 1295  
during the offender's term of incarceration. The political 1296  
subdivision shall use this share to pay or reimburse incarceration 1297  
or treatment costs it incurs in housing or providing drug and 1298  
alcohol treatment to persons who violate section 4511.19 of the 1299  
Revised Code or a substantially similar municipal ordinance and to 1300  
pay for ignition interlock devices and electronic house arrest 1301  
equipment for persons who violate that section, and this share 1302  
shall be paid to the credit of the fund that pays the cost of the 1303  
incarceration. Fifty dollars of the fine imposed pursuant to this 1304  
division shall be deposited into the county indigent drivers 1305  
alcohol treatment fund or municipal indigent drivers alcohol 1306  
treatment fund under the control of that court, as created by the 1307  
county or municipal corporation pursuant to division (N) of 1308  
section 4511.191 of the Revised Code. The balance of the fine 1309  
shall be disbursed as otherwise provided by law. 1310

(b) Regardless of whether the vehicle the offender was 1311  
operating at the time of the offense is registered in the 1312  
offender's name or in the name of another person, the court, in 1313  
addition to the penalties imposed under division (A)(6)(a) of this 1314  
section and all other penalties provided by law and subject to 1315  
section 4503.235 of the Revised Code, shall order the 1316  
immobilization for ninety days of the vehicle the offender was 1317  
operating at the time of the offense and the impoundment for 1318  
ninety days of the identification license plates of that vehicle. 1319  
The order for the immobilization and impoundment shall be issued 1320  
and enforced in accordance with section 4503.233 of the Revised 1321  
Code. 1322

(7)(a) Except as otherwise provided in division (A)(8) of 1323  
this section and except as provided in this division, if, within 1324  
six years of the offense, the offender has been convicted of or 1325  
pleaded guilty to two violations of division (A) or (B) of section 1326  
4511.19 of the Revised Code, a municipal ordinance relating to 1327  
operating a vehicle while under the influence of alcohol, a drug 1328  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1329  
relating to operating a vehicle with a prohibited concentration of 1330  
alcohol in the blood, breath, or urine, section 2903.04 of the 1331  
Revised Code in a case in which the offender was subject to the 1332  
sanctions described in division (D) of that section, section 1333  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1334  
ordinance that is substantially similar to section 2903.07 of the 1335  
Revised Code in a case in which the jury or judge found that the 1336  
offender was under the influence of alcohol, a drug of abuse, or 1337  
alcohol and a drug of abuse, or a statute of the United States or 1338  
of any other state or a municipal ordinance of a municipal 1339  
corporation located in any other state that is substantially 1340  
similar to division (A) or (B) of section 4511.19 of the Revised 1341  
Code, the court shall sentence the offender to a term of 1342

imprisonment of sixty consecutive days and may sentence the  
offender to a longer definite term of imprisonment of not more  
than one year. As an alternative to the term of imprisonment  
required to be imposed by this division, but subject to division  
(A)(12) of this section, the court may impose upon the offender a  
sentence consisting of both a term of imprisonment of thirty  
consecutive days and not less than one hundred ten consecutive  
days of electronically monitored house arrest as defined in  
division (A) of section 2929.23 of the Revised Code. The thirty  
consecutive days of imprisonment and the period of electronically  
monitored house arrest shall not exceed one year. The thirty  
consecutive days of imprisonment do not have to be served prior to  
or consecutively with the period of electronically monitored house  
arrest.

In addition, the court shall impose upon the offender a fine  
of not less than five hundred fifty and not more than two thousand  
five hundred dollars.

In addition to any other sentence that it imposes upon the  
offender, the court shall require the offender to attend an  
alcohol and drug addiction program authorized by section 3793.02  
of the Revised Code. The offender shall pay the cost of the  
treatment. If the court determines that the offender is unable to  
pay the cost of attendance at the treatment program, the court may  
order that payment of the cost of the offender's attendance at the  
treatment program be made from that court's indigent drivers  
alcohol treatment fund.

Of the fine imposed pursuant to this division, one hundred  
twenty-three dollars shall be paid to an enforcement and education  
fund established by the legislative authority of the law  
enforcement agency in this state that primarily was responsible  
for the arrest of the offender, as determined by the court that  
imposes the fine. The agency shall use this share to pay only

those costs it incurs in enforcing section 4511.19 of the Revised  
Code or a substantially similar municipal ordinance and in  
informing the public of the laws governing the operation of a  
motor vehicle while under the influence of alcohol, the dangers of  
operating a motor vehicle while under the influence of alcohol,  
and other information relating to the operation of a motor vehicle  
and the consumption of alcoholic beverages. Two hundred  
seventy-seven dollars of the fine imposed pursuant to this  
division shall be paid to the political subdivision that pays the  
cost of housing the offender during the offender's term of  
incarceration. The political subdivision shall use this share to  
pay or reimburse incarceration or treatment costs it incurs in  
housing or providing drug and alcohol treatment to persons who  
violate section 4511.19 of the Revised Code or a substantially  
similar municipal ordinance and to pay for ignition interlock  
devices and electronic house arrest equipment for persons who  
violate that section, and this share shall be paid to the credit  
of the fund that pays the cost of incarceration. The balance of  
the fine shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(7)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the  
immobilization for one hundred eighty days of the vehicle the  
offender was operating at the time of the offense and the  
impoundment for one hundred eighty days of the identification  
license plates of that vehicle. The order for the immobilization  
and impoundment shall be issued and enforced in accordance with  
section 4503.233 of the Revised Code.

(8)(a)(i) If, within six years of the offense, the offender

has been convicted of or pleaded guilty to three or more  
violations of division (A) or (B) of section 4511.19 of the  
Revised Code, a municipal ordinance relating to operating a  
vehicle while under the influence of alcohol, a drug of abuse, or  
alcohol and a drug of abuse, a municipal ordinance relating to  
operating a vehicle with a prohibited concentration of alcohol in  
the blood, breath, or urine, section 2903.04 of the Revised Code  
in a case in which the offender was subject to the sanctions  
described in division (D) of that section, section 2903.06,  
2903.07, or 2903.08 of the Revised Code or a municipal ordinance  
that is substantially similar to section 2903.07 of the Revised  
Code in a case in which the jury or judge found that the offender  
was under the influence of alcohol, a drug of abuse, or 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, and if  
sentence is not required to be imposed under division  
(A)(8)(a)(ii) of this section, the offender is guilty of a felony  
of the fourth degree and, notwithstanding division (A)(4) of  
section 2929.14 of the Revised Code, may be sentenced to a  
definite prison term that shall be not less than six months and  
not more than thirty months. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence either a mandatory term  
of local incarceration of one hundred twenty consecutive days of  
imprisonment in accordance with division (G)(1) of section 2929.13  
of the Revised Code or a mandatory prison term of one hundred  
twenty consecutive days of imprisonment in accordance with  
division (G)(2) of that section. If the court requires the  
offender to serve a mandatory term of local incarceration of one  
hundred twenty consecutive days of imprisonment in accordance with  
division (G)(1) of section 2929.13 of the Revised Code, the court,

pursuant to section 2929.17 of the Revised Code, may impose upon  
the offender a sentence that includes a term of electronically  
monitored house arrest, provided that the term of electronically  
monitored house arrest shall not commence until after the offender  
has served the mandatory term of local incarceration.

(ii) If the offender previously has been convicted of or  
pleaded guilty to a violation of division (A) of section 4511.19  
of the Revised Code under circumstances in which the violation was  
a felony, regardless of when the prior violation and the prior  
conviction or guilty plea occurred, the offender is guilty of a  
felony of the third degree. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence a mandatory prison term  
of one hundred twenty consecutive days of imprisonment in  
accordance with division (G)(2) of section 2929.13 of the Revised  
Code.

(iii) In addition to all other sanctions imposed on an  
offender under division (A)(8)(a)(i) or (ii) of this section, the  
court shall impose upon the offender, pursuant to section 2929.18  
of the Revised Code, a fine of not less than eight hundred nor  
more than ten thousand dollars.

In addition to any other sanction that it imposes upon the  
offender under division (A)(8)(a)(i) or (ii) of this section, the  
court shall require the offender to attend an alcohol and drug  
addiction program authorized by section 3793.02 of the Revised  
Code. The cost of the treatment shall be paid by the offender. If  
the court determines that the offender is unable to pay the cost  
of attendance at the treatment program, the court may order that  
payment of the cost of the offender's attendance at the treatment  
program be made from the court's indigent drivers alcohol  
treatment fund.

Of the fine imposed pursuant to this division, two hundred 1472  
ten dollars shall be paid to an enforcement and education fund 1473  
established by the legislative authority of the law enforcement 1474  
agency in this state that primarily was responsible for the arrest 1475  
of the offender, as determined by the court that imposes the fine. 1476  
The agency shall use this share to pay only those costs it incurs 1477  
in enforcing section 4511.19 of the Revised Code or a 1478  
substantially similar municipal ordinance and in informing the 1479  
public of the laws governing operation of a motor vehicle while 1480  
under the influence of alcohol, the dangers of operation of a 1481  
motor vehicle while under the influence of alcohol, and other 1482  
information relating to the operation of a motor vehicle and the 1483  
consumption of alcoholic beverages. Four hundred forty dollars of 1484  
the fine imposed pursuant to this division shall be paid to the 1485  
political subdivision that pays the cost of housing the offender 1486  
during the offender's term of incarceration. The political 1487  
subdivision shall use this share to pay or reimburse incarceration 1488  
or treatment costs it incurs in housing or providing drug and 1489  
alcohol treatment to persons who violate section 4511.19 of the 1490  
Revised Code or a substantially similar municipal ordinance and to 1491  
pay for ignition interlock devices and electronic house arrest 1492  
equipment for persons who violate that section, and this share 1493  
shall be paid to the credit of the fund that pays the cost of 1494  
incarceration. The balance of the fine shall be disbursed as 1495  
otherwise provided by law. 1496

(b) Regardless of whether the vehicle the offender was 1497  
operating at the time of the offense is registered in the 1498  
offender's name or in the name of another person, the court, in 1499  
addition to the sanctions imposed under division (A)(8)(a) of this 1500  
section and all other sanctions provided by law and subject to 1501  
section 4503.235 of the Revised Code, shall order the criminal 1502  
forfeiture to the state of the vehicle the offender was operating 1503



at the time of the offense. The order of criminal forfeiture shall  
be issued and enforced in accordance with section 4503.234 of the  
Revised Code.

(c) As used in division (A)(8)(a) of this section, "mandatory  
prison term" and "mandatory term of local incarceration" have the  
same meanings as in section 2929.01 of the Revised Code.

(d) If title to a motor vehicle that is subject to an order  
for criminal forfeiture under this section is assigned or  
transferred and division (C)(2) or (3) of section 4503.234 of the  
Revised Code applies, in addition to or independent of any other  
penalty established by law, the court may fine the offender the  
value of the vehicle as determined by publications of the national  
auto dealer's association. The proceeds from any fine imposed  
under this division shall be distributed in accordance with  
division (D)(4) of section 4503.234 of the Revised Code.

(9)(a) Except as provided in division (A)(9)(b) of this  
section, upon a showing that imprisonment would seriously affect  
the ability of an offender sentenced pursuant to division (A)(1),  
(2), (3), (4), (5), (6), (7), or (8) of this section to continue  
the offender's employment, the court may authorize that the  
offender be granted work release from imprisonment after the  
offender has served the three, six, ten, twenty, thirty, or sixty  
consecutive days of imprisonment or the mandatory term of local  
incarceration of sixty or one hundred twenty consecutive days that  
the court is required by division (A)(1), (2), (3), (4), (5), (6),  
(7), or (8) of this section to impose. No court shall authorize  
work release from imprisonment during the three, six, ten, twenty,  
thirty, or sixty consecutive days of imprisonment or the mandatory  
term of local incarceration or mandatory prison term of sixty or  
one hundred twenty consecutive days that the court is required by  
division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this

section to impose. The duration of the work release shall not  
exceed the time necessary each day for the offender to commute to  
and from the place of employment and the place of imprisonment and  
the time actually spent under employment.

(b) An offender who is sentenced pursuant to division (A)(2),  
(3), (6), or (7) of this section to a term of imprisonment  
followed by a period of electronically monitored house arrest is  
not eligible for work release from imprisonment, but that person  
shall be permitted work release during the period of  
electronically monitored house arrest. The duration of the work  
release shall not exceed the time necessary each day for the  
offender to commute to and from the place of employment and the  
offender's home or other place specified by the sentencing court  
and the time actually spent under employment.

(10) Notwithstanding any section of the Revised Code that  
authorizes the suspension of the imposition or execution of a  
sentence, the placement of an offender in any treatment program in  
lieu of imprisonment, or the use of a community control sanction  
for an offender convicted of a felony, no court shall suspend the  
ten, twenty, thirty, or sixty consecutive days of imprisonment  
required to be imposed on an offender by division (A)(2), (3),  
(6), or (7) of this section, no court shall place an offender who  
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or  
(8) of this section in any treatment program in lieu of  
imprisonment until after the offender has served the ten, twenty,  
thirty, or sixty consecutive days of imprisonment or the mandatory  
term of local incarceration or mandatory prison term of sixty or  
one hundred twenty consecutive days required to be imposed  
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this  
section, no court that sentences an offender under division (A)(4)  
or (8) of this section shall impose any sanction other than a  
mandatory term of local incarceration or mandatory prison term to

apply to the offender until after the offender has served the  
mandatory term of local incarceration or mandatory prison term of  
sixty or one hundred twenty consecutive days required to be  
imposed pursuant to division (A)(4) or (8) of this section, and no  
court that imposes a sentence of imprisonment and a period of  
electronically monitored house arrest upon an offender under  
division (A)(2), (3), (6), or (7) of this section shall suspend  
any portion of the sentence or place the offender in any treatment  
program in lieu of imprisonment or electronically monitored house  
arrest. Notwithstanding any section of the Revised Code that  
authorizes the suspension of the imposition or execution of a  
sentence or the placement of an offender in any treatment program  
in lieu of imprisonment, no court, except as specifically  
authorized by division (A)(1) or (5) of this section, shall  
suspend the three or more consecutive days of imprisonment  
required to be imposed by division (A)(1) or (5) of this section  
or place an offender who is sentenced pursuant to division (A)(1)  
or (5) of this section in any treatment program in lieu of  
imprisonment until after the offender has served the three or more  
consecutive days of imprisonment required to be imposed pursuant  
to division (A)(1) or (5) of this section.

(11) No court shall sentence an offender to an alcohol  
treatment program pursuant to division (A)(1), (2), (3), (4), (5),  
(6), (7), or (8) of this section unless the treatment program  
complies with the minimum standards adopted pursuant to Chapter  
3793. of the Revised Code by the director of alcohol and drug  
addiction services.

(12) No court shall impose the alternative sentence of a term  
of imprisonment plus a term of electronically monitored house  
arrest permitted to be imposed by division (A)(2), (3), (6), or  
(7) of this section, unless within sixty days of the date of  
sentencing, the court issues a written finding, entered into the

record, that due to the unavailability of space at the  
incarceration facility where the offender is required to serve the  
term of imprisonment imposed upon the offender, the offender will  
not be able to commence serving the term of imprisonment within  
the sixty-day period following the date of sentencing. If the  
court issues such a written finding, the court may impose the  
alternative sentence comprised of a term of imprisonment and a  
term of electronically monitored house arrest permitted to be  
imposed by division (A)(2), (3), (6), or (7) of this section.

(B) Whoever violates section 4511.192, 4511.251, or 4511.85  
of the Revised Code is guilty of a misdemeanor of the first  
degree. The court, in addition to or independent of all other  
penalties provided by law, may suspend for a period not to exceed  
one year the driver's or commercial driver's license or permit or  
nonresident operating privilege of any person who pleads guilty to  
or is convicted of a violation of section 4511.192 of the Revised  
Code.

(C) Whoever violates section 4511.63, 4511.76, 4511.761,  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is  
guilty of one of the following:

(1) Except as otherwise provided in division (C)(2) of this  
section, a minor misdemeanor.

(2) If the offender previously has been convicted of or  
pleaded guilty to one or more violations of section 4511.63,  
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the  
Revised Code or a municipal ordinance that is substantially  
similar to any of those sections, a misdemeanor of the fourth  
degree.

(D)(1) Whoever violates any provision of sections 4511.01 to  
4511.76 or section 4511.84 of the Revised Code, for which no  
penalty otherwise is provided in this section is guilty of one of

the following:

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(a) Except as otherwise provided in division (D)(1)(b),  
(1)(c), (2), (3), or (4) of this section, a minor misdemeanor;

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(b) If, within one year of the offense, the offender  
previously has been convicted of or pleaded guilty to one  
violation of any provision of sections 4511.01 to 4511.76 or  
section 4511.84 of the Revised Code for which no penalty otherwise  
is provided in this section or a municipal ordinance that is  
substantially similar to any provision of sections 4511.01 to  
4511.76 or section 4511.84 of the Revised Code for which no  
penalty otherwise is provided in this section, a misdemeanor of  
the fourth degree;

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(c) If, within one year of the offense, the offender  
previously has been convicted of or pleaded guilty to two or more  
violations of any provision described in division (D)(1)(b) of  
this section or any municipal ordinance that is substantially  
similar to any of those provisions, a misdemeanor of the third  
degree.

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(2) When any person is found guilty of a first offense for a  
violation of section 4511.21 of the Revised Code upon a finding  
that the person operated a motor vehicle faster than thirty-five  
miles an hour in a business district of a municipal corporation,  
or faster than fifty miles an hour in other portions, or faster  
than thirty-five miles an hour while passing through a school zone  
during recess or while children are going to or leaving school  
during the opening or closing hours, the person is guilty of a  
misdemeanor of the fourth degree.

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(3) Notwithstanding section 2929.21 of the Revised Code, upon  
a finding that such person operated a motor vehicle in a  
construction zone where a sign was then posted in accordance with  
section 4511.98 of the Revised Code, the court, in addition to all

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other penalties provided by law, shall impose a fine of two times  
the usual amount imposed for the violation. No court shall impose  
a fine of two times the usual amount imposed for the violation  
upon an offender who alleges, in an affidavit filed with the court  
prior to the offender's sentencing, that the offender is indigent  
and is unable to pay the fine imposed pursuant to this division,  
provided the court determines the offender is an indigent person  
and is unable to pay the fine.

(4) Notwithstanding section 2929.21 of the Revised Code, upon  
a finding that a person operated a motor vehicle in violation of  
division (C) of section 4511.213 of the Revised Code, the court,  
in addition to all other penalties provided by law, shall impose a  
fine of two times the usual amount imposed for the violation.

(E) Whenever a person is found guilty in a court of record of  
a violation of section 4511.761, 4511.762, or 4511.77 of the  
Revised Code, the trial judge, in addition to or independent of  
all other penalties provided by law, may suspend for any period of  
time not exceeding three years, or revoke the license of any  
person, partnership, association, or corporation, issued under  
section 4511.763 of the Revised Code.

(F) Whoever violates division (E) or (F) of section 4511.51,  
division (A), (D), or (E) of section 4511.521, section 4511.681,  
division (A) or (C) of section 4511.69, section 4511.772, or  
division (A) or (B) of section 4511.82 of the Revised Code is  
guilty of a minor misdemeanor.

(G) Whoever violates division (A) of section 4511.75 of the  
Revised Code may be fined an amount not to exceed five hundred  
dollars. A person who is issued a citation for a violation of  
division (A) of section 4511.75 of the Revised Code is not  
permitted to enter a written plea of guilty and waive the person's  
right to contest the citation in a trial, but instead must appear

in person in the proper court to answer the charge. 1694

(H)(1) Whoever is a resident of this state and violates 1695  
division (A) or (B) of section 4511.81 of the Revised Code shall 1696  
be punished as follows: 1697

(a) Except as otherwise provided in division (H)(1)(b) of 1698  
this section, the offender is guilty of a minor misdemeanor. 1699

(b) If the offender previously has been convicted of or 1700  
pleaded guilty to a violation of division (A) or (B) of section 1701  
4511.81 of the Revised Code or of a municipal ordinance that is 1702  
substantially similar to either of those divisions, the offender 1703  
is guilty of a misdemeanor of the fourth degree. 1704

(2) Whoever is not a resident of this state, violates 1705  
division (A) or (B) of section 4511.81 of the Revised Code, and 1706  
fails to prove by a preponderance of the evidence that the 1707  
offender's use or nonuse of a child restraint system was in 1708  
accordance with the law of the state of which the offender is a 1709  
resident is guilty of a minor misdemeanor on a first offense; on a 1710  
second or subsequent offense, that person is guilty of a 1711  
misdemeanor of the fourth degree. 1712

(3) All fines imposed pursuant to division (H)(1) or (2) of 1713  
this section shall be forwarded to the treasurer of state for 1714  
deposit in the "child highway safety fund" created by division (G) 1715  
of section 4511.81 of the Revised Code. 1716

(I) Whoever violates section 4511.202 of the Revised Code is 1717  
guilty of operating a motor vehicle without being in control of 1718  
it, a minor misdemeanor. 1719

(J) Whoever violates division (B) of section 4511.74, 1720  
division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of 1721  
section 4511.83 of the Revised Code is guilty of a misdemeanor of 1722  
the first degree. 1723

(K) Except as otherwise provided in this division, whoever  
violates division (E) of section 4511.11, division (A) or (C) of  
section 4511.17, or section 4511.18 of the Revised Code is guilty  
of a misdemeanor of the third degree. If a violation of division  
(A) or (C) of section 4511.17 of the Revised Code creates a risk  
of physical harm to any person, the offender is guilty of a  
misdemeanor of the first degree. A violation of division (A) or  
(C) of section 4511.17 of the Revised Code that causes serious  
physical harm to property that is owned, leased, or controlled by  
a state or local authority is a felony of the fifth degree.

(L) Whoever violates division (H) of section 4511.69 of the  
Revised Code shall be punished as follows:

(1) Except as otherwise provided in division (L)(2) of this  
section, the offender shall be issued a warning.

(2) If the offender previously has been convicted of or  
pleaded guilty to a violation of division (H) of section 4511.69  
of the Revised Code or of a municipal ordinance that is  
substantially similar to that division, the offender shall not be  
issued a warning but shall be fined twenty-five dollars for each  
parking location that is not properly marked or whose markings are  
not properly maintained.

(M) Whoever violates division (A)(1) or (2) of section  
4511.45 of the Revised Code is guilty of a misdemeanor of the  
fourth degree on a first offense; on a second offense within one  
year after the first offense, the person is guilty of a  
misdemeanor of the third degree; and on each subsequent offense  
within one year after the first offense, the person is guilty of a  
misdemeanor of the second degree.

(N)(1) Whoever violates division (B) of section 4511.19 of  
the Revised Code is guilty of operating a motor vehicle after  
under-age alcohol consumption and shall be punished as follows:



(a) Except as otherwise provided in division (N)(1)(b) of 1755  
this section, the offender is guilty of a misdemeanor of the 1756  
fourth degree. 1757

(b) The offender is guilty of a misdemeanor of the third 1758  
degree if, within one year of the offense, the offender has been 1759  
convicted of or pleaded guilty to any violation of the following: 1760

(i) Division (A) or (B) of section 4511.19 of the Revised 1761  
Code; 1762

(ii) A municipal ordinance relating to operating a vehicle 1763  
while under the influence of alcohol, a drug of abuse, or alcohol 1764  
and a drug of abuse; 1765

(iii) A municipal ordinance relating to operating a vehicle 1766  
with a prohibited concentration of alcohol in the blood, breath, 1767  
or urine; 1768

(iv) Section 2903.04 of the Revised Code in a case in which 1769  
the offender was subject to the sanctions described in division 1770  
(D) of that section; 1771

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 1772  
section 2903.08 of the Revised Code or a municipal ordinance that 1773  
is substantially similar to either of those divisions; 1774

(vi) Division (A)(2), (3), or (4) of section 2903.06 or 1775  
division (A)(2) of section 2903.08 of the Revised Code or a 1776  
municipal ordinance that is substantially similar to any of those 1777  
divisions, or former section 2903.07 of the Revised Code or a 1778  
substantially similar municipal ordinance, in a case in which the 1779  
jury or judge found that the offender was under the influence of 1780  
alcohol, a drug of abuse, or alcohol and a drug of abuse; 1781

(vii) A statute of the United States or of any other state or 1782  
a municipal ordinance of a municipal corporation located in any 1783  
other state that is substantially similar to division (A) or (B) 1784

of section 4511.19 of the Revised Code. 1785

(2) In addition to or independent of all other penalties 1786  
provided by law, the offender's driver's or commercial driver's 1787  
license or permit or nonresident operating privilege shall be 1788  
suspended in accordance with, and for the period of time specified 1789  
in, division (E) of section 4507.16 of the Revised Code. 1790

(O) Whoever violates section 4511.62 of the Revised Code is 1791  
guilty of a misdemeanor of the fourth degree. 1792

(P) Whoever violates division (F)(1)(a) or (b) of section 1793  
4511.69 of the Revised Code is guilty of a misdemeanor and shall 1794  
be fined not less than two hundred fifty nor more than five 1795  
hundred dollars, but in no case shall an offender be sentenced to 1796  
any term of imprisonment. 1797

Arrest or conviction for a violation of division (F)(1)(a) or 1798  
(b) of section 4511.69 of the Revised Code does not constitute a 1799  
criminal record and need not be reported by the person so arrested 1800  
or convicted in response to any inquiries contained in any 1801  
application for employment, license, or other right or privilege, 1802  
or made in connection with the person's appearance as a witness. 1803

Every fine collected under this division shall be paid by the 1804  
clerk of the court to the political subdivision in which the 1805  
violation occurred. Except as provided in this division, the 1806  
political subdivision shall use the fine moneys it receives under 1807  
this division to pay the expenses it incurs in complying with the 1808  
signage and notice requirements contained in division (E) of 1809  
section 4511.69 of the Revised Code. The political subdivision may 1810  
use up to fifty per cent of each fine it receives under this 1811  
division to pay the costs of educational, advocacy, support, and 1812  
assistive technology programs for persons with disabilities, and 1813  
for public improvements within the political subdivision that 1814  
benefit or assist persons with disabilities, if governmental 1815

agencies or nonprofit organizations offer the programs. 1816

(Q) Whoever violates section 4511.741 of the Revised Code is 1817  
guilty of a felony of the fifth degree. 1818

**Sec. 5579.11.** (A) There is hereby created in the state 1819  
treasury the highway, bridge, and overpass vandal fence fund 1820  
consisting of fines imposed under section 2152.19 of the Revised 1821  
Code. The department of transportation shall use the money in the 1822  
fund to pay the cost of installing fences on highways, bridges, 1823  
and overpasses that are part of the state highway system to 1824  
prevent the dropping, throwing, hoisting, or transferring of 1825  
objects from those locations. 1826

The department shall expend all such fines in the department 1827  
of transportation district in which occurred the violation of 1828  
section 4511.741 of the Revised Code or a substantially similar 1829  
municipal ordinance that was the basis for the contempt of court 1830  
charge that resulted in the imposition of the fine. 1831

**Section 2.** That existing sections 2151.28, 2151.35, 2152.19, 1832  
2152.21, 2705.05, and 4511.99 of the Revised Code are hereby 1833  
repealed. 1834

**Section 3.** Section 2151.28 of the Revised Code is presented 1835  
in this act as a composite of the section as amended by both Am. 1836  
Sub. S.B. 179 and Sub. S.B. 218 of the 123rd General Assembly. 1837  
Section 2151.35 of the Revised Code, scheduled to take effect 1838  
January 1, 2002, is presented in this act as a composite of the 1839  
section as amended by both Am. Sub. S.B. 179 and Sub. S.B. 218 of 1840  
the 123rd General Assembly. The General Assembly, applying the 1841  
principle stated in division (B) of section 1.52 of the Revised 1842  
Code that amendments are to be harmonized if reasonably capable of 1843  
simultaneous operation, finds that the composite is the resulting 1844

version of the section in effect prior to the effective date of 1845  
the section as presented in this act. 1846

**Section 4.** There is hereby created the Highway, Bridge, and 1847  
Overpass Vandal Fence Task Force, consisting of the Governor or 1848  
the Governor's designee, one person appointed by the Director of 1849  
Transportation, one person appointed by the Superintendent of the 1850  
State Highway Patrol, one person appointed by the Buckeye State 1851  
Sheriffs Association, one person appointed by the Ohio Association 1852  
of Chiefs of Police, and three members of the public appointed by 1853  
the Governor. The Governor or the Governor's designee shall be 1854  
chairperson of the Task Force, and the Task Force members shall 1855  
elect a vice-chairperson from among their members and appoint a 1856  
secretary, who need not be a member of the Task Force. A vacancy 1857  
shall be filled in the same manner as the original appointment. 1858  
Members of the Task Force shall not receive a salary, but the 1859  
three Task Force members the Governor appoints shall be reimbursed 1860  
for the actual expenses they incur in performing their duties as 1861  
Task Force members. 1862

The Task Force shall do all of the following: 1863

(A) Develop an awareness program with local law enforcement 1864  
officials and the Ohio Department of Transportation relative to 1865  
the problem of objects thrown from highways, bridges, and 1866  
overpasses; 1867

(B) Review and evaluate the overall situation regarding 1868  
objects thrown from highways, bridges, and overpasses, including 1869  
the types and number of objects thrown yearly, the perpetrators 1870  
involved, the locations within this state where such throwing has 1871  
occurred, and any other aspects of this criminal activity the Task 1872  
Force determines to be relevant and significant; 1873

(C) Facilitate communication between the Ohio Department of 1874

Transportation and law enforcement agencies by developing a 1875  
central computer system to track these incidents; 1876

(D) Examine the value of the improved safety resulting from 1877  
the installation of vandal fences on all bridges and overpasses on 1878  
interstate freeways relative to the cost of such installation. 1879

The Task Force shall compile its findings and formulate 1880  
recommendations and report these to a joint House of 1881  
Representatives and Senate Transportation Committee not later than 1882  
September 30, 2003. The joint committee shall consist of eight 1883  
members, four from the Senate appointed by the President of the 1884  
Senate and four from the House of Representatives appointed by the 1885  
Speaker. After the Task Force presents its report, the Governor 1886  
may declare the end to the existence of the Task Force or may 1887  
declare that the Task Force will remain in existence for such 1888  
additional time as the Governor determines necessary. If the 1889  
Governor declares that the Task Force will remain in existence, 1890  
the Task Force shall examine any issues relating to the throwing 1891  
of objects from highways, bridges, and overpasses that the Task 1892  
Force chooses to examine, until the Governor declares the end to 1893  
the existence of the Task Force. 1894