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Sub. H. B. No. 163

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Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Setzer,
Skindell, D. Stewart, J. Stewart, Strahorn, Taylor, Trakas, Wagner, Webster,
White, Widener, Wilson

A BILL

To amend sections 1901.41, 2903.08, 2929.01, 2929.13, 1
2929.21, 4511.99, and 4513.39 and to enact 2
sections 1907.231, 2301.141, 2941.1413, and 3
2941.1414 of the Revised Code to provide an 4
additional prison term or term of imprisonment for 5
certain repeat OMVI or OMVUAC offenders, to 6
require municipal, county, and common pleas court 7
clerks to retain admissible evidence of criminal 8
convictions for fifty years after the entry of 9
judgment of that conviction, to give the police 10
force of a township with a population of greater 11
than fifty thousand the same authority to make 12
arrests for specified traffic offenses on 13
interstate highways as now exists for the police 14
force of a township with a population greater than 15
sixty thousand, to increase the penalty for 16

vehicular assault when the offender also fails to 17
stop at the scene of the accident resulting in 18
that offense, and to maintain the provisions of 19
this act on and after January 1, 2004, by amending 20
the versions of sections 2929.01, 2929.13, and 21
4511.19 of the Revised Code that take effect on 22
that date. 23

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

Section 1. That sections 1901.41, 2903.08, 2929.01, 2929.13, 24
2929.21, 4511.99, and 4513.39 be amended and sections 1907.231, 25
2301.141, 2941.1413, and 2941.1414 of the Revised Code be enacted 26
to read as follows: 27

Sec. 1901.41. (A) Notwithstanding section 149.39 of the 28
Revised Code and subject to division (E) of this section, each 29
municipal court, by rule, may order the destruction or other 30
disposition of the files of cases that have been finally disposed 31
of by the court for at least five years as follows: 32

(1) If a case has been finally disposed of for at least five 33
years, but less than fifteen years prior to the adoption of the 34
rule of court for destruction or other disposition of the files, 35
the court may order the files destroyed or otherwise disposed of 36
only if the court first complies with division (B)(1) of this 37
section; 38

(2) If a case has been finally disposed of for fifteen years 39
or more prior to the adoption of the rule of court for destruction 40
or other disposition of the files, the court may order the files 41
destroyed or otherwise disposed of without having copied or 42
reproduced the files prior to their destruction. 43

(B)(1) Except as otherwise provided in this division, all 44

files destroyed or otherwise disposed of under division (A)(1) of 45
this section shall be copied or reproduced prior to their 46
destruction or disposition in the manner and according to the 47
procedure prescribed in section 9.01 of the Revised Code. The 48
copies or reproductions of the files made pursuant to section 9.01 49
of the Revised Code shall be retained and preserved by the court 50
for a period of ten years after the destruction of the original 51
files in accordance with this section, after which the copies or 52
reproductions themselves may be destroyed or otherwise disposed 53
of. 54

Files destroyed or otherwise disposed of under division 55
(A)(1) of this section that are solely concerned with criminal 56
prosecutions for minor misdemeanor offenses or that are concerned 57
solely with traffic prosecutions do not have to be copied or 58
reproduced in any manner or under any procedure prior to their 59
destruction or disposition as provided in this section. 60

(2) Files destroyed or otherwise disposed of under division 61
(A)(2) of this section do not have to be copied or reproduced in 62
any manner or under any procedure prior to their destruction or 63
disposition. 64

(C) Nothing in this section permits or shall be construed as 65
permitting the destruction or other disposition of the files in 66
the Cleveland municipal court of cases involving the following 67
actions and proceedings: 68

(1) The sale of real property in an action to foreclose and 69
marshal all liens on the real property; 70

(2) The sale of real property in an action to foreclose a 71
mortgage on the real property; 72

(3) The determination of rights in the title to real property 73
either in the form of a creditor's bill or in any other action 74
intended to determine or adjudicate the right, title, and interest 75

of a person or persons in the ownership of a parcel or parcels of 76
real property or any interest therein. 77

(D) All dockets, indexes, journals, and cash books of the 78
court shall be retained and preserved by the court for at least 79
twenty-five years unless they are reproduced in the manner and 80
according to the procedure prescribed in section 9.01 of the 81
Revised Code, in which case the reproductions shall be retained 82
and preserved by the court at least until the expiration of the 83
twenty-five year period for which the originals would have had to 84
have been retained. Court dockets, indexes, journals, and cash 85
books, and all other court records also shall be subject to 86
destruction or other disposition under section 149.39 of the 87
Revised Code. 88

(E) Notwithstanding section 149.39 of the Revised Code, each 89
clerk of a municipal court shall retain documentation regarding 90
each criminal conviction and plea of guilty involving a case that 91
is or was before the court. The documentation shall be in a form 92
that is admissible as evidence in a criminal proceeding as 93
evidence of a prior conviction. The clerk shall retain this 94
documentation for a period of fifty years after the entry of 95
judgment in the case. This section shall apply to records 96
currently retained and to records created on or after the 97
effective date of this amendment. 98

Sec. 1907.231. Notwithstanding section 149.38 of the Revised 99
Code, each clerk of a county court shall retain documentation 100
regarding each criminal conviction and plea of guilty involving a 101
case that is or was before the court. The documentation shall be 102
in a form that is admissible as evidence in a criminal proceeding 103
as evidence of a prior conviction. The clerk shall retain this 104
documentation for a period of fifty years after the entry of 105
judgment in the case. This section shall apply to records 106

currently retained and to records created on or after the 107
effective date of this section. 108

Sec. 2301.141. Notwithstanding section 149.38 of the Revised 109
Code, each clerk of a court of common pleas shall retain 110
documentation regarding each criminal conviction and plea of 111
guilty involving a case that is or was before the court. The 112
documentation shall be in a form that is admissible as evidence in 113
a criminal proceeding as evidence of a prior conviction. The clerk 114
shall retain this documentation for a period of fifty years after 115
the entry of judgment in the case. This section shall apply to 116
records currently retained and to records created on or after the 117
effective date of this section. 118

Sec. 2903.08. (A) No person, while operating or participating 119
in the operation of a motor vehicle, motorcycle, snowmobile, 120
locomotive, watercraft, or aircraft, shall cause serious physical 121
harm to another person or another's unborn in either of the 122
following ways: 123

(1) As the proximate result of committing a violation of 124
division (A) of section 4511.19 of the Revised Code or of a 125
substantially equivalent municipal ordinance; 126

(2) Recklessly. 127

(B)(1) Whoever violates division (A)(1) of this section is 128
guilty of aggravated vehicular assault. Except as otherwise 129
provided in this division, aggravated vehicular assault is a 130
felony of the third degree. Aggravated vehicular assault is a 131
felony of the second degree if, at the time of the offense, the 132
offender was driving under a suspension imposed under Chapter 133
4510. or any other provision of the Revised Code or if the 134
offender previously has been convicted of or pleaded guilty to a 135

violation of this section; any traffic-related homicide, 136
manslaughter, or assault offense; three prior violations of 137
section 4511.19 of the Revised Code or a substantially equivalent 138
municipal ordinance within the previous six years; or a second or 139
subsequent felony violation of division (A) of section 4511.19 of 140
the Revised Code. 141

In addition to any other sanctions imposed, the court shall 142
impose upon the offender a class three suspension of the 143
offender's driver's license, commercial driver's license, 144
temporary instruction permit, probationary license, or nonresident 145
operating privilege from the range specified in division (A)(3) of 146
section 4510.02 of the Revised Code or, if the offender previously 147
has been convicted of or pleaded guilty to a violation of this 148
section or any traffic-related homicide, manslaughter, or assault 149
offense, a class two suspension of the offender's driver's 150
license, commercial driver's license, temporary instruction 151
permit, probationary license, or nonresident operating privilege 152
from the range specified in division (A)(2) of that section. 153

(2) Whoever violates division (A)(2) of this section is 154
guilty of vehicular assault. Except as otherwise provided in this 155
division, vehicular assault is a felony of the fourth degree. 156
Vehicular assault is a felony of the third degree if, at the time 157
of the offense, the offender was driving under a suspension 158
imposed under Chapter 4510. or any other provision of the Revised 159
Code ~~or~~, if the offender previously has been convicted of or 160
pleaded guilty to a violation of this section or any 161
traffic-related homicide, manslaughter, or assault offense, or if, 162
in the same course of conduct that resulted in the violation of 163
division (A)(2) of this section, the offender also violated 164
section 4549.02, 4549.021, or 4549.03 of the Revised Code. 165

In addition to any other sanctions imposed, the court shall 166
impose upon the offender a class four suspension of the offender's 167

driver's license, commercial driver's license, temporary 168
instruction permit, probationary license, or nonresident operating 169
privilege from the range specified in division (A)(4) of section 170
4510.02 of the Revised Code or, if the offender previously has 171
been convicted of or pleaded guilty to a violation of this section 172
or any traffic-related homicide, manslaughter, or assault offense, 173
a class three suspension of the offender's driver's license, 174
commercial driver's license, temporary instruction permit, 175
probationary license, or nonresident operating privilege from the 176
range specified in division (A)(3) of that section. 177

(C) The court shall impose a mandatory prison term on an 178
offender who is convicted of or pleads guilty to a violation of 179
division (A)(1) of this section. The court shall impose a 180
mandatory prison term on an offender who is convicted of or pleads 181
guilty to a violation of division (A)(2) of this section if either 182
of the following applies: 183

(1) The offender previously has been convicted of or pleaded 184
guilty to a violation of this section or section 2903.06 of the 185
Revised Code. 186

(2) At the time of the offense, the offender was driving 187
under suspension under Chapter 4510. or any other provision of the 188
Revised Code. 189

(D) As used in this section: 190

(1) "Mandatory prison term" has the same meaning as in 191
section 2929.01 of the Revised Code. 192

(2) "Traffic-related homicide, manslaughter, or assault 193
offense" has the same meaning as in section 2903.06 of the Revised 194
Code. 195

(E) For the purposes of this section, when a penalty or 196
suspension is enhanced because of a prior or current violation of 197
a specified law or a prior or current specified offense, the 198

reference to the violation of the specified law or the specified 199
offense includes any violation of any substantially equivalent 200
municipal ordinance, former law of this state, or current or 201
former law of another state or the United States. 202

Sec. 2929.01. As used in this chapter: 203

(A)(1) "Alternative residential facility" means, subject to 204
division (A)(2) of this section, any facility other than an 205
offender's home or residence in which an offender is assigned to 206
live and that satisfies all of the following criteria: 207

(a) It provides programs through which the offender may seek 208
or maintain employment or may receive education, training, 209
treatment, or habilitation. 210

(b) It has received the appropriate license or certificate 211
for any specialized education, training, treatment, habilitation, 212
or other service that it provides from the government agency that 213
is responsible for licensing or certifying that type of education, 214
training, treatment, habilitation, or service. 215

(2) "Alternative residential facility" does not include a 216
community-based correctional facility, jail, halfway house, or 217
prison. 218

(B) "Bad time" means the time by which the parole board 219
administratively extends an offender's stated prison term or terms 220
pursuant to section 2967.11 of the Revised Code because the parole 221
board finds by clear and convincing evidence that the offender, 222
while serving the prison term or terms, committed an act that is a 223
criminal offense under the law of this state or the United States, 224
whether or not the offender is prosecuted for the commission of 225
that act. 226

(C) "Basic probation supervision" means a requirement that 227
the offender maintain contact with a person appointed to supervise 228

the offender in accordance with sanctions imposed by the court or 229
imposed by the parole board pursuant to section 2967.28 of the 230
Revised Code. "Basic probation supervision" includes basic parole 231
supervision and basic post-release control supervision. 232

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 233
"unit dose" have the same meanings as in section 2925.01 of the 234
Revised Code. 235

(E) "Community-based correctional facility" means a 236
community-based correctional facility and program or district 237
community-based correctional facility and program developed 238
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 239

(F) "Community control sanction" means a sanction that is not 240
a prison term and that is described in section 2929.15, 2929.16, 241
2929.17, or 2929.18 of the Revised Code. 242

(G) "Controlled substance," "marihuana," "schedule I," and 243
"schedule II" have the same meanings as in section 3719.01 of the 244
Revised Code. 245

(H) "Curfew" means a requirement that an offender during a 246
specified period of time be at a designated place. 247

(I) "Day reporting" means a sanction pursuant to which an 248
offender is required each day to report to and leave a center or 249
other approved reporting location at specified times in order to 250
participate in work, education or training, treatment, and other 251
approved programs at the center or outside the center. 252

(J) "Deadly weapon" has the same meaning as in section 253
2923.11 of the Revised Code. 254

(K) "Drug and alcohol use monitoring" means a program under 255
which an offender agrees to submit to random chemical analysis of 256
the offender's blood, breath, or urine to determine whether the 257
offender has ingested any alcohol or other drugs. 258

(L) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(M) "Economic loss" means any economic detriment suffered by a victim as a result of the commission of a felony and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the felony.

(N) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.

(O) "Electronically monitored house arrest" has the same meaning as in section 2929.23 of the Revised Code.

(P) "Eligible offender" has the same meaning as in section 2929.23 of the Revised Code except as otherwise specified in section 2929.20 of the Revised Code.

(Q) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(R) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(S) "House arrest" means a period of confinement of an eligible offender that is in the eligible offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code, that may be electronically monitored house arrest, and during which all of the following apply:

(1) The eligible offender is required to remain in the eligible offender's home or other specified premises for the specified period of confinement, except for periods of time during which the eligible offender is at the eligible offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

(2) The eligible offender is required to report periodically to a person designated by the court or parole board.

(3) The eligible offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(T) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(U) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.

(V) "Delinquent child" has the same meaning as in section

2152.02 of the Revised Code. 321

(W) "License violation report" means a report that is made by 322
a sentencing court, or by the parole board pursuant to section 323
2967.28 of the Revised Code, to the regulatory or licensing board 324
or agency that issued an offender a professional license or a 325
license or permit to do business in this state and that specifies 326
that the offender has been convicted of or pleaded guilty to an 327
offense that may violate the conditions under which the offender's 328
professional license or license or permit to do business in this 329
state was granted or an offense for which the offender's 330
professional license or license or permit to do business in this 331
state may be revoked or suspended. 332

(X) "Major drug offender" means an offender who is convicted 333
of or pleads guilty to the possession of, sale of, or offer to 334
sell any drug, compound, mixture, preparation, or substance that 335
consists of or contains at least one thousand grams of hashish; at 336
least one hundred grams of crack cocaine; at least one thousand 337
grams of cocaine that is not crack cocaine; at least two thousand 338
five hundred unit doses or two hundred fifty grams of heroin; at 339
least five thousand unit doses of L.S.D. or five hundred grams of 340
L.S.D. in a liquid concentrate, liquid extract, or liquid 341
distillate form; or at least one hundred times the amount of any 342
other schedule I or II controlled substance other than marihuana 343
that is necessary to commit a felony of the third degree pursuant 344
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 345
Code that is based on the possession of, sale of, or offer to sell 346
the controlled substance. 347

(Y) "Mandatory prison term" means any of the following: 348

(1) Subject to division (Y)(2) of this section, the term in 349
prison that must be imposed for the offenses or circumstances set 350
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 351
division (D) of section 2929.14 of the Revised Code. Except as 352

provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 353
2925.11 of the Revised Code, unless the maximum or another 354
specific term is required under section 2929.14 of the Revised 355
Code, a mandatory prison term described in this division may be 356
any prison term authorized for the level of offense. 357

(2) The term of sixty or one hundred twenty days in prison 358
that a sentencing court is required to impose for a third or 359
fourth degree felony OMVI offense pursuant to division (G)(2) of 360
section 2929.13 and division (A)(4) or (8) of section 4511.99 of 361
the Revised Code or the term of one, two, three, four, or five 362
years in prison that a sentencing court is required to impose 363
pursuant to division (G)(2) of section 2929.13 of the Revised 364
Code. 365

(3) The term in prison imposed pursuant to section 2971.03 of 366
the Revised Code for the offenses and in the circumstances 367
described in division (F)(11) of section 2929.13 of the Revised 368
Code and that term as modified or terminated pursuant to section 369
2971.05 of the Revised Code. 370

(Z) "Monitored time" means a period of time during which an 371
offender continues to be under the control of the sentencing court 372
or parole board, subject to no conditions other than leading a 373
law-abiding life. 374

(AA) "Offender" means a person who, in this state, is 375
convicted of or pleads guilty to a felony or a misdemeanor. 376

(BB) "Prison" means a residential facility used for the 377
confinement of convicted felony offenders that is under the 378
control of the department of rehabilitation and correction but 379
does not include a violation sanction center operated under 380
authority of section 2967.141 of the Revised Code. 381

(CC) "Prison term" includes any of the following sanctions 382
for an offender: 383

(1) A stated prison term;	384
(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code;	385 386 387
(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.	388 389 390 391
(DD) "Repeat violent offender" means a person about whom both of the following apply:	392 393
(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person.	394 395 396 397 398 399 400 401 402 403 404
(2) Either of the following applies:	405
(a) The person previously was convicted of or pleaded guilty to, and previously served or, at the time of the offense was serving, a prison term for, any of the following:	406 407 408
(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an	409 410 411 412 413

attempt to commit any of those offenses; 414

(ii) An offense under an existing or former law of this 415
state, another state, or the United States that is or was 416
substantially equivalent to an offense listed under division 417
(DD)(2)(a)(i) of this section and that resulted in the death of a 418
person or in physical harm to a person. 419

(b) The person previously was adjudicated a delinquent child 420
for committing an act that if committed by an adult would have 421
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 422
section, the person was committed to the department of youth 423
services for that delinquent act. 424

(EE) "Sanction" means any penalty imposed upon an offender 425
who is convicted of or pleads guilty to an offense, as punishment 426
for the offense. "Sanction" includes any sanction imposed pursuant 427
to any provision of sections 2929.14 to 2929.18 of the Revised 428
Code. 429

(FF) "Sentence" means the sanction or combination of 430
sanctions imposed by the sentencing court on an offender who is 431
convicted of or pleads guilty to a felony. 432

(GG) "Stated prison term" means the prison term, mandatory 433
prison term, or combination of all prison terms and mandatory 434
prison terms imposed by the sentencing court pursuant to section 435
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 436
includes any credit received by the offender for time spent in 437
jail awaiting trial, sentencing, or transfer to prison for the 438
offense and any time spent under house arrest or electronically 439
monitored house arrest imposed after earning credits pursuant to 440
section 2967.193 of the Revised Code. 441

(HH) "Victim-offender mediation" means a reconciliation or 442
mediation program that involves an offender and the victim of the 443
offense committed by the offender and that includes a meeting in 444

which the offender and the victim may discuss the offense, discuss 445
restitution, and consider other sanctions for the offense. 446

(II) "Fourth degree felony OMVI offense" means a violation of 447
division (A) of section 4511.19 of the Revised Code that, under 448
section 4511.99 of the Revised Code, is a felony of the fourth 449
degree. 450

(JJ) "Mandatory term of local incarceration" means the term 451
of sixty or one hundred twenty days in a jail, a community-based 452
correctional facility, a halfway house, or an alternative 453
residential facility that a sentencing court may impose upon a 454
person who is convicted of or pleads guilty to a fourth degree 455
felony OMVI offense pursuant to division (G)(1) of section 2929.13 456
of the Revised Code and division (A)(4) or (8) of section 4511.99 457
of the Revised Code. 458

(KK) "Designated homicide, assault, or kidnapping offense," 459
"sexual motivation specification," "sexually violent offense," 460
"sexually violent predator," and "sexually violent predator 461
specification" have the same meanings as in section 2971.01 of the 462
Revised Code. 463

(LL) "Habitual sex offender," "sexually oriented offense," 464
and "sexual predator" have the same meanings as in section 2950.01 465
of the Revised Code. 466

(MM) An offense is "committed in the vicinity of a child" if 467
the offender commits the offense within thirty feet of or within 468
the same residential unit as a child who is under eighteen years 469
of age, regardless of whether the offender knows the age of the 470
child or whether the offender knows the offense is being committed 471
within thirty feet of or within the same residential unit as the 472
child and regardless of whether the child actually views the 473
commission of the offense. 474

(NN) "Family or household member" has the same meaning as in 475

section 2919.25 of the Revised Code. 476

(OO) "Motor vehicle" and "manufactured home" have the same 477
meanings as in section 4501.01 of the Revised Code. 478

(PP) "Detention" and "detention facility" have the same 479
meanings as in section 2921.01 of the Revised Code. 480

(QQ) "Third degree felony OMVI offense" means a violation of 481
division (A) of section 4511.19 of the Revised Code that, under 482
section 4511.99 of the Revised Code, is a felony of the third 483
degree. 484

(RR) "Random drug testing" has the same meaning as in section 485
5120.63 of the Revised Code. 486

(SS) "Felony sex offense" has the same meaning as in section 487
2957.28 of the Revised Code. 488

(TT) "Body armor" has the same meaning as in section 489
2941.1411 of the Revised Code. 490

Sec. 2929.13. (A) Except as provided in division (E), (F), or 491
(G) of this section and unless a specific sanction is required to 492
be imposed or is precluded from being imposed pursuant to law, a 493
court that imposes a sentence upon an offender for a felony may 494
impose any sanction or combination of sanctions on the offender 495
that are provided in sections 2929.14 to 2929.18 of the Revised 496
Code. The sentence shall not impose an unnecessary burden on state 497
or local government resources. 498

If the offender is eligible to be sentenced to community 499
control sanctions, the court shall consider the appropriateness of 500
imposing a financial sanction pursuant to section 2929.18 of the 501
Revised Code or a sanction of community service pursuant to 502
section 2929.17 of the Revised Code as the sole sanction for the 503
offense. Except as otherwise provided in this division, if the 504
court is required to impose a mandatory prison term for the 505

offense for which sentence is being imposed, the court also may 506
impose a financial sanction pursuant to section 2929.18 of the 507
Revised Code but may not impose any additional sanction or 508
combination of sanctions under section 2929.16 or 2929.17 of the 509
Revised Code. 510

If the offender is being sentenced for a fourth degree felony 511
OMVI offense or for a third degree felony OMVI offense, in 512
addition to the mandatory term of local incarceration or the 513
mandatory prison term required for the offense by division (G)(1) 514
or (2) of this section, the court shall impose upon the offender a 515
mandatory fine in accordance with division (B)(3) of section 516
2929.18 of the Revised Code and may impose whichever of the 517
following is applicable: 518

(1) For a fourth degree felony OMVI offense for which 519
sentence is imposed under division (G)(1) of this section, an 520
additional community control sanction or combination of community 521
control sanctions under section 2929.16 or 2929.17 of the Revised 522
Code; 523

(2) For a third or fourth degree felony OMVI offense for 524
which sentence is imposed under division (G)(2) of this section, 525
an additional prison term as described in division (D)(4) of 526
section 2929.14 of the Revised Code. 527

(B)(1) Except as provided in division (B)(2), (E), (F), or 528
(G) of this section, in sentencing an offender for a felony of the 529
fourth or fifth degree, the sentencing court shall determine 530
whether any of the following apply: 531

(a) In committing the offense, the offender caused physical 532
harm to a person. 533

(b) In committing the offense, the offender attempted to 534
cause or made an actual threat of physical harm to a person with a 535
deadly weapon. 536

(c) In committing the offense, the offender attempted to 537
cause or made an actual threat of physical harm to a person, and 538
the offender previously was convicted of an offense that caused 539
physical harm to a person. 540

(d) The offender held a public office or position of trust 541
and the offense related to that office or position; the offender's 542
position obliged the offender to prevent the offense or to bring 543
those committing it to justice; or the offender's professional 544
reputation or position facilitated the offense or was likely to 545
influence the future conduct of others. 546

(e) The offender committed the offense for hire or as part of 547
an organized criminal activity. 548

(f) The offense is a sex offense that is a fourth or fifth 549
degree felony violation of section 2907.03, 2907.04, 2907.05, 550
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 551
Revised Code. 552

(g) The offender at the time of the offense was serving, or 553
the offender previously had served, a prison term. 554

(h) The offender committed the offense while under a 555
community control sanction, while on probation, or while released 556
from custody on a bond or personal recognizance. 557

(i) The offender committed the offense while in possession of 558
a firearm. 559

(2)(a) If the court makes a finding described in division 560
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 561
section and if the court, after considering the factors set forth 562
in section 2929.12 of the Revised Code, finds that a prison term 563
is consistent with the purposes and principles of sentencing set 564
forth in section 2929.11 of the Revised Code and finds that the 565
offender is not amenable to an available community control 566

sanction, the court shall impose a prison term upon the offender. 567

(b) Except as provided in division (E), (F), or (G) of this 568
section, if the court does not make a finding described in 569
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 570
this section and if the court, after considering the factors set 571
forth in section 2929.12 of the Revised Code, finds that a 572
community control sanction or combination of community control 573
sanctions is consistent with the purposes and principles of 574
sentencing set forth in section 2929.11 of the Revised Code, the 575
court shall impose a community control sanction or combination of 576
community control sanctions upon the offender. 577

(C) Except as provided in division (E), (F), or (G) of this 578
section, in determining whether to impose a prison term as a 579
sanction for a felony of the third degree or a felony drug offense 580
that is a violation of a provision of Chapter 2925. of the Revised 581
Code and that is specified as being subject to this division for 582
purposes of sentencing, the sentencing court shall comply with the 583
purposes and principles of sentencing under section 2929.11 of the 584
Revised Code and with section 2929.12 of the Revised Code. 585

(D) Except as provided in division (E) or (F) of this 586
section, for a felony of the first or second degree and for a 587
felony drug offense that is a violation of any provision of 588
Chapter 2925., 3719., or 4729. of the Revised Code for which a 589
presumption in favor of a prison term is specified as being 590
applicable, it is presumed that a prison term is necessary in 591
order to comply with the purposes and principles of sentencing 592
under section 2929.11 of the Revised Code. Notwithstanding the 593
presumption established under this division, the sentencing court 594
may impose a community control sanction or a combination of 595
community control sanctions instead of a prison term on an 596
offender for a felony of the first or second degree or for a 597
felony drug offense that is a violation of any provision of 598

Chapter 2925., 3719., or 4729. of the Revised Code for which a 599
presumption in favor of a prison term is specified as being 600
applicable if it makes both of the following findings: 601

(1) A community control sanction or a combination of 602
community control sanctions would adequately punish the offender 603
and protect the public from future crime, because the applicable 604
factors under section 2929.12 of the Revised Code indicating a 605
lesser likelihood of recidivism outweigh the applicable factors 606
under that section indicating a greater likelihood of recidivism. 607

(2) A community control sanction or a combination of 608
community control sanctions would not demean the seriousness of 609
the offense, because one or more factors under section 2929.12 of 610
the Revised Code that indicate that the offender's conduct was 611
less serious than conduct normally constituting the offense are 612
applicable, and they outweigh the applicable factors under that 613
section that indicate that the offender's conduct was more serious 614
than conduct normally constituting the offense. 615

(E)(1) Except as provided in division (F) of this section, 616
for any drug offense that is a violation of any provision of 617
Chapter 2925. of the Revised Code and that is a felony of the 618
third, fourth, or fifth degree, the applicability of a presumption 619
under division (D) of this section in favor of a prison term or of 620
division (B) or (C) of this section in determining whether to 621
impose a prison term for the offense shall be determined as 622
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 623
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 624
Revised Code, whichever is applicable regarding the violation. 625

(2) If an offender who was convicted of or pleaded guilty to 626
a felony violates the conditions of a community control sanction 627
imposed for the offense solely by reason of producing positive 628
results on a drug test, the court, as punishment for the violation 629
of the sanction, shall not order that the offender be imprisoned 630

unless the court determines on the record either of the following: 631

(a) The offender had been ordered as a sanction for the 632
felony to participate in a drug treatment program, in a drug 633
education program, or in narcotics anonymous or a similar program, 634
and the offender continued to use illegal drugs after a reasonable 635
period of participation in the program. 636

(b) The imprisonment of the offender for the violation is 637
consistent with the purposes and principles of sentencing set 638
forth in section 2929.11 of the Revised Code. 639

(F) Notwithstanding divisions (A) to (E) of this section, the 640
court shall impose a prison term or terms under sections 2929.02 641
to 2929.06, section 2929.14, or section 2971.03 of the Revised 642
Code and except as specifically provided in section 2929.20 or 643
2967.191 of the Revised Code or when parole is authorized for the 644
offense under section 2967.13 of the Revised Code shall not reduce 645
the terms pursuant to section 2929.20, section 2967.193, or any 646
other provision of Chapter 2967. or Chapter 5120. of the Revised 647
Code for any of the following offenses: 648

(1) Aggravated murder when death is not imposed or murder; 649

(2) Any rape, regardless of whether force was involved and 650
regardless of the age of the victim, or an attempt to commit rape 651
if, had the offender completed the rape that was attempted, the 652
offender would have been subject to a sentence of life 653
imprisonment or life imprisonment without parole for the rape; 654

(3) Gross sexual imposition or sexual battery, if the victim 655
is under thirteen years of age, if the offender previously was 656
convicted of or pleaded guilty to rape, the former offense of 657
felonious sexual penetration, gross sexual imposition, or sexual 658
battery, and if the victim of the previous offense was under 659
thirteen years of age; 660

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 661

2903.11, 2903.12, or 2903.13 of the Revised Code if the section 662
requires the imposition of a prison term; 663

(5) A first, second, or third degree felony drug offense for 664
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 665
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 666
4729.99 of the Revised Code, whichever is applicable regarding the 667
violation, requires the imposition of a mandatory prison term; 668

(6) Any offense that is a first or second degree felony and 669
that is not set forth in division (F)(1), (2), (3), or (4) of this 670
section, if the offender previously was convicted of or pleaded 671
guilty to aggravated murder, murder, any first or second degree 672
felony, or an offense under an existing or former law of this 673
state, another state, or the United States that is or was 674
substantially equivalent to one of those offenses; 675

(7) Any offense that is a third degree felony and that is 676
listed in division (DD)(1) of section 2929.01 of the Revised Code 677
if the offender previously was convicted of or pleaded guilty to 678
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 679
section 2929.01 of the Revised Code; 680

(8) Any offense, other than a violation of section 2923.12 of 681
the Revised Code, that is a felony, if the offender had a firearm 682
on or about the offender's person or under the offender's control 683
while committing the felony, with respect to a portion of the 684
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 685
of the Revised Code for having the firearm; 686

(9) Any offense of violence that is a felony, if the offender 687
wore or carried body armor while committing the felony offense of 688
violence, with respect to the portion of the sentence imposed 689
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 690
Code for wearing or carrying the body armor; 691

(10) Corrupt activity in violation of section 2923.32 of the 692

Revised Code when the most serious offense in the pattern of 693
corrupt activity that is the basis of the offense is a felony of 694
the first degree; 695

(11) Any sexually violent offense for which the offender also 696
is convicted of or pleads guilty to a sexually violent predator 697
specification that was included in the indictment, count in the 698
indictment, or information charging the sexually violent offense; 699

(12) A violation of division (A)(1) or (2) of section 2921.36 700
of the Revised Code, or a violation of division (C) of that 701
section involving an item listed in division (A)(1) or (2) of that 702
section, if the offender is an officer or employee of the 703
department of rehabilitation and correction. 704

(G) Notwithstanding divisions (A) to (E) of this section, if 705
an offender is being sentenced for a fourth degree felony OMVI 706
offense or for a third degree felony OMVI offense, the court shall 707
impose upon the offender a mandatory term of local incarceration 708
or a mandatory prison term in accordance with the following: 709

(1) If the offender is being sentenced for a fourth degree 710
felony OMVI offense and if the offender has not pleaded guilty to 711
and has not been convicted of a specification of the type 712
described in section 2941.1413 of the Revised Code, the court may 713
impose upon the offender a mandatory term of local incarceration 714
of sixty days as specified in division (A)(4) of section 4511.99 715
of the Revised Code or a mandatory term of local incarceration of 716
one hundred twenty days as specified in division (A)(8) of that 717
section. The court shall not reduce the term pursuant to section 718
2929.20, 2967.193, or any other provision of the Revised Code. The 719
court that imposes a mandatory term of local incarceration under 720
this division shall specify whether the term is to be served in a 721
jail, a community-based correctional facility, a halfway house, or 722
an alternative residential facility, and the offender shall serve 723
the term in the type of facility specified by the court. A 724

mandatory term of local incarceration imposed under division 725
(G)(1) of this section is not subject to extension under section 726
2967.11 of the Revised Code, to a period of post-release control 727
under section 2967.28 of the Revised Code, or to any other Revised 728
Code provision that pertains to a prison term. 729

(2) If the offender is being sentenced for a third degree 730
felony OMVI offense, or if the offender is being sentenced for a 731
fourth degree felony OMVI offense and the court does not impose a 732
mandatory term of local incarceration under division (G)(1) of 733
this section, the court shall impose upon the offender a mandatory 734
prison term of one, two, three, four, or five years if the 735
offender also pleads guilty to or also is convicted of a 736
specification of the type described in section 2941.1413 of the 737
Revised Code or shall impose upon the offender a mandatory prison 738
term of sixty days as specified in division (A)(4) of section 739
4511.99 of the Revised Code or a mandatory prison term of one 740
hundred twenty days as specified in division (A)(8) of that 741
section if the offender has not pleaded guilty to and has not been 742
convicted of a specification of that type. The court shall not 743
reduce the term pursuant to section 2929.20, 2967.193, or any 744
other provision of the Revised Code. The offender shall serve the 745
one-, two-, three-, four-, or five-year mandatory prison term 746
consecutively to and prior to the prison term imposed for the 747
underlying offense and consecutively to any other mandatory prison 748
term imposed in relation to the offense. In no case shall an 749
offender who once has been sentenced to a mandatory term of local 750
incarceration pursuant to division (G)(1) of this section for a 751
fourth degree felony OMVI offense be sentenced to another 752
mandatory term of local incarceration under that division for any 753
violation of division (A) of section 4511.19 of the Revised Code. 754
The court shall not sentence the offender to a community control 755
sanction under section 2929.16 or 2929.17 of the Revised Code. The 756
department of rehabilitation and correction may place an offender 757

sentenced to a mandatory prison term under this division in an 758
intensive program prison established pursuant to section 5120.033 759
of the Revised Code if the department gave the sentencing judge 760
prior notice of its intent to place the offender in an intensive 761
program prison established under that section and if the judge did 762
not notify the department that the judge disapproved the 763
placement. Upon the establishment of the initial intensive program 764
prison pursuant to section 5120.033 of the Revised Code that is 765
privately operated and managed by a contractor pursuant to a 766
contract entered into under section 9.06 of the Revised Code, both 767
of the following apply: 768

(a) The department of rehabilitation and correction shall 769
make a reasonable effort to ensure that a sufficient number of 770
offenders sentenced to a mandatory prison term under this division 771
are placed in the privately operated and managed prison so that 772
the privately operated and managed prison has full occupancy. 773

(b) Unless the privately operated and managed prison has full 774
occupancy, the department of rehabilitation and correction shall 775
not place any offender sentenced to a mandatory prison term under 776
this division in any intensive program prison established pursuant 777
to section 5120.033 of the Revised Code other than the privately 778
operated and managed prison. 779

(H) If an offender is being sentenced for a sexually oriented 780
offense committed on or after January 1, 1997, the judge shall 781
require the offender to submit to a DNA specimen collection 782
procedure pursuant to section 2901.07 of the Revised Code if 783
either of the following applies: 784

(1) The offense was a sexually violent offense, and the 785
offender also was convicted of or pleaded guilty to a sexually 786
violent predator specification that was included in the 787
indictment, count in the indictment, or information charging the 788
sexually violent offense. 789

(2) The judge imposing sentence for the sexually oriented 790
offense determines pursuant to division (B) of section 2950.09 of 791
the Revised Code that the offender is a sexual predator. 792

(I) If an offender is being sentenced for a sexually oriented 793
offense committed on or after January 1, 1997, the judge shall 794
include in the sentence a summary of the offender's duty to 795
register pursuant to section 2950.04 of the Revised Code, the 796
offender's duty to provide notice of a change in residence address 797
and register the new residence address pursuant to section 2950.05 798
of the Revised Code, the offender's duty to periodically verify 799
the offender's current residence address pursuant to section 800
2950.06 of the Revised Code, and the duration of the duties. The 801
judge shall inform the offender, at the time of sentencing, of 802
those duties and of their duration and, if required under division 803
(A)(2) of section 2950.03 of the Revised Code, shall perform the 804
duties specified in that section. 805

(J)(1) Except as provided in division (J)(2) of this section, 806
when considering sentencing factors under this section in relation 807
to an offender who is convicted of or pleads guilty to an attempt 808
to commit an offense in violation of section 2923.02 of the 809
Revised Code, the sentencing court shall consider the factors 810
applicable to the felony category of the violation of section 811
2923.02 of the Revised Code instead of the factors applicable to 812
the felony category of the offense attempted. 813

(2) When considering sentencing factors under this section in 814
relation to an offender who is convicted of or pleads guilty to an 815
attempt to commit a drug abuse offense for which the penalty is 816
determined by the amount or number of unit doses of the controlled 817
substance involved in the drug abuse offense, the sentencing court 818
shall consider the factors applicable to the felony category that 819
the drug abuse offense attempted would be if that drug abuse 820
offense had been committed and had involved an amount or number of 821

unit doses of the controlled substance that is within the next 822
lower range of controlled substance amounts than was involved in 823
the attempt. 824

(K) As used in this section, "drug abuse offense" has the 825
same meaning as in section 2925.01 of the Revised Code. 826

Sec. 2929.21. (A) Except as provided in division (G) of this 827
section or in section 2929.23 of the Revised Code, whoever is 828
convicted of or pleads guilty to a misdemeanor other than a minor 829
misdemeanor shall be imprisoned for a definite term or fined, or 830
both, which term of imprisonment and fine shall be fixed by the 831
court as provided in this section. 832

Whoever is convicted of or pleads guilty to committing, 833
attempting to commit, or complicity in committing a violation of 834
section 2909.03 of the Revised Code that is a misdemeanor, or a 835
violation of division (A)(2) of section 2909.06 of the Revised 836
Code when the means used are fire or explosion, shall be required 837
to reimburse agencies for their investigation or prosecution costs 838
in accordance with section 2929.28 of the Revised Code. 839

(B) Except as provided in division (G) of this section, terms 840
of imprisonment for misdemeanor shall be imposed as follows: 841

(1) For a misdemeanor of the first degree, not more than six 842
months; 843

(2) For a misdemeanor of the second degree, not more than 844
ninety days; 845

(3) For a misdemeanor of the third degree, not more than 846
sixty days; 847

(4) For a misdemeanor of the fourth degree, not more than 848
thirty days. 849

(C) Fines for misdemeanor shall be imposed as follows: 850

(1) For a misdemeanor of the first degree, not more than one thousand dollars;	851 852
(2) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	853 854
(3) For a misdemeanor of the third degree, not more than five hundred dollars;	855 856
(4) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars.	857 858
(D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than one hundred dollars.	859 860
(E) The court may require a person who is convicted of or pleads guilty to a misdemeanor to make restitution for all or part of the property damage that is caused by the offense and for all or part of the value of the property that is the subject of any theft offense, as defined in division (K) of section 2913.01 of the Revised Code, that the person committed. If the court determines that the victim of the offense was sixty-five years of age or older or permanently or totally disabled at the time of the commission of the offense, the court, regardless of whether the offender knew the age of victim, shall consider this fact in favor of imposing restitution, but this fact shall not control the decision of the court.	861 862 863 864 865 866 867 868 869 870 871 872
(F)(1) If a person is sentenced to a term of imprisonment pursuant to this section and the term of imprisonment is to be served in a county jail in a county that has established a county jail industry program pursuant to section 5147.30 of the Revised Code, the court shall specify, as part of the sentence, whether the person may be considered by the county sheriff of that county for participation in the county jail industry program. The court shall retain jurisdiction to modify its specification made pursuant to this division during the person's term of imprisonment	873 874 875 876 877 878 879 880 881

upon a reassessment of the person's qualifications for 882
participation in the program. 883

(2) If a person is sentenced to a term of imprisonment 884
pursuant to this section that is to be served in a local detention 885
facility, as defined in section 2929.35 of the Revised Code, the 886
court may impose as part of the sentence pursuant to section 887
2929.36 of the Revised Code a reimbursement sanction, and, if the 888
local detention facility is covered by a policy adopted pursuant 889
to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 890
753.16, 2301.56, or 2947.19 of the Revised Code and section 891
2929.37 of the Revised Code, both of the following apply: 892

(a) The court shall specify both of the following as part of 893
the sentence: 894

(i) If the person is presented with an itemized bill pursuant 895
to section 2929.37 of the Revised Code for payment of the costs of 896
confinement, the person is required to pay the bill in accordance 897
with that section. 898

(ii) If the person does not dispute the bill described in 899
division (F)(2)(a)(i) of this section and does not pay the bill by 900
the times specified in section 2929.37 of the Revised Code, the 901
clerk of the court may issue a certificate of judgment against the 902
person as described in that section. 903

(b) The sentence automatically includes any certificate of 904
judgment issued as described in division (F)(2)(a)(ii) of this 905
section. 906

(G) If an offender is being sentenced for a sexually oriented 907
offense that is a misdemeanor committed on or after January 1, 908
1997, and if the judge imposing sentence for the sexually oriented 909
offense determines pursuant to division (B) of section 2950.09 of 910
the Revised Code that the offender is a sexual predator, the judge 911
shall include in the offender's sentence a statement that the 912

offender has been adjudicated as being a sexual predator, shall 913
comply with the requirements of section 2950.03 of the Revised 914
Code, and shall require the offender to submit to a DNA specimen 915
collection procedure pursuant to section 2901.07 of the Revised 916
Code. 917

(H) Before imposing sentence on an offender who is being 918
sentenced for a sexually oriented offense that is a misdemeanor 919
committed on or after January 1, 1997, the judge shall conduct a 920
hearing in accordance with division (B) of section 2950.09 of the 921
Revised Code to determine whether the offender is a sexual 922
predator. Before imposing sentence on an offender who is being 923
sentenced for a sexually oriented offense, the court also shall 924
comply with division (E) of section 2950.09 of the Revised Code. 925

(I) If an offender is being sentenced for a sexually oriented 926
offense that is a misdemeanor committed on or after January 1, 927
1997, the judge shall include in the sentence a summary of the 928
offender's duty to register pursuant to section 2950.04 of the 929
Revised Code, the offender's duty to provide notice of a change in 930
residence address and register the new residence address pursuant 931
to section 2950.05 of the Revised Code, the offender's duty to 932
periodically verify the offender's current residence address 933
pursuant to section 2950.06 of the Revised Code, and the duration 934
of the duties. The judge shall inform the offender, at the time of 935
sentencing, of those duties and of their duration and, if required 936
under division (A)(2) of section 2950.03 of the Revised Code, 937
shall perform the duties specified in that section. 938

(J) If an offender is convicted of or pleads guilty to a 939
violation of division (B) of section 4511.19 of the Revised Code 940
and also is convicted of or pleads guilty to a specification of 941
the type described in section 2941.1414 of the Revised Code, and 942
if the court imposes a term of imprisonment for the underlying 943
offense, the court shall impose upon the offender an additional 944

definite term of imprisonment of not more than six months. The 945
additional term of imprisonment shall not be reduced pursuant to 946
any provision of the Revised Code. The offender shall serve the 947
additional term of imprisonment consecutively to and prior to the 948
term of imprisonment imposed for the underlying offense and 949
consecutively to any other mandatory term imposed in relation to 950
the offense. 951

Sec. 2941.1413. (A) Imposition of a mandatory additional 952
prison term of one, two, three, four, or five years upon an 953
offender under division (G)(2) of section 2929.13 of the Revised 954
Code is precluded unless the indictment, count in the indictment, 955
or information charging a felony violation of division (A) of 956
section 4511.19 of the Revised Code specifies that the offender, 957
within twenty years of the offense, previously has been convicted 958
of or pleaded guilty to five or more violations identified in 959
division (A)(2) of section 4511.99 of the Revised Code or, on and 960
after January 1, 2004, to five or more equivalent offenses. The 961
specification shall be stated at the end of the body of the 962
indictment, count, or information and shall be stated in 963
substantially the following form: 964

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 965
Grand Jurors (or insert the person's or the prosecuting attorney's 966
name when appropriate) further find and specify that (set forth 967
that the offender, within twenty years of committing the offense, 968
previously had been convicted of or pleaded guilty to five or more 969
violations identified in division (A)(2) of section 4511.99 of the 970
Revised Code or, on and after January 1, 2004, to five or more 971
equivalent offenses)." 972

(B) On and after January 1, 2004, "equivalent offense" has 973
the same meaning as in section 4511.181 of the Revised Code. 974

Sec. 2941.1414. (A) Imposition of a mandatory, additional, definite term of imprisonment of up to six months upon an offender under division (J) of section 2929.21 of the Revised Code is precluded unless the information charging a violation of division (B) of section 4511.19 of the Revised Code specifies that the offender, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations identified in division (N)(1)(b) of section 4511.99 of the Revised Code or, on and after January 1, 2004, to five or more equivalent offenses. The specification shall be stated at the end of the body of the information and shall be stated in substantially the following form:

"SPECIFICATION. (Insert the person's or the prosecuting attorney's name as appropriate) further finds and specifies that (set forth that the offender, within twenty years of committing the offense, previously had been convicted of or pleaded guilty to five or more violations identified in division (N)(1)(b) of section 4511.99 of the Revised Code or, on and after January 1, 2004, to five or more equivalent offenses)."

(B) On and after January 1, 2004, "equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.

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 days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. 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' 1037
intervention program determine that the offender should attend and 1038
to report periodically to the court on the offender's progress in 1039
the programs. The court also may impose any other conditions of 1040
probation on the offender that it considers necessary. 1041

Of the fine imposed pursuant to this division, twenty-five 1042
dollars shall be paid to an enforcement and education fund 1043
established by the legislative authority of the law enforcement 1044
agency in this state that primarily was responsible for the arrest 1045
of the offender, as determined by the court that imposes the fine. 1046
This share shall be used by the agency to pay only those costs it 1047
incurs in enforcing section 4511.19 of the Revised Code or a 1048
substantially similar municipal ordinance and in informing the 1049
public of the laws governing the operation of a motor vehicle 1050
while under the influence of alcohol, the dangers of operating a 1051
motor vehicle while under the influence of alcohol, and other 1052
information relating to the operation of a motor vehicle and the 1053
consumption of alcoholic beverages. Fifty dollars of the fine 1054
imposed pursuant to this division shall be paid to the political 1055
subdivision that pays the cost of housing the offender during the 1056
offender's term of incarceration to the credit of the fund that 1057
pays the cost of the incarceration. If the offender was confined 1058
as a result of the offense prior to being sentenced for the 1059
offense but is not sentenced to a term of incarceration, the fifty 1060
dollars shall be paid to the political subdivision that paid the 1061
cost of housing the offender during that period of confinement. 1062
The political subdivision shall use this share to pay or reimburse 1063
incarceration or treatment costs it incurs in housing or providing 1064
drug and alcohol treatment to persons who violate section 4511.19 1065
of the Revised Code or a substantially similar municipal ordinance 1066
and to pay for ignition interlock devices and electronic house 1067
arrest equipment for persons who violate that section. Twenty-five 1068
dollars of the fine imposed pursuant to this division shall be 1069

deposited into the county indigent drivers alcohol treatment fund 1070
or municipal indigent drivers alcohol treatment fund under the 1071
control of that court, as created by the county or municipal 1072
corporation pursuant to division (N) of section 4511.191 of the 1073
Revised Code. The balance of the fine shall be disbursed as 1074
otherwise provided by law. 1075

(2)(a) Except as otherwise provided in division (A)(4) of 1076
this section, the offender is guilty of a misdemeanor of the first 1077
degree, and, except as provided in this division, the court shall 1078
sentence the offender to a term of imprisonment of ten consecutive 1079
days and may sentence the offender pursuant to section 2929.21 of 1080
the Revised Code to a longer term of imprisonment if, within six 1081
years of the offense, the offender has been convicted of or 1082
pleaded guilty to one violation of the following: 1083

(i) Division (A) or (B) of section 4511.19 of the Revised 1084
Code; 1085

(ii) A municipal ordinance relating to operating a vehicle 1086
while under the influence of alcohol, a drug of abuse, or alcohol 1087
and a drug of abuse; 1088

(iii) A municipal ordinance relating to operating a vehicle 1089
with a prohibited concentration of alcohol in the blood, breath, 1090
or urine; 1091

(iv) Section 2903.04 of the Revised Code in a case in which 1092
the offender was subject to the sanctions described in division 1093
(D) of that section; 1094

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 1095
section 2903.08 of the Revised Code or a municipal ordinance that 1096
is substantially similar to either of those divisions; 1097

(vi) Division (A)(2), (3), or (4) of section 2903.06, 1098
division (A)(2) of section 2903.08, or former section 2903.07 of 1099
the Revised Code, or a municipal ordinance that is substantially 1100

similar to any of those divisions or that former section, in a 1101
case in which the jury or judge found that the offender was under 1102
the influence of alcohol, a drug of abuse, or alcohol and a drug 1103
of abuse; 1104

(vii) A statute of the United States or of any other state or 1105
a municipal ordinance of a municipal corporation located in any 1106
other state that is substantially similar to division (A) or (B) 1107
of section 4511.19 of the Revised Code. 1108

As an alternative to the term of imprisonment required to be 1109
imposed by this division, but subject to division (A)(12) of this 1110
section, the court may impose upon the offender a sentence 1111
consisting of both a term of imprisonment of five consecutive days 1112
and not less than eighteen consecutive days of electronically 1113
monitored house arrest as defined in division (A) of section 1114
2929.23 of the Revised Code. The five consecutive days of 1115
imprisonment and the period of electronically monitored house 1116
arrest shall not exceed six months. The five consecutive days of 1117
imprisonment do not have to be served prior to or consecutively 1118
with the period of electronically monitored house arrest. 1119

In addition, the court shall impose upon the offender a fine 1120
of not less than three hundred fifty and not more than one 1121
thousand five hundred dollars. 1122

In addition to any other sentence that it imposes upon the 1123
offender, the court may require the offender to attend a drivers' 1124
intervention program that is certified pursuant to section 3793.10 1125
of the Revised Code. If the officials of the drivers' intervention 1126
program determine that the offender is alcohol dependent, they 1127
shall notify the court, and the court shall order the offender to 1128
obtain treatment through an alcohol and drug addiction program 1129
authorized by section 3793.02 of the Revised Code. The cost of the 1130
treatment shall be paid by the offender. 1131

Of the fine imposed pursuant to this division, thirty-five 1132
dollars shall be paid to an enforcement and education fund 1133
established by the legislative authority of the law enforcement 1134
agency in this state that primarily was responsible for the arrest 1135
of the offender, as determined by the court that imposes the fine. 1136
This share shall be used by the agency to pay only those costs it 1137
incurs in enforcing section 4511.19 of the Revised Code or a 1138
substantially similar municipal ordinance and in informing the 1139
public of the laws governing the operation of a motor vehicle 1140
while under the influence of alcohol, the dangers of operating a 1141
motor vehicle while under the influence of alcohol, and other 1142
information relating to the operation of a motor vehicle and the 1143
consumption of alcoholic beverages. One hundred fifteen dollars of 1144
the fine imposed pursuant to this division shall be paid to the 1145
political subdivision that pays the cost of housing the offender 1146
during the offender's term of incarceration. This share shall be 1147
used by the political subdivision to pay or reimburse 1148
incarceration or treatment costs it incurs in housing or providing 1149
drug and alcohol treatment to persons who violate section 4511.19 1150
of the Revised Code or a substantially similar municipal ordinance 1151
and to pay for ignition interlock devices and electronic house 1152
arrest equipment for persons who violate that section, and shall 1153
be paid to the credit of the fund that pays the cost of the 1154
incarceration. Fifty dollars of the fine imposed pursuant to this 1155
division shall be deposited into the county indigent drivers 1156
alcohol treatment fund or municipal indigent drivers alcohol 1157
treatment fund under the control of that court, as created by the 1158
county or municipal corporation pursuant to division (N) of 1159
section 4511.191 of the Revised Code. The balance of the fine 1160
shall be disbursed as otherwise provided by law. 1161

(b) Regardless of whether the vehicle the offender was 1162
operating at the time of the offense is registered in the 1163

offender's name or in the name of another person, the court, in 1164
addition to the penalties imposed under division (A)(2)(a) of this 1165
section and all other penalties provided by law and subject to 1166
section 4503.235 of the Revised Code, shall order the 1167
immobilization for ninety days of the vehicle the offender was 1168
operating at the time of the offense and the impoundment for 1169
ninety days of the identification license plates of that vehicle. 1170
The order for the immobilization and impoundment shall be issued 1171
and enforced in accordance with section 4503.233 of the Revised 1172
Code. 1173

(3)(a) Except as otherwise provided in division (A)(4) of 1174
this section and except as provided in this division, if, within 1175
six years of the offense, the offender has been convicted of or 1176
pleaded guilty to two violations identified in division (A)(2) of 1177
this section, the court shall sentence the offender to a term of 1178
imprisonment of thirty consecutive days and may sentence the 1179
offender to a longer definite term of imprisonment of not more 1180
than one year. As an alternative to the term of imprisonment 1181
required to be imposed by this division, but subject to division 1182
(A)(12) of this section, the court may impose upon the offender a 1183
sentence consisting of both a term of imprisonment of fifteen 1184
consecutive days and not less than fifty-five consecutive days of 1185
electronically monitored house arrest as defined in division (A) 1186
of section 2929.23 of the Revised Code. The fifteen consecutive 1187
days of imprisonment and the period of electronically monitored 1188
house arrest shall not exceed one year. The fifteen consecutive 1189
days of imprisonment do not have to be served prior to or 1190
consecutively with the period of electronically monitored house 1191
arrest. 1192

In addition, the court shall impose upon the offender a fine 1193
of not less than five hundred fifty and not more than two thousand 1194
five hundred dollars. 1195

In addition to any other sentence that it imposes upon the 1196
offender, the court shall require the offender to attend an 1197
alcohol and drug addiction program authorized by section 3793.02 1198
of the Revised Code. The cost of the treatment shall be paid by 1199
the offender. If the court determines that the offender is unable 1200
to pay the cost of attendance at the treatment program, the court 1201
may order that payment of the cost of the offender's attendance at 1202
the treatment program be made from that court's indigent drivers 1203
alcohol treatment fund. 1204

Of the fine imposed pursuant to this division, one hundred 1205
twenty-three dollars shall be paid to an enforcement and education 1206
fund established by the legislative authority of the law 1207
enforcement agency in this state that primarily was responsible 1208
for the arrest of the offender, as determined by the court that 1209
imposes the fine. This share shall be used by the agency to pay 1210
only those costs it incurs in enforcing section 4511.19 of the 1211
Revised Code or a substantially similar municipal ordinance and in 1212
informing the public of the laws governing the operation of a 1213
motor vehicle while under the influence of alcohol, the dangers of 1214
operating a motor vehicle while under the influence of alcohol, 1215
and other information relating to the operation of a motor vehicle 1216
and the consumption of alcoholic beverages. Two hundred 1217
seventy-seven dollars of the fine imposed pursuant to this 1218
division shall be paid to the political subdivision that pays the 1219
cost of housing the offender during the offender's term of 1220
incarceration. This share shall be used by the political 1221
subdivision to pay or reimburse incarceration or treatment costs 1222
it incurs in housing or providing drug and alcohol treatment to 1223
persons who violate section 4511.19 of the Revised Code or a 1224
substantially similar municipal ordinance and to pay for ignition 1225
interlock devices and electronic house arrest equipment for 1226
persons who violate that section and shall be paid to the credit 1227

of the fund that pays the cost of incarceration. The balance of 1228
the fine shall be disbursed as otherwise provided by law. 1229

(b) Regardless of whether the vehicle the offender was 1230
operating at the time of the offense is registered in the 1231
offender's name or in the name of another person, the court, in 1232
addition to the penalties imposed under division (A)(3)(a) of this 1233
section and all other penalties provided by law and subject to 1234
section 4503.235 of the Revised Code, shall order the criminal 1235
forfeiture to the state of the vehicle the offender was operating 1236
at the time of the offense. The order of criminal forfeiture shall 1237
be issued and enforced in accordance with section 4503.234 of the 1238
Revised Code. 1239

(4)(a)(i) If, within six years of the offense, the offender 1240
has been convicted of or pleaded guilty to three or ~~more~~ four 1241
violations identified in division (A)(2) of this section or if, 1242
within twenty years of the offense, the offender previously has 1243
been convicted of or pleaded guilty to five or more violations of 1244
that nature, and if sentence is not required to be imposed under 1245
division (A)(4)(a)(ii) of this section, the offender is guilty of 1246
a felony of the fourth degree and, notwithstanding division (A)(4) 1247
of section 2929.14 of the Revised Code, may be sentenced to a 1248
definite prison term that shall be not less than six months and 1249
not more than thirty months. The court shall sentence the offender 1250
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1251
and, shall impose as part of the sentence a mandatory prison term 1252
of one, two, three, four, or five years as required by and in 1253
accordance with division (G)(2) of section 2929.13 of the Revised 1254
Code if the offender also pleads guilty to or also is convicted of 1255
a specification of the type described in section 2941.1413 of the 1256
Revised Code, and shall impose as part of the sentence either a 1257
mandatory term of local incarceration of sixty consecutive days of 1258
imprisonment in accordance with division (G)(1) of section 2929.13 1259

of the Revised Code or a mandatory prison term of sixty 1260
consecutive days of imprisonment in accordance with division 1261
(G)(2) of that section if the offender does not plead guilty to 1262
and is not convicted of a specification of that type. If the court 1263
requires the offender to serve a mandatory term of local 1264
incarceration of sixty consecutive days of imprisonment in 1265
accordance with division (G)(1) of section 2929.13 of the Revised 1266
Code, the court, pursuant to section 2929.17 of the Revised Code, 1267
may impose upon the offender a sentence that includes a term of 1268
electronically monitored house arrest, provided that the term of 1269
electronically monitored house arrest shall not commence until 1270
after the offender has served the mandatory term of local 1271
incarceration. 1272

(ii) If the offender previously has been convicted of or 1273
pleaded guilty to a violation of division (A) of section 4511.19 1274
of the Revised Code under circumstances in which the violation was 1275
a felony, regardless of when the prior violation and the prior 1276
conviction or guilty plea occurred, the offender is guilty of a 1277
felony of the third degree. The court shall sentence the offender 1278
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1279
~~and~~, shall impose as part of the sentence a mandatory prison term 1280
of one, two, three, four, or five years as required by and in 1281
accordance with division (G)(2) of section 2929.13 of the Revised 1282
Code if the offender also pleads guilty to or also is convicted of 1283
a specification of the type described in section 2941.1413 of the 1284
Revised Code, and shall impose as part of the sentence a mandatory 1285
prison term of sixty consecutive days of imprisonment in 1286
accordance with division (G)(2) of section 2929.13 of the Revised 1287
Code if the offender does not plead guilty to and is not convicted 1288
of a specification of that type. 1289

(iii) In addition to all other sanctions imposed on an 1290
offender under division (A)(4)(a)(i) or (ii) of this section, the 1291

court shall impose upon the offender, pursuant to section 2929.18 1292
of the Revised Code, a fine of not less than eight hundred nor 1293
more than ten thousand dollars. 1294

In addition to any other sanction that it imposes upon the 1295
offender under division (A)(4)(a)(i) or (ii) of this section, the 1296
court shall require the offender to attend an alcohol and drug 1297
addiction program authorized by section 3793.02 of the Revised 1298
Code. The cost of the treatment shall be paid by the offender. If 1299
the court determines that the offender is unable to pay the cost 1300
of attendance at the treatment program, the court may order that 1301
payment of the cost of the offender's attendance at the treatment 1302
program be made from the court's indigent drivers alcohol 1303
treatment fund. 1304

Of the fine imposed pursuant to this division, two hundred 1305
ten dollars shall be paid to an enforcement and education fund 1306
established by the legislative authority of the law enforcement 1307
agency in this state that primarily was responsible for the arrest 1308
of the offender, as determined by the court that imposes the fine. 1309
This share shall be used by the agency to pay only those costs it 1310
incurs in enforcing section 4511.19 of the Revised Code or a 1311
substantially similar municipal ordinance and in informing the 1312
public of the laws governing operation of a motor vehicle while 1313
under the influence of alcohol, the dangers of operation of a 1314
motor vehicle while under the influence of alcohol, and other 1315
information relating to the operation of a motor vehicle and the 1316
consumption of alcoholic beverages. Four hundred forty dollars of 1317
the fine imposed pursuant to this division shall be paid to the 1318
political subdivision that pays the cost of housing the offender 1319
during the offender's term of incarceration. This share shall be 1320
used by the political subdivision to pay or reimburse 1321
incarceration or treatment costs it incurs in housing or providing 1322
drug and alcohol treatment to persons who violate section 4511.19 1323

of the Revised Code or a substantially similar municipal ordinance 1324
and to pay for ignition interlock devices and electronic house 1325
arrest equipment for persons who violate that section, and shall 1326
be paid to the credit of the fund that pays the cost of 1327
incarceration. The balance of the fine shall be disbursed as 1328
otherwise provided by law. 1329

(b) Regardless of whether the vehicle the offender was 1330
operating at the time of the offense is registered in the 1331
offender's name or in the name of another person, the court, in 1332
addition to the sanctions imposed under division (A)(4)(a) of this 1333
section and all other sanctions provided by law and subject to 1334
section 4503.235 of the Revised Code, shall order the criminal 1335
forfeiture to the state of the vehicle the offender was operating 1336
at the time of the offense. The order of criminal forfeiture shall 1337
be issued and enforced in accordance with section 4503.234 of the 1338
Revised Code. 1339

(c) As used in division (A)(4)(a) of this section, "mandatory 1340
prison term" and "mandatory term of local incarceration" have the 1341
same meanings as in section 2929.01 of the Revised Code. 1342

If title to a motor vehicle that is subject to an order for 1343
criminal forfeiture under this section is assigned or transferred 1344
and division (C)(2) or (3) of section 4503.234 of the Revised Code 1345
applies, in addition to or independent of any other penalty 1346
established by law, the court may fine the offender the value of 1347
the vehicle as determined by publications of the national auto 1348
dealer's association. The proceeds from any fine imposed under 1349
this division shall be distributed in accordance with division 1350
(D)(4) of section 4503.234 of the Revised Code. 1351

(5)(a) Except as otherwise provided in division (A)(6), (7), 1352
or (8) of this section, the offender is guilty of a misdemeanor of 1353
the first degree, and the court shall sentence the offender to one 1354
of the following: 1355

(i) A term of imprisonment of at least three consecutive days 1356
and a requirement that the offender attend, for three consecutive 1357
days, a drivers' intervention program that is certified pursuant 1358
to section 3793.10 of the Revised Code; 1359

(ii) If the court determines that the offender is not 1360
conducive to treatment in the program, if the offender refuses to 1361
attend the program, or if the place of imprisonment can provide a 1362
drivers' intervention program, a term of imprisonment of at least 1363
six consecutive days. 1364

(b) In addition, the court shall impose upon the offender a 1365
fine of not less than two hundred fifty and not more than one 1366
thousand dollars. 1367

The court may require the offender, as a condition of 1368
probation, to attend and satisfactorily complete any treatment or 1369
education programs that comply with the minimum standards adopted 1370
pursuant to Chapter 3793. of the Revised Code by the director of 1371
alcohol and drug addiction services, in addition to the required 1372
attendance at a drivers' intervention program, that the operators 1373
of the drivers' intervention program determine that the offender 1374
should attend and to report periodically to the court on the 1375
offender's progress in the programs. The court also may impose any 1376
other conditions of probation on the offender that it considers 1377
necessary. 1378

Of the fine imposed pursuant to this division, twenty-five 1379
dollars shall be paid to an enforcement and education fund 1380
established by the legislative authority of the law enforcement 1381
agency in this state that primarily was responsible for the arrest 1382
of the offender, as determined by the court that imposes the fine. 1383
The agency shall use this share to pay only those costs it incurs 1384
in enforcing section 4511.19 of the Revised Code or a 1385
substantially similar municipal ordinance and in informing the 1386

public of the laws governing the operation of a motor vehicle 1387
while under the influence of alcohol, the dangers of operating a 1388
motor vehicle while under the influence of alcohol, and other 1389
information relating to the operation of a motor vehicle and the 1390
consumption of alcoholic beverages. Fifty dollars of the fine 1391
imposed pursuant to this division shall be paid to the political 1392
subdivision that pays the cost of housing the offender during the 1393
offender's term of incarceration to the credit of the fund that 1394
pays the cost of the incarceration. The political subdivision 1395
shall use this share to pay or reimburse incarceration or 1396
treatment costs it incurs in housing or providing drug and alcohol 1397
treatment to persons who violate section 4511.19 of the Revised 1398
Code or a substantially similar municipal ordinance and to pay for 1399
ignition interlock devices and electronic house arrest equipment 1400
for persons who violate that section. Twenty-five dollars of the 1401
fine imposed pursuant to this division shall be deposited into the 1402
county indigent drivers alcohol treatment fund or municipal 1403
indigent drivers alcohol treatment fund under the control of that 1404
court, as created by the county or municipal corporation pursuant 1405
to division (N) of section 4511.191 of the Revised Code. The 1406
balance of the fine shall be disbursed as otherwise provided by 1407
law. 1408

(6)(a) Except as otherwise provided in division (A)(8) of 1409
this section and except as provided in this division, if, within 1410
six years of the offense, the offender has been convicted of or 1411
pleaded guilty to one violation of division (A) or (B) of section 1412
4511.19 of the Revised Code, a municipal ordinance relating to 1413
operating a vehicle while under the influence of alcohol, a drug 1414
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1415
relating to operating a vehicle with a prohibited concentration of 1416
alcohol in the blood, breath, or urine, section 2903.04 of the 1417
Revised Code in a case in which the offender was subject to the 1418
sanctions described in division (D) of that section, section 1419

2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1420
ordinance that is substantially similar to section 2903.07 of the 1421
Revised Code in a case in which the jury or judge found that the 1422
offender was under the influence of alcohol, a drug of abuse, or 1423
alcohol and a drug of abuse, or a statute of the United States or 1424
of any other state or a municipal ordinance of a municipal 1425
corporation located in any other state that is substantially 1426
similar to division (A) or (B) of section 4511.19 of the Revised 1427
Code, the offender is guilty of a misdemeanor of the first degree, 1428
and the court shall sentence the offender to a term of 1429
imprisonment of twenty consecutive days and may sentence the 1430
offender pursuant to section 2929.21 of the Revised Code to a 1431
longer term of imprisonment. As an alternative to the term of 1432
imprisonment required to be imposed by this division, but subject 1433
to division (A)(12) of this section, the court may impose upon the 1434
offender a sentence consisting of both a term of imprisonment of 1435
ten consecutive days and not less than thirty-six consecutive days 1436
of electronically monitored house arrest as defined in division 1437
(A) of section 2929.23 of the Revised Code. The ten consecutive 1438
days of imprisonment and the period of electronically monitored 1439
house arrest shall not exceed six months. The ten consecutive days 1440
of imprisonment do not have to be served prior to or consecutively 1441
with the period of electronically monitored house arrest. 1442

In addition, the court shall impose upon the offender a fine 1443
of not less than three hundred fifty and not more than one 1444
thousand five hundred dollars. 1445

In addition to any other sentence that it imposes upon the 1446
offender, the court may require the offender to attend a drivers' 1447
intervention program that is certified pursuant to section 3793.10 1448
of the Revised Code. If the officials of the drivers' intervention 1449
program determine that the offender is alcohol dependent, they 1450
shall notify the court, and the court shall order the offender to 1451

obtain treatment through an alcohol and drug addiction program 1452
authorized by section 3793.02 of the Revised Code. The offender 1453
shall pay the cost of the treatment. 1454

Of the fine imposed pursuant to this division, thirty-five 1455
dollars shall be paid to an enforcement and education fund 1456
established by the legislative authority of the law enforcement 1457
agency in this state that primarily was responsible for the arrest 1458
of the offender, as determined by the court that imposes the fine. 1459
The agency shall use this share to pay only those costs it incurs 1460
in enforcing section 4511.19 of the Revised Code or a 1461
substantially similar municipal ordinance and in informing the 1462
public of the laws governing the operation of a motor vehicle 1463
while under the influence of alcohol, the dangers of operating a 1464
motor vehicle while under the influence of alcohol, and other 1465
information relating to the operation of a motor vehicle and the 1466
consumption of alcoholic beverages. One hundred fifteen dollars of 1467
the fine imposed pursuant to this division shall be paid to the 1468
political subdivision that pays the cost of housing the offender 1469
during the offender's term of incarceration. The political 1470
subdivision shall use this share to pay or reimburse incarceration 1471
or treatment costs it incurs in housing or providing drug and 1472
alcohol treatment to persons who violate section 4511.19 of the 1473
Revised Code or a substantially similar municipal ordinance and to 1474
pay for ignition interlock devices and electronic house arrest 1475
equipment for persons who violate that section, and this share 1476
shall be paid to the credit of the fund that pays the cost of the 1477
incarceration. Fifty dollars of the fine imposed pursuant to this 1478
division shall be deposited into the county indigent drivers 1479
alcohol treatment fund or municipal indigent drivers alcohol 1480
treatment fund under the control of that court, as created by the 1481
county or municipal corporation pursuant to division (N) of 1482
section 4511.191 of the Revised Code. The balance of the fine 1483
shall be disbursed as otherwise provided by law. 1484

(b) Regardless of whether the vehicle the offender was 1485
operating at the time of the offense is registered in the 1486
offender's name or in the name of another person, the court, in 1487
addition to the penalties imposed under division (A)(6)(a) of this 1488
section and all other penalties provided by law and subject to 1489
section 4503.235 of the Revised Code, shall order the 1490
immobilization for ninety days of the vehicle the offender was 1491
operating at the time of the offense and the impoundment for 1492
ninety days of the identification license plates of that vehicle. 1493
The order for the immobilization and impoundment shall be issued 1494
and enforced in accordance with section 4503.233 of the Revised 1495
Code. 1496

(7)(a) Except as otherwise provided in division (A)(8) of 1497
this section and except as provided in this division, if, within 1498
six years of the offense, the offender has been convicted of or 1499
pleaded guilty to two violations of division (A) or (B) of section 1500
4511.19 of the Revised Code, a municipal ordinance relating to 1501
operating a vehicle while under the influence of alcohol, a drug 1502
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1503
relating to operating a vehicle with a prohibited concentration of 1504
alcohol in the blood, breath, or urine, section 2903.04 of the 1505
Revised Code in a case in which the offender was subject to the 1506
sanctions described in division (D) of that section, section 1507
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1508
ordinance that is substantially similar to section 2903.07 of the 1509
Revised Code in a case in which the jury or judge found that the 1510
offender was under the influence of alcohol, a drug of abuse, or 1511
alcohol and a drug of abuse, or a statute of the United States or 1512
of any other state or a municipal ordinance of a municipal 1513
corporation located in any other state that is substantially 1514
similar to division (A) or (B) of section 4511.19 of the Revised 1515
Code, the court shall sentence the offender to a term of 1516

imprisonment of sixty consecutive days and may sentence the 1517
offender to a longer definite term of imprisonment of not more 1518
than one year. As an alternative to the term of imprisonment 1519
required to be imposed by this division, but subject to division 1520
(A)(12) of this section, the court may impose upon the offender a 1521
sentence consisting of both a term of imprisonment of thirty 1522
consecutive days and not less than one hundred ten consecutive 1523
days of electronically monitored house arrest as defined in 1524
division (A) of section 2929.23 of the Revised Code. The thirty 1525
consecutive days of imprisonment and the period of electronically 1526
monitored house arrest shall not exceed one year. The thirty 1527
consecutive days of imprisonment do not have to be served prior to 1528
or consecutively with the period of electronically monitored house 1529
arrest. 1530

In addition, the court shall impose upon the offender a fine 1531
of not less than five hundred fifty and not more than two thousand 1532
five hundred dollars. 1533

In addition to any other sentence that it imposes upon the 1534
offender, the court shall require the offender to attend an 1535
alcohol and drug addiction program authorized by section 3793.02 1536
of the Revised Code. The offender shall pay the cost of the 1537
treatment. If the court determines that the offender is unable to 1538
pay the cost of attendance at the treatment program, the court may 1539
order that payment of the cost of the offender's attendance at the 1540
treatment program be made from that court's indigent drivers 1541
alcohol treatment fund. 1542

Of the fine imposed pursuant to this division, one hundred 1543
twenty-three dollars shall be paid to an enforcement and education 1544
fund established by the legislative authority of the law 1545
enforcement agency in this state that primarily was responsible 1546
for the arrest of the offender, as determined by the court that 1547
imposes the fine. The agency shall use this share to pay only 1548

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~~ four 1581
violations of division (A) or (B) of section 4511.19 of the 1582
Revised Code, a municipal ordinance relating to operating a 1583
vehicle while under the influence of alcohol, a drug of abuse, or 1584
alcohol and a drug of abuse, a municipal ordinance relating to 1585
operating a vehicle with a prohibited concentration of alcohol in 1586
the blood, breath, or urine, section 2903.04 of the Revised Code 1587
in a case in which the offender was subject to the sanctions 1588
described in division (D) of that section, section 2903.06, 1589
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 1590
that is substantially similar to section 2903.07 of the Revised 1591
Code in a case in which the jury or judge found that the offender 1592
was under the influence of alcohol, a drug of abuse, or alcohol 1593
and a drug of abuse, or a statute of the United States or of any 1594
other state or a municipal ordinance of a municipal corporation 1595
located in any other state that is substantially similar to 1596
division (A) or (B) of section 4511.19 of the Revised Code or if, 1597
within twenty years of the offense, the offender previously has 1598
been convicted of or pleaded guilty to five or more violations of 1599
that nature, and if sentence is not required to be imposed under 1600
division (A)(8)(a)(ii) of this section, the offender is guilty of 1601
a felony of the fourth degree and, notwithstanding division (A)(4) 1602
of section 2929.14 of the Revised Code, may be sentenced to a 1603
definite prison term that shall be not less than six months and 1604
not more than thirty months. The court shall sentence the offender 1605
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1606
and, shall impose as part of the sentence a mandatory prison term 1607
of one, two, three, four, or five years as required by and in 1608
accordance with division (G)(2) of section 2929.13 of the Revised 1609
Code if the offender also pleads guilty to or also is convicted of 1610
a specification of the type described in section 2941.1413 of the 1611
Revised Code, and shall impose as part of the sentence either a 1612
mandatory term of local incarceration of one hundred twenty 1613

consecutive days of imprisonment in accordance with division 1614
(G)(1) of section 2929.13 of the Revised Code or a mandatory 1615
prison term of one hundred twenty consecutive days of imprisonment 1616
in accordance with division (G)(2) of that section if the offender 1617
does not plead guilty to and is not convicted of a specification 1618
of that type. If the court requires the offender to serve a 1619
mandatory term of local incarceration of one hundred twenty 1620
consecutive days of imprisonment in accordance with division 1621
(G)(1) of section 2929.13 of the Revised Code, the court, pursuant 1622
to section 2929.17 of the Revised Code, may impose upon the 1623
offender a sentence that includes a term of electronically 1624
monitored house arrest, provided that the term of electronically 1625
monitored house arrest shall not commence until after the offender 1626
has served the mandatory term of local incarceration. 1627

(ii) If the offender previously has been convicted of or 1628
pleaded guilty to a violation of division (A) of section 4511.19 1629
of the Revised Code under circumstances in which the violation was 1630
a felony, regardless of when the prior violation and the prior 1631
conviction or guilty plea occurred, the offender is guilty of a 1632
felony of the third degree. The court shall sentence the offender 1633
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1634
~~and~~, shall impose as part of the sentence a mandatory prison term 1635
of one, two, three, four, or five years as required by and in 1636
accordance with division (G)(2) of section 2929.13 of the Revised 1637
Code if the offender also pleads guilty to or also is convicted of 1638
a specification of the type described in section 2941.1413 of the 1639
Revised Code, and shall impose as part of the sentence a mandatory 1640
prison term of one hundred twenty consecutive days of imprisonment 1641
in accordance with division (G)(2) of section 2929.13 of the 1642
Revised Code if the offender does not plead guilty to and is not 1643
convicted of a specification of that type. 1644

(iii) In addition to all other sanctions imposed on an 1645

offender under division (A)(8)(a)(i) or (ii) of this section, the 1646
court shall impose upon the offender, pursuant to section 2929.18 1647
of the Revised Code, a fine of not less than eight hundred nor 1648
more than ten thousand dollars. 1649

In addition to any other sanction that it imposes upon the 1650
offender under division (A)(8)(a)(i) or (ii) of this section, the 1651
court shall require the offender to attend an alcohol and drug 1652
addiction program authorized by section 3793.02 of the Revised 1653
Code. The cost of the treatment shall be paid by the offender. If 1654
the court determines that the offender is unable to pay the cost 1655
of attendance at the treatment program, the court may order that 1656
payment of the cost of the offender's attendance at the treatment 1657
program be made from the court's indigent drivers alcohol 1658
treatment fund. 1659

Of the fine imposed pursuant to this division, two hundred 1660
ten dollars shall be paid to an enforcement and education fund 1661
established by the legislative authority of the law enforcement 1662
agency in this state that primarily was responsible for the arrest 1663
of the offender, as determined by the court that imposes the fine. 1664
The agency shall use this share to pay only those costs it incurs 1665
in enforcing section 4511.19 of the Revised Code or a 1666
substantially similar municipal ordinance and in informing the 1667
public of the laws governing operation of a motor vehicle while 1668
under the influence of alcohol, the dangers of operation of a 1669
motor vehicle while under the influence of alcohol, and other 1670
information relating to the operation of a motor vehicle and the 1671
consumption of alcoholic beverages. Four hundred forty dollars of 1672
the fine imposed pursuant to this division shall be paid to the 1673
political subdivision that pays the cost of housing the offender 1674
during the offender's term of incarceration. The political 1675
subdivision shall use this share to pay or reimburse incarceration 1676
or treatment costs it incurs in housing or providing drug and 1677

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 sanctions imposed under division (A)(8)(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)(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 1710
the offender's employment, the court may authorize that the 1711
offender be granted work release from imprisonment after the 1712
offender has served the three, six, ten, twenty, thirty, or sixty 1713
consecutive days of imprisonment or the mandatory term of local 1714
incarceration of sixty or one hundred twenty consecutive days that 1715
the court is required by division (A)(1), (2), (3), (4), (5), (6), 1716
(7), or (8) of this section to impose. No court shall authorize 1717
work release from imprisonment during the three, six, ten, twenty, 1718
thirty, or sixty consecutive days of imprisonment or the mandatory 1719
term of local incarceration or mandatory prison term of sixty or 1720
one hundred twenty consecutive days that the court is required by 1721
division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this 1722
section to impose. The duration of the work release shall not 1723
exceed the time necessary each day for the offender to commute to 1724
and from the place of employment and the place of imprisonment and 1725
the time actually spent under employment. 1726

(b) An offender who is sentenced pursuant to division (A)(2), 1727
(3), (6), or (7) of this section to a term of imprisonment 1728
followed by a period of electronically monitored house arrest is 1729
not eligible for work release from imprisonment, but that person 1730
shall be permitted work release during the period of 1731
electronically monitored house arrest. No court shall authorize 1732
work release from a mandatory prison term that the court is 1733
required to impose under division (G)(2) of section 2929.13 of the 1734
Revised Code. The duration of the work release shall not exceed 1735
the time necessary each day for the offender to commute to and 1736
from the place of employment and the offender's home or other 1737
place specified by the sentencing court and the time actually 1738
spent under employment. 1739

(10) Notwithstanding any section of the Revised Code that 1740
authorizes the suspension of the imposition or execution of a 1741

sentence, the placement of an offender in any treatment program in 1742
lieu of imprisonment, or the use of a community control sanction 1743
for an offender convicted of a felony, no court shall suspend the 1744
ten, twenty, thirty, or sixty consecutive days of imprisonment 1745
required to be imposed on an offender by division (A)(2), (3), 1746
(6), or (7) of this section, no court shall place an offender who 1747
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or 1748
(8) of this section in any treatment program in lieu of 1749
imprisonment until after the offender has served the ten, twenty, 1750
thirty, or sixty consecutive days of imprisonment or the mandatory 1751
term of local incarceration or mandatory prison term of sixty or 1752
one hundred twenty consecutive days required to be imposed 1753
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 1754
section or a mandatory prison term of one, two, three, four, or 1755
five years that the court is required to impose under division 1756
(G)(2) of section 2929.13 of the Revised Code, no court that 1757
sentences an offender under division (A)(4) or (8) of this section 1758
shall impose any sanction other than a mandatory term of local 1759
incarceration or mandatory prison term to apply to the offender 1760
until after the offender has served the mandatory term of local 1761
incarceration or mandatory prison term ~~of sixty or one hundred~~ 1762
~~twenty consecutive days~~ required to be imposed pursuant to 1763
division (A)(4) or (8) of this section or division (G) of section 1764
2929.13 of the Revised Code, and no court that imposes a sentence 1765
of imprisonment and a period of electronically monitored house 1766
arrest upon an offender under division (A)(2), (3), (6), or (7) of 1767
this section shall suspend any portion of the sentence or place 1768
the offender in any treatment program in lieu of imprisonment or 1769
electronically monitored house arrest. Notwithstanding any section 1770
of the Revised Code that authorizes the suspension of the 1771
imposition or execution of a sentence or the placement of an 1772
offender in any treatment program in lieu of imprisonment, no 1773
court, except as specifically authorized by division (A)(1) or (5) 1774

of this section, shall suspend the three or more consecutive days 1775
of imprisonment required to be imposed by division (A)(1) or (5) 1776
of this section or place an offender who is sentenced pursuant to 1777
division (A)(1) or (5) of this section in any treatment program in 1778
lieu of imprisonment until after the offender has served the three 1779
or more consecutive days of imprisonment required to be imposed 1780
pursuant to division (A)(1) or (5) of this section. 1781

(11) No court shall sentence an offender to an alcohol 1782
treatment program pursuant to division (A)(1), (2), (3), (4), (5), 1783
(6), (7), or (8) of this section unless the treatment program 1784
complies with the minimum standards adopted pursuant to Chapter 1785
3793. of the Revised Code by the director of alcohol and drug 1786
addiction services. 1787

(12) No court shall impose the alternative sentence of a term 1788
of imprisonment plus a term of electronically monitored house 1789
arrest permitted to be imposed by division (A)(2), (3), (6), or 1790
(7) of this section, unless within sixty days of the date of 1791
sentencing, the court issues a written finding, entered into the 1792
record, that due to the unavailability of space at the 1793
incarceration facility where the offender is required to serve the 1794
term of imprisonment imposed upon the offender, the offender will 1795
not be able to commence serving the term of imprisonment within 1796
the sixty-day period following the date of sentencing. If the 1797
court issues such a written finding, the court may impose the 1798
alternative sentence comprised of a term of imprisonment and a 1799
term of electronically monitored house arrest permitted to be 1800
imposed by division (A)(2), (3), (6), or (7) of this section. 1801

(B) Whoever violates section 4511.192, 4511.251, or 4511.85 1802
of the Revised Code is guilty of a misdemeanor of the first 1803
degree. The court, in addition to or independent of all other 1804
penalties provided by law, may suspend for a period not to exceed 1805
one year the driver's or commercial driver's license or permit or 1806

nonresident operating privilege of any person who pleads guilty to 1807
or is convicted of a violation of section 4511.192 of the Revised 1808
Code. 1809

(C) Whoever violates section 4511.63, 4511.76, 4511.761, 1810
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is 1811
guilty of one of the following: 1812

(1) Except as otherwise provided in division (C)(2) of this 1813
section, a minor misdemeanor. 1814

(2) If the offender previously has been convicted of or 1815
pleaded guilty to one or more violations of section 4511.63, 1816
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the 1817
Revised Code or a municipal ordinance that is substantially 1818
similar to any of those sections, a misdemeanor of the fourth 1819
degree. 1820

(D)(1) Whoever violates any provision of sections 4511.01 to 1821
4511.76 or section 4511.84 of the Revised Code, for which no 1822
penalty otherwise is provided in this section is guilty of one of 1823
the following: 1824

(a) Except as otherwise provided in division (D)(1)(b), 1825
(1)(c), (2), (3), or (4) of this section, a minor misdemeanor; 1826

(b) If, within one year of the offense, the offender 1827
previously has been convicted of or pleaded guilty to one 1828
violation of any provision of sections 4511.01 to 4511.76 or 1829
section 4511.84 of the Revised Code for which no penalty otherwise 1830
is provided in this section or a municipal ordinance that is 1831
substantially similar to any provision of sections 4511.01 to 1832
4511.76 or section 4511.84 of the Revised Code for which no 1833
penalty otherwise is provided in this section, a misdemeanor of 1834
the fourth degree; 1835

(c) If, within one year of the offense, the offender 1836
previously has been convicted of or pleaded guilty to two or more 1837

violations of any provision described in division (D)(1)(b) of 1838
this section or any municipal ordinance that is substantially 1839
similar to any of those provisions, a misdemeanor of the third 1840
degree. 1841

(2) When any person is found guilty of a first offense for a 1842
violation of section 4511.21 of the Revised Code upon a finding 1843
that the person operated a motor vehicle faster than thirty-five 1844
miles an hour in a business district of a municipal corporation, 1845
or faster than fifty miles an hour in other portions, or faster 1846
than thirty-five miles an hour while passing through a school zone 1847
during recess or while children are going to or leaving school 1848
during the opening or closing hours, the person is guilty of a 1849
misdemeanor of the fourth degree. 1850

(3) Notwithstanding section 2929.21 of the Revised Code, upon 1851
a finding that such person operated a motor vehicle in a 1852
construction zone where a sign was then posted in accordance with 1853
section 4511.98 of the Revised Code, the court, in addition to all 1854
other penalties provided by law, shall impose a fine of two times 1855
the usual amount imposed for the violation. No court shall impose 1856
a fine of two times the usual amount imposed for the violation 1857
upon an offender who alleges, in an affidavit filed with the court 1858
prior to the offender's sentencing, that the offender is indigent 1859
and is unable to pay the fine imposed pursuant to this division, 1860
provided the court determines the offender is an indigent person 1861
and is unable to pay the fine. 1862

(4) Notwithstanding section 2929.21 of the Revised Code, upon 1863
a finding that a person operated a motor vehicle in violation of 1864
division (C) of section 4511.213 of the Revised Code, the court, 1865
in addition to all other penalties provided by law, shall impose a 1866
fine of two times the usual amount imposed for the violation. 1867

(E) Whenever a person is found guilty in a court of record of 1868
a violation of section 4511.761, 4511.762, or 4511.77 of the 1869

Revised Code, the trial judge, in addition to or independent of 1870
all other penalties provided by law, may suspend for any period of 1871
time not exceeding three years, or revoke the license of any 1872
person, partnership, association, or corporation, issued under 1873
section 4511.763 of the Revised Code. 1874

(F) Whoever violates division (E) or (F) of section 4511.51, 1875
division (A), (D), or (E) of section 4511.521, section 4511.681, 1876
division (A) or (C) of section 4511.69, section 4511.772, or 1877
division (A) or (B) of section 4511.82 of the Revised Code is 1878
guilty of a minor misdemeanor. 1879

(G) Whoever violates division (A) of section 4511.75 of the 1880
Revised Code may be fined an amount not to exceed five hundred 1881
dollars. A person who is issued a citation for a violation of 1882
division (A) of section 4511.75 of the Revised Code is not 1883
permitted to enter a written plea of guilty and waive the person's 1884
right to contest the citation in a trial, but instead must appear 1885
in person in the proper court to answer the charge. 1886

(H)(1) Whoever is a resident of this state and violates 1887
division (A) or (B) of section 4511.81 of the Revised Code shall 1888
be punished as follows: 1889

(a) Except as otherwise provided in division (H)(1)(b) of 1890
this section, the offender is guilty of a minor misdemeanor. 1891

(b) If the offender previously has been convicted of or 1892
pleaded guilty to a violation of division (A) or (B) of section 1893
4511.81 of the Revised Code or of a municipal ordinance that is 1894
substantially similar to either of those divisions, the offender 1895
is guilty of a misdemeanor of the fourth degree. 1896

(2) Whoever is not a resident of this state, violates 1897
division (A) or (B) of section 4511.81 of the Revised Code, and 1898
fails to prove by a preponderance of the evidence that the 1899
offender's use or nonuse of a child restraint system was in 1900

accordance with the law of the state of which the offender is a 1901
resident is guilty of a minor misdemeanor on a first offense; on a 1902
second or subsequent offense, that person is guilty of a 1903
misdemeanor of the fourth degree. 1904

(3) All fines imposed pursuant to division (H)(1) or (2) of 1905
this section shall be forwarded to the treasurer of state for 1906
deposit in the "child highway safety fund" created by division (G) 1907
of section 4511.81 of the Revised Code. 1908

(I) Whoever violates section 4511.202 of the Revised Code is 1909
guilty of operating a motor vehicle without being in control of 1910
it, a minor misdemeanor. 1911

(J) Whoever violates division (B) of section 4511.74, 1912
division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of 1913
section 4511.83 of the Revised Code is guilty of a misdemeanor of 1914
the first degree. 1915

(K) Except as otherwise provided in this division, whoever 1916
violates division (E) of section 4511.11, division (A) or (C) of 1917
section 4511.17, or section 4511.18 of the Revised Code is guilty 1918
of a misdemeanor of the third degree. If a violation of division 1919
(A) or (C) of section 4511.17 of the Revised Code creates a risk 1920
of physical harm to any person, the offender is guilty of a 1921
misdemeanor of the first degree. A violation of division (A) or 1922
(C) of section 4511.17 of the Revised Code that causes serious 1923
physical harm to property that is owned, leased, or controlled by 1924
a state or local authority is a felony of the fifth degree. 1925

(L) Whoever violates division (H) of section 4511.69 of the 1926
Revised Code shall be punished as follows: 1927

(1) Except as otherwise provided in division (L)(2) of this 1928
section, the offender shall be issued a warning. 1929

(2) If the offender previously has been convicted of or 1930
pleaded guilty to a violation of division (H) of section 4511.69 1931

of the Revised Code or of a municipal ordinance that is 1932
substantially similar to that division, the offender shall not be 1933
issued a warning but shall be fined twenty-five dollars for each 1934
parking location that is not properly marked or whose markings are 1935
not properly maintained. 1936

(M) Whoever violates division (A)(1) or (2) of section 1937
4511.45 of the Revised Code is guilty of a misdemeanor of the 1938
fourth degree on a first offense; on a second offense within one 1939
year after the first offense, the person is guilty of a 1940
misdemeanor of the third degree; and on each subsequent offense 1941
within one year after the first offense, the person is guilty of a 1942
misdemeanor of the second degree. 1943

(N)(1) Whoever violates division (B) of section 4511.19 of 1944
the Revised Code is guilty of operating a motor vehicle after 1945
under-age alcohol consumption and shall be punished as follows: 1946

(a) Except as otherwise provided in division (N)(1)(b) of 1947
this section, the offender is guilty of a misdemeanor of the 1948
fourth degree. 1949

(b) The offender is guilty of a misdemeanor of the third 1950
degree if, within one year of the offense, the offender has been 1951
convicted of or pleaded guilty to any violation of the following: 1952

(i) Division (A) or (B) of section 4511.19 of the Revised 1953
Code; 1954

(ii) A municipal ordinance relating to operating a vehicle 1955
while under the influence of alcohol, a drug of abuse, or alcohol 1956
and a drug of abuse; 1957

(iii) A municipal ordinance relating to operating a vehicle 1958
with a prohibited concentration of alcohol in the blood, breath, 1959
or urine; 1960

(iv) Section 2903.04 of the Revised Code in a case in which 1961

the offender was subject to the sanctions described in division 1962
(D) of that section; 1963

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 1964
section 2903.08 of the Revised Code or a municipal ordinance that 1965
is substantially similar to either of those divisions; 1966

(vi) Division (A)(2), (3), or (4) of section 2903.06 or 1967
division (A)(2) of section 2903.08 of the Revised Code or a 1968
municipal ordinance that is substantially similar to any of those 1969
divisions, or former section 2903.07 of the Revised Code or a 1970
substantially similar municipal ordinance, in a case in which the 1971
jury or judge found that the offender was under the influence of 1972
alcohol, a drug of abuse, or alcohol and a drug of abuse; 1973

(vii) A statute of the United States or of any other state or 1974
a municipal ordinance of a municipal corporation located in any 1975
other state that is substantially similar to division (A) or (B) 1976
of section 4511.19 of the Revised Code. 1977

(2) In addition to or independent of all other penalties 1978
provided by law, the offender's driver's or commercial driver's 1979
license or permit or nonresident operating privilege shall be 1980
suspended in accordance with, and for the period of time specified 1981
in, division (E) of section 4507.16 of the Revised Code. 1982

(O) Whoever violates section 4511.62 of the Revised Code is 1983
guilty of a misdemeanor of the fourth degree. 1984

(P) Whoever violates division (F)(1)(a) or (b) of section 1985
4511.69 of the Revised Code is guilty of a misdemeanor and shall 1986
be fined not less than two hundred fifty nor more than five 1987
hundred dollars, but in no case shall an offender be sentenced to 1988
any term of imprisonment. 1989

Arrest or conviction for a violation of division (F)(1)(a) or 1990
(b) of section 4511.69 of the Revised Code does not constitute a 1991
criminal record and need not be reported by the person so arrested 1992

or convicted in response to any inquiries contained in any 1993
application for employment, license, or other right or privilege, 1994
or made in connection with the person's appearance as a witness. 1995

Every fine collected under this division shall be paid by the 1996
clerk of the court to the political subdivision in which the 1997
violation occurred. Except as provided in this division, the 1998
political subdivision shall use the fine moneys it receives under 1999
this division to pay the expenses it incurs in complying with the 2000
signage and notice requirements contained in division (E) of 2001
section 4511.69 of the Revised Code. The political subdivision may 2002
use up to fifty per cent of each fine it receives under this 2003
division to pay the costs of educational, advocacy, support, and 2004
assistive technology programs for persons with disabilities, and 2005
for public improvements within the political subdivision that 2006
benefit or assist persons with disabilities, if governmental 2007
agencies or nonprofit organizations offer the programs. 2008

(Q)(1) Whoever violates division (B) or (C) of section 2009
4511.512 of the Revised Code is guilty of a minor misdemeanor and 2010
shall be punished as follows: 2011

(a) The offender shall be fined ten dollars. 2012

(b) If the offender previously has been convicted of or 2013
pleaded guilty to a violation of division (B) or (C) of section 2014
4511.512 of the Revised Code or a substantially similar municipal 2015
ordinance, the court, in addition to imposing the fine required 2016
under division (Q)(1)(a) of this section, shall do one of the 2017
following: 2018

(i) Order the impoundment for not less than one day but not 2019
more than thirty days of the electric personal assistive mobility 2020
device that was involved in the current violation of that 2021
division. The court shall order the device to be impounded at a 2022
safe indoor location designated by the court and may assess 2023

storage fees of not more than five dollars per day, provided the 2024
total storage, processing, and release fees assessed against the 2025
offender or the device in connection with the device's impoundment 2026
or subsequent release shall not exceed fifty dollars. 2027

(ii) If the court does not issue an impoundment order 2028
pursuant to division (Q)(1)(b)(i) of this section, issue an order 2029
prohibiting the offender from operating any electric personal 2030
assistive mobility device on the public streets, highways, 2031
sidewalks, and paths and portions of roadways set aside for the 2032
exclusive use of bicycles for not less than one day but not more 2033
than thirty days. 2034

(2) Whoever violates division (D) of section 4511.512 of the 2035
Revised Code is guilty of a minor misdemeanor. 2036

Sec. 4513.39. (A) The state highway patrol and sheriffs or 2037
their deputies shall exercise, to the exclusion of all other peace 2038
officers except within municipal corporations and except as 2039
specified in division (B) of this section and division (E) of 2040
section 2935.03 of the Revised Code, the power to make arrests for 2041
violations on all state highways, of sections 4503.11, 4503.21, 2042
4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 4511.40, 2043
4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 4511.71, 4513.03 2044
to 4513.13, 4513.15 to 4513.22, 4513.24 to 4513.34, 4549.01, 2045
4549.08 to 4549.12, and 4549.62 of the Revised Code. 2046

(B) A member of the police force of a township police 2047
district created under section 505.48 of the Revised Code, and a 2048
township constable appointed pursuant to section 509.01 of the 2049
Revised Code, who has received a certificate from the Ohio peace 2050
officer training commission under section 109.75 of the Revised 2051
Code, shall exercise the power to make arrests for violations of 2052
those sections listed in division (A) of this section, other than 2053
sections 4513.33 and 4513.34 of the Revised Code, as follows: 2054

(1) If the population of the township that created the township police district served by the member's police force or the township that is served by the township constable is ~~sixty~~ fifty thousand or less, the member or constable shall exercise that power on those portions of all state highways, except those highways included as part of the interstate system, as defined in section 5516.01 of the Revised Code, that are located within the township police district, in the case of a member of a township police district police force, or within the unincorporated territory of the township, in the case of a township constable;

(2) If the population of the township that created the township police district served by the member's police force or the township that is served by the township constable is greater than ~~sixty~~ fifty thousand, the member or constable shall exercise that power on those portions of all state highways and highways included as part of the interstate highway system, as defined in section 5516.01 of the Revised Code, that are located within the township police district, in the case of a member of a township police district police force, or within the unincorporated territory of the township, in the case of a township constable.

Section 2. That existing sections 1901.41, 2903.08, 2929.01, 2929.13, 2929.21, 4511.99, and 4513.39 of the Revised Code are hereby repealed.

Section 3. That sections 2929.01, 2929.13, and 4511.19 of the Revised Code that are scheduled to take effect on January 1, 2004, be amended to read as follows:

Sec. 2929.01. As used in this chapter:

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an

offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.

(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.

(B) "Bad time" means the time by which the parole board administratively extends an offender's stated prison term or terms pursuant to section 2967.11 of the Revised Code because the parole board finds by clear and convincing evidence that the offender, while serving the prison term or terms, committed an act that is a criminal offense under the law of this state or the United States, whether or not the offender is prosecuted for the commission of that act.

(C) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(E) "Community-based correctional facility" means a

community-based correctional facility and program or district 2115
community-based correctional facility and program developed 2116
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 2117

(F) "Community control sanction" means a sanction that is not 2118
a prison term and that is described in section 2929.15, 2929.16, 2119
2929.17, or 2929.18 of the Revised Code. 2120

(G) "Controlled substance," "marihuana," "schedule I," and 2121
"schedule II" have the same meanings as in section 3719.01 of the 2122
Revised Code. 2123

(H) "Curfew" means a requirement that an offender during a 2124
specified period of time be at a designated place. 2125

(I) "Day reporting" means a sanction pursuant to which an 2126
offender is required each day to report to and leave a center or 2127
other approved reporting location at specified times in order to 2128
participate in work, education or training, treatment, and other 2129
approved programs at the center or outside the center. 2130

(J) "Deadly weapon" has the same meaning as in section 2131
2923.11 of the Revised Code. 2132

(K) "Drug and alcohol use monitoring" means a program under 2133
which an offender agrees to submit to random chemical analysis of 2134
the offender's blood, breath, or urine to determine whether the 2135
offender has ingested any alcohol or other drugs. 2136

(L) "Drug treatment program" means any program under which a 2137
person undergoes assessment and treatment designed to reduce or 2138
completely eliminate the person's physical or emotional reliance 2139
upon alcohol, another drug, or alcohol and another drug and under 2140
which the person may be required to receive assessment and 2141
treatment on an outpatient basis or may be required to reside at a 2142
facility other than the person's home or residence while 2143
undergoing assessment and treatment. 2144

(M) "Economic loss" means any economic detriment suffered by a victim as a result of the commission of a felony and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the felony.

(N) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.

(O) "Electronically monitored house arrest" has the same meaning as in section 2929.23 of the Revised Code.

(P) "Eligible offender" has the same meaning as in section 2929.23 of the Revised Code except as otherwise specified in section 2929.20 of the Revised Code.

(Q) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(R) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(S) "House arrest" means a period of confinement of an eligible offender that is in the eligible offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code, that may be electronically monitored house arrest, and during which all of the following apply:

(1) The eligible offender is required to remain in the

eligible offender's home or other specified premises for the 2175
specified period of confinement, except for periods of time during 2176
which the eligible offender is at the eligible offender's place of 2177
employment or at other premises as authorized by the sentencing 2178
court or by the parole board. 2179

(2) The eligible offender is required to report periodically 2180
to a person designated by the court or parole board. 2181

(3) The eligible offender is subject to any other 2182
restrictions and requirements that may be imposed by the 2183
sentencing court or by the parole board. 2184

(T) "Intensive probation supervision" means a requirement 2185
that an offender maintain frequent contact with a person appointed 2186
by the court, or by the parole board pursuant to section 2967.28 2187
of the Revised Code, to supervise the offender while the offender 2188
is seeking or maintaining necessary employment and participating 2189
in training, education, and treatment programs as required in the 2190
court's or parole board's order. "Intensive probation supervision" 2191
includes intensive parole supervision and intensive post-release 2192
control supervision. 2193

(U) "Jail" means a jail, workhouse, minimum security jail, or 2194
other residential facility used for the confinement of alleged or 2195
convicted offenders that is operated by a political subdivision or 2196
a combination of political subdivisions of this state. 2197

(V) "Delinquent child" has the same meaning as in section 2198
2152.02 of the Revised Code. 2199

(W) "License violation report" means a report that is made by 2200
a sentencing court, or by the parole board pursuant to section 2201
2967.28 of the Revised Code, to the regulatory or licensing board 2202
or agency that issued an offender a professional license or a 2203
license or permit to do business in this state and that specifies 2204
that the offender has been convicted of or pleaded guilty to an 2205

offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended.

(X) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of crack cocaine; at least one thousand grams of cocaine that is not crack cocaine; at least two thousand five hundred unit doses or two hundred fifty grams of heroin; at least five thousand unit doses of L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form; or at least one hundred times the amount of any other schedule I or II controlled substance other than marihuana that is necessary to commit a felony of the third degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

(Y) "Mandatory prison term" means any of the following:

(1) Subject to division (Y)(2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and division (D) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2925.11 of the Revised Code, unless the maximum or another specific term is required under section 2929.14 of the Revised Code, a mandatory prison term described in this division may be any prison term authorized for the level of offense.

(2) The term of sixty or one hundred twenty days in prison that a sentencing court is required to impose for a third or

fourth degree felony OVI offense pursuant to division (G)(2) of 2238
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 2239
of the Revised Code or the term of one, two, three, four, or five 2240
years in prison that a sentencing court is required to impose 2241
pursuant to division (G)(2) of section 2929.13 of the Revised 2242
Code. 2243

(3) The term in prison imposed pursuant to section 2971.03 of 2244
the Revised Code for the offenses and in the circumstances 2245
described in division (F)(11) of section 2929.13 of the Revised 2246
Code and that term as modified or terminated pursuant to section 2247
2971.05 of the Revised Code. 2248

(Z) "Monitored time" means a period of time during which an 2249
offender continues to be under the control of the sentencing court 2250
or parole board, subject to no conditions other than leading a 2251
law-abiding life. 2252

(AA) "Offender" means a person who, in this state, is 2253
convicted of or pleads guilty to a felony or a misdemeanor. 2254

(BB) "Prison" means a residential facility used for the 2255
confinement of convicted felony offenders that is under the 2256
control of the department of rehabilitation and correction but 2257
does not include a violation sanction center operated under 2258
authority of section 2967.141 of the Revised Code. 2259

(CC) "Prison term" includes any of the following sanctions 2260
for an offender: 2261

(1) A stated prison term; 2262

(2) A term in a prison shortened by, or with the approval of, 2263
the sentencing court pursuant to section 2929.20, 2967.26, 2264
5120.031, 5120.032, or 5120.073 of the Revised Code; 2265

(3) A term in prison extended by bad time imposed pursuant to 2266
section 2967.11 of the Revised Code or imposed for a violation of 2267

post-release control pursuant to section 2967.28 of the Revised Code. 2268
2269

(DD) "Repeat violent offender" means a person about whom both 2270
of the following apply: 2271

(1) The person has been convicted of or has pleaded guilty 2272
to, and is being sentenced for committing, for complicity in 2273
committing, or for an attempt to commit, aggravated murder, 2274
murder, involuntary manslaughter, a felony of the first degree 2275
other than one set forth in Chapter 2925. of the Revised Code, a 2276
felony of the first degree set forth in Chapter 2925. of the 2277
Revised Code that involved an attempt to cause serious physical 2278
harm to a person or that resulted in serious physical harm to a 2279
person, or a felony of the second degree that involved an attempt 2280
to cause serious physical harm to a person or that resulted in 2281
serious physical harm to a person. 2282

(2) Either of the following applies: 2283

(a) The person previously was convicted of or pleaded guilty 2284
to, and previously served or, at the time of the offense was 2285
serving, a prison term for, any of the following: 2286

(i) Aggravated murder, murder, involuntary manslaughter, 2287
rape, felonious sexual penetration as it existed under section 2288
2907.12 of the Revised Code prior to September 3, 1996, a felony 2289
of the first or second degree that resulted in the death of a 2290
person or in physical harm to a person, or complicity in or an 2291
attempt to commit any of those offenses; 2292

(ii) An offense under an existing or former law of this 2293
state, another state, or the United States that is or was 2294
substantially equivalent to an offense listed under division 2295
(DD)(2)(a)(i) of this section and that resulted in the death of a 2296
person or in physical harm to a person. 2297

(b) The person previously was adjudicated a delinquent child 2298

for committing an act that if committed by an adult would have 2299
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 2300
section, the person was committed to the department of youth 2301
services for that delinquent act. 2302

(EE) "Sanction" means any penalty imposed upon an offender 2303
who is convicted of or pleads guilty to an offense, as punishment 2304
for the offense. "Sanction" includes any sanction imposed pursuant 2305
to any provision of sections 2929.14 to 2929.18 of the Revised 2306
Code. 2307

(FF) "Sentence" means the sanction or combination of 2308
sanctions imposed by the sentencing court on an offender who is 2309
convicted of or pleads guilty to a felony. 2310

(GG) "Stated prison term" means the prison term, mandatory 2311
prison term, or combination of all prison terms and mandatory 2312
prison terms imposed by the sentencing court pursuant to section 2313
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 2314
includes any credit received by the offender for time spent in 2315
jail awaiting trial, sentencing, or transfer to prison for the 2316
offense and any time spent under house arrest or electronically 2317
monitored house arrest imposed after earning credits pursuant to 2318
section 2967.193 of the Revised Code. 2319

(HH) "Victim-offender mediation" means a reconciliation or 2320
mediation program that involves an offender and the victim of the 2321
offense committed by the offender and that includes a meeting in 2322
which the offender and the victim may discuss the offense, discuss 2323
restitution, and consider other sanctions for the offense. 2324

(II) "Fourth degree felony OVI offense" means a violation of 2325
division (A) of section 4511.19 of the Revised Code that, under 2326
division (G) of that section, is a felony of the fourth degree. 2327

(JJ) "Mandatory term of local incarceration" means the term 2328
of sixty or one hundred twenty days in a jail, a community-based 2329

correctional facility, a halfway house, or an alternative 2330
residential facility that a sentencing court may impose upon a 2331
person who is convicted of or pleads guilty to a fourth degree 2332
felony OVI offense pursuant to division (G)(1) of section 2929.13 2333
of the Revised Code and division (G)(1)(d) or (e) of section 2334
4511.19 of the Revised Code. 2335

(KK) "Designated homicide, assault, or kidnapping offense," 2336
"sexual motivation specification," "sexually violent offense," 2337
"sexually violent predator," and "sexually violent predator 2338
specification" have the same meanings as in section 2971.01 of the 2339
Revised Code. 2340

(LL) "Habitual sex offender," "sexually oriented offense," 2341
and "sexual predator" have the same meanings as in section 2950.01 2342
of the Revised Code. 2343

(MM) An offense is "committed in the vicinity of a child" if 2344
the offender commits the offense within thirty feet of or within 2345
the same residential unit as a child who is under eighteen years 2346
of age, regardless of whether the offender knows the age of the 2347
child or whether the offender knows the offense is being committed 2348
within thirty feet of or within the same residential unit as the 2349
child and regardless of whether the child actually views the 2350
commission of the offense. 2351

(NN) "Family or household member" has the same meaning as in 2352
section 2919.25 of the Revised Code. 2353

(OO) "Motor vehicle" and "manufactured home" have the same 2354
meanings as in section 4501.01 of the Revised Code. 2355

(PP) "Detention" and "detention facility" have the same 2356
meanings as in section 2921.01 of the Revised Code. 2357

(QQ) "Third degree felony OVI offense" means a violation of 2358
division (A) of section 4511.19 of the Revised Code that, under 2359
division (G) of that section, is a felony of the third degree. 2360

(RR) "Random drug testing" has the same meaning as in section 2361
5120.63 of the Revised Code. 2362

(SS) "Felony sex offense" has the same meaning as in section 2363
2957.28 of the Revised Code. 2364

(TT) "Body armor" has the same meaning as in section 2365
2941.1411 of the Revised Code. 2366

Sec. 2929.13. (A) Except as provided in division (E), (F), or 2367
(G) of this section and unless a specific sanction is required to 2368
be imposed or is precluded from being imposed pursuant to law, a 2369
court that imposes a sentence upon an offender for a felony may 2370
impose any sanction or combination of sanctions on the offender 2371
that are provided in sections 2929.14 to 2929.18 of the Revised 2372
Code. The sentence shall not impose an unnecessary burden on state 2373
or local government resources. 2374

If the offender is eligible to be sentenced to community 2375
control sanctions, the court shall consider the appropriateness of 2376
imposing a financial sanction pursuant to section 2929.18 of the 2377
Revised Code or a sanction of community service pursuant to 2378
section 2929.17 of the Revised Code as the sole sanction for the 2379
offense. Except as otherwise provided in this division, if the 2380
court is required to impose a mandatory prison term for the 2381
offense for which sentence is being imposed, the court also may 2382
impose a financial sanction pursuant to section 2929.18 of the 2383
Revised Code but may not impose any additional sanction or 2384
combination of sanctions under section 2929.16 or 2929.17 of the 2385
Revised Code. 2386

If the offender is being sentenced for a fourth degree felony 2387
OVI offense or for a third degree felony OVI offense, in addition 2388
to the mandatory term of local incarceration or the mandatory 2389
prison term required for the offense by division (G)(1) or (2) of 2390

this section, the court shall impose upon the offender a mandatory
fine in accordance with division (B)(3) of section 2929.18 of the
Revised Code and may impose whichever of the following is
applicable:

(1) For a fourth degree felony OVI offense for which sentence
is imposed under division (G)(1) of this section, an additional
community control sanction or combination of community control
sanctions under section 2929.16 or 2929.17 of the Revised Code;

(2) For a third or fourth degree felony OVI offense for which
sentence is imposed under division (G)(2) of this section, an
additional prison term as described in division (D)(4) of section
2929.14 of the Revised Code.

(B)(1) Except as provided in division (B)(2), (E), (F), or
(G) of this section, in sentencing an offender for a felony of the
fourth or fifth degree, the sentencing court shall determine
whether any of the following apply:

(a) In committing the offense, the offender caused physical
harm to a person.

(b) In committing the offense, the offender attempted to
cause or made an actual threat of physical harm to a person with a
deadly weapon.

(c) In committing the offense, the offender attempted to
cause or made an actual threat of physical harm to a person, and
the offender previously was convicted of an offense that caused
physical harm to a person.

(d) The offender held a public office or position of trust
and the offense related to that office or position; the offender's
position obliged the offender to prevent the offense or to bring
those committing it to justice; or the offender's professional
reputation or position facilitated the offense or was likely to
influence the future conduct of others.

(e) The offender committed the offense for hire or as part of an organized criminal activity. 2422
2423

(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code. 2424
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(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 2428
2429

(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 2430
2431
2432

(i) The offender committed the offense while in possession of a firearm. 2433
2434

(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender. 2435
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(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender. 2443
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(C) Except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree and for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Notwithstanding the presumption established under this division, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(1) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(2) A community control sanction or a combination of community control sanctions would not demean the seriousness of

the offense, because one or more factors under section 2929.12 of 2485
the Revised Code that indicate that the offender's conduct was 2486
less serious than conduct normally constituting the offense are 2487
applicable, and they outweigh the applicable factors under that 2488
section that indicate that the offender's conduct was more serious 2489
than conduct normally constituting the offense. 2490

(E)(1) Except as provided in division (F) of this section, 2491
for any drug offense that is a violation of any provision of 2492
Chapter 2925. of the Revised Code and that is a felony of the 2493
third, fourth, or fifth degree, the applicability of a presumption 2494
under division (D) of this section in favor of a prison term or of 2495
division (B) or (C) of this section in determining whether to 2496
impose a prison term for the offense shall be determined as 2497
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2498
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 2499
Revised Code, whichever is applicable regarding the violation. 2500

(2) If an offender who was convicted of or pleaded guilty to 2501
a felony violates the conditions of a community control sanction 2502
imposed for the offense solely by reason of producing positive 2503
results on a drug test, the court, as punishment for the violation 2504
of the sanction, shall not order that the offender be imprisoned 2505
unless the court determines on the record either of the following: 2506

(a) The offender had been ordered as a sanction for the 2507
felony to participate in a drug treatment program, in a drug 2508
education program, or in narcotics anonymous or a similar program, 2509
and the offender continued to use illegal drugs after a reasonable 2510
period of participation in the program. 2511

(b) The imprisonment of the offender for the violation is 2512
consistent with the purposes and principles of sentencing set 2513
forth in section 2929.11 of the Revised Code. 2514

(F) Notwithstanding divisions (A) to (E) of this section, the 2515

court shall impose a prison term or terms under sections 2929.02 2516
to 2929.06, section 2929.14, or section 2971.03 of the Revised 2517
Code and except as specifically provided in section 2929.20 or 2518
2967.191 of the Revised Code or when parole is authorized for the 2519
offense under section 2967.13 of the Revised Code shall not reduce 2520
the terms pursuant to section 2929.20, section 2967.193, or any 2521
other provision of Chapter 2967. or Chapter 5120. of the Revised 2522
Code for any of the following offenses: 2523

(1) Aggravated murder when death is not imposed or murder; 2524

(2) Any rape, regardless of whether force was involved and 2525
regardless of the age of the victim, or an attempt to commit rape 2526
if, had the offender completed the rape that was attempted, the 2527
offender would have been subject to a sentence of life 2528
imprisonment or life imprisonment without parole for the rape; 2529

(3) Gross sexual imposition or sexual battery, if the victim 2530
is under thirteen years of age, if the offender previously was 2531
convicted of or pleaded guilty to rape, the former offense of 2532
felonious sexual penetration, gross sexual imposition, or sexual 2533
battery, and if the victim of the previous offense was under 2534
thirteen years of age; 2535

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2536
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 2537
requires the imposition of a prison term; 2538

(5) A first, second, or third degree felony drug offense for 2539
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2540
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2541
4729.99 of the Revised Code, whichever is applicable regarding the 2542
violation, requires the imposition of a mandatory prison term; 2543

(6) Any offense that is a first or second degree felony and 2544
that is not set forth in division (F)(1), (2), (3), or (4) of this 2545
section, if the offender previously was convicted of or pleaded 2546

guilty to aggravated murder, murder, any first or second degree 2547
felony, or an offense under an existing or former law of this 2548
state, another state, or the United States that is or was 2549
substantially equivalent to one of those offenses; 2550

(7) Any offense that is a third degree felony and that is 2551
listed in division (DD)(1) of section 2929.01 of the Revised Code 2552
if the offender previously was convicted of or pleaded guilty to 2553
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 2554
section 2929.01 of the Revised Code; 2555

(8) Any offense, other than a violation of section 2923.12 of 2556
the Revised Code, that is a felony, if the offender had a firearm 2557
on or about the offender's person or under the offender's control 2558
while committing the felony, with respect to a portion of the 2559
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 2560
of the Revised Code for having the firearm; 2561

(9) Any offense of violence that is a felony, if the offender 2562
wore or carried body armor while committing the felony offense of 2563
violence, with respect to the portion of the sentence imposed 2564
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 2565
Code for wearing or carrying the body armor; 2566

(10) Corrupt activity in violation of section 2923.32 of the 2567
Revised Code when the most serious offense in the pattern of 2568
corrupt activity that is the basis of the offense is a felony of 2569
the first degree; 2570

(11) Any sexually violent offense for which the offender also 2571
is convicted of or pleads guilty to a sexually violent predator 2572
specification that was included in the indictment, count in the 2573
indictment, or information charging the sexually violent offense; 2574

(12) A violation of division (A)(1) or (2) of section 2921.36 2575
of the Revised Code, or a violation of division (C) of that 2576
section involving an item listed in division (A)(1) or (2) of that 2577

section, if the offender is an officer or employee of the 2578
department of rehabilitation and correction. 2579

(G) Notwithstanding divisions (A) to (E) of this section, if 2580
an offender is being sentenced for a fourth degree felony OVI 2581
offense or for a third degree felony OVI offense, the court shall 2582
impose upon the offender a mandatory term of local incarceration 2583
or a mandatory prison term in accordance with the following: 2584

(1) If the offender is being sentenced for a fourth degree 2585
felony OVI offense and if the offender has not pleaded guilty to 2586
and has not been convicted of a specification of the type 2587
described in section 2941.1413 of the Revised Code, the court may 2588
impose upon the offender a mandatory term of local incarceration 2589
of sixty days or one hundred twenty days as specified in division 2590
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 2591
not reduce the term pursuant to section 2929.20, 2967.193, or any 2592
other provision of the Revised Code. The court that imposes a 2593
mandatory term of local incarceration under this division shall 2594
specify whether the term is to be served in a jail, a 2595
community-based correctional facility, a halfway house, or an 2596
alternative residential facility, and the offender shall serve the 2597
term in the type of facility specified by the court. A mandatory 2598
term of local incarceration imposed under division (G)(1) of this 2599
section is not subject to extension under section 2967.11 of the 2600
Revised Code, to a period of post-release control under section 2601
2967.28 of the Revised Code, or to any other Revised Code 2602
provision that pertains to a prison term. 2603

(2) If the offender is being sentenced for a third degree 2604
felony OVI offense, or if the offender is being sentenced for a 2605
fourth degree felony OVI offense and the court does not impose a 2606
mandatory term of local incarceration under division (G)(1) of 2607
this section, the court shall impose upon the offender a mandatory 2608
prison term of one, two, three, four, or five years if the 2609

offender also pleads guilty to or also is convicted of a 2610
specification of the type described in section 2941.1413 of the 2611
Revised Code or shall impose upon the offender a mandatory prison 2612
term of sixty days or one hundred twenty days as specified in 2613
division (G)(1)(e) of section 4511.19 of the Revised Code if the 2614
offender has not pleaded guilty to and has not been convicted of a 2615
specification of that type. The court shall not reduce the term 2616
pursuant to section 2929.20, 2967.193, or any other provision of 2617
the Revised Code. The offender shall serve the one-, two-, three-, 2618
four-, or five-year mandatory prison term consecutively to and 2619
prior to the prison term imposed for the underlying offense and 2620
consecutively to any other mandatory prison term imposed in 2621
relation to the offense. In no case shall an offender who once has 2622
been sentenced to a mandatory term of local incarceration pursuant 2623
to division (G)(1) of this section for a fourth degree felony OVI 2624
offense be sentenced to another mandatory term of local 2625
incarceration under that division for any violation of division 2626
(A) of section 4511.19 of the Revised Code. The court shall not 2627
sentence the offender to a community control sanction under 2628
section 2929.16 or 2929.17 of the Revised Code. The department of 2629
rehabilitation and correction may place an offender sentenced to a 2630
mandatory prison term under this division in an intensive program 2631
prison established pursuant to section 5120.033 of the Revised 2632
Code if the department gave the sentencing judge prior notice of 2633
its intent to place the offender in an intensive program prison 2634
established under that section and if the judge did not notify the 2635
department that the judge disapproved the placement. Upon the 2636
establishment of the initial intensive program prison pursuant to 2637
section 5120.033 of the Revised Code that is privately operated 2638
and managed by a contractor pursuant to a contract entered into 2639
under section 9.06 of the Revised Code, both of the following 2640
apply: 2641

(a) The department of rehabilitation and correction shall 2642

make a reasonable effort to ensure that a sufficient number of 2643
offenders sentenced to a mandatory prison term under this division 2644
are placed in the privately operated and managed prison so that 2645
the privately operated and managed prison has full occupancy. 2646

(b) Unless the privately operated and managed prison has full 2647
occupancy, the department of rehabilitation and correction shall 2648
not place any offender sentenced to a mandatory prison term under 2649
this division in any intensive program prison established pursuant 2650
to section 5120.033 of the Revised Code other than the privately 2651
operated and managed prison. 2652

(H) If an offender is being sentenced for a sexually oriented 2653
offense committed on or after January 1, 1997, the judge shall 2654
require the offender to submit to a DNA specimen collection 2655
procedure pursuant to section 2901.07 of the Revised Code if 2656
either of the following applies: 2657

(1) The offense was a sexually violent offense, and the 2658
offender also was convicted of or pleaded guilty to a sexually 2659
violent predator specification that was included in the 2660
indictment, count in the indictment, or information charging the 2661
sexually violent offense. 2662

(2) The judge imposing sentence for the sexually oriented 2663
offense determines pursuant to division (B) of section 2950.09 of 2664
the Revised Code that the offender is a sexual predator. 2665

(I) If an offender is being sentenced for a sexually oriented 2666
offense committed on or after January 1, 1997, the judge shall 2667
include in the sentence a summary of the offender's duty to 2668
register pursuant to section 2950.04 of the Revised Code, the 2669
offender's duty to provide notice of a change in residence address 2670
and register the new residence address pursuant to section 2950.05 2671
of the Revised Code, the offender's duty to periodically verify 2672
the offender's current residence address pursuant to section 2673

2950.06 of the Revised Code, and the duration of the duties. The 2674
judge shall inform the offender, at the time of sentencing, of 2675
those duties and of their duration and, if required under division 2676
(A)(2) of section 2950.03 of the Revised Code, shall perform the 2677
duties specified in that section. 2678

(J)(1) Except as provided in division (J)(2) of this section, 2679
when considering sentencing factors under this section in relation 2680
to an offender who is convicted of or pleads guilty to an attempt 2681
to commit an offense in violation of section 2923.02 of the 2682
Revised Code, the sentencing court shall consider the factors 2683
applicable to the felony category of the violation of section 2684
2923.02 of the Revised Code instead of the factors applicable to 2685
the felony category of the offense attempted. 2686

(2) When considering sentencing factors under this section in 2687
relation to an offender who is convicted of or pleads guilty to an 2688
attempt to commit a drug abuse offense for which the penalty is 2689
determined by the amount or number of unit doses of the controlled 2690
substance involved in the drug abuse offense, the sentencing court 2691
shall consider the factors applicable to the felony category that 2692
the drug abuse offense attempted would be if that drug abuse 2693
offense had been committed and had involved an amount or number of 2694
unit doses of the controlled substance that is within the next 2695
lower range of controlled substance amounts than was involved in 2696
the attempt. 2697

(K) As used in this section, "drug abuse offense" has the 2698
same meaning as in section 2925.01 of the Revised Code. 2699

Sec. 4511.19. (A) No person shall operate any vehicle, 2700
streetcar, or trackless trolley within this state, if, at the time 2701
of the operation, any of the following apply: 2702

(1) The person is under the influence of alcohol, a drug of 2703
abuse, or a combination of them; 2704

(2) The person has a concentration of ten-hundredths of one 2705
per cent or more but less than seventeen-hundredths of one per 2706
cent by weight per unit volume of alcohol in the person's whole 2707
blood; 2708

(3) The person has a concentration of twelve-hundredths of 2709
one per cent or more but less than two hundred four-thousandths of 2710
one per cent by weight per unit volume of alcohol in the person's 2711
blood serum or plasma; 2712

(4) The person has a concentration of ten-hundredths of one 2713
gram or more but less than seventeen-hundredths of one gram by 2714
weight of alcohol per two hundred ten liters of the person's 2715
breath; 2716

(5) The person has a concentration of fourteen-hundredths of 2717
one gram or more but less than two hundred 2718
thirty-eight-thousandths of one gram by weight of alcohol per one 2719
hundred milliliters of the person's urine; 2720

(6) The person has a concentration of seventeen-hundredths of 2721
one per cent or more by weight per unit volume of alcohol in the 2722
person's whole blood; 2723

(7) The person has a concentration of two hundred 2724
four-thousandths of one per cent or more by weight per unit volume 2725
of alcohol in the person's blood serum or plasma; 2726

(8) The person has a concentration of seventeen-hundredths of 2727
one gram or more by weight of alcohol per two hundred ten liters 2728
of the person's breath; 2729

(9) The person has a concentration of two hundred 2730
thirty-eight-thousandths of one gram or more by weight of alcohol 2731
per one hundred milliliters of the person's urine. 2732

(B) No person under twenty-one years of age shall operate any 2733
vehicle, streetcar, or trackless trolley within this state, if, at 2734

the time of the operation, any of the following apply: 2735

(1) The person has a concentration of at least two-hundredths 2736
of one per cent but less than ten-hundredths of one per cent by 2737
weight per unit volume of alcohol in the person's whole blood; 2738

(2) The person has a concentration of at least 2739
three-hundredths of one per cent but less than twelve-hundredths 2740
of one per cent by weight per unit volume of alcohol in the 2741
person's blood serum or plasma; 2742

(3) The person has a concentration of at least two-hundredths 2743
of one gram but less than ten-hundredths of one gram by weight of 2744
alcohol per two hundred ten liters of the person's breath; 2745

(4) The person has a concentration of at least twenty-eight 2746
one-thousandths of one gram but less than fourteen-hundredths of 2747
one gram by weight of alcohol per one hundred milliliters of the 2748
person's urine. 2749

(C) In any proceeding arising out of one incident, a person 2750
may be charged with a violation of division (A)(1) and a violation 2751
of division (B)(1), (2), or (3) of this section, but the person 2752
may not be convicted of more than one violation of these 2753
divisions. 2754

(D)(1) In any criminal prosecution or juvenile court 2755
proceeding for a violation of this section or for an equivalent 2756
offense, the court may admit evidence on the concentration of 2757
alcohol, drugs of abuse, or a combination of them in the 2758
defendant's whole blood, blood serum or plasma, breath, urine, or 2759
other bodily substance at the time of the alleged violation as 2760
shown by chemical analysis of the substance withdrawn within two 2761
hours of the time of the alleged violation. 2762

When a person submits to a blood test at the request of a law 2763
enforcement officer under section 4511.191 of the Revised Code, 2764
only a physician, a registered nurse, or a qualified technician, 2765

chemist, or phlebotomist shall withdraw blood for the purpose of 2766
determining the alcohol, drug, or alcohol and drug content of the 2767
whole blood, blood serum, or blood plasma. This limitation does 2768
not apply to the taking of breath or urine specimens. A person 2769
authorized to withdraw blood under this division may refuse to 2770
withdraw blood under this division, if in that person's opinion, 2771
the physical welfare of the person would be endangered by the 2772
withdrawing of blood. 2773

The bodily substance withdrawn shall be analyzed in 2774
accordance with methods approved by the director of health by an 2775
individual possessing a valid permit issued by the director 2776
pursuant to section 3701.143 of the Revised Code. 2777

(2) In a criminal prosecution or juvenile court proceeding 2778
for a violation of division (A) of this section or for an 2779
equivalent offense, if there was at the time the bodily substance 2780
was withdrawn a concentration of less than the applicable 2781
concentration of alcohol specified in divisions (A)(2), (3), (4), 2782
and (5) of this section, that fact may be considered with other 2783
competent evidence in determining the guilt or innocence of the 2784
defendant. This division does not limit or affect a criminal 2785
prosecution or juvenile court proceeding for a violation of 2786
division (B) of this section or for an equivalent offense that is 2787
substantially equivalent to that division. 2788

(3) Upon the request of the person who was tested, the 2789
results of the chemical test shall be made available to the person 2790
or the person's attorney, immediately upon the completion of the 2791
chemical test analysis. 2792

The person tested may have a physician, a registered nurse, 2793
or a qualified technician, chemist, or phlebotomist of the 2794
person's own choosing administer a chemical test or tests, at the 2795
person's expense, in addition to any administered at the request 2796
of a law enforcement officer. The form to be read to the person to 2797

be tested, as required under section 4511.192 of the Revised Code, 2798
shall state that the person may have an independent test performed 2799
at the person's expense. The failure or inability to obtain an 2800
additional chemical test by a person shall not preclude the 2801
admission of evidence relating to the chemical test or tests taken 2802
at the request of a law enforcement officer. 2803

(E)(1) Subject to division (E)(3) of this section, in any 2804
criminal prosecution or juvenile court proceeding for a violation 2805
of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or 2806
(B)(1), (2), (3), or (4) of this section or for an equivalent 2807
offense that is substantially equivalent to any of those 2808
divisions, a laboratory report from any forensic laboratory 2809
certified by the department of health that contains an analysis of 2810
the whole blood, blood serum or plasma, breath, urine, or other 2811
bodily substance tested and that contains all of the information 2812
specified in this division shall be admitted as prima-facie 2813
evidence of the information and statements that the report 2814
contains. The laboratory report shall contain all of the 2815
following: 2816

(a) The signature, under oath, of any person who performed 2817
the analysis; 2818

(b) Any findings as to the identity and quantity of alcohol, 2819
a drug of abuse, or a combination of them that was found; 2820

(c) A copy of a notarized statement by the laboratory 2821
director or a designee of the director that contains the name of 2822
each certified analyst or test performer involved with the report, 2823
the analyst's or test performer's employment relationship with the 2824
laboratory that issued the report, and a notation that performing 2825
an analysis of the type involved is part of the analyst's or test 2826
performer's regular duties; 2827

(d) An outline of the analyst's or test performer's 2828

education, training, and experience in performing the type of 2829
analysis involved and a certification that the laboratory 2830
satisfies appropriate quality control standards in general and, in 2831
this particular analysis, under rules of the department of health. 2832

(2) Notwithstanding any other provision of law regarding the 2833
admission of evidence, a report of the type described in division 2834
(E)(1) of this section is not admissible against the defendant to 2835
whom it pertains in any proceeding, other than a preliminary 2836
hearing or a grand jury proceeding, unless the prosecutor has 2837
served a copy of the report on the defendant's attorney or, if the 2838
defendant has no attorney, on the defendant. 2839

(3) A report of the type described in division (E)(1) of this 2840
section shall not be prima-facie evidence of the contents, 2841
identity, or amount of any substance if, within seven days after 2842
the defendant to whom the report pertains or the defendant's 2843
attorney receives a copy of the report, the defendant or the 2844
defendant's attorney demands the testimony of the person who 2845
signed the report. The judge in the case may extend the seven-day 2846
time limit in the interest of justice. 2847

(F) Except as otherwise provided in this division, any 2848
physician, registered nurse, or qualified technician, chemist, or 2849
phlebotomist who withdraws blood from a person pursuant to this 2850
section, and any hospital, first-aid station, or clinic at which 2851
blood is withdrawn from a person pursuant to this section, is 2852
immune from criminal liability and civil liability based upon a 2853
claim of assault and battery or any other claim that is not a 2854
claim of malpractice, for any act performed in withdrawing blood 2855
from the person. The immunity provided in this division is not 2856
available to a person who withdraws blood if the person engages in 2857
willful or wanton misconduct. 2858

(G)(1) Whoever violates any provision of divisions (A)(1) to 2859
(9) of this section is guilty of operating a vehicle under the 2860

influence of alcohol, a drug of abuse, or a combination of them. 2861
The court shall sentence the offender under Chapter 2929. of the 2862
Revised Code, except as otherwise authorized or required by 2863
divisions (G)(1)(a) to (e) of this section: 2864

(a) Except as otherwise provided in division (G)(1)(b), (c), 2865
(d), or (e) of this section, the offender is guilty of a 2866
misdemeanor of the first degree, and the court shall sentence the 2867
offender to all of the following: 2868

(i) If the sentence is being imposed for a violation of 2869
division (A)(1), (2), (3), (4), or (5) of this section, a 2870
mandatory jail term of three consecutive days. As used in this 2871
division, three consecutive days means seventy-two consecutive 2872
hours. The court may sentence an offender to both an intervention 2873
program and a jail term. The court may impose a jail term in 2874
addition to the three-day mandatory jail term or intervention 2875
program. However, in no case shall the cumulative jail term 2876
imposed for the offense exceed six months. 2877

The court may suspend the execution of the three-day jail 2878
term under this division if the court, in lieu of that suspended 2879
term, places the offender on probation and requires the offender 2880
to attend, for three consecutive days, a drivers' intervention 2881
program certified under section 3793.10 of the Revised Code. The 2882
court also may suspend the execution of any part of the three-day 2883
jail term under this division if it places the offender on 2884
probation for part of the three days, requires the offender to 2885
attend for the suspended part of the term a drivers' intervention 2886
program so certified, and sentences the offender to a jail term 2887
equal to the remainder of the three consecutive days that the 2888
offender does not spend attending the program. The court may 2889
require the offender, as a condition of probation and in addition 2890
to the required attendance at a drivers' intervention program, to 2891
attend and satisfactorily complete any treatment or education 2892

programs that comply with the minimum standards adopted pursuant 2893
to Chapter 3793. of the Revised Code by the director of alcohol 2894
and drug addiction services that the operators of the drivers' 2895
intervention program determine that the offender should attend and 2896
to report periodically to the court on the offender's progress in 2897
the programs. The court also may impose on the offender any other 2898
conditions of probation that it considers necessary. 2899

(ii) If the sentence is being imposed for a violation of 2900
division (A)(6), (7), (8), or (9) of this section, except as 2901
otherwise provided in this division, a mandatory jail term of at 2902
least three consecutive days and a requirement that the offender 2903
attend, for three consecutive days, a drivers' intervention 2904
program that is certified pursuant to section 3793.10 of the 2905
Revised Code. As used in this division, three consecutive days 2906
means seventy-two consecutive hours. If the court determines that 2907
the offender is not conducive to treatment in a drivers' 2908
intervention program, if the offender refuses to attend a drivers' 2909
intervention program, or if the jail at which the offender is to 2910
serve the jail term imposed can provide a driver's intervention 2911
program, the court shall sentence the offender to a mandatory jail 2912
term of at least six consecutive days. 2913

The court may require the offender, as a condition of 2914
probation, to attend and satisfactorily complete any treatment or 2915
education programs that comply with the minimum standards adopted 2916
pursuant to Chapter 3793. of the Revised Code by the director of 2917
alcohol and drug addiction services, in addition to the required 2918
attendance at drivers' intervention program, that the operators of 2919
the drivers' intervention program determine that the offender 2920
should attend and to report periodically to the court on the 2921
offender's progress in the programs. The court also may impose any 2922
other conditions of probation on the offender that it considers 2923
necessary. 2924

(iii) In all cases, a fine of not less than two hundred fifty 2925
and not more than one thousand dollars; 2926

(iv) In all cases, a class five license suspension of the 2927
offender's driver's or commercial driver's license or permit or 2928
nonresident operating privilege from the range specified in 2929
division (A)(5) of section 4510.02 of the Revised Code. The court 2930
may grant limited driving privileges relative to the suspension 2931
under sections 4510.021 and 4510.13 of the Revised Code. 2932

(b) Except as otherwise provided in division (G)(1)(e) of 2933
this section, an offender who, within six years of the offense, 2934
previously has been convicted of or pleaded guilty to one 2935
violation of division (A) or (B) of this section or one other 2936
equivalent offense is guilty of a misdemeanor of the first degree. 2937
The court shall sentence the offender to all of the following: 2938

(i) If the sentence is being imposed for a violation of 2939
division (A)(1), (2), (3), (4), or (5) of this section, a 2940
mandatory jail term of ten consecutive days. The court shall 2941
impose the ten-day mandatory jail term under this division unless, 2942
subject to division (G)(3) of this section, it instead imposes a 2943
sentence under that division consisting of both a jail term and a 2944
term of electronically monitored house arrest. The court may 2945
impose a jail term in addition to the ten-day mandatory jail term. 2946
The cumulative jail term imposed for the offense shall not exceed 2947
six months. 2948

In addition to the jail term or the term of electronically 2949
monitored house arrest and jail term, the court may require the 2950
offender to attend a drivers' intervention program that is 2951
certified pursuant to section 3793.10 of the Revised Code. If the 2952
operator of the program determines that the offender is alcohol 2953
dependent, the program shall notify the court, and, subject to 2954
division (I) of this section, the court shall order the offender 2955

to obtain treatment through an alcohol and drug addiction program 2956
authorized by section 3793.02 of the Revised Code. 2957

(ii) If the sentence is being imposed for a violation of 2958
division (A)(6), (7), (8), or (9) of this section, except as 2959
otherwise provided in this division, a mandatory jail term of 2960
twenty consecutive days. The court shall impose the twenty-day 2961
mandatory jail term under this division unless, subject to 2962
division (G)(3) of this section, it instead imposes a sentence 2963
under that division consisting of both a jail term and a term of 2964
electronically monitored house arrest. The court may impose a jail 2965
term in addition to the twenty-day mandatory jail term. The 2966
cumulative jail term imposed for the offense shall not exceed six 2967
months. 2968

In addition to the jail term or the term of electronically 2969
monitored house arrest and jail term, the court may require the 2970
offender to attend a driver's intervention program that is 2971
certified pursuant to section 3793.10 of the Revised Code. If the 2972
operator of the program determines that the offender is alcohol 2973
dependent, the program shall notify the court, and, subject to 2974
division (I) of this section, the court shall order the offender 2975
to obtain treatment through an alcohol and drug addiction program 2976
authorized by section 3793.02 of the Revised Code. 2977

(iii) In all cases, notwithstanding the fines set forth in 2978
Chapter 2929. of the Revised Code, a fine of not less than three 2979
hundred fifty and not more than one thousand five hundred dollars; 2980

(iv) In all cases, a class four license suspension of the 2981
offender's driver's license, commercial driver's license, 2982
temporary instruction permit, probationary license, or nonresident 2983
operating privilege from the range specified in division (A)(4) of 2984
section 4510.02 of the Revised Code. The court may grant limited 2985
driving privileges relative to the suspension under sections 2986
4510.021 and 4510.13 of the Revised Code. 2987

(v) In all cases, if the vehicle is registered in the 2988
offender's name, immobilization of the vehicle involved in the 2989
offense for ninety days in accordance with section 4503.233 of the 2990
Revised Code and impoundment of the license plates of that vehicle 2991
for ninety days. 2992

(c) Except as otherwise provided in division (G)(1)(e) of 2993
this section, an offender who, within six years of the offense, 2994
previously has been convicted of or pleaded guilty to two 2995
violations of division (A) or (B) of this section or other 2996
equivalent offenses is guilty of a misdemeanor. The court shall 2997
sentence the offender to all of the following: 2998

(i) If the sentence is being imposed for a violation of 2999
division (A)(1), (2), (3), (4), or (5) of this section, a 3000
mandatory jail term of thirty consecutive days. The court shall 3001
impose the thirty-day mandatory jail term under this division 3002
unless, subject to division (G)(3) of this section, it instead 3003
imposes a sentence under that division consisting of both a jail 3004
term and a term of electronically monitored house arrest. The 3005
court may impose a jail term in addition to the thirty-day 3006
mandatory jail term. Notwithstanding the terms of imprisonment set 3007
forth in Chapter 2929. of the Revised Code, the additional jail 3008
term shall not exceed one year, and the cumulative jail term 3009
imposed for the offense shall not exceed one year. 3010

(ii) If the sentence is being imposed for a violation of 3011
division (A)(6), (7), (8), or (9) of this section, a mandatory 3012
jail term of sixty consecutive days. The court shall impose the 3013
sixty-day mandatory jail term under this division unless, subject 3014
to division (G)(3) of this section, it instead imposes a sentence 3015
under that division consisting of both a jail term and a term of 3016
electronically monitored house arrest. The court may impose a jail 3017
term in addition to the sixty-day mandatory jail term. 3018
Notwithstanding the terms of imprisonment set forth in Chapter 3019

2929. of the Revised Code, the additional jail term shall not 3020
exceed one year, and the cumulative jail term imposed for the 3021
offense shall not exceed one year. 3022

(iii) In all cases, notwithstanding the fines set forth in 3023
Chapter 2929. of the Revised Code, a fine of not less than five 3024
hundred fifty and not more than two thousand five hundred dollars; 3025

(iv) In all cases, a class three license suspension of the 3026
offender's driver's license, commercial driver's license, 3027
temporary instruction permit, probationary license, or nonresident 3028
operating privilege from the range specified in division (A)(3) of 3029
section 4510.02 of the Revised Code. The court may grant limited 3030
driving privileges relative to the suspension under sections 3031
4510.021 and 4510.13 of the Revised Code. 3032

(v) In all cases, if the vehicle is registered in the 3033
offender's name, criminal forfeiture of the vehicle involved in 3034
the offense in accordance with section 4503.234 of the Revised 3035
Code. Division (G)(6) of this section applies regarding any 3036
vehicle that is subject to an order of criminal forfeiture under 3037
this division. 3038

(vi) In all cases, participation in an alcohol and drug 3039
addiction program authorized by section 3793.02 of the Revised 3040
Code, subject to division (I) of this section. 3041

(d) Except as otherwise provided in division (G)(1)(e) of 3042
this section, an offender who, within six years of the offense, 3043
previously has been convicted of or pleaded guilty to three or 3044
~~more~~ four violations of division (A) or (B) of this section or 3045
other equivalent offenses or an offender who, within twenty years 3046
of the offense, previously has been convicted of or pleaded guilty 3047
to five or more violations of that nature is guilty of a felony of 3048
the fourth degree. The court shall sentence the offender to all of 3049
the following: 3050

(i) If the sentence is being imposed for a violation of 3051
division (A)(1), (2), (3), (4), or (5) of this section, a 3052
mandatory prison term of one, two, three, four, or five years as 3053
required by and in accordance with division (G)(2) of section 3054
2929.13 of the Revised Code if the offender also is convicted of 3055
or also pleads guilty to a specification of the type described in 3056
section 2941.1413 of the Revised Code or, in the discretion of the 3057
court, either a mandatory term of local incarceration of sixty 3058
consecutive days in accordance with division (G)(1) of section 3059
2929.13 of the Revised Code or a mandatory prison term of sixty 3060
consecutive days of imprisonment in accordance with division 3061
(G)(2) of that section if the offender is not convicted of and 3062
does not plead guilty to a specification of that type. If the 3063
court imposes a mandatory term of local incarceration, it may 3064
impose a jail term in addition to the sixty-day mandatory term, 3065
the cumulative total of the mandatory term and the jail term for 3066
the offense shall not exceed one year, and no prison term is 3067
authorized for the offense. If the court imposes a mandatory 3068
prison term, notwithstanding division (A)(4) of section 2929.14 of 3069
the Revised Code, it also may sentence the offender to a definite 3070
prison term that shall be not less than six months and not more 3071
than thirty months, the prison terms shall be imposed as described 3072
in division (G)(2) of section 2929.13 of the Revised Code, and no 3073
term of local incarceration, community residential sanction, or 3074
nonresidential sanction is authorized for the offense. 3075

(ii) If the sentence is being imposed for a violation of 3076
division (A)(6), (7), (8), or (9) of this section, a mandatory 3077
prison term of one, two, three, four, or five years as required by 3078
and in accordance with division (G)(2) of section 2929.13 of the 3079
Revised Code if the offender also is convicted of or also pleads 3080
guilty to a specification of the type described in section 3081
2941.1413 of the Revised Code or, in the discretion of the court, 3082

either a mandatory term of local incarceration of one hundred 3083
twenty consecutive days in accordance with division (G)(1) of 3084
section 2929.13 of the Revised Code or a mandatory prison term of 3085
one hundred twenty consecutive days in accordance with division 3086
(G)(2) of that section if the offender is not convicted of and 3087
does not plead guilty to a specification of that type. If the 3088
court imposes a mandatory term of local incarceration, it may 3089
impose a jail term in addition to the one hundred twenty-day 3090
mandatory term, the cumulative total of the mandatory term and the 3091
jail term for the offense shall not exceed one year, and no prison 3092
term is authorized for the offense. If the court imposes a 3093
mandatory prison term, notwithstanding division (A)(4) of section 3094
2929.14 of the Revised Code, it also may sentence the offender to 3095
a definite prison term that shall be not less than six months and 3096
not more than thirty months, the prison terms shall be imposed as 3097
described in division (G)(2) of section 2929.13 of the Revised 3098
Code, and no term of local incarceration, community residential 3099
sanction, or nonresidential sanction is authorized for the 3100
offense. 3101

(iii) In all cases, notwithstanding section 2929.18 of the 3102
Revised Code, a fine of not less than eight hundred nor more than 3103
ten thousand dollars; 3104

(iv) In all cases, a class two license suspension of the 3105
offender's driver's license, commercial driver's license, 3106
temporary instruction permit, probationary license, or nonresident 3107
operating privilege from the range specified in division (A)(2) of 3108
section 4510.02 of the Revised Code. The court may grant limited 3109
driving privileges relative to the suspension under sections 3110
4510.021 and 4510.13 of the Revised Code. 3111

(v) In all cases, if the vehicle is registered in the 3112
offender's name, criminal forfeiture of the vehicle involved in 3113
the offense in accordance with section 4503.234 of the Revised 3114

Code. Division (G)(6) of this section applies regarding any 3115
vehicle that is subject to an order of criminal forfeiture under 3116
this division. 3117

(vi) In all cases, participation in an alcohol and drug 3118
addiction program authorized by section 3793.02 of the Revised 3119
Code, subject to division (I) of this section. 3120

(vii) In all cases, if the court sentences the offender to a 3121
mandatory term of local incarceration, in addition to the 3122
mandatory term, the court, pursuant to section 2929.17 of the 3123
Revised Code, may impose a term of electronically monitored house 3124
arrest. The term shall not commence until after the offender has 3125
served the mandatory term of local incarceration. 3126

(e) An offender who previously has been convicted of or 3127
pleaded guilty to a violation of division (A) of this section that 3128
was a felony, regardless of when the violation and the conviction 3129
or guilty plea occurred, is guilty of a felony of the third 3130
degree. The court shall sentence the offender to all of the 3131
following: 3132

(i) If the offender is being sentenced for a violation of 3133
division (A)(1), (2), (3), (4), or (5) of this section, a 3134
mandatory prison term of one, two, three, four, or five years as 3135
required by and in accordance with division (G)(2) of section 3136
2929.13 of the Revised Code if the offender also is convicted of 3137
or also pleads guilty to a specification of the type described in 3138
section 2941.1413 of the Revised Code or a mandatory prison term 3139
of sixty consecutive days in accordance with division (G)(2) of 3140
section 2929.13 of the Revised Code if the offender is not 3141
convicted of and does not plead guilty to a specification of that 3142
type. The court may impose a prison term in addition to the 3143
~~sixty-day~~ mandatory prison term. The cumulative total of the a 3144
sixty-day mandatory prison term and the additional prison term for 3145
the offense shall not exceed five years. No term of local 3146

incarceration, community residential sanction, or nonresidential 3147
sanction is authorized for the offense. 3148

(ii) If the sentence is being imposed for a violation of 3149
division (A)(6), (7), (8), or (9) of this section, a mandatory 3150
prison term of one, two, three, four, or five years as required by 3151
and in accordance with division (G)(2) of section 2929.13 of the 3152
Revised Code if the offender also is convicted of or also pleads 3153
guilty to a specification of the type described in section 3154
2941.1413 of the Revised Code or a mandatory prison term of one 3155
hundred twenty consecutive days in accordance with division (G)(2) 3156
of section 2929.13 of the Revised Code if the offender is not 3157
convicted of and does not plead guilty to a specification of that 3158
type. The court may impose a prison term in addition to the ~~one~~ 3159
~~hundred twenty-day~~ mandatory prison term. The cumulative total of 3160
~~the~~ a one hundred twenty-day mandatory prison term and the 3161
additional prison term for the offense shall not exceed five 3162
years. No term of local incarceration, community residential 3163
sanction, or nonresidential sanction is authorized for the 3164
offense. 3165

(iii) In all cases, notwithstanding section 2929.18 of the 3166
Revised Code, a fine of not less than eight hundred nor more than 3167
ten thousand dollars; 3168

(iv) In all cases, a class two license suspension of the 3169
offender's driver's license, commercial driver's license, 3170
temporary instruction permit, probationary license, or nonresident 3171
operating privilege from the range specified in division (A)(2) of 3172
section 4510.02 of the Revised Code. The court may grant limited 3173
driving privileges relative to the suspension under sections 3174
4510.021 and 4510.13 of the Revised Code. 3175

(v) In all cases, if the vehicle is registered in the 3176
offender's name, criminal forfeiture of the vehicle involved in 3177
the offense in accordance with section 4503.234 of the Revised 3178

Code. Division (G)(6) of this section applies regarding any 3179
vehicle that is subject to an order of criminal forfeiture under 3180
this division. 3181

(vi) In all cases, participation in an alcohol and drug 3182
addiction program authorized by section 3793.02 of the Revised 3183
Code, subject to division (I) of this section. 3184

(2) An offender who is convicted of or pleads guilty to a 3185
violation of division (A) of this section and who subsequently 3186
seeks reinstatement of the driver's or occupational driver's 3187
license or permit or nonresident operating privilege suspended 3188
under this section as a result of the conviction or guilty plea 3189
shall pay a reinstatement fee as provided in division (F)(2) of 3190
section 4511.191 of the Revised Code. 3191

(3) If an offender is sentenced to a jail term under division 3192
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 3193
if, within sixty days of sentencing of the offender, the court 3194
issues a written finding on the record that, due to the 3195
unavailability of space at the jail where the offender is required 3196
to serve the term, the offender will not be able to begin serving 3197
that term within the sixty-day period following the date of 3198
sentencing, the court may impose an alternative sentence under 3199
this division that includes a term of electronically monitored 3200
house arrest, as defined in section 2929.23 of the Revised Code. 3201

As an alternative to a mandatory jail term of ten consecutive 3202
days required by division (G)(1)(b)(i) of this section, the court, 3203
under this division, may sentence the offender to five consecutive 3204
days in jail and not less than eighteen consecutive days of 3205
electronically monitored house arrest. The cumulative total of the 3206
five consecutive days in jail and the period of electronically 3207
monitored house arrest shall not exceed six months. The five 3208
consecutive days in jail do not have to be served prior to or 3209
consecutively to the period of house arrest. 3210

As an alternative to the mandatory jail term of twenty 3211
consecutive days required by division (G)(1)(b)(ii) of this 3212
section, the court, under this division, may sentence the offender 3213
to ten consecutive days in jail and not less than thirty-six 3214
consecutive days of electronically monitored house arrest. The 3215
cumulative total of the ten consecutive days in jail and the 3216
period of electronically monitored house arrest shall not exceed 3217
six months. The ten consecutive days in jail do not have to be 3218
served prior to or consecutively to the period of house arrest. 3219

As an alternative to a mandatory jail term of thirty 3220
consecutive days required by division (G)(1)(c)(i) of this 3221
section, the court, under this division, may sentence the offender 3222
to fifteen consecutive days in jail and not less than fifty-five 3223
consecutive days of electronically monitored house arrest. The 3224
cumulative total of the fifteen consecutive days in jail and the 3225
period of electronically monitored house arrest shall not exceed 3226
one year. The fifteen consecutive days in jail do not have to be 3227
served prior to or consecutively to the period of house arrest. 3228

As an alternative to the mandatory jail term of sixty 3229
consecutive days required by division (G)(1)(c)(ii) of this 3230
section, the court, under this division, may sentence the offender 3231
to thirty consecutive days in jail and not less than one hundred 3232
ten consecutive days of electronically monitored house arrest. The 3233
cumulative total of the thirty consecutive days in jail and the 3234
period of electronically monitored house arrest shall not exceed 3235
one year. The thirty consecutive days in jail do not have to be 3236
served prior to or consecutively to the period of house arrest. 3237

(4) If an offender's driver's or occupational driver's 3238
license or permit or nonresident operating privilege is suspended 3239
under division (G) of this section and if section 4510.13 of the 3240
Revised Code permits the court to grant limited driving 3241
privileges, the court may grant the limited driving privileges 3242

only if the court imposes as one of the conditions of the 3243
privileges that the offender must display on the vehicle that is 3244
driven subject to the privileges restricted license plates that 3245
are issued under section 4503.231 of the Revised Code, except as 3246
provided in division (B) of that section. 3247

(5) Fines imposed under this section for a violation of 3248
division (A) of this section shall be distributed as follows: 3249

(a) Twenty-five dollars of the fine imposed under division 3250
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3251
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3252
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3253
dollars of the fine imposed under division (G)(1)(d)(iii) or 3254
(e)(iii) of this section shall be paid to an enforcement and 3255
education fund established by the legislative authority of the law 3256
enforcement agency in this state that primarily was responsible 3257
for the arrest of the offender, as determined by the court that 3258
imposes the fine. The agency shall use this share to pay only 3259
those costs it incurs in enforcing this section or a municipal OVI 3260
ordinance and in informing the public of the laws governing the 3261
operation of a vehicle while under the influence of alcohol, the 3262
dangers of the operation of a vehicle under the influence of 3263
alcohol, and other information relating to the operation of a 3264
vehicle under the influence of alcohol and the consumption of 3265
alcoholic beverages. 3266

(b) Fifty dollars of the fine imposed under division 3267
(G)(1)(a)(iii) of this section shall be paid to the political 3268
subdivision that pays the cost of housing the offender during the 3269
offender's term of incarceration. If the offender is being 3270
sentenced for a violation of division (A)(1), (2), (3), (4), or 3271
(5) of this section and was confined as a result of the offense 3272
prior to being sentenced for the offense but is not sentenced to a 3273
term of incarceration, the fifty dollars shall be paid to the 3274

political subdivision that paid the cost of housing the offender 3275
during that period of confinement. The political subdivision shall 3276
use the share under this division to pay or reimburse 3277
incarceration or treatment costs it incurs in housing or providing 3278
drug and alcohol treatment to persons who violate this section or 3279
a municipal OVI ordinance, costs of any immobilizing or disabling 3280
device used on the offender's vehicle, and costs of electronic 3281
house arrest equipment needed for persons who violate this 3282
section. 3283

(c) Twenty-five dollars of the fine imposed under division 3284
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3285
division (G)(1)(b)(iii) of this section shall be deposited into 3286
the county or municipal indigent drivers' alcohol treatment fund 3287
under the control of that court, as created by the county or 3288
municipal corporation under division (N) of section 4511.191 of 3289
the Revised Code. 3290

(d) One hundred fifteen dollars of the fine imposed under 3291
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3292
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3293
dollars of the fine imposed under division (G)(1)(d)(iii) or 3294
(e)(iii) of this section shall be paid to the political 3295
subdivision that pays the cost of housing the offender during the 3296
offender's term of incarceration. The political subdivision shall 3297
use this share to pay or reimburse incarceration or treatment 3298
costs it incurs in housing or providing drug and alcohol treatment 3299
to persons who violate this section or a municipal OVI ordinance, 3300
costs for any immobilizing or disabling device used on the 3301
offender's vehicle, and costs of electronic house arrest equipment 3302
needed for persons who violate this section. 3303

(e) The balance of the fine imposed under division 3304
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3305
section shall be disbursed as otherwise provided by law. 3306

(6) If title to a motor vehicle that is subject to an order 3307
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3308
this section is assigned or transferred and division (B)(2) or (3) 3309
of section 4503.234 of the Revised Code applies, in addition to or 3310
independent of any other penalty established by law, the court may 3311
fine the offender the value of the vehicle as determined by 3312
publications of the national auto dealers association. The 3313
proceeds of any fine so imposed shall be distributed in accordance 3314
with division (C)(2) of that section. 3315

(H) Whoever violates division (B) of this section is guilty 3316
of operating a vehicle after underage alcohol consumption and 3317
shall be punished as follows: 3318

(1) Except as otherwise provided in division (H)(2) of this 3319
section, the offender is guilty of a misdemeanor of the fourth 3320
degree. In addition to any other sanction imposed for the offense, 3321
the court shall impose a class six suspension of the offender's 3322
driver's license, commercial driver's license, temporary 3323
instruction permit, probationary license, or nonresident operating 3324
privilege from the range specified in division (A)(6) of section 3325
4510.02 of the Revised Code. 3326

(2) If, within one year of the offense, the offender 3327
previously has been convicted of or pleaded guilty to one or more 3328
violations of division (A) or (B) of this section or other 3329
equivalent offense offenses, the offender is guilty of a 3330
misdemeanor of the third degree. In addition to any other sanction 3331
imposed for the offense, the court shall impose a class four 3332
suspension of the offender's driver's license, commercial driver's 3333
license, temporary instruction permit, probationary license, or 3334
nonresident operating privilege from the range specified in 3335
division (A)(4) of section 4510.02 of the Revised Code. 3336

(I)(1) No court shall sentence an offender to an alcohol 3337

treatment program under this section unless the treatment program 3338
complies with the minimum standards for alcohol treatment programs 3339
adopted under Chapter 3793. of the Revised Code by the director of 3340
alcohol and drug addiction services. 3341

(2) An offender who stays in a drivers' intervention program 3342
or in an alcohol treatment program under an order issued under 3343
this section shall pay the cost of the stay in the program. 3344
However, if the court determines that an offender who stays in an 3345
alcohol treatment program under an order issued under this section 3346
is unable to pay the cost of the stay in the program, the court 3347
may order that the cost be paid from the court's indigent drivers' 3348
alcohol treatment fund. 3349

(J) If a person whose driver's or commercial driver's license 3350
or permit or nonresident operating privilege is suspended under 3351
this section files an appeal regarding any aspect of the person's 3352
trial or sentence, the appeal itself does not stay the operation 3353
of the suspension. 3354

(K) All terms defined in sections 4510.01 of the Revised Code 3355
apply to this section. If the meaning of a term defined in section 3356
4510.01 of the Revised Code conflicts with the meaning of the same 3357
term as defined in section 4501.01 or 4511.01 of the Revised Code, 3358
the term as defined in section 4510.01 of the Revised Code applies 3359
to this section. 3360

(L)(1) The Ohio Traffic Rules in effect on ~~the effective date~~ 3361
~~of this amendment~~ January 1, 2004, as adopted by the supreme court 3362
under authority of section 2937.46 of the Revised Code, do not 3363
apply to felony violations of this section. Subject to division 3364
(L)(2) of this section, the Rules of Criminal Procedure apply to 3365
felony violations of this section. 3366

(2) If, on or after ~~the effective date of this amendment~~ 3367
January 1, 2004, the supreme court modifies the Ohio Traffic Rules 3368

to provide procedures to govern felony violations of this section, 3369
the modified rules shall apply to felony violations of this 3370
section. 3371

Section 4. That the existing versions of sections 2929.01, 3372
2929.13, and 4511.19 of the Revised Code that are scheduled to 3373
take effect January 1, 2004, are hereby repealed. 3374

Section 5. Sections 3 and 4 of this act shall take effect on 3375
January 1, 2004. 3376

Section 6. The amendment by this act of section 4511.99 of 3377
the Revised Code has interim effect and does not supersede the 3378
earlier amendment, with delayed effective date of Am. Sub. S.B. 3379
123 of the 124th General Assembly. 3380

Section 7. (A) Section 2929.13 of the Revised Code, effective 3381
until January 1, 2004, is presented in Section 1 of this act as a 3382
composite of the section as amended by both Am. Sub. H.B. 327 and 3383
Sub. H.B. 485 of the 124th General Assembly. The General Assembly, 3384
applying the principle stated in division (B) of section 1.52 of 3385
the Revised Code that amendments are to be harmonized if 3386
reasonably capable of simultaneous operation, finds that the 3387
composite is the resulting version of the section in effect prior 3388
to the effective date of the section as presented in Section 1 of 3389
this act. 3390

(B) Section 2929.13 of the Revised Code, effective on January 3391
1, 2004, is presented in Section 3 of this act as a composite of 3392
the section as amended by Am. Sub. H.B. 327, Sub. H.B. 485, and 3393
Am. Sub. S.B. 123 of the 124th General Assembly. The General 3394
Assembly, applying the principle stated in division (B) of section 3395
1.52 of the Revised Code that amendments are to be harmonized if 3396
reasonably capable of simultaneous operation, finds that the 3397
composite is the resulting version of the section in effect prior 3398

to the effective date of the section as presented in Section 3 of 3399
this act. 3400