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**Am. Sub. H. B. No. 163**

**Representatives Oelslager, Olman, Hagan, Raussen, Williams, Barrett,  
D. Evans, C. Evans, Fessler, Latta, McGregor, Perry, Hollister, Willamowski,  
Brown, Allen, Aslanides, Beatty, Bocchieri, Buehrer, Calvert, Carmichael,  
Cates, Chandler, Cirelli, Clancy, Core, DeBose, DePiero, Distel, Domenick,  
Flowers, Gibbs, Gilb, Harwood, Hoops, Hughes Speaker Husted  
Representatives Jerse, Jolivette, Key, Koziura, Martin, Mason, Niehaus,  
Otterman, S. Patton, T. Patton, Price, Reidelbach, Reinhard, Schaffer,  
Schlichter, Schmidt, Schneider, Setzer, Skindell, D. Stewart, J. Stewart,  
Strahorn, Taylor, Trakas, Wagner, Webster, White, Widener, Wilson  
Senators Austria, Harris, Hottinger, Padgett, Stivers, Spada, Jacobson, Nein**

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**A B I L L**

To amend sections 1547.11, 1901.41, 2152.19, 2903.08, 1  
2925.01, 2929.01, 2929.13, 2929.14, 2929.15, 2  
2929.16, 2929.17, 2929.19, 2929.24, 2929.27, 3  
4123.54, 4507.02, 4507.05, 4510.13, 4510.17, 4  
4510.54, 4511.19, 4511.191, 4511.192, 4511.194, 5  
4511.196, 4511.197, and 4513.39 and to enact 6  
sections 1907.231, 2301.141, 2941.1413, and 7  
2941.1414 of the Revised Code and to amend Section 8  
5 of Am. Sub. S.B. 123 of the 123rd General 9  
Assembly to provide an additional prison term or 10  
term of imprisonment for certain repeat OVI or 11  
OVUAC offenders; to provide an increased penalty 12  
for an OVI conviction if the offender refused to 13  
take a chemical test after being arrested for the 14  
offense and has a prior OVI or OVUAC conviction; 15

to require municipal, county, and common pleas 16  
court clerks to retain admissible evidence of 17  
criminal convictions for fifty years after the 18  
entry of judgment of that conviction; to give the 19  
police force of a township with a population of 20  
greater than fifty thousand the same authority to 21  
make arrests for specified traffic offenses on 22  
interstate highways as now exists for the police 23  
force of a township with a population greater than 24  
sixty thousand; to increase the penalty for 25  
vehicular assault when the offender also fails to 26  
stop at the scene of the accident resulting in 27  
that offense; to modify the definition of 28  
"committed in the vicinity of a school" in the 29  
Controlled Substance Law to specify that it is 30  
irrelevant whether the person who engages in the 31  
prohibited conduct knows that conduct is being 32  
committed on school premises, in a school 33  
building, or within 1,000 feet of any school 34  
premises; to specifically authorize continuous 35  
alcohol monitoring as a sanction in criminal and 36  
delinquent child cases; and to correct errors in 37  
and otherwise modify certain provisions that 38  
contain some of the Ohio Criminal Sentencing 39  
Commission's traffic law revisions. 40

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

**Section 1.** That sections 1547.11, 1901.41, 2152.19, 2903.08, 41  
2925.01, 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 42  
2929.19, 2929.24, 2929.27, 4123.54, 4507.02, 4507.05, 4510.13, 43  
4510.17, 4510.54, 4511.19, 4511.191, 4511.192, 4511.194, 4511.196, 44  
4511.197, and 4513.39 be amended and sections 1907.231, 2301.141, 45

2941.1413, and 2941.1414 of the Revised Code be enacted to read as follows:

**Sec. 1547.11.** (A) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control, or manipulation, any of the following applies:

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

(2) The person has a concentration of eight-hundredths of one per cent or more by weight of alcohol per unit volume in the person's whole blood.

(3) The person has a concentration of ~~ninety-six hundredths~~ ninety-six-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(4) The person has a concentration of eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(5) The person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

(B) No person under twenty-one years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person has a concentration of at least two-hundredths of one per cent, but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least 75  
three-hundredths of one per cent but less than 76  
~~ninety-six hundredths~~ ninety-six-thousandths of one per cent by 77  
weight per unit volume of alcohol in the person's blood serum or 78  
plasma. 79

(3) The person has a concentration of at least twenty-eight 80  
one-thousandths of one gram, but less than eleven-hundredths of 81  
one gram by weight of alcohol per one hundred milliliters of the 82  
person's urine. 83

(4) The person has a concentration of at least two-hundredths 84  
of one gram, but less than eight-hundredths of one gram by weight 85  
of alcohol per two hundred ten liters of the person's breath. 86

(C) In any proceeding arising out of one incident, a person 87  
may be charged with a violation of division (A)(1) and a violation 88  
of division (B)(1), (2), (3), or (4) of this section, but the 89  
person shall not be convicted of more than one violation of those 90  
divisions. 91

(D)(1) In any criminal prosecution or juvenile court 92  
proceeding for a violation of division (A) or (B) of this section 93  
or for an equivalent violation, the court may admit evidence on 94  
the concentration of alcohol, drugs of abuse, or a combination of 95  
them in the defendant's or child's whole blood, blood serum or 96  
plasma, urine, or breath at the time of the alleged violation as 97  
shown by chemical analysis of the substance withdrawn, or specimen 98  
taken within two hours of the time of the alleged violation. 99

When a person submits to a blood test, only a physician, a 100  
registered nurse, or a qualified technician, chemist, or 101  
phlebotomist shall withdraw blood for the purpose of determining 102  
the alcohol, drug, or alcohol and drug content of the whole blood, 103  
blood serum, or blood plasma. This limitation does not apply to 104  
the taking of breath or urine specimens. A person authorized to 105

withdraw blood under this division may refuse to withdraw blood 106  
under this division if, in that person's opinion, the physical 107  
welfare of the defendant or child would be endangered by 108  
withdrawing blood. 109

The whole blood, blood serum or plasma, urine, or breath 110  
shall be analyzed in accordance with methods approved by the 111  
director of health by an individual possessing a valid permit 112  
issued by the director pursuant to section 3701.143 of the Revised 113  
Code. 114

(2) In a criminal prosecution or juvenile court proceeding 115  
for a violation of division (A) of this section or for a violation 116  
of a prohibition that is substantially equivalent to division (A) 117  
of this section, if there was at the time the bodily substance was 118  
taken a concentration of less than the applicable concentration of 119  
alcohol specified for a violation of division (A)(2), (3), (4), or 120  
(5) of this section, that fact may be considered with other 121  
competent evidence in determining the guilt or innocence of the 122  
defendant or in making an adjudication for the child. This 123  
division does not limit or affect a criminal prosecution or 124  
juvenile court proceeding for a violation of division (B) of this 125  
section or for a violation of a prohibition that is substantially 126  
equivalent to that division. 127

(3) Upon the request of the person who was tested, the 128  
results of the chemical test shall be made available to the person 129  
or the person's attorney immediately upon completion of the test 130  
analysis. 131

The person tested may have a physician, a registered nurse, 132  
or a qualified technician, chemist, or phlebotomist of the 133  
person's own choosing administer a chemical test or tests in 134  
addition to any administered at the direction of a law enforcement 135  
officer, and shall be so advised. The failure or inability to 136  
obtain an additional test by a person shall not preclude the 137

admission of evidence relating to the test or tests taken at the 138  
direction of a law enforcement officer. 139

(E)(1) In any criminal prosecution or juvenile court 140  
proceeding for a violation of division (A) or (B) of this section 141  
or for an equivalent violation, if a law enforcement officer has 142  
administered a field sobriety test to the operator or person found 143  
to be in physical control of the vessel underway involved in the 144  
violation or the person manipulating the water skis, aquaplane, or 145  
similar device involved in the violation and if it is shown by 146  
clear and convincing evidence that the officer administered the 147  
test in substantial compliance with the testing standards for 148  
reliable, credible, and generally accepted field sobriety tests 149  
for vehicles that were in effect at the time the tests were 150  
administered, including, but not limited to, any testing standards 151  
then in effect that have been set by the national highway traffic 152  
safety administration, that by their nature are not clearly 153  
inapplicable regarding the operation or physical control of 154  
vessels underway or the manipulation of water skis, aquaplanes, or 155  
similar devices, all of the following apply: 156

(a) The officer may testify concerning the results of the 157  
field sobriety test so administered. 158

(b) The prosecution may introduce the results of the field 159  
sobriety test so administered as evidence in any proceedings in 160  
the criminal prosecution or juvenile court proceeding. 161

(c) If testimony is presented or evidence is introduced under 162  
division (E)(1)(a) or (b) of this section and if the testimony or 163  
evidence is admissible under the Rules of Evidence, the court 164  
shall admit the testimony or evidence, and the trier of fact shall 165  
give it whatever weight the trier of fact considers to be 166  
appropriate. 167

(2) Division (E)(1) of this section does not limit or 168

preclude a court, in its determination of whether the arrest of a 169  
person was supported by probable cause or its determination of any 170  
other matter in a criminal prosecution or juvenile court 171  
proceeding of a type described in that division, from considering 172  
evidence or testimony that is not otherwise disallowed by division 173  
(E)(1) of this section. 174

(F)(1) Subject to division (F)(3) of this section, in any 175  
criminal prosecution or juvenile court proceeding for a violation 176  
of this section or for an equivalent violation, the court shall 177  
admit as prima-facie evidence a laboratory report from any 178  
forensic laboratory certified by the department of health that 179  
contains an analysis of the whole blood, blood serum or plasma, 180  
breath, urine, or other bodily substance tested and that contains 181  
all of the information specified in this division. The laboratory 182  
report shall contain all of the following: 183

(a) The signature, under oath, of any person who performed 184  
the analysis; 185

(b) Any findings as to the identity and quantity of alcohol, 186  
a drug of abuse, or a combination of them that was found; 187

(c) A copy of a notarized statement by the laboratory 188  
director or a designee of the director that contains the name of 189  
each certified analyst or test performer involved with the report, 190  
the analyst's or test performer's employment relationship with the 191  
laboratory that issued the report, and a notation that performing 192  
an analysis of the type involved is part of the analyst's or test 193  
performer's regular duties; 194

(d) An outline of the analyst's or test performer's 195  
education, training, and experience in performing the type of 196  
analysis involved and a certification that the laboratory 197  
satisfies appropriate quality control standards in general and, in 198  
this particular analysis, under rules of the department of health. 199

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

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

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

(H) As used in this section and section 1547.111 of the Revised Code:

(1) "Equivalent violation" means a violation of a municipal ordinance, law of another state, or law of the United States that

is substantially equivalent to division (A) or (B) of this 232  
section. 233

(2) "National highway traffic safety administration" has the 234  
same meaning as in section 4511.19 of the Revised Code. 235

(3) "Operate" means that a vessel is being used on the waters 236  
in this state when the vessel is not securely affixed to a dock or 237  
to shore or to any permanent structure to which the vessel has the 238  
right to affix or that a vessel is not anchored in a designated 239  
anchorage area or boat camping area that is established by the 240  
United States coast guard, this state, or a political subdivision 241  
and in which the vessel has the right to anchor. 242

**Sec. 1901.41.** (A) Notwithstanding section 149.39 of the 243  
Revised Code and subject to division (E) of this section, each 244  
municipal court, by rule, may order the destruction or other 245  
disposition of the files of cases that have been finally disposed 246  
of by the court for at least five years as follows: 247

(1) If a case has been finally disposed of for at least five 248  
years, but less than fifteen years prior to the adoption of the 249  
rule of court for destruction or other disposition of the files, 250  
the court may order the files destroyed or otherwise disposed of 251  
only if the court first complies with division (B)(1) of this 252  
section; 253

(2) If a case has been finally disposed of for fifteen years 254  
or more prior to the adoption of the rule of court for destruction 255  
or other disposition of the files, the court may order the files 256  
destroyed or otherwise disposed of without having copied or 257  
reproduced the files prior to their destruction. 258

(B)(1) Except as otherwise provided in this division, all 259  
files destroyed or otherwise disposed of under division (A)(1) of 260  
this section shall be copied or reproduced prior to their 261

destruction or disposition in the manner and according to the 262  
procedure prescribed in section 9.01 of the Revised Code. The 263  
copies or reproductions of the files made pursuant to section 9.01 264  
of the Revised Code shall be retained and preserved by the court 265  
for a period of ten years after the destruction of the original 266  
files in accordance with this section, after which the copies or 267  
reproductions themselves may be destroyed or otherwise disposed 268  
of. 269

Files destroyed or otherwise disposed of under division 270  
(A)(1) of this section that are solely concerned with criminal 271  
prosecutions for minor misdemeanor offenses or that are concerned 272  
solely with minor misdemeanor traffic prosecutions do not have to 273  
be copied or reproduced in any manner or under any procedure prior 274  
to their destruction or disposition as provided in this section. 275

(2) Files destroyed or otherwise disposed of under division 276  
(A)(2) of this section do not have to be copied or reproduced in 277  
any manner or under any procedure prior to their destruction or 278  
disposition. 279

(C) Nothing in this section permits or shall be construed as 280  
permitting the destruction or other disposition of the files in 281  
the Cleveland municipal court of cases involving the following 282  
actions and proceedings: 283

(1) The sale of real property in an action to foreclose and 284  
marshal all liens on the real property; 285

(2) The sale of real property in an action to foreclose a 286  
mortgage on the real property; 287

(3) The determination of rights in the title to real property 288  
either in the form of a creditor's bill or in any other action 289  
intended to determine or adjudicate the right, title, and interest 290  
of a person or persons in the ownership of a parcel or parcels of 291  
real property or any interest therein. 292

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

(E) Notwithstanding section 149.39 of the Revised Code, each clerk of a municipal court shall retain documentation regarding each criminal conviction and plea of guilty involving a case that is or was before the court. The documentation shall be in a form that is admissible as evidence in a criminal proceeding as evidence of a prior conviction and may be retained in any form authorized by section 9.01 of the Revised Code. The clerk shall retain this documentation for a period of fifty years after the entry of judgment in the case. This section shall apply to records currently retained and to records created on or after the effective date of this amendment.

Sec. 1907.231. Notwithstanding section 149.38 of the Revised Code, each clerk of a county court shall retain documentation regarding each criminal conviction and plea of guilty involving a case that is or was before the court. The documentation shall be in a form that is admissible as evidence in a criminal proceeding as evidence of a prior conviction and may be retained in any form authorized by section 9.01 of the Revised Code. The clerk shall retain this documentation for a period of fifty years after the entry of judgment in the case. This section shall apply to records currently retained and to records created on or after the

effective date of this section. 325

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 326  
child, the court may make any of the following orders of 327  
disposition, in addition to any other disposition authorized or 328  
required by this chapter: 329

(1) Any order that is authorized by section 2151.353 of the 330  
Revised Code for the care and protection of an abused, neglected, 331  
or dependent child; 332

(2) Commit the child to the temporary custody of any school, 333  
camp, institution, or other facility operated for the care of 334  
delinquent children by the county, by a district organized under 335  
section 2152.41 or 2151.65 of the Revised Code, or by a private 336  
agency or organization, within or without the state, that is 337  
authorized and qualified to provide the care, treatment, or 338  
placement required, including, but not limited to, a school, camp, 339  
or facility operated under section 2151.65 of the Revised Code; 340

(3) Place the child in a detention facility or district 341  
detention facility operated under section 2152.41 of the Revised 342  
Code, for up to ninety days; 343

(4) Place the child on community control under any sanctions, 344  
services, and conditions that the court prescribes. As a condition 345  
of community control in every case and in addition to any other 346  
condition that it imposes upon the child, the court shall require 347  
the child to abide by the law during the period of community 348  
control. As referred to in this division, community control 349  
includes, but is not limited to, the following sanctions and 350  
conditions: 351

(a) A period of basic probation supervision in which the 352  
child is required to maintain contact with a person appointed to 353  
supervise the child in accordance with sanctions imposed by the 354

court;	355
(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;	356 357 358 359 360
(c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;	361 362 363 364 365
(d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to two hundred hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to thirty hours for an act that would be a minor misdemeanor if committed by an adult;	366 367 368 369 370 371
(e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment;	372 373 374
(f) A period of drug and alcohol use monitoring;	375
(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;	376 377 378 379
(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours;	380 381
(i) A requirement that the child serve monitored time;	382
(j) A period of house arrest without electronic monitoring <u>or continuous alcohol monitoring</u> ;	383 384

(k) A period of electronic monitoring or continuous alcohol monitoring without house arrest, or house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act.

A period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, upon a child under this division, it shall require the child: to remain in the child's home or other specified premises for the entire period of house arrest with electronic monitoring or continuous alcohol monitoring or both except when the court permits the child to leave those premises to go to school or to other specified premises~~+~~. Regarding electronic monitoring, the court also shall require the child to be monitored by a central system that can determine the child's location at designated times; to report periodically to a person designated by the court; and to enter into a written contract with the court agreeing to comply with all requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the house arrest with electronic monitoring, and agreeing to waive the right to receive credit for any time served on house arrest with electronic monitoring toward the period of any other dispositional order imposed upon the child if the child violates any of the requirements of the dispositional order of house arrest with electronic monitoring. The court also may impose other reasonable requirements upon the child.

Unless ordered by the court, a child shall not receive credit

for any time served on house arrest with electronic monitoring or 417  
continuous alcohol monitoring or both toward any other 418  
dispositional order imposed upon the child for the act for which 419  
was imposed the dispositional order of house arrest with 420  
electronic monitoring or continuous alcohol monitoring. As used in 421  
this division and division (A)(4)(1) of this section, "continuous 422  
alcohol monitoring" has the same meaning as in section 2929.01 of 423  
the Revised Code. 424

(1) A suspension of the driver's license, probationary 425  
driver's license, or temporary instruction permit issued to the 426  
child for a period of time prescribed by the court, or a 427  
suspension of the registration of all motor vehicles registered in 428  
the name of the child for a period of time prescribed by the 429  
court. A child whose license or permit is so suspended is 430  
ineligible for issuance of a license or permit during the period 431  
of suspension. At the end of the period of suspension, the child 432  
shall not be reissued a license or permit until the child has paid 433  
any applicable reinstatement fee and complied with all 434  
requirements governing license reinstatement. 435

(5) Commit the child to the custody of the court; 436

(6) Require the child to not be absent without legitimate 437  
excuse from the public school the child is supposed to attend for 438  
five or more consecutive days, seven or more school days in one 439  
school month, or twelve or more school days in a school year; 440

(7)(a) If a child is adjudicated a delinquent child for being 441  
a chronic truant or ~~an~~ a habitual truant who previously has been 442  
adjudicated an unruly child for being a habitual truant, do either 443  
or both of the following: 444

(i) Require the child to participate in a truancy prevention 445  
mediation program; 446

(ii) Make any order of disposition as authorized by this 447

section, except that the court shall not commit the child to a 448  
facility described in division (A)(2) or (3) of this section 449  
unless the court determines that the child violated a lawful court 450  
order made pursuant to division (C)(1)(e) of section 2151.354 of 451  
the Revised Code or division (A)(6) of this section. 452

(b) If a child is adjudicated a delinquent child for being a 453  
chronic truant or a habitual truant who previously has been 454  
adjudicated an unruly child for being a habitual truant and the 455  
court determines that the parent, guardian, or other person having 456  
care of the child has failed to cause the child's attendance at 457  
school in violation of section 3321.38 of the Revised Code, do 458  
either or both of the following: 459

(i) Require the parent, guardian, or other person having care 460  
of the child to participate in a truancy prevention mediation 461  
program; 462

(ii) Require the parent, guardian, or other person having 463  
care of the child to participate in any community service program, 464  
preferably a community service program that requires the 465  
involvement of the parent, guardian, or other person having care 466  
of the child in the school attended by the child. 467

(8) Make any further disposition that the court finds proper, 468  
except that the child shall not be placed in any of the following: 469

(a) A state correctional institution, a county, multicounty, 470  
or municipal jail or workhouse, or another place in which an adult 471  
convicted of a crime, under arrest, or charged with a crime is 472  
held; 473

(b) A community corrections facility, if the child would be 474  
covered by the definition of public safety beds for purposes of 475  
sections 5139.41 to 5139.43 of the Revised Code if the court 476  
exercised its authority to commit the child to the legal custody 477  
of the department of youth services for institutionalization or 478

institutionalization in a secure facility pursuant to this 479  
chapter. 480

(B) If a child is adjudicated a delinquent child, in addition 481  
to any order of disposition made under division (A) of this 482  
section, the court, in the following situations and for the 483  
specified periods of time, shall suspend the child's temporary 484  
instruction permit, restricted license, probationary driver's 485  
license, or nonresident operating privilege, or suspend the 486  
child's ability to obtain such a permit: 487

(1) If the child is adjudicated a delinquent child for 488  
violating section 2923.122 of the Revised Code, impose a class 489  
four suspension of the child's license, permit, or privilege from 490  
the range specified in division (A)(4) of section 4510.02 of the 491  
Revised Code or deny the child the issuance of a license or permit 492  
in accordance with division (F)(1) of section 2923.122 of the 493  
Revised Code. 494

(2) If the child is adjudicated a delinquent child for 495  
committing an act that if committed by an adult would be a drug 496  
abuse offense or for violating division (B) of section 2917.11 of 497  
the Revised Code, suspend the child's license, permit, or 498  
privilege for a period of time prescribed by the court. The court, 499  
in its discretion, may terminate the suspension if the child 500  
attends and satisfactorily completes a drug abuse or alcohol abuse 501  
education, intervention, or treatment program specified by the 502  
court. During the time the child is attending a program described 503  
in this division, the court shall retain the child's temporary 504  
instruction permit, probationary driver's license, or driver's 505  
license, and the court shall return the permit or license if it 506  
terminates the suspension as described in this division. 507

(C) The court may establish a victim-offender mediation 508  
program in which victims and their offenders meet to discuss the 509  
offense and suggest possible restitution. If the court obtains the 510

assent of the victim of the delinquent act committed by the child, 511  
the court may require the child to participate in the program. 512

(D)(1) If a child is adjudicated a delinquent child for 513  
committing an act that would be a felony if committed by an adult 514  
and if the child caused, attempted to cause, threatened to cause, 515  
or created a risk of physical harm to the victim of the act, the 516  
court, prior to issuing an order of disposition under this 517  
section, shall order the preparation of a victim impact statement 518  
by the probation department of the county in which the victim of 519  
the act resides, by the court's own probation department, or by a 520  
victim assistance program that is operated by the state, a county, 521  
a municipal corporation, or another governmental entity. The court 522  
shall consider the victim impact statement in determining the 523  
order of disposition to issue for the child. 524

(2) Each victim impact statement shall identify the victim of 525  
the act for which the child was adjudicated a delinquent child, 526  
itemize any economic loss suffered by the victim as a result of 527  
the act, identify any physical injury suffered by the victim as a 528  
result of the act and the seriousness and permanence of the 529  
injury, identify any change in the victim's personal welfare or 530  
familial relationships as a result of the act and any 531  
psychological impact experienced by the victim or the victim's 532  
family as a result of the act, and contain any other information 533  
related to the impact of the act upon the victim that the court 534  
requires. 535

(3) A victim impact statement shall be kept confidential and 536  
is not a public record. However, the court may furnish copies of 537  
the statement to the department of youth services if the 538  
delinquent child is committed to the department or to both the 539  
adjudicated delinquent child or the adjudicated delinquent child's 540  
counsel and the prosecuting attorney. The copy of a victim impact 541  
statement furnished by the court to the department pursuant to 542

this section shall be kept confidential and is not a public 543  
record. If an officer is preparing pursuant to section 2947.06 or 544  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 545  
investigation report pertaining to a person, the court shall make 546  
available to the officer, for use in preparing the report, a copy 547  
of any victim impact statement regarding that person. The copies 548  
of a victim impact statement that are made available to the 549  
adjudicated delinquent child or the adjudicated delinquent child's 550  
counsel and the prosecuting attorney pursuant to this division 551  
shall be returned to the court by the person to whom they were 552  
made available immediately following the imposition of an order of 553  
disposition for the child under this chapter. 554

The copy of a victim impact statement that is made available 555  
pursuant to this division to an officer preparing a criminal 556  
presentence investigation report shall be returned to the court by 557  
the officer immediately following its use in preparing the report. 558

(4) The department of youth services shall work with local 559  
probation departments and victim assistance programs to develop a 560  
standard victim impact statement. 561

(E) If a child is adjudicated a delinquent child for being a 562  
chronic truant or ~~an~~ a habitual truant who previously has been 563  
adjudicated an unruly child for being ~~an~~ a habitual truant and the 564  
court determines that the parent, guardian, or other person having 565  
care of the child has failed to cause the child's attendance at 566  
school in violation of section 3321.38 of the Revised Code, in 567  
addition to any order of disposition it makes under this section, 568  
the court shall warn the parent, guardian, or other person having 569  
care of the child that any subsequent adjudication of the child as 570  
an unruly or delinquent child for being ~~an~~ a habitual or chronic 571  
truant may result in a criminal charge against the parent, 572  
guardian, or other person having care of the child for a violation 573  
of division (C) of section 2919.21 or section 2919.24 of the 574

Revised Code. 575

(F)(1) During the period of a delinquent child's community 576  
control granted under this section, authorized probation officers 577  
who are engaged within the scope of their supervisory duties or 578  
responsibilities may search, with or without a warrant, the person 579  
of the delinquent child, the place of residence of the delinquent 580  
child, and a motor vehicle, another item of tangible or intangible 581  
personal property, or other real property in which the delinquent 582  
child has a right, title, or interest or for which the delinquent 583  
child has the express or implied permission of a person with a 584  
right, title, or interest to use, occupy, or possess if the 585  
probation officers have reasonable grounds to believe that the 586  
delinquent child is not abiding by the law or otherwise is not 587  
complying with the conditions of the delinquent child's community 588  
control. The court that places a delinquent child on community 589  
control under this section shall provide the delinquent child with 590  
a written notice that informs the delinquent child that authorized 591  
probation officers who are engaged within the scope of their 592  
supervisory duties or responsibilities may conduct those types of 593  
searches during the period of community control if they have 594  
reasonable grounds to believe that the delinquent child is not 595  
abiding by the law or otherwise is not complying with the 596  
conditions of the delinquent child's community control. The court 597  
also shall provide the written notice described in division (E)(2) 598  
of this section to each parent, guardian, or custodian of the 599  
delinquent child who is described in that division. 600

(2) The court that places a child on community control under 601  
this section shall provide the child's parent, guardian, or other 602  
custodian with a written notice that informs them that authorized 603  
probation officers may conduct searches pursuant to division 604  
(E)(1) of this section. The notice shall specifically state that a 605  
permissible search might extend to a motor vehicle, another item 606

of tangible or intangible personal property, or a place of 607  
residence or other real property in which a notified parent, 608  
guardian, or custodian has a right, title, or interest and that 609  
the parent, guardian, or custodian expressly or impliedly permits 610  
the child to use, occupy, or possess. 611

(G) If a juvenile court commits a delinquent child to the 612  
custody of any person, organization, or entity pursuant to this 613  
section and if the delinquent act for which the child is so 614  
committed is a sexually oriented offense that is not a 615  
registration-exempt sexually oriented offense or is a child-victim 616  
oriented offense, the court in the order of disposition shall do 617  
one of the following: 618

(1) Require that the child be provided treatment as described 619  
in division (A)(2) of section 5139.13 of the Revised Code; 620

(2) Inform the person, organization, or entity that it is the 621  
preferred course of action in this state that the child be 622  
provided treatment as described in division (A)(2) of section 623  
5139.13 of the Revised Code and encourage the person, 624  
organization, or entity to provide that treatment. 625

Sec. 2301.141. Notwithstanding section 149.38 of the Revised 626  
Code, each clerk of a court of common pleas shall retain 627  
documentation regarding each criminal conviction and plea of 628  
guilty involving a case that is or was before the court. The 629  
documentation shall be in a form that is admissible as evidence in 630  
a criminal proceeding as evidence of a prior conviction and may be 631  
retained in any form authorized by section 9.01 of the Revised 632  
Code. The clerk shall retain this documentation for a period of 633  
fifty years after the entry of judgment in the case. This section 634  
shall apply to records currently retained and to records created 635  
on or after the effective date of this section. 636

**Sec. 2903.08.** (A) No person, while operating or participating 637  
in the operation of a motor vehicle, motorcycle, snowmobile, 638  
locomotive, watercraft, or aircraft, shall cause serious physical 639  
harm to another person or another's unborn in either of the 640  
following ways: 641

(1)(a) As the proximate result of committing a violation of 642  
division (A) of section 4511.19 of the Revised Code or of a 643  
substantially equivalent municipal ordinance; 644

(b) As the proximate result of committing a violation of 645  
division (A) of section 1547.11 of the Revised Code or of a 646  
substantially equivalent municipal ordinance; 647

(c) As the proximate result of committing a violation of 648  
division (A)(3) of section 4561.15 of the Revised Code or of a 649  
substantially equivalent municipal ordinance. 650

(2) Recklessly. 651

(B)(1) Whoever violates division (A)(1) of this section is 652  
guilty of aggravated vehicular assault. Except as otherwise 653  
provided in this division, aggravated vehicular assault is a 654  
felony of the third degree. Aggravated vehicular assault is a 655  
felony of the second degree if any of the following apply: 656

(a) At the time of the offense, the offender was driving 657  
under a suspension imposed under Chapter 4510. or any other 658  
provision of the Revised Code. 659

(b) The offender previously has been convicted of or pleaded 660  
guilty to a violation of this section. 661

(c) The offender previously has been convicted of or pleaded 662  
guilty to any traffic-related homicide, manslaughter, or assault 663  
offense. 664

(d) The offender previously has been convicted of or pleaded 665  
guilty to three or more prior violations of section 4511.19 of the 666

Revised Code or a substantially equivalent municipal ordinance 667  
within the previous six years. 668

(e) The offender previously has been convicted of or pleaded 669  
guilty to three or more prior violations of division (A) of 670  
section 1547.11 of the Revised Code or of a substantially 671  
equivalent municipal ordinance within the previous six years. 672

(f) The offender previously has been convicted of or pleaded 673  
guilty to three or more prior violations of division (A)(3) of 674  
section 4561.15 of the Revised Code or of a substantially 675  
equivalent municipal ordinance within the previous six years. 676

(g) The offender previously has been convicted of or pleaded 677  
guilty to three or more prior violations of any combination of the 678  
offenses listed in division (B)(1)(d), (e), or (f) of this 679  
section. 680

(h) The offender previously has been convicted of or pleaded 681  
guilty to a second or subsequent felony violation of division (A) 682  
of section 4511.19 of the Revised Code. 683

(2) In addition to any other sanctions imposed pursuant to 684  
division (B)(1) of this section, the court shall impose upon the 685  
offender a class three suspension of the offender's driver's 686  
license, commercial driver's license, temporary instruction 687  
permit, probationary license, or nonresident operating privilege 688  
from the range specified in division (A)(3) of section 4510.02 of 689  
the Revised Code or, if the offender previously has been convicted 690  
of or pleaded guilty to a violation of this section or any 691  
traffic-related homicide, manslaughter, or assault offense, a 692  
class two suspension of the offender's driver's license, 693  
commercial driver's license, temporary instruction permit, 694  
probationary license, or nonresident operating privilege from the 695  
range specified in division (A)(2) of that section. 696

(C) Whoever violates division (A)(2) of this section is 697

guilty of vehicular assault. Except as otherwise provided in this 698  
division, vehicular assault is a felony of the fourth degree. 699  
Vehicular assault is a felony of the third degree if, at the time 700  
of the offense, the offender was driving under a suspension 701  
imposed under Chapter 4510. or any other provision of the Revised 702  
Code ~~or~~, if the offender previously has been convicted of or 703  
pleaded guilty to a violation of this section or any 704  
traffic-related homicide, manslaughter, or assault offense, or if, 705  
in the same course of conduct that resulted in the violation of 706  
division (A)(2) of this section, the offender also violated 707  
section 4549.02, 4549.021, or 4549.03 of the Revised Code. 708

In addition to any other sanctions imposed, the court shall 709  
impose upon the offender a class four suspension of the offender's 710  
driver's license, commercial driver's license, temporary 711  
instruction permit, probationary license, or nonresident operating 712  
privilege from the range specified in division (A)(4) of section 713  
4510.02 of the Revised Code or, if the offender previously has 714  
been convicted of or pleaded guilty to a violation of this section 715  
or any traffic-related homicide, manslaughter, or assault offense, 716  
a class three suspension of the offender's driver's license, 717  
commercial driver's license, temporary instruction permit, 718  
probationary license, or nonresident operating privilege from the 719  
range specified in division (A)(3) of that section. 720

(D) The court shall impose a mandatory prison term on an 721  
offender who is convicted of or pleads guilty to a violation of 722  
division (A)(1) of this section. The court shall impose a 723  
mandatory prison term on an offender who is convicted of or pleads 724  
guilty to a violation of division (A)(2) of this section if either 725  
of the following applies: 726

(1) The offender previously has been convicted of or pleaded 727  
guilty to a violation of this section or section 2903.06 of the 728  
Revised Code. 729

(2) At the time of the offense, the offender was driving 730  
under suspension under Chapter 4510. or any other provision of the 731  
Revised Code. 732

(E) As used in this section: 733

(1) "Mandatory prison term" has the same meaning as in 734  
section 2929.01 of the Revised Code. 735

(2) "Traffic-related homicide, manslaughter, or assault 736  
offense" has the same meaning as in section 2903.06 of the Revised 737  
Code. 738

(F) For the purposes of this section, when a penalty or 739  
suspension is enhanced because of a prior or current violation of 740  
a specified law or a prior or current specified offense, the 741  
reference to the violation of the specified law or the specified 742  
offense includes any violation of any substantially equivalent 743  
municipal ordinance, former law of this state, or current or 744  
former law of another state or the United States. 745

**Sec. 2925.01.** As used in this chapter: 746

(A) "Administer," "controlled substance," "dispense," 747  
"distribute," "hypodermic," "manufacturer," "official written 748  
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 749  
"schedule II," "schedule III," "schedule IV," "schedule V," and 750  
"wholesaler" have the same meanings as in section 3719.01 of the 751  
Revised Code. 752

(B) "Drug dependent person" and "drug of abuse" have the same 753  
meanings as in section 3719.011 of the Revised Code. 754

(C) "Drug," "dangerous drug," "licensed health professional 755  
authorized to prescribe drugs," and "prescription" have the same 756  
meanings as in section 4729.01 of the Revised Code. 757

(D) "Bulk amount" of a controlled substance means any of the 758  
following: 759

(1) For any compound, mixture, preparation, or substance 760  
included in schedule I, schedule II, or schedule III, with the 761  
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 762  
except as provided in division (D)(2) or (5) of this section, 763  
whichever of the following is applicable: 764

(a) An amount equal to or exceeding ten grams or twenty-five 765  
unit doses of a compound, mixture, preparation, or substance that 766  
is or contains any amount of a schedule I opiate or opium 767  
derivative; 768

(b) An amount equal to or exceeding ten grams of a compound, 769  
mixture, preparation, or substance that is or contains any amount 770  
of raw or gum opium; 771

(c) An amount equal to or exceeding thirty grams or ten unit 772  
doses of a compound, mixture, preparation, or substance that is or 773  
contains any amount of a schedule I hallucinogen other than 774  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 775  
stimulant or depressant; 776

(d) An amount equal to or exceeding twenty grams or five 777  
times the maximum daily dose in the usual dose range specified in 778  
a standard pharmaceutical reference manual of a compound, mixture, 779  
preparation, or substance that is or contains any amount of a 780  
schedule II opiate or opium derivative; 781

(e) An amount equal to or exceeding five grams or ten unit 782  
doses of a compound, mixture, preparation, or substance that is or 783  
contains any amount of phencyclidine; 784

(f) An amount equal to or exceeding one hundred twenty grams 785  
or thirty times the maximum daily dose in the usual dose range 786  
specified in a standard pharmaceutical reference manual of a 787  
compound, mixture, preparation, or substance that is or contains 788  
any amount of a schedule II stimulant that is in a final dosage 789  
form manufactured by a person authorized by the "Federal Food, 790

Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 791  
amended, and the federal drug abuse control laws, as defined in 792  
section 3719.01 of the Revised Code, that is or contains any 793  
amount of a schedule II depressant substance or a schedule II 794  
hallucinogenic substance; 795

(g) An amount equal to or exceeding three grams of a 796  
compound, mixture, preparation, or substance that is or contains 797  
any amount of a schedule II stimulant, or any of its salts or 798  
isomers, that is not in a final dosage form manufactured by a 799  
person authorized by the Federal Food, Drug, and Cosmetic Act and 800  
the federal drug abuse control laws. 801

(2) An amount equal to or exceeding one hundred twenty grams 802  
or thirty times the maximum daily dose in the usual dose range 803  
specified in a standard pharmaceutical reference manual of a 804  
compound, mixture, preparation, or substance that is or contains 805  
any amount of a schedule III or IV substance other than an 806  
anabolic steroid or a schedule III opiate or opium derivative; 807

(3) An amount equal to or exceeding twenty grams or five 808  
times the maximum daily dose in the usual dose range specified in 809  
a standard pharmaceutical reference manual of a compound, mixture, 810  
preparation, or substance that is or contains any amount of a 811  
schedule III opiate or opium derivative; 812

(4) An amount equal to or exceeding two hundred fifty 813  
milliliters or two hundred fifty grams of a compound, mixture, 814  
preparation, or substance that is or contains any amount of a 815  
schedule V substance; 816

(5) An amount equal to or exceeding two hundred solid dosage 817  
units, sixteen grams, or sixteen milliliters of a compound, 818  
mixture, preparation, or substance that is or contains any amount 819  
of a schedule III anabolic steroid. 820

(E) "Unit dose" means an amount or unit of a compound, 821

mixture, or preparation containing a controlled substance that is 822  
separately identifiable and in a form that indicates that it is 823  
the amount or unit by which the controlled substance is separately 824  
administered to or taken by an individual. 825

(F) "Cultivate" includes planting, watering, fertilizing, or 826  
tilling. 827

(G) "Drug abuse offense" means any of the following: 828

(1) A violation of division (A) of section 2913.02 that 829  
constitutes theft of drugs, or a violation of section 2925.02, 830  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 831  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 832  
2925.37 of the Revised Code; 833

(2) A violation of an existing or former law of this or any 834  
other state or of the United States that is substantially 835  
equivalent to any section listed in division (G)(1) of this 836  
section; 837

(3) An offense under an existing or former law of this or any 838  
other state, or of the United States, of which planting, 839  
cultivating, harvesting, processing, making, manufacturing, 840  
producing, shipping, transporting, delivering, acquiring, 841  
possessing, storing, distributing, dispensing, selling, inducing 842  
another to use, administering to another, using, or otherwise 843  
dealing with a controlled substance is an element; 844

(4) A conspiracy to commit, attempt to commit, or complicity 845  
in committing or attempting to commit any offense under division 846  
(G)(1), (2), or (3) of this section. 847

(H) "Felony drug abuse offense" means any drug abuse offense 848  
that would constitute a felony under the laws of this state, any 849  
other state, or the United States. 850

(I) "Harmful intoxicant" does not include beer or 851

intoxicating liquor but means any of the following: 852

(1) Any compound, mixture, preparation, or substance the gas, 853  
fumes, or vapor of which when inhaled can induce intoxication, 854  
excitement, giddiness, irrational behavior, depression, 855  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 856  
harmful physiological effects, and includes, but is not limited 857  
to, any of the following: 858

(a) Any volatile organic solvent, plastic cement, model 859  
cement, fingernail polish remover, lacquer thinner, cleaning 860  
fluid, gasoline, or other preparation containing a volatile 861  
organic solvent; 862

(b) Any aerosol propellant; 863

(c) Any fluorocarbon refrigerant; 864

(d) Any anesthetic gas. 865

(2) Gamma Butyrolactone; 866

(3) 1,4 Butanediol. 867

(J) "Manufacture" means to plant, cultivate, harvest, 868  
process, make, prepare, or otherwise engage in any part of the 869  
production of a drug, by propagation, extraction, chemical 870  
synthesis, or compounding, or any combination of the same, and 871  
includes packaging, repackaging, labeling, and other activities 872  
incident to production. 873

(K) "Possess" or "possession" means having control over a 874  
thing or substance, but may not be inferred solely from mere 875  
access to the thing or substance through ownership or occupation 876  
of the premises upon which the thing or substance is found. 877

(L) "Sample drug" means a drug or pharmaceutical preparation 878  
that would be hazardous to health or safety if used without the 879  
supervision of a licensed health professional authorized to 880  
prescribe drugs, or a drug of abuse, and that, at one time, had 881

been placed in a container plainly marked as a sample by a 882  
manufacturer. 883

(M) "Standard pharmaceutical reference manual" means the 884  
current edition, with cumulative changes if any, of any of the 885  
following reference works: 886

(1) "The National Formulary"; 887

(2) "The United States Pharmacopeia," prepared by authority 888  
of the United States Pharmacopeial Convention, Inc.; 889

(3) Other standard references that are approved by the state 890  
board of pharmacy. 891

(N) "Juvenile" means a person under eighteen years of age. 892

(O) "Counterfeit controlled substance" means any of the 893  
following: 894

(1) Any drug that bears, or whose container or label bears, a 895  
trademark, trade name, or other identifying mark used without 896  
authorization of the owner of rights to that trademark, trade 897  
name, or identifying mark; 898

(2) Any unmarked or unlabeled substance that is represented 899  
to be a controlled substance manufactured, processed, packed, or 900  
distributed by a person other than the person that manufactured, 901  
processed, packed, or distributed it; 902

(3) Any substance that is represented to be a controlled 903  
substance but is not a controlled substance or is a different 904  
controlled substance; 905

(4) Any substance other than a controlled substance that a 906  
reasonable person would believe to be a controlled substance 907  
because of its similarity in shape, size, and color, or its 908  
markings, labeling, packaging, distribution, or the price for 909  
which it is sold or offered for sale. 910

(P) An offense is "committed in the vicinity of a school" if 911

the offender commits the offense on school premises, in a school 912  
building, or within one thousand feet of the boundaries of any 913  
school premises, regardless of whether the offender knows the 914  
offense is being committed on school premises, in a school 915  
building, or within one thousand feet of the boundaries of any 916  
school premises. 917

(Q) "School" means any school operated by a board of 918  
education, any community school established under Chapter 3314. of 919  
the Revised Code, or any nonpublic school for which the state 920  
board of education prescribes minimum standards under section 921  
3301.07 of the Revised Code, whether or not any instruction, 922  
extracurricular activities, or training provided by the school is 923  
being conducted at the time a criminal offense is committed. 924

(R) "School premises" means either of the following: 925

(1) The parcel of real property on which any school is 926  
situated, whether or not any instruction, extracurricular 927  
activities, or training provided by the school is being conducted 928  
on the premises at the time a criminal offense is committed; 929

(2) Any other parcel of real property that is owned or leased 930  
by a board of education of a school, the governing authority of a 931  
community school established under Chapter 3314. of the Revised 932  
Code, or the governing body of a nonpublic school for which the 933  
state board of education prescribes minimum standards under 934  
section 3301.07 of the Revised Code and on which some of the 935  
instruction, extracurricular activities, or training of the school 936  
is conducted, whether or not any instruction, extracurricular 937  
activities, or training provided by the school is being conducted 938  
on the parcel of real property at the time a criminal offense is 939  
committed. 940

(S) "School building" means any building in which any of the 941  
instruction, extracurricular activities, or training provided by a 942

school is conducted, whether or not any instruction, 943  
extracurricular activities, or training provided by the school is 944  
being conducted in the school building at the time a criminal 945  
offense is committed. 946

(T) "Disciplinary counsel" means the disciplinary counsel 947  
appointed by the board of commissioners on grievances and 948  
discipline of the supreme court under the Rules for the Government 949  
of the Bar of Ohio. 950

(U) "Certified grievance committee" means a duly constituted 951  
and organized committee of the Ohio state bar association or of 952  
one or more local bar associations of the state of Ohio that 953  
complies with the criteria set forth in Rule V, section 6 of the 954  
Rules for the Government of the Bar of Ohio. 955

(V) "Professional license" means any license, permit, 956  
certificate, registration, qualification, admission, temporary 957  
license, temporary permit, temporary certificate, or temporary 958  
registration that is described in divisions (W)(1) to (36) of this 959  
section and that qualifies a person as a professionally licensed 960  
person. 961

(W) "Professionally licensed person" means any of the 962  
following: 963

(1) A person who has obtained a license as a manufacturer of 964  
controlled substances or a wholesaler of controlled substances 965  
under Chapter 3719. of the Revised Code; 966

(2) A person who has received a certificate or temporary 967  
certificate as a certified public accountant or who has registered 968  
as a public accountant under Chapter 4701. of the Revised Code and 969  
who holds an Ohio permit issued under that chapter; 970

(3) A person who holds a certificate of qualification to 971  
practice architecture issued or renewed and registered under 972  
Chapter 4703. of the Revised Code; 973

(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	974 975 976
(5) A person licensed as an auctioneer or apprentice auctioneer or licensed to operate an auction company under Chapter 4707. of the Revised Code;	977 978 979
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	980 981 982
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	983 984 985
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	986 987 988 989 990 991 992 993 994 995
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	996 997 998 999 1000
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	1001 1002 1003 1004

(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	1005 1006 1007 1008
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	1009 1010 1011
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1012 1013
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1014 1015
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	1016 1017 1018 1019
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1020 1021
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	1022 1023 1024 1025
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	1026 1027
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1028 1029
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1030 1031
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1032 1033
(22) A person registered as a registered sanitarian under	1034

Chapter 4736. of the Revised Code;	1035
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1036 1037
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1038 1039
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1040 1041
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1042 1043 1044 1045
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1046 1047 1048
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1049 1050 1051
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1052 1053 1054
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1055 1056 1057
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1058 1059
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1060 1061 1062 1063
(33) A person issued a license to practice dietetics under	1064

Chapter 4759. of the Revised Code;	1065
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1066 1067 1068
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1069 1070
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	1071 1072 1073
(X) "Cocaine" means any of the following:	1074
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1075 1076
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	1077 1078 1079 1080
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	1081 1082 1083 1084 1085 1086
(Y) "L.S.D." means lysergic acid diethylamide.	1087
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	1088 1089 1090
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	1091 1092
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a	1093 1094

juvenile or within the view of a juvenile, regardless of whether 1095  
the offender knows the age of the juvenile, whether the offender 1096  
knows the offense is being committed within one hundred feet of or 1097  
within view of the juvenile, or whether the juvenile actually 1098  
views the commission of the offense. 1099

(CC) "Presumption for a prison term" or "presumption that a 1100  
prison term shall be imposed" means a presumption, as described in 1101  
division (D) of section 2929.13 of the Revised Code, that a prison 1102  
term is a necessary sanction for a felony in order to comply with 1103  
the purposes and principles of sentencing under section 2929.11 of 1104  
the Revised Code. 1105

(DD) "Major drug offender" has the same meaning as in section 1106  
2929.01 of the Revised Code. 1107

(EE) "Minor drug possession offense" means either of the 1108  
following: 1109

(1) A violation of section 2925.11 of the Revised Code as it 1110  
existed prior to July 1, 1996; 1111

(2) A violation of section 2925.11 of the Revised Code as it 1112  
exists on and after July 1, 1996, that is a misdemeanor or a 1113  
felony of the fifth degree. 1114

(FF) "Mandatory prison term" has the same meaning as in 1115  
section 2929.01 of the Revised Code. 1116

(GG) "Crack cocaine" means a compound, mixture, preparation, 1117  
or substance that is or contains any amount of cocaine that is 1118  
analytically identified as the base form of cocaine or that is in 1119  
a form that resembles rocks or pebbles generally intended for 1120  
individual use. 1121

(HH) "Adulterate" means to cause a drug to be adulterated as 1122  
described in section 3715.63 of the Revised Code. 1123

(II) "Public premises" means any hotel, restaurant, tavern, 1124

store, arena, hall, or other place of public accommodation, 1125  
business, amusement, or resort. 1126

**Sec. 2929.01.** As used in this chapter: 1127

(A)(1) "Alternative residential facility" means, subject to 1128  
division (A)(2) of this section, any facility other than an 1129  
offender's home or residence in which an offender is assigned to 1130  
live and that satisfies all of the following criteria: 1131

(a) It provides programs through which the offender may seek 1132  
or maintain employment or may receive education, training, 1133  
treatment, or habilitation. 1134

(b) It has received the appropriate license or certificate 1135  
for any specialized education, training, treatment, habilitation, 1136  
or other service that it provides from the government agency that 1137  
is responsible for licensing or certifying that type of education, 1138  
training, treatment, habilitation, or service. 1139

(2) "Alternative residential facility" does not include a 1140  
community-based correctional facility, jail, halfway house, or 1141  
prison. 1142

(B) "Bad time" means the time by which the parole board 1143  
administratively extends an offender's stated prison term or terms 1144  
pursuant to section 2967.11 of the Revised Code because the parole 1145  
board finds by clear and convincing evidence that the offender, 1146  
while serving the prison term or terms, committed an act that is a 1147  
criminal offense under the law of this state or the United States, 1148  
whether or not the offender is prosecuted for the commission of 1149  
that act. 1150

(C) "Basic probation supervision" means a requirement that 1151  
the offender maintain contact with a person appointed to supervise 1152  
the offender in accordance with sanctions imposed by the court or 1153  
imposed by the parole board pursuant to section 2967.28 of the 1154

Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision. 1155  
1156

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code. 1157  
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1159

(E) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.56 of the Revised Code. 1160  
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(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004. 1164  
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(G) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code. 1173  
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1175

(H) "Curfew" means a requirement that an offender during a specified period of time be at a designated place. 1176  
1177

(I) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center. 1178  
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1180  
1181  
1182

(J) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 1183  
1184

(K) "Drug and alcohol use monitoring" means a program under 1185  
which an offender agrees to submit to random chemical analysis of 1186  
the offender's blood, breath, or urine to determine whether the 1187  
offender has ingested any alcohol or other drugs. 1188

(L) "Drug treatment program" means any program under which a 1189  
person undergoes assessment and treatment designed to reduce or 1190  
completely eliminate the person's physical or emotional reliance 1191  
upon alcohol, another drug, or alcohol and another drug and under 1192  
which the person may be required to receive assessment and 1193  
treatment on an outpatient basis or may be required to reside at a 1194  
facility other than the person's home or residence while 1195  
undergoing assessment and treatment. 1196

(M) "Economic loss" means any economic detriment suffered by 1197  
a victim as a result of the commission of an offense and includes 1198  
any loss of income due to lost time at work because of any injury 1199  
caused to the victim, and any property loss, medical cost, or 1200  
funeral expense incurred as a result of the commission of the 1201  
offense. 1202

(N) "Education or training" includes study at, or in 1203  
conjunction with a program offered by, a university, college, or 1204  
technical college or vocational study and also includes the 1205  
completion of primary school, secondary school, and literacy 1206  
curricula or their equivalent. 1207

(O) "Firearm" has the same meaning as in section 2923.11 of 1208  
the Revised Code. 1209

(P) "Halfway house" means a facility licensed by the division 1210  
of parole and community services of the department of 1211  
rehabilitation and correction pursuant to section 2967.14 of the 1212  
Revised Code as a suitable facility for the care and treatment of 1213  
adult offenders. 1214

(Q) "House arrest" means a period of confinement of an 1215

offender that is in the offender's home or in other premises 1216  
specified by the sentencing court or by the parole board pursuant 1217  
to section 2967.28 of the Revised Code and during which all of the 1218  
following apply: 1219

(1) The offender is required to remain in the offender's home 1220  
or other specified premises for the specified period of 1221  
confinement, except for periods of time during which the offender 1222  
is at the offender's place of employment or at other premises as 1223  
authorized by the sentencing court or by the parole board. 1224

(2) The offender is required to report periodically to a 1225  
person designated by the court or parole board. 1226

(3) The offender is subject to any other restrictions and 1227  
requirements that may be imposed by the sentencing court or by the 1228  
parole board. 1229

(R) "Intensive probation supervision" means a requirement 1230  
that an offender maintain frequent contact with a person appointed 1231  
by the court, or by the parole board pursuant to section 2967.28 1232  
of the Revised Code, to supervise the offender while the offender 1233  
is seeking or maintaining necessary employment and participating 1234  
in training, education, and treatment programs as required in the 1235  
court's or parole board's order. "Intensive probation supervision" 1236  
includes intensive parole supervision and intensive post-release 1237  
control supervision. 1238

(S) "Jail" means a jail, workhouse, minimum security jail, or 1239  
other residential facility used for the confinement of alleged or 1240  
convicted offenders that is operated by a political subdivision or 1241  
a combination of political subdivisions of this state. 1242

(T) "Jail term" means the term in a jail that a sentencing 1243  
court imposes or is authorized to impose pursuant to section 1244  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1245  
provision of the Revised Code that authorizes a term in a jail for 1246

a misdemeanor conviction. 1247

(U) "Mandatory jail term" means the term in a jail that a 1248  
sentencing court is required to impose pursuant to division (G) of 1249  
section 1547.99 of the Revised Code, division (E) of section 1250  
2929.24 of the Revised Code, division (B) of section 4510.14 of 1251  
the Revised Code, or division (G) of section 4511.19 of the 1252  
Revised Code or pursuant to any other provision of the Revised 1253  
Code that requires a term in a jail for a misdemeanor conviction. 1254

(V) "Delinquent child" has the same meaning as in section 1255  
2152.02 of the Revised Code. 1256

(W) "License violation report" means a report that is made by 1257  
a sentencing court, or by the parole board pursuant to section 1258  
2967.28 of the Revised Code, to the regulatory or licensing board 1259  
or agency that issued an offender a professional license or a 1260  
license or permit to do business in this state and that specifies 1261  
that the offender has been convicted of or pleaded guilty to an 1262  
offense that may violate the conditions under which the offender's 1263  
professional license or license or permit to do business in this 1264  
state was granted or an offense for which the offender's 1265  
professional license or license or permit to do business in this 1266  
state may be revoked or suspended. 1267

(X) "Major drug offender" means an offender who is convicted 1268  
of or pleads guilty to the possession of, sale of, or offer to 1269  
sell any drug, compound, mixture, preparation, or substance that 1270  
consists of or contains at least one thousand grams of hashish; at 1271  
least one hundred grams of crack cocaine; at least one thousand 1272  
grams of cocaine that is not crack cocaine; at least two thousand 1273  
five hundred unit doses or two hundred fifty grams of heroin; at 1274  
least five thousand unit doses of L.S.D. or five hundred grams of 1275  
L.S.D. in a liquid concentrate, liquid extract, or liquid 1276  
distillate form; or at least one hundred times the amount of any 1277  
other schedule I or II controlled substance other than marihuana 1278

that is necessary to commit a felony of the third degree pursuant 1279  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1280  
Code that is based on the possession of, sale of, or offer to sell 1281  
the controlled substance. 1282

(Y) "Mandatory prison term" means any of the following: 1283

(1) Subject to division (Y)(2) of this section, the term in 1284  
prison that must be imposed for the offenses or circumstances set 1285  
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 1286  
division (D) of section 2929.14 of the Revised Code. Except as 1287  
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 1288  
2925.11 of the Revised Code, unless the maximum or another 1289  
specific term is required under section 2929.14 of the Revised 1290  
Code, a mandatory prison term described in this division may be 1291  
any prison term authorized for the level of offense. 1292

(2) The term of sixty or one hundred twenty days in prison 1293  
that a sentencing court is required to impose for a third or 1294  
fourth degree felony OVI offense pursuant to division (G)(2) of 1295  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1296  
of the Revised Code or the term of one, two, three, four, or five 1297  
years in prison that a sentencing court is required to impose 1298  
pursuant to division (G)(2) of section 2929.13 of the Revised 1299  
Code. 1300

(3) The term in prison imposed pursuant to section 2971.03 of 1301  
the Revised Code for the offenses and in the circumstances 1302  
described in division (F)(11) of section 2929.13 of the Revised 1303  
Code and that term as modified or terminated pursuant to section 1304  
2971.05 of the Revised Code. 1305

(Z) "Monitored time" means a period of time during which an 1306  
offender continues to be under the control of the sentencing court 1307  
or parole board, subject to no conditions other than leading a 1308  
law-abiding life. 1309

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

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

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

(1) A stated prison term;

(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;

(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.

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

(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.

(2) Either of the following applies: 1340

(a) The person previously was convicted of or pleaded guilty 1341  
to, and previously served or, at the time of the offense was 1342  
serving, a prison term for, any of the following: 1343

(i) Aggravated murder, murder, involuntary manslaughter, 1344  
rape, felonious sexual penetration as it existed under section 1345  
2907.12 of the Revised Code prior to September 3, 1996, a felony 1346  
of the first or second degree that resulted in the death of a 1347  
person or in physical harm to a person, or complicity in or an 1348  
attempt to commit any of those offenses; 1349

(ii) An offense under an existing or former law of this 1350  
state, another state, or the United States that is or was 1351  
substantially equivalent to an offense listed under division 1352  
(DD)(2)(a)(i) of this section and that resulted in the death of a 1353  
person or in physical harm to a person. 1354

(b) The person previously was adjudicated a delinquent child 1355  
for committing an act that if committed by an adult would have 1356  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 1357  
section, the person was committed to the department of youth 1358  
services for that delinquent act. 1359

(EE) "Sanction" means any penalty imposed upon an offender 1360  
who is convicted of or pleads guilty to an offense, as punishment 1361  
for the offense. "Sanction" includes any sanction imposed pursuant 1362  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1363  
2929.28 of the Revised Code. 1364

(FF) "Sentence" means the sanction or combination of 1365  
sanctions imposed by the sentencing court on an offender who is 1366  
convicted of or pleads guilty to an offense. 1367

(GG) "Stated prison term" means the prison term, mandatory 1368  
prison term, or combination of all prison terms and mandatory 1369  
prison terms imposed by the sentencing court pursuant to section 1370

2929.14 or 2971.03 of the Revised Code. "Stated prison term" 1371  
includes any credit received by the offender for time spent in 1372  
jail awaiting trial, sentencing, or transfer to prison for the 1373  
offense and any time spent under house arrest or house arrest with 1374  
electronic monitoring imposed after earning credits pursuant to 1375  
section 2967.193 of the Revised Code. 1376

(HH) "Victim-offender mediation" means a reconciliation or 1377  
mediation program that involves an offender and the victim of the 1378  
offense committed by the offender and that includes a meeting in 1379  
which the offender and the victim may discuss the offense, discuss 1380  
restitution, and consider other sanctions for the offense. 1381

(II) "Fourth degree felony OVI offense" means a violation of 1382  
division (A) of section 4511.19 of the Revised Code that, under 1383  
division (G) of that section, is a felony of the fourth degree. 1384

(JJ) "Mandatory term of local incarceration" means the term 1385  
of sixty or one hundred twenty days in a jail, a community-based 1386  
correctional facility, a halfway house, or an alternative 1387  
residential facility that a sentencing court may impose upon a 1388  
person who is convicted of or pleads guilty to a fourth degree 1389  
felony OVI offense pursuant to division (G)(1) of section 2929.13 1390  
of the Revised Code and division (G)(1)(d) or (e) of section 1391  
4511.19 of the Revised Code. 1392

(KK) "Designated homicide, assault, or kidnapping offense," 1393  
"sexual motivation specification," "sexually violent offense," 1394  
"sexually violent predator," and "sexually violent predator 1395  
specification" have the same meanings as in section 2971.01 of the 1396  
Revised Code. 1397

(LL) "Habitual sex offender," "sexually oriented offense," 1398  
"sexual predator," "registration-exempt sexually oriented 1399  
offense," "child-victim oriented offense," "habitual child-victim 1400  
offender," and "child-victim predator" have the same meanings as 1401

in section 2950.01 of the Revised Code. 1402

(MM) An offense is "committed in the vicinity of a child" if 1403  
the offender commits the offense within thirty feet of or within 1404  
the same residential unit as a child who is under eighteen years 1405  
of age, regardless of whether the offender knows the age of the 1406  
child or whether the offender knows the offense is being committed 1407  
within thirty feet of or within the same residential unit as the 1408  
child and regardless of whether the child actually views the 1409  
commission of the offense. 1410

(NN) "Family or household member" has the same meaning as in 1411  
section 2919.25 of the Revised Code. 1412

(OO) "Motor vehicle" and "manufactured home" have the same 1413  
meanings as in section 4501.01 of the Revised Code. 1414

(PP) "Detention" and "detention facility" have the same 1415  
meanings as in section 2921.01 of the Revised Code. 1416

(QQ) "Third degree felony OVI offense" means a violation of 1417  
division (A) of section 4511.19 of the Revised Code that, under 1418  
division (G) of that section, is a felony of the third degree. 1419

(RR) "Random drug testing" has the same meaning as in section 1420  
5120.63 of the Revised Code. 1421

(SS) "Felony sex offense" has the same meaning as in section 1422  
2967.28 of the Revised Code. 1423

(TT) "Body armor" has the same meaning as in section 1424  
2941.1411 of the Revised Code. 1425

(UU) "Electronic monitoring" means monitoring through the use 1426  
of an electronic monitoring device. 1427

(VV) "Electronic monitoring device" means any of the 1428  
following: 1429

(1) Any device that can be operated by electrical or battery 1430  
power and that conforms with all of the following: 1431

(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (VV)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (VV)(1)(a) of this section, can transmit continuously those signals by telephone to a central monitoring computer of the type described in division (VV)(1)(c) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the receiver is turned off or altered without prior court approval or otherwise tampered with.

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by telephone by a receiver of the type described in division (VV)(1)(b) of this section and can monitor continuously the person to whom an electronic monitoring device of the type described in division (VV)(1)(a) of this section is attached.

(2) Any device that is not a device of the type described in division (VV)(1) of this section and that conforms with all of the following:

(a) The device includes a transmitter and receiver that can monitor and determine the location of a subject person at any

time, or at a designated point in time, through the use of a 1464  
central monitoring computer or through other electronic means. 1465

(b) The device includes a transmitter and receiver that can 1466  
determine at any time, or at a designated point in time, through 1467  
the use of a central monitoring computer or other electronic means 1468  
the fact that the transmitter is turned off or altered in any 1469  
manner without prior approval of the court in relation to the 1470  
electronic monitoring or without prior approval of the department 1471  
of rehabilitation and correction in relation to the use of an 1472  
electronic monitoring device for an inmate on transitional control 1473  
or otherwise is tampered with. 1474

(3) Any type of technology that can adequately track or 1475  
determine the location of a subject person at any time and that is 1476  
approved by the director of rehabilitation and correction, 1477  
including, but not limited to, any satellite technology, voice 1478  
tracking system, or retinal scanning system that is so approved. 1479

(WW) "Continuous alcohol monitoring" means the ability to 1480  
automatically test and periodically transmit alcohol consumption 1481  
levels and tamper attempts at least every hour, regardless of the 1482  
location of the person who is being monitored. 1483

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 1484  
(G) of this section and unless a specific sanction is required to 1485  
be imposed or is precluded from being imposed pursuant to law, a 1486  
court that imposes a sentence upon an offender for a felony may 1487  
impose any sanction or combination of sanctions on the offender 1488  
that are provided in sections 2929.14 to 2929.18 of the Revised 1489  
Code. The sentence shall not impose an unnecessary burden on state 1490  
or local government resources. 1491

If the offender is eligible to be sentenced to community 1492  
control sanctions, the court shall consider the appropriateness of 1493  
imposing a financial sanction pursuant to section 2929.18 of the 1494

Revised Code or a sanction of community service pursuant to 1495  
section 2929.17 of the Revised Code as the sole sanction for the 1496  
offense. Except as otherwise provided in this division, if the 1497  
court is required to impose a mandatory prison term for the 1498  
offense for which sentence is being imposed, the court also may 1499  
impose a financial sanction pursuant to section 2929.18 of the 1500  
Revised Code but may not impose any additional sanction or 1501  
combination of sanctions under section 2929.16 or 2929.17 of the 1502  
Revised Code. 1503

If the offender is being sentenced for a fourth degree felony 1504  
OVI offense or for a third degree felony OVI offense, in addition 1505  
to the mandatory term of local incarceration or the mandatory 1506  
prison term required for the offense by division (G)(1) or (2) of 1507  
this section, the court shall impose upon the offender a mandatory 1508  
fine in accordance with division (B)(3) of section 2929.18 of the 1509  
Revised Code and may impose whichever of the following is 1510  
applicable: 1511

(1) For a fourth degree felony OVI offense for which sentence 1512  
is imposed under division (G)(1) of this section, an additional 1513  
community control sanction or combination of community control 1514  
sanctions under section 2929.16 or 2929.17 of the Revised Code~~+~~, 1515  
If the court imposes upon the offender a community control 1516  
sanction and the offender violates any condition of the community 1517  
control sanction, the court may take any action prescribed in 1518  
division (B) of section 2929.15 of the Revised Code relative to 1519  
the offender, including imposing a prison term on the offender 1520  
pursuant to that division. 1521

(2) For a third or fourth degree felony OVI offense for which 1522  
sentence is imposed under division (G)(2) of this section, an 1523  
additional prison term as described in division (D)(4) of section 1524  
2929.14 of the Revised Code or a community control sanction as 1525  
described in division (G)(2) of this section. 1526

(B)(1) Except as provided in division (B)(2), (E), (F), or 1527  
(G) of this section, in sentencing an offender for a felony of the 1528  
fourth or fifth degree, the sentencing court shall determine 1529  
whether any of the following apply: 1530

(a) In committing the offense, the offender caused physical 1531  
harm to a person. 1532

(b) In committing the offense, the offender attempted to 1533  
cause or made an actual threat of physical harm to a person with a 1534  
deadly weapon. 1535

(c) In committing the offense, the offender attempted to 1536  
cause or made an actual threat of physical harm to a person, and 1537  
the offender previously was convicted of an offense that caused 1538  
physical harm to a person. 1539

(d) The offender held a public office or position of trust 1540  
and the offense related to that office or position; the offender's 1541  
position obliged the offender to prevent the offense or to bring 1542  
those committing it to justice; or the offender's professional 1543  
reputation or position facilitated the offense or was likely to 1544  
influence the future conduct of others. 1545

(e) The offender committed the offense for hire or as part of 1546  
an organized criminal activity. 1547

(f) The offense is a sex offense that is a fourth or fifth 1548  
degree felony violation of section 2907.03, 2907.04, 2907.05, 1549  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1550  
Revised Code. 1551

(g) The offender at the time of the offense was serving, or 1552  
the offender previously had served, a prison term. 1553

(h) The offender committed the offense while under a 1554  
community control sanction, while on probation, or while released 1555  
from custody on a bond or personal recognizance. 1556

(i) The offender committed the offense while in possession of a firearm. 1557  
1558

(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. 1559  
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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. 1567  
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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. 1577  
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(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 1585  
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presumption in favor of a prison term is specified as being 1589  
applicable, it is presumed that a prison term is necessary in 1590  
order to comply with the purposes and principles of sentencing 1591  
under section 2929.11 of the Revised Code. Notwithstanding the 1592  
presumption established under this division, the sentencing court 1593  
may impose a community control sanction or a combination of 1594  
community control sanctions instead of a prison term on an 1595  
offender for a felony of the first or second degree or for a 1596  
felony drug offense that is a violation of any provision of 1597  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1598  
presumption in favor of a prison term is specified as being 1599  
applicable if it makes both of the following findings: 1600

(1) A community control sanction or a combination of 1601  
community control sanctions would adequately punish the offender 1602  
and protect the public from future crime, because the applicable 1603  
factors under section 2929.12 of the Revised Code indicating a 1604  
lesser likelihood of recidivism outweigh the applicable factors 1605  
under that section indicating a greater likelihood of recidivism. 1606

(2) A community control sanction or a combination of 1607  
community control sanctions would not demean the seriousness of 1608  
the offense, because one or more factors under section 2929.12 of 1609  
the Revised Code that indicate that the offender's conduct was 1610  
less serious than conduct normally constituting the offense are 1611  
applicable, and they outweigh the applicable factors under that 1612  
section that indicate that the offender's conduct was more serious 1613  
than conduct normally constituting the offense. 1614

(E)(1) Except as provided in division (F) of this section, 1615  
for any drug offense that is a violation of any provision of 1616  
Chapter 2925. of the Revised Code and that is a felony of the 1617  
third, fourth, or fifth degree, the applicability of a presumption 1618  
under division (D) of this section in favor of a prison term or of 1619  
division (B) or (C) of this section in determining whether to 1620

impose a prison term for the offense shall be determined as 1621  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1622  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1623  
Revised Code, whichever is applicable regarding the violation. 1624

(2) If an offender who was convicted of or pleaded guilty to 1625  
a felony violates the conditions of a community control sanction 1626  
imposed for the offense solely by reason of producing positive 1627  
results on a drug test, the court, as punishment for the violation 1628  
of the sanction, shall not order that the offender be imprisoned 1629  
unless the court determines on the record either of the following: 1630

(a) The offender had been ordered as a sanction for the 1631  
felony to participate in a drug treatment program, in a drug 1632  
education program, or in narcotics anonymous or a similar program, 1633  
and the offender continued to use illegal drugs after a reasonable 1634  
period of participation in the program. 1635

(b) The imprisonment of the offender for the violation is 1636  
consistent with the purposes and principles of sentencing set 1637  
forth in section 2929.11 of the Revised Code. 1638

(F) Notwithstanding divisions (A) to (E) of this section, the 1639  
court shall impose a prison term or terms under sections 2929.02 1640  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 1641  
Code and except as specifically provided in section 2929.20 or 1642  
2967.191 of the Revised Code or when parole is authorized for the 1643  
offense under section 2967.13 of the Revised Code shall not reduce 1644  
the terms pursuant to section 2929.20, section 2967.193, or any 1645  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1646  
Code for any of the following offenses: 1647

(1) Aggravated murder when death is not imposed or murder; 1648

(2) Any rape, regardless of whether force was involved and 1649  
regardless of the age of the victim, or an attempt to commit rape 1650  
if, had the offender completed the rape that was attempted, the 1651

offender would have been subject to a sentence of life 1652  
imprisonment or life imprisonment without parole for the rape; 1653

(3) Gross sexual imposition or sexual battery, if the victim 1654  
is under thirteen years of age, if the offender previously was 1655  
convicted of or pleaded guilty to rape, the former offense of 1656  
felonious sexual penetration, gross sexual imposition, or sexual 1657  
battery, and if the victim of the previous offense was under 1658  
thirteen years of age; 1659

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 1660  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 1661  
requires the imposition of a prison term; 1662

(5) A first, second, or third degree felony drug offense for 1663  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1664  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 1665  
4729.99 of the Revised Code, whichever is applicable regarding the 1666  
violation, requires the imposition of a mandatory prison term; 1667

(6) Any offense that is a first or second degree felony and 1668  
that is not set forth in division (F)(1), (2), (3), or (4) of this 1669  
section, if the offender previously was convicted of or pleaded 1670  
guilty to aggravated murder, murder, any first or second degree 1671  
felony, or an offense under an existing or former law of this 1672  
state, another state, or the United States that is or was 1673  
substantially equivalent to one of those offenses; 1674

(7) Any offense that is a third degree felony and that is 1675  
listed in division (DD)(1) of section 2929.01 of the Revised Code 1676  
if the offender previously was convicted of or pleaded guilty to 1677  
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 1678  
section 2929.01 of the Revised Code; 1679

(8) Any offense, other than a violation of section 2923.12 of 1680  
the Revised Code, that is a felony, if the offender had a firearm 1681  
on or about the offender's person or under the offender's control 1682

while committing the felony, with respect to a portion of the 1683  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 1684  
of the Revised Code for having the firearm; 1685

(9) Any offense of violence that is a felony, if the offender 1686  
wore or carried body armor while committing the felony offense of 1687  
violence, with respect to the portion of the sentence imposed 1688  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 1689  
Code for wearing or carrying the body armor; 1690

(10) Corrupt activity in violation of section 2923.32 of the 1691  
Revised Code when the most serious offense in the pattern of 1692  
corrupt activity that is the basis of the offense is a felony of 1693  
the first degree; 1694

(11) Any sexually violent offense for which the offender also 1695  
is convicted of or pleads guilty to a sexually violent predator 1696  
specification that was included in the indictment, count in the 1697  
indictment, or information charging the sexually violent offense; 1698

(12) A violation of division (A)(1) or (2) of section 2921.36 1699  
of the Revised Code, or a violation of division (C) of that 1700  
section involving an item listed in division (A)(1) or (2) of that 1701  
section, if the offender is an officer or employee of the 1702  
department of rehabilitation and correction. 1703

(G) Notwithstanding divisions (A) to (E) of this section, if 1704  
an offender is being sentenced for a fourth degree felony OVI 1705  
offense or for a third degree felony OVI offense, the court shall 1706  
impose upon the offender a mandatory term of local incarceration 1707  
or a mandatory prison term in accordance with the following: 1708

(1) If the offender is being sentenced for a fourth degree 1709  
felony OVI offense and if the offender has not been convicted of 1710  
and has not pleaded guilty to a specification of the type 1711  
described in section 2941.1413 of the Revised Code, the court may 1712  
impose upon the offender a mandatory term of local incarceration 1713

of sixty days or one hundred twenty days as specified in division 1714  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1715  
not reduce the term pursuant to section 2929.20, 2967.193, or any 1716  
other provision of the Revised Code. The court that imposes a 1717  
mandatory term of local incarceration under this division shall 1718  
specify whether the term is to be served in a jail, a 1719  
community-based correctional facility, a halfway house, or an 1720  
alternative residential facility, and the offender shall serve the 1721  
term in the type of facility specified by the court. A mandatory 1722  
term of local incarceration imposed under division (G)(1) of this 1723  
section is not subject to extension under section 2967.11 of the 1724  
Revised Code, to a period of post-release control under section 1725  
2967.28 of the Revised Code, or to any other Revised Code 1726  
provision that pertains to a prison term except as provided in 1727  
division (A)(1) of this section. 1728

(2) If the offender is being sentenced for a third degree 1729  
felony OVI offense, or if the offender is being sentenced for a 1730  
fourth degree felony OVI offense and the court does not impose a 1731  
mandatory term of local incarceration under division (G)(1) of 1732  
this section, the court shall impose upon the offender a mandatory 1733  
prison term of one, two, three, four, or five years if the 1734  
offender also is convicted of or also pleads guilty to a 1735  
specification of the type described in section 2941.1413 of the 1736  
Revised Code or shall impose upon the offender a mandatory prison 1737  
term of sixty days or one hundred twenty days as specified in 1738  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1739  
if the offender has not been convicted of and has not pleaded 1740  
guilty to a specification of that type. The court shall not reduce 1741  
the term pursuant to section 2929.20, 2967.193, or any other 1742  
provision of the Revised Code. The offender shall serve the one-, 1743  
two-, three-, four-, or five-year mandatory prison term 1744  
consecutively to and prior to the prison term imposed for the 1745  
underlying offense and consecutively to any other mandatory prison 1746

term imposed in relation to the offense. In no case shall an 1747  
offender who once has been sentenced to a mandatory term of local 1748  
incarceration pursuant to division (G)(1) of this section for a 1749  
fourth degree felony OVI offense be sentenced to another mandatory 1750  
term of local incarceration under that division for any violation 1751  
of division (A) of section 4511.19 of the Revised Code. ~~The~~ In 1752  
addition to the mandatory prison term described in division (G)(2) 1753  
of this section, the court shall not may sentence the offender to 1754  
a community control sanction under section 2929.16 or 2929.17 of 1755  
the Revised Code, but the offender shall serve the prison term 1756  
prior to serving the community control sanction. The department of 1757  
rehabilitation and correction may place an offender sentenced to a 1758  
mandatory prison term under this division in an intensive program 1759  
prison established pursuant to section 5120.033 of the Revised 1760  
Code if the department gave the sentencing judge prior notice of 1761  
its intent to place the offender in an intensive program prison 1762  
established under that section and if the judge did not notify the 1763  
department that the judge disapproved the placement. Upon the 1764  
establishment of the initial intensive program prison pursuant to 1765  
section 5120.033 of the Revised Code that is privately operated 1766  
and managed by a contractor pursuant to a contract entered into 1767  
under section 9.06 of the Revised Code, both of the following 1768  
apply: 1769

(a) The department of rehabilitation and correction shall 1770  
make a reasonable effort to ensure that a sufficient number of 1771  
offenders sentenced to a mandatory prison term under this division 1772  
are placed in the privately operated and managed prison so that 1773  
the privately operated and managed prison has full occupancy. 1774

(b) Unless the privately operated and managed prison has full 1775  
occupancy, the department of rehabilitation and correction shall 1776  
not place any offender sentenced to a mandatory prison term under 1777  
this division in any intensive program prison established pursuant 1778

to section 5120.033 of the Revised Code other than the privately 1779  
operated and managed prison. 1780

(H) If an offender is being sentenced for a sexually oriented 1781  
offense committed on or after January 1, 1997, the judge shall 1782  
require the offender to submit to a DNA specimen collection 1783  
procedure pursuant to section 2901.07 of the Revised Code if 1784  
either of the following applies: 1785

(1) The offense was a sexually violent offense, and the 1786  
offender also was convicted of or pleaded guilty to a sexually 1787  
violent predator specification that was included in the 1788  
indictment, count in the indictment, or information charging the 1789  
sexually violent offense. 1790

(2) The judge imposing sentence for the sexually oriented 1791  
offense determines pursuant to division (B) of section 2950.09 of 1792  
the Revised Code that the offender is a sexual predator. 1793

(I) If an offender is being sentenced for a sexually oriented 1794  
offense that is not a registration-exempt sexually oriented 1795  
offense or for a child-victim oriented offense committed on or 1796  
after January 1, 1997, the judge shall include in the sentence a 1797  
summary of the offender's duties imposed under sections 2950.04, 1798  
2950.041, 2950.05, and 2950.06 of the Revised Code and the 1799  
duration of the duties. The judge shall inform the offender, at 1800  
the time of sentencing, of those duties and of their duration and, 1801  
if required under division (A)(2) of section 2950.03 of the 1802  
Revised Code, shall perform the duties specified in that section. 1803

(J)(1) Except as provided in division (J)(2) of this section, 1804  
when considering sentencing factors under this section in relation 1805  
to an offender who is convicted of or pleads guilty to an attempt 1806  
to commit an offense in violation of section 2923.02 of the 1807  
Revised Code, the sentencing court shall consider the factors 1808  
applicable to the felony category of the violation of section 1809

2923.02 of the Revised Code instead of the factors applicable to 1810  
the felony category of the offense attempted. 1811

(2) When considering sentencing factors under this section in 1812  
relation to an offender who is convicted of or pleads guilty to an 1813  
attempt to commit a drug abuse offense for which the penalty is 1814  
determined by the amount or number of unit doses of the controlled 1815  
substance involved in the drug abuse offense, the sentencing court 1816  
shall consider the factors applicable to the felony category that 1817  
the drug abuse offense attempted would be if that drug abuse 1818  
offense had been committed and had involved an amount or number of 1819  
unit doses of the controlled substance that is within the next 1820  
lower range of controlled substance amounts than was involved in 1821  
the attempt. 1822

(K) As used in this section, "drug abuse offense" has the 1823  
same meaning as in section 2925.01 of the Revised Code. 1824

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 1825  
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 1826  
relation to an offense for which a sentence of death or life 1827  
imprisonment is to be imposed, if the court imposing a sentence 1828  
upon an offender for a felony elects or is required to impose a 1829  
prison term on the offender pursuant to this chapter ~~and is not~~ 1830  
~~prohibited by division (G)(1) of section 2929.13 of the Revised~~ 1831  
~~Code from imposing a prison term on the offender,~~ the court shall 1832  
impose a definite prison term that shall be one of the following: 1833

(1) For a felony of the first degree, the prison term shall 1834  
be three, four, five, six, seven, eight, nine, or ten years. 1835

(2) For a felony of the second degree, the prison term shall 1836  
be two, three, four, five, six, seven, or eight years. 1837

(3) For a felony of the third degree, the prison term shall 1838  
be one, two, three, four, or five years. 1839

(4) For a felony of the fourth degree, the prison term shall 1840  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1841  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1842

(5) For a felony of the fifth degree, the prison term shall 1843  
be six, seven, eight, nine, ten, eleven, or twelve months. 1844

(B) Except as provided in division (C), (D)(1), (D)(2), 1845  
(D)(3), or (G) of this section, in section 2907.02 of the Revised 1846  
Code, or in Chapter 2925. of the Revised Code, if the court 1847  
imposing a sentence upon an offender for a felony elects or is 1848  
required to impose a prison term on the offender, the court shall 1849  
impose the shortest prison term authorized for the offense 1850  
pursuant to division (A) of this section, unless one or more of 1851  
the following applies: 1852

(1) The offender was serving a prison term at the time of the 1853  
offense, or the offender previously had served a prison term. 1854

(2) The court finds on the record that the shortest prison 1855  
term will demean the seriousness of the offender's conduct or will 1856  
not adequately protect the public from future crime by the 1857  
offender or others. 1858

(C) Except as provided in division (G) of this section or in 1859  
Chapter 2925. of the Revised Code, the court imposing a sentence 1860  
upon an offender for a felony may impose the longest prison term 1861  
authorized for the offense pursuant to division (A) of this 1862  
section only upon offenders who committed the worst forms of the 1863  
offense, upon offenders who pose the greatest likelihood of 1864  
committing future crimes, upon certain major drug offenders under 1865  
division (D)(3) of this section, and upon certain repeat violent 1866  
offenders in accordance with division (D)(2) of this section. 1867

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1868  
section, if an offender who is convicted of or pleads guilty to a 1869  
felony also is convicted of or pleads guilty to a specification of 1870

the type described in section 2941.141, 2941.144, or 2941.145 of 1871  
the Revised Code, the court shall impose on the offender one of 1872  
the following prison terms: 1873

(i) A prison term of six years if the specification is of the 1874  
type described in section 2941.144 of the Revised Code that 1875  
charges the offender with having a firearm that is an automatic 1876  
firearm or that was equipped with a firearm muffler or silencer on 1877  
or about the offender's person or under the offender's control 1878  
while committing the felony; 1879

(ii) A prison term of three years if the specification is of 1880  
the type described in section 2941.145 of the Revised Code that 1881  
charges the offender with having a firearm on or about the 1882  
offender's person or under the offender's control while committing 1883  
the offense and displaying the firearm, brandishing the firearm, 1884  
indicating that the offender possessed the firearm, or using it to 1885  
facilitate the offense; 1886

(iii) A prison term of one year if the specification is of 1887  
the type described in section 2941.141 of the Revised Code that 1888  
charges the offender with having a firearm on or about the 1889  
offender's person or under the offender's control while committing 1890  
the felony. 1891

(b) If a court imposes a prison term on an offender under 1892  
division (D)(1)(a) of this section, the prison term shall not be 1893  
reduced pursuant to section 2929.20, section 2967.193, or any 1894  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1895  
Code. A court shall not impose more than one prison term on an 1896  
offender under division (D)(1)(a) of this section for felonies 1897  
committed as part of the same act or transaction. 1898

(c) Except as provided in division (D)(1)(e) of this section, 1899  
if an offender who is convicted of or pleads guilty to a violation 1900  
of section 2923.161 of the Revised Code or to a felony that 1901

includes, as an essential element, purposely or knowingly causing 1902  
or attempting to cause the death of or physical harm to another, 1903  
also is convicted of or pleads guilty to a specification of the 1904  
type described in section 2941.146 of the Revised Code that 1905  
charges the offender with committing the offense by discharging a 1906  
firearm from a motor vehicle other than a manufactured home, the 1907  
court, after imposing a prison term on the offender for the 1908  
violation of section 2923.161 of the Revised Code or for the other 1909  
felony offense under division (A), (D)(2), or (D)(3) of this 1910  
section, shall impose an additional prison term of five years upon 1911  
the offender that shall not be reduced pursuant to section 1912  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1913  
or Chapter 5120. of the Revised Code. A court shall not impose 1914  
more than one additional prison term on an offender under division 1915  
(D)(1)(c) of this section for felonies committed as part of the 1916  
same act or transaction. If a court imposes an additional prison 1917  
term on an offender under division (D)(1)(c) of this section 1918  
relative to an offense, the court also shall impose a prison term 1919  
under division (D)(1)(a) of this section relative to the same 1920  
offense, provided the criteria specified in that division for 1921  
imposing an additional prison term are satisfied relative to the 1922  
offender and the offense. 1923

(d) If an offender who is convicted of or pleads guilty to an 1924  
offense of violence that is a felony also is convicted of or 1925  
pleads guilty to a specification of the type described in section 1926  
2941.1411 of the Revised Code that charges the offender with 1927  
wearing or carrying body armor while committing the felony offense 1928  
of violence, the court shall impose on the offender a prison term 1929  
of two years. The prison term so imposed shall not be reduced 1930  
pursuant to section 2929.20, section 2967.193, or any other 1931  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1932  
court shall not impose more than one prison term on an offender 1933  
under division (D)(1)(d) of this section for felonies committed as 1934

part of the same act or transaction. If a court imposes an 1935  
additional prison term under division (D)(1)(a) or (c) of this 1936  
section, the court is not precluded from imposing an additional 1937  
prison term under division (D)(1)(d) of this section. 1938

(e) The court shall not impose any of the prison terms 1939  
described in division (D)(1)(a) of this section or any of the 1940  
additional prison terms described in division (D)(1)(c) of this 1941  
section upon an offender for a violation of section 2923.12 or 1942  
2923.123 of the Revised Code. The court shall not impose any of 1943  
the prison terms described in division (D)(1)(a) of this section 1944  
or any of the additional prison terms described in division 1945  
(D)(1)(c) of this section upon an offender for a violation of 1946  
section 2923.13 of the Revised Code unless all of the following 1947  
apply: 1948

(i) The offender previously has been convicted of aggravated 1949  
murder, murder, or any felony of the first or second degree. 1950

(ii) Less than five years have passed since the offender was 1951  
released from prison or post-release control, whichever is later, 1952  
for the prior offense. 1953

(f) If an offender is convicted of or pleads guilty to a 1954  
felony that includes, as an essential element, causing or 1955  
attempting to cause the death of or physical harm to another and 1956  
also is convicted of or pleads guilty to a specification of the 1957  
type described in section 2941.1412 of the Revised Code that 1958  
charges the offender with committing the offense by discharging a 1959  
firearm at a peace officer as defined in section 2935.01 of the 1960  
Revised Code or a corrections officer as defined in section 1961  
2941.1412 of the Revised Code, the court, after imposing a prison 1962  
term on the offender for the felony offense under division (A), 1963  
(D)(2), or (D)(3) of this section, shall impose an additional 1964  
prison term of seven years upon the offender that shall not be 1965  
reduced pursuant to section 2929.20, section 2967.193, or any 1966

other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (D)(1)(f) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense.

(2)(a) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender, the court shall impose a prison term from the range of terms authorized for the offense under division (A) of this section that may be the longest term in the range and that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the court finds that the repeat violent offender, in committing the offense, caused any physical harm that carried a substantial risk of death to a person or that involved substantial permanent incapacity or substantial permanent disfigurement of a person, the court shall impose the longest prison term from the range of terms authorized for the offense under division (A) of this section.

(b) If the court imposing a prison term on a repeat violent offender imposes the longest prison term from the range of terms authorized for the offense under division (A) of this section, the court may impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if the court finds that both of the following apply with respect to the prison terms imposed on the offender pursuant to division (D)(2)(a) of this section and, if applicable, divisions (D)(1) and (3) of this section:

(i) The terms so imposed are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious

offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison term of one, two, three, four, five, six, seven, eight, nine, or ten years, if the court, with respect to the term imposed under division (D)(3)(a) of this section and, if applicable, divisions (D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(b)(i) and (ii) of this section.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison

term imposed under division (D)(4) of this section plus the sixty 2063  
or one hundred twenty days imposed as the mandatory prison term 2064  
shall equal a definite term in the range of six months to thirty 2065  
months for a fourth degree felony OVI offense and shall equal one 2066  
of the authorized prison terms specified in division (A)(3) of 2067  
this section for a third degree felony OVI offense. If the court 2068  
imposes an additional prison term under division (D)(4) of this 2069  
section, the offender shall serve the additional prison term after 2070  
the offender has served the mandatory prison term required for the 2071  
offense. The In addition to the mandatory prison term or mandatory 2072  
and additional prison term imposed as described in division (D)(4) 2073  
of this section, the court shall not also may sentence the 2074  
offender to a community control sanction under section 2929.16 or 2075  
2929.17 of the Revised Code, but the offender shall serve all of 2076  
the prison terms so imposed prior to serving the community control 2077  
sanction. 2078

If the offender is being sentenced for a fourth degree felony 2079  
OVI offense under division (G)(1) of section 2929.13 of the 2080  
Revised Code and the court imposes a mandatory term of local 2081  
incarceration, the court may impose a prison term as described in 2082  
division (A)(1) of that section. 2083

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2084  
mandatory prison term is imposed upon an offender pursuant to 2085  
division (D)(1)(a) of this section for having a firearm on or 2086  
about the offender's person or under the offender's control while 2087  
committing a felony, if a mandatory prison term is imposed upon an 2088  
offender pursuant to division (D)(1)(c) of this section for 2089  
committing a felony specified in that division by discharging a 2090  
firearm from a motor vehicle, or if both types of mandatory prison 2091  
terms are imposed, the offender shall serve any mandatory prison 2092  
term imposed under either division consecutively to any other 2093  
mandatory prison term imposed under either division or under 2094

division (D)(1)(d) of this section, consecutively to and prior to 2095  
any prison term imposed for the underlying felony pursuant to 2096  
division (A), (D)(2), or (D)(3) of this section or any other 2097  
section of the Revised Code, and consecutively to any other prison 2098  
term or mandatory prison term previously or subsequently imposed 2099  
upon the offender. 2100

(b) If a mandatory prison term is imposed upon an offender 2101  
pursuant to division (D)(1)(d) of this section for wearing or 2102  
carrying body armor while committing an offense of violence that 2103  
is a felony, the offender shall serve the mandatory term so 2104  
imposed consecutively to any other mandatory prison term imposed 2105  
under that division or under division (D)(1)(a) or (c) of this 2106  
section, consecutively to and prior to any prison term imposed for 2107  
the underlying felony under division (A), (D)(2), or (D)(3) of 2108  
this section or any other section of the Revised Code, and 2109  
consecutively to any other prison term or mandatory prison term 2110  
previously or subsequently imposed upon the offender. 2111

(c) If a mandatory prison term is imposed upon an offender 2112  
pursuant to division (D)(1)(f) of this section, the offender shall 2113  
serve the mandatory prison term so imposed consecutively to and 2114  
prior to any prison term imposed for the underlying felony under 2115  
division (A), (D)(2), or (D)(3) of this section or any other 2116  
section of the Revised Code, and consecutively to any other prison 2117  
term or mandatory prison term previously or subsequently imposed 2118  
upon the offender. 2119

(2) If an offender who is an inmate in a jail, prison, or 2120  
other residential detention facility violates section 2917.02, 2121  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2122  
who is under detention at a detention facility commits a felony 2123  
violation of section 2923.131 of the Revised Code, or if an 2124  
offender who is an inmate in a jail, prison, or other residential 2125  
detention facility or is under detention at a detention facility 2126

commits another felony while the offender is an escapee in 2127  
violation of section 2921.34 of the Revised Code, any prison term 2128  
imposed upon the offender for one of those violations shall be 2129  
served by the offender consecutively to the prison term or term of 2130  
imprisonment the offender was serving when the offender committed 2131  
that offense and to any other prison term previously or 2132  
subsequently imposed upon the offender. 2133

(3) If a prison term is imposed for a violation of division 2134  
(B) of section 2911.01 of the Revised Code, a violation of 2135  
division (A) of section 2913.02 of the Revised Code in which the 2136  
stolen property is a firearm or dangerous ordnance, or a felony 2137  
violation of division (B) of section 2921.331 of the Revised Code, 2138  
the offender shall serve that prison term consecutively to any 2139  
other prison term or mandatory prison term previously or 2140  
subsequently imposed upon the offender. 2141

(4) If multiple prison terms are imposed on an offender for 2142  
convictions of multiple offenses, the court may require the 2143  
offender to serve the prison terms consecutively if the court 2144  
finds that the consecutive service is necessary to protect the 2145  
public from future crime or to punish the offender and that 2146  
consecutive sentences are not disproportionate to the seriousness 2147  
of the offender's conduct and to the danger the offender poses to 2148  
the public, and if the court also finds any of the following: 2149

(a) The offender committed one or more of the multiple 2150  
offenses while the offender was awaiting trial or sentencing, was 2151  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2152  
2929.18 of the Revised Code, or was under post-release control for 2153  
a prior offense. 2154

(b) At least two of the multiple offenses were committed as 2155  
part of one or more courses of conduct, and the harm caused by two 2156  
or more of the multiple offenses so committed was so great or 2157  
unusual that no single prison term for any of the offenses 2158

committed as part of any of the courses of conduct adequately 2159  
reflects the seriousness of the offender's conduct. 2160

(c) The offender's history of criminal conduct demonstrates 2161  
that consecutive sentences are necessary to protect the public 2162  
from future crime by the offender. 2163

(5) When consecutive prison terms are imposed pursuant to 2164  
division (E)(1), (2), (3), or (4) of this section, the term to be 2165  
served is the aggregate of all of the terms so imposed. 2166

(F) If a court imposes a prison term of a type described in 2167  
division (B) of section 2967.28 of the Revised Code, it shall 2168  
include in the sentence a requirement that the offender be subject 2169  
to a period of post-release control after the offender's release 2170  
from imprisonment, in accordance with that division. If a court 2171  
imposes a prison term of a type described in division (C) of that 2172  
section, it shall include in the sentence a requirement that the 2173  
offender be subject to a period of post-release control after the 2174  
offender's release from imprisonment, in accordance with that 2175  
division, if the parole board determines that a period of 2176  
post-release control is necessary. 2177

(G) If a person is convicted of or pleads guilty to a 2178  
sexually violent offense and also is convicted of or pleads guilty 2179  
to a sexually violent predator specification that was included in 2180  
the indictment, count in the indictment, or information charging 2181  
that offense, the court shall impose sentence upon the offender in 2182  
accordance with section 2971.03 of the Revised Code, and Chapter 2183  
2971. of the Revised Code applies regarding the prison term or 2184  
term of life imprisonment without parole imposed upon the offender 2185  
and the service of that term of imprisonment. 2186

(H) If a person who has been convicted of or pleaded guilty 2187  
to a felony is sentenced to a prison term or term of imprisonment 2188  
under this section, sections 2929.02 to 2929.06 of the Revised 2189

Code, section 2971.03 of the Revised Code, or any other provision 2190  
of law, section 5120.163 of the Revised Code applies regarding the 2191  
person while the person is confined in a state correctional 2192  
institution. 2193

(I) If an offender who is convicted of or pleads guilty to a 2194  
felony that is an offense of violence also is convicted of or 2195  
pleads guilty to a specification of the type described in section 2196  
2941.142 of the Revised Code that charges the offender with having 2197  
committed the felony while participating in a criminal gang, the 2198  
court shall impose upon the offender an additional prison term of 2199  
one, two, or three years. 2200

(J) If an offender who is convicted of or pleads guilty to 2201  
aggravated murder, murder, or a felony of the first, second, or 2202  
third degree that is an offense of violence also is convicted of 2203  
or pleads guilty to a specification of the type described in 2204  
section 2941.143 of the Revised Code that charges the offender 2205  
with having committed the offense in a school safety zone or 2206  
towards a person in a school safety zone, the court shall impose 2207  
upon the offender an additional prison term of two years. The 2208  
offender shall serve the additional two years consecutively to and 2209  
prior to the prison term imposed for the underlying offense. 2210

(K) At the time of sentencing, the court may recommend the 2211  
offender for placement in a program of shock incarceration under 2212  
section 5120.031 of the Revised Code or for placement in an 2213  
intensive program prison under section 5120.032 of the Revised 2214  
Code, disapprove placement of the offender in a program of shock 2215  
incarceration or an intensive program prison of that nature, or 2216  
make no recommendation on placement of the offender. In no case 2217  
shall the department of rehabilitation and correction place the 2218  
offender in a program or prison of that nature unless the 2219  
department determines as specified in section 5120.031 or 5120.032 2220  
of the Revised Code, whichever is applicable, that the offender is 2221

eligible for the placement. 2222

If the court disapproves placement of the offender in a 2223  
program or prison of that nature, the department of rehabilitation 2224  
and correction shall not place the offender in any program of 2225  
shock incarceration or intensive program prison. 2226

If the court recommends placement of the offender in a 2227  
program of shock incarceration or in an intensive program prison, 2228  
and if the offender is subsequently placed in the recommended 2229  
program or prison, the department shall notify the court of the 2230  
placement and shall include with the notice a brief description of 2231  
the placement. 2232

If the court recommends placement of the offender in a 2233  
program of shock incarceration or in an intensive program prison 2234  
and the department does not subsequently place the offender in the 2235  
recommended program or prison, the department shall send a notice 2236  
to the court indicating why the offender was not placed in the 2237  
recommended program or prison. 2238

If the court does not make a recommendation under this 2239  
division with respect to an offender and if the department 2240  
determines as specified in section 5120.031 or 5120.032 of the 2241  
Revised Code, whichever is applicable, that the offender is 2242  
eligible for placement in a program or prison of that nature, the 2243  
department shall screen the offender and determine if there is an 2244  
available program of shock incarceration or an intensive program 2245  
prison for which the offender is suited. If there is an available 2246  
program of shock incarceration or an intensive program prison for 2247  
which the offender is suited, the department shall notify the 2248  
court of the proposed placement of the offender as specified in 2249  
section 5120.031 or 5120.032 of the Revised Code and shall include 2250  
with the notice a brief description of the placement. The court 2251  
shall have ten days from receipt of the notice to disapprove the 2252  
placement. 2253

Sec. 2929.15. (A)(1) If in sentencing an offender for a 2254  
felony the court is not required to impose a prison term, a 2255  
mandatory prison term, or a term of life imprisonment upon the 2256  
offender, the court may directly impose a sentence that consists 2257  
of one or more community control sanctions authorized pursuant to 2258  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 2259  
court is sentencing an offender for a fourth degree felony OVI 2260  
offense under division (G)(1) of section 2929.13 of the Revised 2261  
Code, in addition to the mandatory term of local incarceration 2262  
imposed under that division and the mandatory fine required by 2263  
division (B)(3) of section 2929.18 of the Revised Code, the court 2264  
may impose upon the offender a community control sanction or 2265  
combination of community control sanctions in accordance with 2266  
sections 2929.16 and 2929.17 of the Revised Code. The If the court 2267  
is sentencing an offender for a third or fourth degree felony OVI 2268  
offense under division (G)(2) of section 2929.13 of the Revised 2269  
Code, in addition to the mandatory prison term or mandatory prison 2270  
term and additional prison term imposed under that division, the 2271  
court also may impose upon the offender a community control 2272  
sanction or combination of community control sanctions under 2273  
section 2929.16 or 2929.17 of the Revised Code, but the offender 2274  
shall serve all of the prison terms so imposed prior to serving 2275  
the community control sanction. 2276

The duration of all community control sanctions imposed upon 2277  
an offender under this division shall not exceed five years. If 2278  
the offender absconds or otherwise leaves the jurisdiction of the 2279  
court in which the offender resides without obtaining permission 2280  
from the court or the offender's probation officer to leave the 2281  
jurisdiction of the court, or if the offender is confined in any 2282  
institution for the commission of any offense while under a 2283  
community control sanction, the period of the community control 2284  
sanction ceases to run until the offender is brought before the 2285

court for its further action. If the court sentences the offender 2286  
to one or more nonresidential sanctions under section 2929.17 of 2287  
the Revised Code, the court shall impose as a condition of the 2288  
nonresidential sanctions that, during the period of the sanctions, 2289  
the offender must abide by the law and must not leave the state 2290  
without the permission of the court or the offender's probation 2291  
officer. The court may impose any other conditions of release 2292  
under a community control sanction that the court considers 2293  
appropriate, including, but not limited to, requiring that the 2294  
offender not ingest or be injected with a drug of abuse and submit 2295  
to random drug testing as provided in division (D) of this section 2296  
to determine whether the offender ingested or was injected with a 2297  
drug of abuse and requiring that the results of the drug test 2298  
indicate that the offender did not ingest or was not injected with 2299  
a drug of abuse. ~~If the court is sentencing an offender for a 2300  
third or fourth degree felony OVI offense under division (C)(2) of 2301  
section 2929.13 of the Revised Code, the court shall not impose 2302  
upon the offender any community control sanction or combination of 2303  
community control sanctions under section 2929.16 or 2929.17 of 2304  
the Revised Code.~~ 2305

(2)(a) If a court sentences an offender to any community 2306  
control sanction or combination of community control sanctions 2307  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 2308  
Revised Code, the court shall place the offender under the general 2309  
control and supervision of a department of probation in the county 2310  
that serves the court for purposes of reporting to the court a 2311  
violation of any condition of the sanctions, any condition of 2312  
release under a community control sanction imposed by the court, a 2313  
violation of law, or the departure of the offender from this state 2314  
without the permission of the court or the offender's probation 2315  
officer. Alternatively, if the offender resides in another county 2316  
and a county department of probation has been established in that 2317  
county or that county is served by a multicounty probation 2318

department established under section 2301.27 of the Revised Code, 2319  
the court may request the court of common pleas of that county to 2320  
receive the offender into the general control and supervision of 2321  
that county or multicounty department of probation for purposes of 2322  
reporting to the court a violation of any condition of the 2323  
sanctions, any condition of release under a community control 2324  
sanction imposed by the court, a violation of law, or the 2325  
departure of the offender from this state without the permission 2326  
of the court or the offender's probation officer, subject to the 2327  
jurisdiction of the trial judge over and with respect to the 2328  
person of the offender, and to the rules governing that department 2329  
of probation. 2330

If there is no department of probation in the county that 2331  
serves the court, the court shall place the offender, regardless 2332  
of the offender's county of residence, under the general control 2333  
and supervision of the adult parole authority for purposes of 2334  
reporting to the court a violation of any of the sanctions, any 2335  
condition of release under a community control sanction imposed by 2336  
the court, a violation of law, or the departure of the offender 2337  
from this state without the permission of the court or the 2338  
offender's probation officer. 2339

(b) If the court imposing sentence upon an offender sentences 2340  
the offender to any community control sanction or combination of 2341  
community control sanctions authorized pursuant to section 2342  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 2343  
offender violates any condition of the sanctions, any condition of 2344  
release under a community control sanction imposed by the court, 2345  
violates any law, or departs the state without the permission of 2346  
the court or the offender's probation officer, the public or 2347  
private person or entity that operates or administers the sanction 2348  
or the program or activity that comprises the sanction shall 2349  
report the violation or departure directly to the sentencing 2350

court, or shall report the violation or departure to the county or 2351  
multicounty department of probation with general control and 2352  
supervision over the offender under division (A)(2)(a) of this 2353  
section or the officer of that department who supervises the 2354  
offender, or, if there is no such department with general control 2355  
and supervision over the offender under that division, to the 2356  
adult parole authority. If the public or private person or entity 2357  
that operates or administers the sanction or the program or 2358  
activity that comprises the sanction reports the violation or 2359  
departure to the county or multicounty department of probation or 2360  
the adult parole authority, the department's or authority's 2361  
officers may treat the offender as if the offender were on 2362  
probation and in violation of the probation, and shall report the 2363  
violation of the condition of the sanction, any condition of 2364  
release under a community control sanction imposed by the court, 2365  
the violation of law, or the departure from the state without the 2366  
required permission to the sentencing court. 2367

(B) If the conditions of a community control sanction are 2368  
violated or if the offender violates a law or leaves the state 2369  
without the permission of the court or the offender's probation 2370  
officer, the sentencing court may impose a longer time under the 2371  
same sanction if the total time under the sanctions does not 2372  
exceed the five-year limit specified in division (A) of this 2373  
section, may impose a more restrictive sanction under section 2374  
2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a 2375  
prison term on the offender pursuant to section 2929.14 of the 2376  
Revised Code. The prison term, if any, imposed upon a violator 2377  
pursuant to this division shall be within the range of prison 2378  
terms available for the offense for which the sanction that was 2379  
violated was imposed and shall not exceed the prison term 2380  
specified in the notice provided to the offender at the sentencing 2381  
hearing pursuant to division (B)(3) of section 2929.19 of the 2382  
Revised Code. The court may reduce the longer period of time that 2383

the offender is required to spend under the longer sanction, the 2384  
more restrictive sanction, or a prison term imposed pursuant to 2385  
this division by the time the offender successfully spent under 2386  
the sanction that was initially imposed. 2387

(C) If an offender, for a significant period of time, 2388  
fulfills the conditions of a sanction imposed pursuant to section 2389  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 2390  
manner, the court may reduce the period of time under the sanction 2391  
or impose a less restrictive sanction, but the court shall not 2392  
permit the offender to violate any law or permit the offender to 2393  
leave the state without the permission of the court or the 2394  
offender's probation officer. 2395

(D)(1) If a court under division (A)(1) of this section 2396  
imposes a condition of release under a community control sanction 2397  
that requires the offender to submit to random drug testing, the 2398  
department of probation or the adult parole authority that has 2399  
general control and supervision of the offender under division 2400  
(A)(2)(a) of this section may cause the offender to submit to 2401  
random drug testing performed by a laboratory or entity that has 2402  
entered into a contract with any of the governmental entities or 2403  
officers authorized to enter into a contract with that laboratory 2404  
or entity under section 341.26, 753.33, or 5120.63 of the Revised 2405  
Code. 2406

(2) If no laboratory or entity described in division (D)(1) 2407  
of this section has entered into a contract as specified in that 2408  
division, the department of probation or the adult parole 2409  
authority that has general control and supervision of the offender 2410  
under division (A)(2)(a) of this section shall cause the offender 2411  
to submit to random drug testing performed by a reputable public 2412  
laboratory to determine whether the individual who is the subject 2413  
of the drug test ingested or was injected with a drug of abuse. 2414

(3) A laboratory or entity that has entered into a contract 2415

pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 2416  
shall perform the random drug tests under division (D)(1) of this 2417  
section in accordance with the applicable standards that are 2418  
included in the terms of that contract. A public laboratory shall 2419  
perform the random drug tests under division (D)(2) of this 2420  
section in accordance with the standards set forth in the policies 2421  
and procedures established by the department of rehabilitation and 2422  
correction pursuant to section 5120.63 of the Revised Code. An 2423  
offender who is required under division (A)(1) of this section to 2424  
submit to random drug testing as a condition of release under a 2425  
community control sanction and whose test results indicate that 2426  
the offender ingested or was injected with a drug of abuse shall 2427  
pay the fee for the drug test if the department of probation or 2428  
the adult parole authority that has general control and 2429  
supervision of the offender requires payment of a fee. A 2430  
laboratory or entity that performs the random drug testing on an 2431  
offender under division (D)(1) or (2) of this section shall 2432  
transmit the results of the drug test to the appropriate 2433  
department of probation or the adult parole authority that has 2434  
general control and supervision of the offender under division 2435  
(A)(2)(a) of this section. 2436

**Sec. 2929.16.** (A) The Except as provided in this division, 2437  
the court imposing a sentence for a felony upon an offender who is 2438  
not required to serve a mandatory prison term may impose any 2439  
community residential sanction or combination of community 2440  
residential sanctions under this section. The court imposing a 2441  
sentence for a fourth degree felony OVI offense under division 2442  
(G)(1) or (2) of section 2929.13 of the Revised Code or for a 2443  
third degree felony OVI offense under division (G)(2) of that 2444  
section may impose upon the offender, in addition to the mandatory 2445  
term of local incarceration or mandatory prison term imposed under 2446  
~~that~~ the applicable division, a community residential sanction or 2447

combination of community residential sanctions under this section, 2448  
and the offender shall serve or satisfy the sanction or 2449  
combination of sanctions after the offender has served the 2450  
mandatory term of local incarceration or mandatory prison term 2451  
required for the offense. Community residential sanctions include, 2452  
but are not limited to, the following: 2453

(1) A term of up to six months at a community-based 2454  
correctional facility that serves the county; 2455

(2) Except as otherwise provided in division (A)(3) of this 2456  
section and subject to division (D) of this section, a term of up 2457  
to six months in a jail; 2458

(3) If the offender is convicted of a fourth degree felony 2459  
OVI offense and is sentenced under division (G)(1) of section 2460  
2929.13 of the Revised Code, subject to division (D) of this 2461  
section, a term of up to one year in a jail less the mandatory 2462  
term of local incarceration of sixty or one hundred twenty 2463  
consecutive days of imprisonment imposed pursuant to that 2464  
division; 2465

(4) A term in a halfway house; 2466

(5) A term in an alternative residential facility. 2467

(B) The court that assigns any offender convicted of a felony 2468  
to a residential sanction under this section may authorize the 2469  
offender to be released so that the offender may seek or maintain 2470  
employment, receive education or training, or receive treatment. A 2471  
release pursuant to this division shall be only for the duration 2472  
of time that is needed to fulfill the purpose of the release and 2473  
for travel that reasonably is necessary to fulfill the purposes of 2474  
the release. 2475

(C) If the court assigns an offender to a county jail that is 2476  
not a minimum security misdemeanor jail in a county that has 2477

established a county jail industry program pursuant to section 2478  
5147.30 of the Revised Code, the court shall specify, as part of 2479  
the sentence, whether the sheriff of that county may consider the 2480  
offender for participation in the county jail industry program. 2481  
During the offender's term in the county jail, the court shall 2482  
retain jurisdiction to modify its specification upon a 2483  
reassessment of the offender's qualifications for participation in 2484  
the program. 2485

(D) If a court sentences an offender to a term in jail under 2486  
division (A)(2) or (3) of this section and if the sentence is 2487  
imposed for a felony of the fourth or fifth degree that is not an 2488  
offense of violence, the court may specify that it prefers that 2489  
the offender serve the term in a minimum security jail established 2490  
under section 341.34 or 753.21 of the Revised Code. If the court 2491  
includes a specification of that type in the sentence and if the 2492  
administrator of the appropriate minimum security jail or the 2493  
designee of that administrator classifies the offender in 2494  
accordance with section 341.34 or 753.21 of the Revised Code as a 2495  
minimal security risk, the offender shall serve the term in the 2496  
minimum security jail established under section 341.34 or 753.21 2497  
of the Revised Code. Absent a specification of that type and a 2498  
finding of that type, the offender shall serve the term in a jail 2499  
other than a minimum security jail established under section 2500  
341.34 or 753.21 of the Revised Code. 2501

(E) If a person who has been convicted of or pleaded guilty 2502  
to a felony is sentenced to a community residential sanction as 2503  
described in division (A) of this section, at the time of 2504  
reception and at other times the person in charge of the operation 2505  
of the community-based correctional facility, jail, halfway house, 2506  
alternative residential facility, or other place at which the 2507  
offender will serve the residential sanction determines to be 2508  
appropriate, the person in charge of the operation of the 2509

community-based correctional facility, jail, halfway house, 2510  
alternative residential facility, or other place may cause the 2511  
convicted offender to be examined and tested for tuberculosis, HIV 2512  
infection, hepatitis, including but not limited to hepatitis A, B, 2513  
and C, and other contagious diseases. The person in charge of the 2514  
operation of the community-based correctional facility, jail, 2515  
halfway house, alternative residential facility, or other place at 2516  
which the offender will serve the residential sanction may cause a 2517  
convicted offender in the community-based correctional facility, 2518  
jail, halfway house, alternative residential facility, or other 2519  
place who refuses to be tested or treated for tuberculosis, HIV 2520  
infection, hepatitis, including but not limited to hepatitis A, B, 2521  
and C, or another contagious disease to be tested and treated 2522  
involuntarily. 2523

**Sec. 2929.17.** ~~The~~ Except as provided in this section, the 2524  
court imposing a sentence for a felony upon an offender who is not 2525  
required to serve a mandatory prison term may impose any 2526  
nonresidential sanction or combination of nonresidential sanctions 2527  
authorized under this section. If the court imposes one or more 2528  
nonresidential sanctions authorized under this section, the court 2529  
shall impose as a condition of the sanction that, during the 2530  
period of the nonresidential sanction, the offender shall abide by 2531  
the law and shall not leave the state without the permission of 2532  
the court or the offender's probation officer. 2533

The court imposing a sentence for a fourth degree felony OVI 2534  
offense under division (G)(1) or (2) of section 2929.13 of the 2535  
Revised Code or for a third degree felony OVI offense under 2536  
division (G)(2) of that section may impose upon the offender, in 2537  
addition to the mandatory term of local incarceration or mandatory 2538  
prison term imposed under ~~that~~ the applicable division, a 2539  
nonresidential sanction or combination of nonresidential sanctions 2540  
under this section, and the offender shall serve or satisfy the 2541

sanction or combination of sanctions after the offender has served 2542  
the mandatory term of local incarceration or mandatory prison term 2543  
required for the offense. Nonresidential sanctions include, but 2544  
are not limited to, the following: 2545

(A) A term of day reporting; 2546

(B) A term of house arrest with electronic monitoring or 2547  
continuous alcohol monitoring or both electronic monitoring and 2548  
continuous alcohol monitoring, a term of electronic monitoring or 2549  
continuous alcohol monitoring without house arrest, or a term of 2550  
house arrest without electronic monitoring or continuous alcohol 2551  
monitoring; 2552

(C) A term of community service of up to five hundred hours 2553  
pursuant to division (B) of section 2951.02 of the Revised Code 2554  
or, if the court determines that the offender is financially 2555  
incapable of fulfilling a financial sanction described in section 2556  
2929.18 of the Revised Code, a term of community service as an 2557  
alternative to a financial sanction; 2558

(D) A term in a drug treatment program with a level of 2559  
security for the offender as determined necessary by the court; 2560

(E) A term of intensive probation supervision; 2561

(F) A term of basic probation supervision; 2562

(G) A term of monitored time; 2563

(H) A term of drug and alcohol use monitoring, including 2564  
random drug testing; 2565

(I) A curfew term; 2566

(J) A requirement that the offender obtain employment; 2567

(K) A requirement that the offender obtain education or 2568  
training; 2569

(L) Provided the court obtains the prior approval of the 2570

victim, a requirement that the offender participate in 2571  
victim-offender mediation; 2572

(M) A license violation report; 2573

(N) If the offense is a violation of section 2919.25 or a 2574  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 2575  
Code involving a person who was a family or household member at 2576  
the time of the violation, if the offender committed the offense 2577  
in the vicinity of one or more children who are not victims of the 2578  
offense, and if the offender or the victim of the offense is a 2579  
parent, guardian, custodian, or person in loco parentis of one or 2580  
more of those children, a requirement that the offender obtain 2581  
counseling. This division does not limit the court in requiring 2582  
the offender to obtain counseling for any offense or in any 2583  
circumstance not specified in this division. 2584

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing 2585  
hearing before imposing a sentence under this chapter upon an 2586  
offender who was convicted of or pleaded guilty to a felony and 2587  
before resentencing an offender who was convicted of or pleaded 2588  
guilty to a felony and whose case was remanded pursuant to section 2589  
2953.07 or 2953.08 of the Revised Code. At the hearing, the 2590  
offender, the prosecuting attorney, the victim or the victim's 2591  
representative in accordance with section 2930.14 of the Revised 2592  
Code, and, with the approval of the court, any other person may 2593  
present information relevant to the imposition of sentence in the 2594  
case. The court shall inform the offender of the verdict of the 2595  
jury or finding of the court and ask the offender whether the 2596  
offender has anything to say as to why sentence should not be 2597  
imposed upon the offender. 2598

(2) Except as otherwise provided in this division, before 2599  
imposing sentence on an offender who is being sentenced for a 2600  
sexually oriented offense that was committed on or after January 2601

1, 1997, that is not a registration-exempt sexually oriented 2602  
offense, and that is not a sexually violent offense, and before 2603  
imposing sentence on an offender who is being sentenced for a 2604  
sexually violent offense committed on or after January 1, 1997, 2605  
and who was not charged with a sexually violent predator 2606  
specification in the indictment, count in the indictment, or 2607  
information charging the sexually violent offense, and before 2608  
imposing sentence on or after May 7, 2002, on an offender who is 2609  
being sentenced for a sexually oriented offense that is not a 2610  
registration-exempt sexually oriented offense and who was 2611  
acquitted of a sexually violent predator specification included in 2612  
the indictment, count in the indictment, or information charging 2613  
the sexually oriented offense, the court shall conduct a hearing 2614  
in accordance with division (B) of section 2950.09 of the Revised 2615  
Code to determine whether the offender is a sexual predator. The 2616  
court shall not conduct a hearing under that division if the 2617  
offender is being sentenced for a sexually violent offense, if a 2618  
sexually violent predator specification was included in the 2619  
indictment, count in the indictment, or information charging the 2620  
sexually violent offense, and if the offender was convicted of or 2621  
pleaded guilty to that sexually violent predator specification. 2622  
Before imposing sentence on an offender who is being sentenced for 2623  
a sexually oriented offense that is not a registration-exempt 2624  
sexually oriented offense, the court also shall comply with 2625  
division (E) of section 2950.09 of the Revised Code. 2626

Before imposing sentence on or after ~~the effective date of~~ 2627  
~~this amendment~~ July 31, 2003, on an offender who is being 2628  
sentenced for a child-victim oriented offense, regardless of when 2629  
the offense was committed, the court shall conduct a hearing in 2630  
accordance with division (B) of section 2950.091 of the Revised 2631  
Code to determine whether the offender is a child-victim predator. 2632  
Before imposing sentence on an offender who is being sentenced for 2633  
a child-victim oriented offense, the court also shall comply with 2634

division (E) of section 2950.091 of the Revised Code. 2635

(B)(1) At the sentencing hearing, the court, before imposing 2636  
sentence, shall consider the record, any information presented at 2637  
the hearing by any person pursuant to division (A) of this 2638  
section, and, if one was prepared, the presentence investigation 2639  
report made pursuant to section 2951.03 of the Revised Code or 2640  
Criminal Rule 32.2, and any victim impact statement made pursuant 2641  
to section 2947.051 of the Revised Code. 2642

(2) The court shall impose a sentence and shall make a 2643  
finding that gives its reasons for selecting the sentence imposed 2644  
in any of the following circumstances: 2645

(a) Unless the offense is a sexually violent offense for 2646  
which the court is required to impose sentence pursuant to 2647  
division (G) of section 2929.14 of the Revised Code, if it imposes 2648  
a prison term for a felony of the fourth or fifth degree or for a 2649  
felony drug offense that is a violation of a provision of Chapter 2650  
2925. of the Revised Code and that is specified as being subject 2651  
to division (B) of section 2929.13 of the Revised Code for 2652  
purposes of sentencing, its reasons for imposing the prison term, 2653  
based upon the overriding purposes and principles of felony 2654  
sentencing set forth in section 2929.11 of the Revised Code, and 2655  
any factors listed in divisions (B)(1)(a) to (i) of section 2656  
2929.13 of the Revised Code that it found to apply relative to the 2657  
offender. 2658

(b) If it does not impose a prison term for a felony of the 2659  
first or second degree or for a felony drug offense that is a 2660  
violation of a provision of Chapter 2925. of the Revised Code and 2661  
for which a presumption in favor of a prison term is specified as 2662  
being applicable, its reasons for not imposing the prison term and 2663  
for overriding the presumption, based upon the overriding purposes 2664  
and principles of felony sentencing set forth in section 2929.11 2665  
of the Revised Code, and the basis of the findings it made under 2666

divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 2667

(c) If it imposes consecutive sentences under section 2929.14 2668  
of the Revised Code, its reasons for imposing the consecutive 2669  
sentences; 2670

(d) If the sentence is for one offense and it imposes a 2671  
prison term for the offense that is the maximum prison term 2672  
allowed for that offense by division (A) of section 2929.14 of the 2673  
Revised Code, its reasons for imposing the maximum prison term; 2674

(e) If the sentence is for two or more offenses arising out 2675  
of a single incident and it imposes a prison term for those 2676  
offenses that is the maximum prison term allowed for the offense 2677  
of the highest degree by division (A) of section 2929.14 of the 2678  
Revised Code, its reasons for imposing the maximum prison term. 2679

(3) Subject to division (B)(4) of this section, if the 2680  
sentencing court determines at the sentencing hearing that a 2681  
prison term is necessary or required, the court shall do all of 2682  
the following: 2683

(a) Impose a stated prison term; 2684

(b) Notify the offender that, as part of the sentence, the 2685  
parole board may extend the stated prison term for certain 2686  
violations of prison rules for up to one-half of the stated prison 2687  
term; 2688

(c) Notify the offender that the offender will be supervised 2689  
under section 2967.28 of the Revised Code after the offender 2690  
leaves prison if the offender is being sentenced for a felony of 2691  
the first degree or second degree, for a felony sex offense, or 2692  
for a felony of the third degree in the commission of which the 2693  
offender caused or threatened to cause physical harm to a person; 2694

(d) Notify the offender that the offender may be supervised 2695  
under section 2967.28 of the Revised Code after the offender 2696

leaves prison if the offender is being sentenced for a felony of 2697  
the third, fourth, or fifth degree that is not subject to division 2698  
(B)(3)(c) of this section; 2699

(e) Notify the offender that, if a period of supervision is 2700  
imposed following the offender's release from prison, as described 2701  
in division (B)(3)(c) or (d) of this section, and if the offender 2702  
violates that supervision or a condition of post-release control 2703  
imposed under division (B) of section 2967.131 of the Revised 2704  
Code, the parole board may impose a prison term, as part of the 2705  
sentence, of up to one-half of the stated prison term originally 2706  
imposed upon the offender; 2707

(f) Require that the offender not ingest or be injected with 2708  
a drug of abuse and submit to random drug testing as provided in 2709  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 2710  
is applicable to the offender who is serving a prison term, and 2711  
require that the results of the drug test administered under any 2712  
of those sections indicate that the offender did not ingest or was 2713  
not injected with a drug of abuse. 2714

(4) If the offender is being sentenced for a sexually violent 2715  
offense that the offender committed on or after January 1, 1997, 2716  
and the offender also is convicted of or pleads guilty to a 2717  
sexually violent predator specification that was included in the 2718  
indictment, count in the indictment, or information charging the 2719  
sexually violent offense, if the offender is being sentenced for a 2720  
sexually oriented offense that is not a registration-exempt 2721  
sexually oriented offense and that the offender committed on or 2722  
after January 1, 1997, and the court imposing the sentence has 2723  
determined pursuant to division (B) of section 2950.09 of the 2724  
Revised Code that the offender is a sexual predator, if the 2725  
offender is being sentenced on or after ~~the effective date of this~~ 2726  
~~amendment~~ July 31, 2003, for a child-victim oriented offense and 2727  
the court imposing the sentence has determined pursuant to 2728

division (B) of section 2950.091 of the Revised Code that the 2729  
offender is a child-victim predator, or if the offender is being 2730  
sentenced for an aggravated sexually oriented offense as defined 2731  
in section 2950.01 of the Revised Code, the court shall include in 2732  
the offender's sentence a statement that the offender has been 2733  
adjudicated a sexual predator, has been adjudicated a child victim 2734  
predator, or has been convicted of or pleaded guilty to an 2735  
aggravated sexually oriented offense, whichever is applicable, and 2736  
shall comply with the requirements of section 2950.03 of the 2737  
Revised Code. Additionally, in the circumstances described in 2738  
division (G) of section 2929.14 of the Revised Code, the court 2739  
shall impose sentence on the offender as described in that 2740  
division. 2741

(5) If the sentencing court determines at the sentencing 2742  
hearing that a community control sanction should be imposed and 2743  
the court is not prohibited from imposing a community control 2744  
sanction, the court shall impose a community control sanction. The 2745  
court shall notify the offender that, if the conditions of the 2746  
sanction are violated, if the offender commits a violation of any 2747  
law, or if the offender leaves this state without the permission 2748  
of the court or the offender's probation officer, the court may 2749  
impose a longer time under the same sanction, may impose a more 2750  
restrictive sanction, or may impose a prison term on the offender 2751  
and shall indicate the specific prison term that may be imposed as 2752  
a sanction for the violation, as selected by the court from the 2753  
range of prison terms for the offense pursuant to section 2929.14 2754  
of the Revised Code. 2755

(6) Before imposing a financial sanction under section 2756  
2929.18 of the Revised Code or a fine under section 2929.32 of the 2757  
Revised Code, the court shall consider the offender's present and 2758  
future ability to pay the amount of the sanction or fine. 2759

(7) If the sentencing court sentences the offender to a 2760

sanction of confinement pursuant to section 2929.14 or 2929.16 of 2761  
the Revised Code that is to be served in a local detention 2762  
facility, as defined in section 2929.36 of the Revised Code, and 2763  
if the local detention facility is covered by a policy adopted 2764  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2765  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2766  
and section 2929.37 of the Revised Code, both of the following 2767  
apply: 2768

(a) The court shall specify both of the following as part of 2769  
the sentence: 2770

(i) If the offender is presented with an itemized bill 2771  
pursuant to section 2929.37 of the Revised Code for payment of the 2772  
costs of confinement, the offender is required to pay the bill in 2773  
accordance with that section. 2774

(ii) If the offender does not dispute the bill described in 2775  
division (B)(7)(a)(i) of this section and does not pay the bill by 2776  
the times specified in section 2929.37 of the Revised Code, the 2777  
clerk of the court may issue a certificate of judgment against the 2778  
offender as described in that section. 2779

(b) The sentence automatically includes any certificate of 2780  
judgment issued as described in division (B)(7)(a)(ii) of this 2781  
section. 2782

(C)(1) If the offender is being sentenced for a fourth degree 2783  
felony OVI offense under division (G)(1) of section 2929.13 of the 2784  
Revised Code, the court shall impose the mandatory term of local 2785  
incarceration in accordance with that division, shall impose a 2786  
mandatory fine in accordance with division (B)(3) of section 2787  
2929.18 of the Revised Code, and, in addition, may impose 2788  
additional sanctions as specified in sections 2929.15, 2929.16, 2789  
2929.17, and 2929.18 of the Revised Code. The court shall not 2790  
impose a prison term on the offender except that the court may 2791

impose a prison term upon the offender as provided in division 2792  
(A)(1) of section 2929.13 of the Revised Code. 2793

(2) If the offender is being sentenced for a third or fourth 2794  
degree felony OVI offense under division (G)(2) of section 2929.13 2795  
of the Revised Code, the court shall impose the mandatory prison 2796  
term in accordance with that division, shall impose a mandatory 2797  
fine in accordance with division (B)(3) of section 2929.18 of the 2798  
Revised Code, and, in addition, may impose an additional prison 2799  
term as specified in section 2929.14 of the Revised Code. The In 2800  
addition to the mandatory prison term or mandatory prison term and 2801  
additional prison term the court imposes, the court shall not also 2802  
may impose any a community control sanction on the offender, but 2803  
the offender shall serve all of the prison terms so imposed prior 2804  
to serving the community control sanction. 2805

(D) The sentencing court, pursuant to division (K) of section 2806  
2929.14 of the Revised Code, may recommend placement of the 2807  
offender in a program of shock incarceration under section 2808  
5120.031 of the Revised Code or an intensive program prison under 2809  
section 5120.032 of the Revised Code, disapprove placement of the 2810  
offender in a program or prison of that nature, or make no 2811  
recommendation. If the court recommends or disapproves placement, 2812  
it shall make a finding that gives its reasons for its 2813  
recommendation or disapproval. 2814

**Sec. 2929.24.** (A) Except as provided in section 2929.22 or 2815  
2929.23 of the Revised Code and unless another term is required or 2816  
authorized pursuant to law, if the sentencing court imposing a 2817  
sentence upon an offender for a misdemeanor elects or is required 2818  
to impose a jail term on the offender pursuant to this chapter, 2819  
the court shall impose a definite jail term that shall be one of 2820  
the following: 2821

(1) For a misdemeanor of the first degree, not more than one 2822

hundred eighty days;	2823
(2) For a misdemeanor of the second degree, not more than ninety days;	2824 2825
(3) For a misdemeanor of the third degree, not more than sixty days;	2826 2827
(4) For a misdemeanor of the fourth degree, not more than thirty days.	2828 2829
(B) A court that sentences an offender to a jail term under this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in division (B) of section 2929.26 of the Revised Code.	2830 2831 2832 2833 2834
(C) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail 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 offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.	2835 2836 2837 2838 2839 2840 2841 2842 2843
(D) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to section 2929.28 of the Revised Code a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, both of the following apply:	2844 2845 2846 2847 2848 2849 2850 2851
(1) The court shall specify both of the following as part of the sentence:	2852 2853

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

(b) If the person does not dispute the bill described in division (D)(1)(a) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the person as described in that section.

(2) The sentence automatically includes any certificate of judgment issued as described in division (D)(1)(b) of this section.

(E) If an offender who is convicted of or pleads guilty to a violation of division (B) of section 4511.19 of the Revised Code also is convicted of or also pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code and if the court imposes a jail term on the offender for the underlying offense, the court shall impose upon the offender an additional definite jail term of not more than six months. The additional jail term shall not be reduced pursuant to any provision of the Revised Code. The offender shall serve the additional jail term consecutively to and prior to the jail term imposed for the underlying offense and consecutively to any other mandatory term imposed in relation to the offense.

**Sec. 2929.27.** (A) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any nonresidential sanction or combination of nonresidential sanctions authorized under this division. Nonresidential sanctions include, but are not limited to, the following:

(1) A term of day reporting;

- (2) A term of house arrest with electronic monitoring or 2885  
continuous alcohol monitoring or both electronic monitoring and 2886  
continuous alcohol monitoring, a term of electronic monitoring or 2887  
continuous alcohol monitoring without house arrest, or a term of 2888  
house arrest without electronic monitoring or continuous alcohol 2889  
monitoring; 2890
- (3) A term of community service of up to five hundred hours 2891  
for a misdemeanor of the first degree or two hundred hours for a 2892  
misdemeanor of the second, third, or fourth degree; 2893
- (4) A term in a drug treatment program with a level of 2894  
security for the offender as determined necessary by the court; 2895
- (5) A term of intensive probation supervision; 2896
- (6) A term of basic probation supervision; 2897
- (7) A term of monitored time; 2898
- (8) A term of drug and alcohol use monitoring, including 2899  
random drug testing; 2900
- (9) A curfew term; 2901
- (10) A requirement that the offender obtain employment; 2902
- (11) A requirement that the offender obtain education or 2903  
training; 2904
- (12) Provided the court obtains the prior approval of the 2905  
victim, a requirement that the offender participate in 2906  
victim-offender mediation; 2907
- (13) If authorized by law, suspension of the offender's 2908  
privilege to operate a motor vehicle, immobilization or forfeiture 2909  
of the offender's motor vehicle, a requirement that the offender 2910  
obtain a valid motor vehicle operator's license, or any other 2911  
related sanction; 2912
- (14) A requirement that the offender obtain counseling if the 2913

offense is a violation of section 2919.25 or a violation of 2914  
section 2903.13 of the Revised Code involving a person who was a 2915  
family or household member at the time of the violation, if the 2916  
offender committed the offense in the vicinity of one or more 2917  
children who are not victims of the offense, and if the offender 2918  
or the victim of the offense is a parent, guardian, custodian, or 2919  
person in loco parentis of one or more of those children. This 2920  
division does not limit the court in requiring that the offender 2921  
obtain counseling for any offense or in any circumstance not 2922  
specified in this division. 2923

(B) In addition to the sanctions authorized under division 2924  
(A) of this section, the court imposing a sentence for a 2925  
misdemeanor, other than a minor misdemeanor, upon an offender who 2926  
is not required to serve a mandatory jail term may impose any 2927  
other sanction that is intended to discourage the offender or 2928  
other persons from committing a similar offense if the sanction is 2929  
reasonably related to the overriding purposes and principles of 2930  
misdemeanor sentencing. 2931

(C) The court imposing a sentence for a minor misdemeanor may 2932  
impose a term of community service in lieu of all or part of a 2933  
fine. The term of community service imposed for a minor 2934  
misdemeanor shall not exceed thirty hours. 2935

Sec. 2941.1413. (A) Imposition of a mandatory additional 2936  
prison term of one, two, three, four, or five years upon an 2937  
offender under division (G)(2) of section 2929.13 of the Revised 2938  
Code is precluded unless the indictment, count in the indictment, 2939  
or information charging a felony violation of division (A) of 2940  
section 4511.19 of the Revised Code specifies that the offender, 2941  
within twenty years of the offense, previously has been convicted 2942  
of or pleaded guilty to five or more equivalent offenses. The 2943  
specification shall be stated at the end of the body of the 2944

indictment, count, or information and shall be stated in 2945  
substantially the following form: 2946

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2947  
Grand Jurors (or insert the person's or the prosecuting attorney's 2948  
name when appropriate) further find and specify that (set forth 2949  
that the offender, within twenty years of committing the offense, 2950  
previously had been convicted of or pleaded guilty to five or more 2951  
equivalent offenses)." 2952

(B) As used in division (A) of this section, "equivalent 2953  
offense" has the same meaning as in section 4511.181 of the 2954  
Revised Code. 2955

**Sec. 2941.1414.** (A) Imposition of a mandatory, additional, 2956  
definite jail term of up to six months upon an offender under 2957  
division (E) of section 2929.24 of the Revised Code is precluded 2958  
unless the information charging a violation of division (B) of 2959  
section 4511.19 of the Revised Code specifies that the offender, 2960  
within twenty years of the offense, previously has been convicted 2961  
of or pleaded guilty to five or more equivalent offenses. The 2962  
specification shall be stated at the end of the body of the 2963  
information and shall be stated in substantially the following 2964  
form: 2965

"SPECIFICATION. (Insert the person's or the prosecuting 2966  
attorney's name as appropriate) further finds and specifies that 2967  
(set forth that the offender, within twenty years of committing 2968  
the offense, previously had been convicted of or pleaded guilty to 2969  
five or more equivalent offenses)." 2970

(B) As used in division (A) of this section, "equivalent 2971  
offense" has the same meaning as in section 4511.181 of the 2972  
Revised Code. 2973

**Sec. 4123.54.** (A) Every employee, who is injured or who 2974

contracts an occupational disease, and the dependents of each 2975  
employee who is killed, or dies as the result of an occupational 2976  
disease contracted in the course of employment, wherever such 2977  
injury has occurred or occupational disease has been contracted, 2978  
provided the same were not: 2979

(1) Purposely self-inflicted; or 2980

(2) Caused by the employee being intoxicated or under the 2981  
influence of a controlled substance not prescribed by a physician 2982  
where the intoxication or being under the influence of the 2983  
controlled substance not prescribed by a physician was the 2984  
proximate cause of the injury, is entitled to receive, either 2985  
directly from the employee's self-insuring employer as provided in 2986  
section 4123.35 of the Revised Code, or from the state insurance 2987  
fund, the compensation for loss sustained on account of the 2988  
injury, occupational disease, or death, and the medical, nurse, 2989  
and hospital services and medicines, and the amount of funeral 2990  
expenses in case of death, as are provided by this chapter. 2991

(B) For the purpose of this section, provided that an 2992  
employee is given or has been given notice that the results of, or 2993  
the employee's refusal to submit to, any chemical test described 2994  
under this division may affect the employee's eligibility for 2995  
compensation and benefits pursuant to this chapter and Chapter 2996  
4121. of the Revised Code, there is a rebuttable presumption that 2997  
an employee is intoxicated or under the influence of a controlled 2998  
substance not prescribed by a physician and that being intoxicated 2999  
or under the influence of a controlled substance not prescribed by 3000  
a physician is the proximate cause of an injury when any one or 3001  
more of the following is true: 3002

(1) The employee, through a chemical test administered within 3003  
eight hours of an injury, is determined to have an alcohol 3004  
concentration level equal to or in excess of the levels 3005

established in divisions (A)~~(2)~~ to ~~(7)~~(1)(b) to (i) of section 3006  
4511.19 of the Revised Code; 3007

(2) The employee, through a chemical test administered within 3008  
thirty-two hours of an injury, is determined to have one of the 3009  
following controlled substances not prescribed by the employee's 3010  
physician in the employee's system that tests above the following 3011  
levels in an enzyme multiplied immunoassay technique screening 3012  
test and above the levels established in division (B)(3) of this 3013  
section in a gas chromatography mass spectrometry test: 3014

(a) For amphetamines, one thousand nanograms per milliliter 3015  
of urine; 3016

(b) For cannabinoids, fifty nanograms per milliliter of 3017  
urine; 3018

(c) For cocaine, including crack cocaine, three hundred 3019  
nanograms per milliliter of urine; 3020

(d) For opiates, two thousand nanograms per milliliter of 3021  
urine; 3022

(e) For phencyclidine, twenty-five nanograms per milliliter 3023  
of urine. 3024

(3) The employee, through a chemical test administered within 3025  
thirty-two hours of an injury, is determined to have one of the 3026  
following controlled substances not prescribed by the employee's 3027  
physician in the employee's system that tests above the following 3028  
levels by a gas chromatography mass spectrometry test: 3029

(a) For amphetamines, five hundred nanograms per milliliter 3030  
of urine; 3031

(b) For cannabinoids, fifteen nanograms per milliliter of 3032  
urine; 3033

(c) For cocaine, including crack cocaine, one hundred fifty 3034  
nanograms per milliliter of urine; 3035

(d) For opiates, two thousand nanograms per milliliter of 3036  
urine; 3037

(e) For phencyclidine, twenty-five nanograms per milliliter 3038  
of urine. 3039

(4) The employee, through a chemical test administered within 3040  
thirty-two hours of an injury, is determined to have barbiturates, 3041  
benzodiazepines, methadone, or propoxyphene in the employee's 3042  
system that tests above levels established by laboratories 3043  
certified by the United States department of health and human 3044  
services. 3045

(5) The employee refuses to submit to a requested chemical 3046  
test. 3047

Whenever, with respect to an employee of an employer who is 3048  
subject to and has complied with this chapter, there is 3049  
possibility of conflict with respect to the application of 3050  
workers' compensation laws because the contract of employment is 3051  
entered into and all or some portion of the work is or is to be 3052  
performed in a state or states other than Ohio, the employer and 3053  
the employee may agree to be bound by the laws of this state or by 3054  
the laws of some other state in which all or some portion of the 3055  
work of the employee is to be performed. The agreement shall be in 3056  
writing and shall be filed with the bureau of workers' 3057  
compensation within ten days after it is executed and shall remain 3058  
in force until terminated or modified by agreement of the parties 3059  
similarly filed. If the agreement is to be bound by the laws of 3060  
this state and the employer has complied with this chapter, then 3061  
the employee is entitled to compensation and benefits regardless 3062  
of where the injury occurs or the disease is contracted and the 3063  
rights of the employee and the employee's dependents under the 3064  
laws of this state are the exclusive remedy against the employer 3065  
on account of injury, disease, or death in the course of and 3066  
arising out of the employee's employment. If the agreement is to 3067

be bound by the laws of another state and the employer has 3068  
complied with the laws of that state, the rights of the employee 3069  
and the employee's dependents under the laws of that state are the 3070  
exclusive remedy against the employer on account of injury, 3071  
disease, or death in the course of and arising out of the 3072  
employee's employment without regard to the place where the injury 3073  
was sustained or the disease contracted. 3074

If any employee or the employee's dependents are awarded 3075  
workers' compensation benefits or recover damages from the 3076  
employer under the laws of another state, the amount awarded or 3077  
recovered, whether paid or to be paid in future installments, 3078  
shall be credited on the amount of any award of compensation or 3079  
benefits made to the employee or the employee's dependents by the 3080  
bureau. 3081

If an employee is a resident of a state other than this state 3082  
and is insured under the workers' compensation law or similar laws 3083  
of a state other than this state, the employee and the employee's 3084  
dependents are not entitled to receive compensation or benefits 3085  
under this chapter, on account of injury, disease, or death 3086  
arising out of or in the course of employment while temporarily 3087  
within this state, and the rights of the employee and the 3088  
employee's dependents under the laws of the other state are the 3089  
exclusive remedy against the employer on account of the injury, 3090  
disease, or death. 3091

Compensation or benefits are not payable to a claimant during 3092  
the period of confinement of the claimant in any state or federal 3093  
correctional institution whether in this or any other state for 3094  
conviction of violation of any state or federal criminal law. 3095

**Sec. 4507.02.** (A)(1) No person shall permit the operation of 3096  
a motor vehicle upon any public or private property used by the 3097  
public for purposes of vehicular travel or parking knowing the 3098

operator does not have a valid driver's license issued to the 3099  
operator by the registrar of motor vehicles under this chapter or 3100  
a valid commercial driver's license issued under Chapter 4506. of 3101  
the Revised Code. Whoever violates this division is guilty of a 3102  
misdemeanor of the first degree. 3103

(2) No person shall receive a driver's license, or a 3104  
motorcycle operator's endorsement of a driver's or commercial 3105  
driver's license, unless and until the person surrenders to the 3106  
registrar all valid licenses issued to the person by another 3107  
jurisdiction recognized by this state. All surrendered licenses 3108  
shall be returned by the registrar to the issuing authority, 3109  
together with information that a license is now issued in this 3110  
state. No person shall be permitted to have more than one valid 3111  
license at any time. 3112

(B)(1) If a person is convicted of a violation of section 3113  
4510.11, 4510.14, 4510.16, or 4510.21 of the Revised Code or if 3114  
division (F) of section 4507.164 of the Revised Code applies, the 3115  
trial judge of any court, in addition to or independent of, any 3116  
other penalties provided by law or ordinance, shall impound the 3117  
identification license plates of any motor vehicle registered in 3118  
the name of the person. The court shall send the impounded license 3119  
plates to the registrar, who may retain the license plates until 3120  
the driver's or commercial driver's license of the owner has been 3121  
reinstated or destroy them pursuant to section 4503.232 of the 3122  
Revised Code. 3123

If the license plates of a person convicted of a violation of 3124  
any provision of those sections have been impounded in accordance 3125  
with the provisions of this division, the court shall notify the 3126  
registrar of that action. The notice shall contain the name and 3127  
address of the driver, the serial number of the driver's driver's 3128  
or commercial driver's license, the serial numbers of the license 3129

plates of the motor vehicle, and the length of time for which the 3130  
license plates have been impounded. The registrar shall record the 3131  
data in the notice as part of the driver's permanent record. 3132

(2) Any motor vehicle owner who has had the license plates of 3133  
a motor vehicle impounded pursuant to division (B)(1) of this 3134  
section may apply to the registrar, or to a deputy registrar, for 3135  
~~special~~ restricted license plates that shall conform to the 3136  
requirements of section 4503.231 of the Revised Code. The 3137  
registrar or deputy registrar forthwith shall notify the court of 3138  
the application and, upon approval of the court, shall issue 3139  
~~special~~ restricted license plates to the applicant. Until the 3140  
driver's or commercial driver's license of the owner is 3141  
reinstated, any new license plates issued to the owner also shall 3142  
conform to the requirements of section 4503.231 of the Revised 3143  
Code. 3144

The registrar or deputy registrar shall charge the owner of a 3145  
vehicle the fees provided in section 4503.19 of the Revised Code 3146  
for ~~special~~ restricted license plates that are issued in 3147  
accordance with this division, except upon renewal as specified in 3148  
section 4503.10 of the Revised Code, when the regular fee as 3149  
provided in section 4503.04 of the Revised Code shall be charged. 3150  
The registrar or deputy registrar shall charge the owner of a 3151  
vehicle the fees provided in section 4503.19 of the Revised Code 3152  
whenever ~~special~~ restricted license plates are exchanged, by 3153  
reason of the reinstatement of the driver's or commercial driver's 3154  
license of the owner, for those ordinarily issued. 3155

(3) If an owner wishes to sell a motor vehicle during the 3156  
time the ~~special~~ restricted license plates provided under division 3157  
(B)(2) of this section are in use, the owner may apply to the 3158  
court that impounded the license plates of the motor vehicle for 3159  
permission to transfer title to the motor vehicle. If the court is 3160  
satisfied that the sale will be made in good faith and not for the 3161

purpose of circumventing the provisions of this section, it may 3162  
certify its consent to the owner and to the registrar of motor 3163  
vehicles who shall enter notice of the transfer of the title of 3164  
the motor vehicle in the vehicle registration record. 3165

If, during the time the ~~special~~ restricted license plates 3166  
provided under division (B)(2) of this section are in use, the 3167  
title to a motor vehicle is transferred by the foreclosure of a 3168  
chattel mortgage, a sale upon execution, the cancellation of a 3169  
conditional sales contract, or by order of a court, the court 3170  
shall notify the registrar of the action and the registrar shall 3171  
enter notice of the transfer of the title to the motor vehicle in 3172  
the vehicle registration record. 3173

(C) This section is not intended to change or modify any 3174  
provision of Chapter 4503. of the Revised Code with respect to the 3175  
taxation of motor vehicles or the time within which the taxes on 3176  
motor vehicles shall be paid. 3177

**Sec. 4507.05.** (A) The registrar of motor vehicles, or a 3178  
deputy registrar, upon receiving an application for a temporary 3179  
instruction permit and a temporary instruction permit 3180  
identification card for a driver's license from any person who is 3181  
at least fifteen years and six months of age, may issue such a 3182  
permit and identification card entitling the applicant to drive a 3183  
motor vehicle, other than a commercial motor vehicle, upon the 3184  
highways under the following conditions: 3185

(1) If the permit is issued to a person who is at least 3186  
fifteen years and six months of age, but less than sixteen years 3187  
of age: 3188

(a) The permit and identification card are in the holder's 3189  
immediate possession; 3190

(b) The holder is accompanied by an eligible adult who 3191

actually occupies the seat beside the permit holder and does not 3192  
have a prohibited concentration of alcohol in the whole blood, 3193  
blood serum or plasma, breath, or urine as provided in division 3194  
(A) of section 4511.19 of the Revised Code; 3195

(c) The total number of occupants of the vehicle does not 3196  
exceed the total number of occupant restraining devices originally 3197  
installed in the motor vehicle by its manufacturer, and each 3198  
occupant of the vehicle is wearing all of the available elements 3199  
of a properly adjusted occupant restraining device. 3200

(2) If the permit is issued to a person who is at least 3201  
sixteen years of age: 3202

(a) The permit and identification card are in the holder's 3203  
immediate possession; 3204

(b) The holder is accompanied by a licensed operator who is 3205  
at least twenty-one years of age and, is actually occupying a seat 3206  
beside the driver, and does not have a prohibited concentration of 3207  
alcohol in the whole blood, blood serum or plasma, breath, or 3208  
urine as provided in division (A) of section 4511.19 of the 3209  
Revised Code; 3210

(c) The total number of occupants of the vehicle does not 3211  
exceed the total number of occupant restraining devices originally 3212  
installed in the motor vehicle by its manufacturer, and each 3213  
occupant of the vehicle is wearing all of the available elements 3214  
of a properly adjusted occupant restraining device. 3215

(B) The registrar or a deputy registrar, upon receiving from 3216  
any person an application for a temporary instruction permit and 3217  
temporary instruction permit identification card to operate a 3218  
motorcycle or motorized bicycle, may issue such a permit and 3219  
identification card entitling the applicant, while having the 3220  
permit and identification card in the applicant's immediate 3221  
possession, to drive a motorcycle or motorized bicycle under 3222

restrictions determined by the registrar. A temporary instruction 3223  
permit and temporary instruction permit identification card to 3224  
operate a motorized bicycle may be issued to a person fourteen or 3225  
fifteen years old. 3226

(C) Any permit and identification card issued under this 3227  
section shall be issued in the same manner as a driver's license, 3228  
upon a form to be furnished by the registrar. A temporary 3229  
instruction permit to drive a motor vehicle other than a 3230  
commercial motor vehicle shall be valid for a period of one year. 3231

(D) Any person having in the person's possession a valid and 3232  
current driver's license or motorcycle operator's license or 3233  
endorsement issued to the person by another jurisdiction 3234  
recognized by this state is exempt from obtaining a temporary 3235  
instruction permit for a driver's license, but shall submit to the 3236  
regular examination in obtaining a driver's license or motorcycle 3237  
operator's endorsement in this state. 3238

(E) The registrar may adopt rules governing the use of 3239  
temporary instruction permits and temporary instruction permit 3240  
identification cards. 3241

(F)(1) No holder of a permit issued under division (A) of 3242  
this section shall operate a motor vehicle upon a highway or any 3243  
public or private property used by the public for purposes of 3244  
vehicular travel or parking in violation of the conditions 3245  
established under division (A) of this section. 3246

(2) Except as provided in division (F)(2) of this section, no 3247  
holder of a permit that is issued under division (A) of this 3248  
section and that is issued on or after ~~the effective date of this~~ 3249  
~~amendment~~ July 1, 1998, and who has not attained the age of 3250  
seventeen years, shall operate a motor vehicle upon a highway or 3251  
any public or private property used by the public for purposes of 3252  
vehicular travel or parking between the hours of one a.m. and five 3253

a.m. 3254

The holder of a permit issued under division (A) of this 3255  
section on or after ~~the effective date of this amendment~~ July 1, 3256  
1998, who has not attained the age of seventeen years, may operate 3257  
a motor vehicle upon a highway or any public or private property 3258  
used by the public for purposes of vehicular travel or parking 3259  
between the hours of one a.m. and five a.m. if, at the time of 3260  
such operation, the holder is accompanied by the holder's parent, 3261  
guardian, or custodian, and the parent, guardian, or custodian 3262  
holds a current valid driver's or commercial driver's license 3263  
issued by this state ~~and~~, is actually occupying a seat beside the 3264  
permit holder, and does not have a prohibited concentration of 3265  
alcohol in the whole blood, blood serum or plasma, breath, or 3266  
urine as provided in division (A) of section 4511.19 of the 3267  
Revised Code. 3268

(G)(1) Notwithstanding any other provision of law to the 3269  
contrary, no law enforcement officer shall cause the operator of a 3270  
motor vehicle being operated on any street or highway to stop the 3271  
motor vehicle for the sole purpose of determining whether each 3272  
occupant of the motor vehicle is wearing all of the available 3273  
elements of a properly adjusted occupant restraining device as 3274  
required by division (A) of this section, or for the sole purpose 3275  
of issuing a ticket, citation, or summons if the requirement in 3276  
that division has been or is being violated, or for causing the 3277  
arrest of or commencing a prosecution of a person for a violation 3278  
of that requirement. 3279

(2) Notwithstanding any other provision of law to the 3280  
contrary, no law enforcement officer shall cause the operator of a 3281  
motor vehicle being operated on any street or highway to stop the 3282  
motor vehicle for the sole purpose of determining whether a 3283  
violation of division (F)(2) of this section has been or is being 3284  
committed or for the sole purpose of issuing a ticket, citation, 3285

or summons for such a violation or for causing the arrest of or	3286
commencing a prosecution of a person for such violation.	3287
(H) As used in this section:	3288
(1) "Eligible adult" means any of the following:	3289
(a) An instructor of a driver training course approved by the	3290
department of public safety;	3291
(b) Any of the following persons who holds a current valid	3292
driver's or commercial driver's license issued by this state:	3293
(i) A parent, guardian, or custodian of the permit holder;	3294
(ii) A person twenty-one years of age or older who acts in	3295
loco parentis of the permit holder.	3296
(2) "Occupant restraining device" has the same meaning as in	3297
section 4513.263 of the Revised Code.	3298
(I) Whoever violates division (F)(1) or (2) of this section	3299
is guilty of a minor misdemeanor.	3300
<b>Sec. 4510.13.</b> (A)(1) Divisions (A)(2) to (7) of this section	3301
apply to a judge or mayor regarding the suspension of, or the	3302
grant of limited driving privileges during, a suspension of, an	3303
offender's driver's or commercial driver's license or permit or	3304
nonresident operating privilege imposed under division (G) or (H)	3305
of section 4511.19 of the Revised Code, under division (B) or (C)	3306
of section 4511.191 of the Revised Code, or under section 4510.07	3307
of the Revised Code for a conviction of a violation of a municipal	3308
OVI ordinance.	3309
(2) No judge or mayor shall suspend the following portions of	3310
the suspension of an offender's driver's or commercial driver's	3311
license or permit or nonresident operating privilege imposed under	3312
division (G) or (H) of section 4511.19 of the Revised Code or	3313
under section 4510.07 of the Revised Code for a conviction of a	3314

violation of a municipal OVI ordinance, provided that division 3315  
(A)(2) of this section does not limit a court or mayor in 3316  
crediting any period of suspension imposed pursuant to division 3317  
(B) or (C) of section 4511.191 of the Revised Code against any 3318  
time of judicial suspension imposed pursuant to section 4511.19 or 3319  
4510.07 of the Revised Code, as described in divisions (B)(2) and 3320  
(C)(2) of section 4511.191 of the Revised Code: 3321

(a) The first six months of a suspension imposed under 3322  
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 3323  
comparable length suspension imposed under section 4510.07 of the 3324  
Revised Code; 3325

(b) The first year of a suspension imposed under division 3326  
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 3327  
comparable length suspension imposed under section 4510.07 of the 3328  
Revised Code; 3329

(c) The first three years of a suspension imposed under 3330  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 3331  
or of a comparable length suspension imposed under section 4510.07 3332  
of the Revised Code; 3333

(d) The first sixty days of a suspension imposed under 3334  
division (H) of section 4511.19 of the Revised Code or of a 3335  
comparable length suspension imposed under section 4510.07 of the 3336  
Revised Code. 3337

(3) No judge or mayor shall grant limited driving privileges 3338  
to an offender whose driver's or commercial driver's license or 3339  
permit or nonresident operating privilege has been suspended under 3340  
division (G) or (H) of section 4511.19 of the Revised Code, under 3341  
division (C) of section 4511.191 of the Revised Code, or under 3342  
section 4510.07 of the Revised Code for a municipal OVI conviction 3343  
if the offender, within the preceding six years, has been 3344  
convicted of or pleaded guilty to three or more violations of one 3345

or more of the Revised Code sections, municipal ordinances, 3346  
statutes of the United States or another state, or municipal 3347  
ordinances of a municipal corporation of another state that are 3348  
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 3349  
Revised Code. 3350

Additionally, no judge or mayor shall grant limited driving 3351  
privileges to an offender whose driver's or commercial driver's 3352  
license or permit or nonresident operating privilege has been 3353  
suspended under division (B) of section 4511.191 of the Revised 3354  
Code if the offender, within the preceding six years, has refused 3355  
three previous requests to consent to a chemical test of the 3356  
person's whole blood, blood serum or plasma, breath, or urine to 3357  
determine its alcohol content. 3358

(4) No judge or mayor shall grant limited driving privileges 3359  
for employment as a driver of commercial motor vehicles to an 3360  
offender whose driver's or commercial driver's license or permit 3361  
or nonresident operating privilege has been suspended under 3362  
division (G) or (H) of section 4511.19 of the Revised Code, under 3363  
division (B) or (C) of section 4511.191 of the Revised Code, or 3364  
under section 4510.07 of the Revised Code for a municipal OVI 3365  
conviction if the offender is disqualified from operating a 3366  
commercial motor vehicle, or whose license or permit has been 3367  
suspended, under section 3123.58 or 4506.16 of the Revised Code. 3368

(5) No judge or mayor shall grant limited driving privileges 3369  
to an offender whose driver's or commercial driver's license or 3370  
permit or nonresident operating privilege has been suspended under 3371  
division (G) or (H) of section 4511.19 of the Revised Code, under 3372  
division (C) of section 4511.191 of the Revised Code, or under 3373  
section 4510.07 of the Revised Code for a conviction of a 3374  
violation of a municipal OVI ordinance during any of the following 3375  
periods of time: 3376

(a) The first fifteen days of a suspension imposed under 3377

division (G)(1)(a) of section 4511.19 of the Revised Code or a 3378  
comparable length suspension imposed under section 4510.07 of the 3379  
Revised Code, or of a suspension imposed under division (C)(1)(a) 3380  
of section 4511.191 of the Revised Code. On or after the sixteenth 3381  
day of the suspension, the court may grant limited driving 3382  
privileges, but the court may require that the offender shall not 3383  
exercise the privileges unless the vehicles the offender operates 3384  
are equipped with immobilizing or disabling devices that monitor 3385  
the offender's alcohol consumption or any other type of 3386  
immobilizing or disabling devices, except as provided in division 3387  
(C) of section 4510.43 of the Revised Code. 3388

(b) The first thirty days of a suspension imposed under 3389  
division (G)(1)(b) of section 4511.19 of the Revised Code or a 3390  
comparable length suspension imposed under section 4510.07 of the 3391  
Revised Code, or of a suspension imposed under division (C)(1)(b) 3392  
of section 4511.191 of the Revised Code. On or after the 3393  
thirty-first day of suspension, the court may grant limited 3394  
driving privileges, but the court may require that the offender 3395  
shall not exercise the privileges unless the vehicles the offender 3396  
operates are equipped with immobilizing or disabling devices that 3397  
monitor the offender's alcohol consumption or any other type of 3398  
immobilizing or disabling devices, except as provided in division 3399  
(C) of section 4510.43 of the Revised Code. 3400

(c) The first sixty days of a suspension imposed under 3401  
division (H) of section 4511.19 of the Revised Code or a 3402  
comparable length suspension imposed under section 4510.07 of the 3403  
Revised Code. 3404

(d) The first one hundred eighty days of a suspension imposed 3405  
under division (G)(1)(c) of section 4511.19 of the Revised Code or 3406  
a comparable length suspension imposed under section 4510.07 of 3407  
the Revised Code, or of a suspension imposed under division 3408  
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 3409

grant limited driving privileges on or after the one hundred 3410  
eighty-first day of the suspension only if the judge, at the time 3411  
of granting the privileges, also issues an order prohibiting the 3412  
offender, while exercising the privileges during the period 3413  
commencing with the one hundred eighty-first day of suspension and 3414  
ending with the first year of suspension, from operating any motor 3415  
vehicle unless it is equipped with an immobilizing or disabling 3416  
device that monitors the offender's alcohol consumption. After the 3417  
first year of the suspension, the court may authorize the offender 3418  
to continue exercising the privileges in vehicles that are not 3419  
equipped with immobilizing or disabling devices that monitor the 3420  
offender's alcohol consumption, except as provided in division (C) 3421  
of section 4510.43 of the Revised Code. If the offender does not 3422  
petition for limited driving privileges until after the first year 3423  
of suspension, the judge may grant limited driving privileges 3424  
without requiring the use of an immobilizing or disabling device 3425  
that monitors the offender's alcohol consumption. 3426

(e) The first three years of a suspension imposed under 3427  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 3428  
or a comparable length suspension imposed under section 4510.07 of 3429  
the Revised Code, or of a suspension imposed under division 3430  
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 3431  
grant limited driving privileges after the first three years of 3432  
suspension only if the judge, at the time of granting the 3433  
privileges, also issues an order prohibiting the offender from 3434  
operating any motor vehicle, for the period of suspension 3435  
following the first three years of suspension, unless the motor 3436  
vehicle is equipped with an immobilizing or disabling device that 3437  
monitors the offender's alcohol consumption, except as provided in 3438  
division (C) of section 4510.43 of the Revised Code. 3439

(6) No judge or mayor shall grant limited driving privileges 3440  
to an offender whose driver's or commercial driver's license or 3441

permit or nonresident operating privilege has been suspended under 3442  
division (B) of section 4511.191 of the Revised Code during any of 3443  
the following periods of time: 3444

(a) The first thirty days of suspension imposed under 3445  
division (B)(1)(a) of section 4511.191 of the Revised Code; 3446

(b) The first ninety days of suspension imposed under 3447  
division (B)(1)(b) of section 4511.191 of the Revised Code; 3448

(c) The first year of suspension imposed under division 3449  
(B)(1)(c) of section 4511.191 of the Revised Code; 3450

(d) The first three years of suspension imposed under 3451  
division (B)(1)(d) of section 4511.191 of the Revised Code. 3452

(7) In any case in which a judge or mayor grants limited 3453  
driving privileges to an offender whose driver's or commercial 3454  
driver's license or permit or nonresident operating privilege has 3455  
been suspended under division (G)(1)(b), (c), (d), or (e) of 3456  
section 4511.19 of the Revised Code, under division (G)(1)(a) of 3457  
section 4511.19 of the Revised Code for a violation of division 3458  
(A)(1)(f), (g), (h), or (i) of that section, or under section 3459  
4510.07 of the Revised Code for a municipal OVI conviction for 3460  
which sentence would have been imposed under division 3461  
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 3462  
the Revised Code had the offender been charged with and convicted 3463  
of a violation of section 4511.19 of the Revised Code instead of a 3464  
violation of the municipal OVI ordinance, the judge or mayor shall 3465  
impose as a condition of the privileges that the offender must 3466  
display on the vehicle that is driven subject to the privileges 3467  
restricted license plates that are issued under section 4503.231 3468  
of the Revised Code, except as provided in division (B) of that 3469  
section. 3470

(B) Any person whose driver's or commercial driver's license 3471  
or permit or nonresident operating privilege has been suspended 3472

pursuant to section 4511.19 or 4511.191 of the Revised Code or 3473  
under section 4510.07 of the Revised Code for a violation of a 3474  
municipal OVI ordinance may file a petition for limited driving 3475  
privileges during the suspension. The person shall file the 3476  
petition in the court that has jurisdiction over the place of 3477  
arrest. Subject to division (A) of this section, the court may 3478  
grant the person limited driving privileges during the period 3479  
during which the suspension otherwise would be imposed. However, 3480  
the court shall not grant the privileges for employment as a 3481  
driver of a commercial motor vehicle to any person who is 3482  
disqualified from operating a commercial motor vehicle under 3483  
section 4506.16 of the Revised Code or during any of the periods 3484  
prescribed by division (A) of this section. 3485

(C)(1) After a driver's or commercial driver's license or 3486  
permit or nonresident operating privilege has been suspended 3487  
pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4511.19, 3488  
4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any 3489  
provision of Chapter 2925. of the Revised Code, or section 4510.07 3490  
of the Revised Code for a violation of a municipal OVI ordinance, 3491  
the judge of the court or mayor of the mayor's court that 3492  
suspended the license, permit, or privilege shall cause the 3493  
offender to deliver to the court the license or permit. The judge, 3494  
mayor, or clerk of the court or mayor's court shall forward to the 3495  
registrar the license or permit together with notice of the action 3496  
of the court. 3497

(2) A suspension of a commercial driver's license under any 3498  
section or chapter identified in division (C)(1) of this section 3499  
shall be concurrent with any period of suspension or 3500  
disqualification under section 3123.58 or 4506.16 of the Revised 3501  
Code. No person who is disqualified for life from holding a 3502  
commercial driver's license under section 4506.16 of the Revised 3503  
Code shall be issued a driver's license under this chapter during 3504

the period for which the commercial driver's license was suspended 3505  
under this section, and no person whose commercial driver's 3506  
license is suspended under any section or chapter identified in 3507  
division (C)(1) of this section shall be issued a driver's license 3508  
under Chapter 4507. of the Revised Code during the period of the 3509  
suspension. 3510

(3) No judge or mayor shall suspend any class one suspension, 3511  
or any portion of any class one suspension, required by section 3512  
2903.04 or 2903.06 of the Revised Code. No judge or mayor shall 3513  
suspend the first thirty days of any class two, class three, class 3514  
four, class five, or class six suspension imposed under section 3515  
2903.06 or 2903.08 of the Revised Code. 3516

(D) The judge of the court or mayor of the mayor's court 3517  
shall credit any time during which an offender was subject to an 3518  
administrative suspension of the offender's driver's or commercial 3519  
driver's license or permit or nonresident operating privilege 3520  
imposed pursuant to section 4511.191 or 4511.192 of the Revised 3521  
Code or a suspension imposed by a judge, referee, or mayor 3522  
pursuant to division (B)(1) or (2) of section 4511.196 of the 3523  
Revised Code against the time to be served under a related 3524  
suspension imposed pursuant to any section or chapter identified 3525  
in division (C)(1) of this chapter. 3526

(E) The judge or mayor shall notify the bureau of motor 3527  
vehicles of any determinations made pursuant to this section and 3528  
of any suspension imposed pursuant to any section or chapter 3529  
identified in division (C)(1) of this section. 3530

(F)(1) If a court issues an immobilizing or disabling device 3531  
order under section 4510.43 of the Revised Code, the order shall 3532  
authorize the offender during the specified period to operate a 3533  
motor vehicle only if it is equipped with an immobilizing or 3534  
disabling device, except as provided in division (C) of that 3535  
section. The court shall provide the offender with a copy of an 3536

immobilizing or disabling device order issued under section 3537  
4510.43 of the Revised Code, and the offender shall use the copy 3538  
of the order in lieu of an Ohio driver's or commercial driver's 3539  
license or permit until the registrar or a deputy registrar issues 3540  
the offender a restricted license. 3541

An order issued under section 4510.43 of the Revised Code 3542  
does not authorize or permit the offender to whom it has been 3543  
issued to operate a vehicle during any time that the offender's 3544  
driver's or commercial driver's license or permit is suspended 3545  
under any other provision of law. 3546

(2) An offender may present an immobilizing or disabling 3547  
device order to the registrar or to a deputy registrar. Upon 3548  
presentation of the order to the registrar or a deputy registrar, 3549  
the registrar or deputy registrar shall issue the offender a 3550  
restricted license. A restricted license issued under this 3551  
division shall be identical to an Ohio driver's license, except 3552  
that it shall have printed on its face a statement that the 3553  
offender is prohibited during the period specified in the court 3554  
order from operating any motor vehicle that is not equipped with 3555  
an immobilizing or disabling device. The date of commencement and 3556  
the date of termination of the period of suspension shall be 3557  
indicated conspicuously upon the face of the license. 3558

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 3559  
impose a class D suspension of the person's driver's license, 3560  
commercial driver's license, temporary instruction permit, 3561  
probationary license, or nonresident operating privilege for the 3562  
period of time specified in division (B)(4) of section 4510.02 of 3563  
the Revised Code on any person who is a resident of this state and 3564  
is convicted of or pleads guilty to a violation of a statute of 3565  
any other state or any federal statute that is substantially 3566  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3567

2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 3568  
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 3569  
receipt of a report from a court, court clerk, or other official 3570  
of any other state or from any federal authority that a resident 3571  
of this state was convicted of or pleaded guilty to an offense 3572  
described in this division, the registrar shall send a notice by 3573  
regular first class mail to the person, at the person's last known 3574  
address as shown in the records of the bureau of motor vehicles, 3575  
informing the person of the suspension, that the suspension will 3576  
take effect twenty-one days from the date of the notice, and that, 3577  
if the person wishes to appeal the suspension or denial, the 3578  
person must file a notice of appeal within twenty-one days of the 3579  
date of the notice requesting a hearing on the matter. If the 3580  
person requests a hearing, the registrar shall hold the hearing 3581  
not more than forty days after receipt by the registrar of the 3582  
notice of appeal. The filing of a notice of appeal does not stay 3583  
the operation of the suspension that must be imposed pursuant to 3584  
this division. The scope of the hearing shall be limited to 3585  
whether the person actually was convicted of or pleaded guilty to 3586  
the offense for which the suspension is to be imposed. 3587

The suspension the registrar is required to impose under this 3588  
division shall end either on the last day of the class D 3589  
suspension period or of the suspension of the person's nonresident 3590  
operating privilege imposed by the state or federal court, 3591  
whichever is earlier. 3592

The registrar shall subscribe to or otherwise participate in 3593  
any information system or register, or enter into reciprocal and 3594  
mutual agreements with other states and federal authorities, in 3595  
order to facilitate the exchange of information with other states 3596  
and the United States government regarding persons who plead 3597  
guilty to or are convicted of offenses described in this division 3598  
and therefore are subject to the suspension or denial described in 3599

this division. 3600

(B) The registrar shall impose a class D suspension of the 3601  
person's driver's license, commercial driver's license, temporary 3602  
instruction permit, probationary license, or nonresident operating 3603  
privilege for the period of time specified in division (B)(4) of 3604  
section 4510.02 of the Revised Code on any person who is a 3605  
resident of this state and is convicted of or pleads guilty to a 3606  
violation of a statute of any other state or a municipal ordinance 3607  
of a municipal corporation located in any other state that is 3608  
substantially similar to section 4511.19 of the Revised Code. Upon 3609  
receipt of a report from another state made pursuant to section 3610  
4510.61 of the Revised Code indicating that a resident of this 3611  
state was convicted of or pleaded guilty to an offense described 3612  
in this division, the registrar shall send a notice by regular 3613  
first class mail to the person, at the person's last known address 3614  
as shown in the records of the bureau of motor vehicles, informing 3615  
the person of the suspension, that the suspension or denial will 3616  
take effect twenty-one days from the date of the notice, and that, 3617  
if the person wishes to appeal the suspension, the person must 3618  
file a notice of appeal within twenty-one days of the date of the 3619  
notice requesting a hearing on the matter. If the person requests 3620  
a hearing, the registrar shall hold the hearing not more than 3621  
forty days after receipt by the registrar of the notice of appeal. 3622  
The filing of a notice of appeal does not stay the operation of 3623  
the suspension that must be imposed pursuant to this division. The 3624  
scope of the hearing shall be limited to whether the person 3625  
actually was convicted of or pleaded guilty to the offense for 3626  
which the suspension is to be imposed. 3627

The suspension the registrar is required to impose under this 3628  
division shall end either on the last day of the class D 3629  
suspension period or of the suspension of the person's nonresident 3630  
operating privilege imposed by the state or federal court, 3631

whichever is earlier. 3632

(C) The registrar shall impose a class D suspension of the 3633  
child's driver's license, commercial driver's license, temporary 3634  
instruction permit, or nonresident operating privilege for the 3635  
period of time specified in division (B)(4) of section 4510.02 of 3636  
the Revised Code on any child who is a resident of this state and 3637  
is convicted of or pleads guilty to a violation of a statute of 3638  
any other state or any federal statute that is substantially 3639  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3640  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 3641  
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 3642  
receipt of a report from a court, court clerk, or other official 3643  
of any other state or from any federal authority that a child who 3644  
is a resident of this state was convicted of or pleaded guilty to 3645  
an offense described in this division, the registrar shall send a 3646  
notice by regular first class mail to the child, at the child's 3647  
last known address as shown in the records of the bureau of motor 3648  
vehicles, informing the child of the suspension, that the 3649  
suspension or denial will take effect twenty-one days from the 3650  
date of the notice, and that, if the child wishes to appeal the 3651  
suspension, the child must file a notice of appeal within 3652  
twenty-one days of the date of the notice requesting a hearing on 3653  
the matter. If the child requests a hearing, the registrar shall 3654  
hold the hearing not more than forty days after receipt by the 3655  
registrar of the notice of appeal. The filing of a notice of 3656  
appeal does not stay the operation of the suspension that must be 3657  
imposed pursuant to this division. The scope of the hearing shall 3658  
be limited to whether the child actually was convicted of or 3659  
pleaded guilty to the offense for which the suspension is to be 3660  
imposed. 3661

The suspension the registrar is required to impose under this 3662  
division shall end either on the last day of the class D 3663

suspension period or of the suspension of the child's nonresident 3664  
operating privilege imposed by the state or federal court, 3665  
whichever is earlier. If the child is a resident of this state who 3666  
is sixteen years of age or older and does not have a current, 3667  
valid Ohio driver's or commercial driver's license or permit, the 3668  
notice shall inform the child that the child will be denied 3669  
issuance of a driver's or commercial driver's license or permit 3670  
for six months beginning on the date of the notice. If the child 3671  
has not attained the age of sixteen years on the date of the 3672  
notice, the notice shall inform the child that the period of 3673  
denial of six months shall commence on the date the child attains 3674  
the age of sixteen years. 3675

The registrar shall subscribe to or otherwise participate in 3676  
any information system or register, or enter into reciprocal and 3677  
mutual agreements with other states and federal authorities, in 3678  
order to facilitate the exchange of information with other states 3679  
and the United States government regarding children who are 3680  
residents of this state and plead guilty to or are convicted of 3681  
offenses described in this division and therefore are subject to 3682  
the suspension or denial described in this division. 3683

(D) The registrar shall impose a class D suspension of the 3684  
child's driver's license, commercial driver's license, temporary 3685  
instruction permit, probationary license, or nonresident operating 3686  
privilege for the period of time specified in division (B)(4) of 3687  
section 4510.02 of the Revised Code on any child who is a resident 3688  
of this state and is convicted of or pleads guilty to a violation 3689  
of a statute of any other state or a municipal ordinance of a 3690  
municipal corporation located in any other state that is 3691  
substantially similar to section 4511.19 of the Revised Code. Upon 3692  
receipt of a report from another state made pursuant to section 3693  
4510.61 of the Revised Code indicating that a child who is a 3694  
resident of this state was convicted of or pleaded guilty to an 3695

offense described in this division, the registrar shall send a 3696  
notice by regular first class mail to the child, at the child's 3697  
last known address as shown in the records of the bureau of motor 3698  
vehicles, informing the child of the suspension, that the 3699  
suspension will take effect twenty-one days from the date of the 3700  
notice, and that, if the child wishes to appeal the suspension, 3701  
the child must file a notice of appeal within twenty-one days of 3702  
the date of the notice requesting a hearing on the matter. If the 3703  
child requests a hearing, the registrar shall hold the hearing not 3704  
more than forty days after receipt by the registrar of the notice 3705  
of appeal. The filing of a notice of appeal does not stay the 3706  
operation of the suspension that must be imposed pursuant to this 3707  
division. The scope of the hearing shall be limited to whether the 3708  
child actually was convicted of or pleaded guilty to the offense 3709  
for which the suspension is to be imposed. 3710

The suspension the registrar is required to impose under this 3711  
division shall end either on the last day of the class D 3712  
suspension period or of the suspension of the child's nonresident 3713  
operating privilege imposed by the state or federal court, 3714  
whichever is earlier. If the child is a resident of this state who 3715  
is sixteen years of age or older and does not have a current, 3716  
valid Ohio driver's or commercial driver's license or permit, the 3717  
notice shall inform the child that the child will be denied 3718  
issuance of a driver's or commercial driver's license or permit 3719  
for six months beginning on the date of the notice. If the child 3720  
has not attained the age of sixteen years on the date of the 3721  
notice, the notice shall inform the child that the period of 3722  
denial of six months shall commence on the date the child attains 3723  
the age of sixteen years. 3724

(E) Any person whose license or permit has been suspended 3725  
pursuant to ~~division (B) or (D) of~~ this section may file a 3726  
petition in the municipal or county court, or in case the person 3727

is under eighteen years of age, the juvenile court, in whose 3728  
jurisdiction the person resides, agreeing to pay the cost of the 3729  
proceedings and alleging that the suspension would seriously 3730  
affect the person's ability to continue the person's employment. 3731  
Upon satisfactory proof that there is reasonable cause to believe 3732  
that the suspension would seriously affect the person's ability to 3733  
continue the person's employment, the judge may grant the person 3734  
limited driving privileges during the period during which the 3735  
suspension otherwise would be imposed, except that the judge shall 3736  
not grant limited driving privileges for employment as a driver of 3737  
a commercial motor vehicle to any person who would be disqualified 3738  
from operating a commercial motor vehicle under section 4506.16 of 3739  
the Revised Code if the violation had occurred in this state, or 3740  
during any of the following periods of time: 3741

(1) The first fifteen days of ~~the~~ a suspension under division 3742  
(B) or (D) of this section, if the person has not been convicted 3743  
within six years of the date of the offense giving rise to the 3744  
suspension under this section of a violation of any of the 3745  
following: 3746

(a) Section 4511.19 of the Revised Code, ~~of~~ or a municipal 3747  
ordinance relating to operating a vehicle while under the 3748  
influence of alcohol, a drug of abuse, or alcohol and a drug of 3749  
abuse; 3750

(b) A municipal ordinance relating to operating a motor 3751  
vehicle with a prohibited concentration of alcohol in the blood, 3752  
breath, or urine; 3753

(c) Section 2903.04 of the Revised Code in a case in which 3754  
the person was subject to the sanctions described in division (D) 3755  
of that section; 3756

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 3757  
section 2903.08 of the Revised Code or a municipal ordinance that 3758

is substantially similar to either of those divisions; 3759

(e) Division (A)(2), (3), or (4) of section 2903.06, division 3760  
(A)(2) of section 2903.08, or as it existed prior to March 23, 3761  
2000, section 2903.07 of the Revised Code, or a municipal 3762  
ordinance that is substantially similar to any of those divisions 3763  
or that former section, in a case in which the jury or judge found 3764  
that the person was under the influence of alcohol, a drug of 3765  
abuse, or alcohol and a drug of abuse. 3766

(2) The first thirty days of ~~the~~ a suspension under division 3767  
(B) or (D) of this section, if the person has been convicted one 3768  
time within six years of the date of the offense giving rise to 3769  
the suspension under this section of any violation identified in 3770  
division (E)(1) of this section. 3771

(3) The first one hundred eighty days of ~~the~~ a suspension 3772  
under division (B) or (D) of this section, if the person has been 3773  
convicted two times within six years of the date of the offense 3774  
giving rise to the suspension under this section of any violation 3775  
identified in division (E)(1) of this section. 3776

(4) No limited driving privileges may be granted if the 3777  
person has been convicted three or more times within five years of 3778  
the date of the offense giving rise to ~~the~~ a suspension under 3779  
division (B) or (D) of this section of any violation identified in 3780  
division (E)(1) of this section. 3781

If a person petitions for limited driving privileges under 3782  
division (E) of this section, the registrar shall be represented 3783  
by the county prosecutor of the county in which the person resides 3784  
if the petition is filed in a juvenile court or county court, 3785  
except that if the person resides within a city or village that is 3786  
located within the jurisdiction of the county in which the 3787  
petition is filed, the city director of law or village solicitor 3788  
of that city or village shall represent the registrar. If the 3789

petition is filed in a municipal court, the registrar shall be 3790  
represented as provided in section 1901.34 of the Revised Code. 3791

In granting limited driving privileges under division (E) of 3792  
this section, the court may impose any condition it considers 3793  
reasonable and necessary to limit the use of a vehicle by the 3794  
person. The court shall deliver to the person a permit card, in a 3795  
form to be prescribed by the court, setting forth the time, place, 3796  
and other conditions limiting the person's use of a motor vehicle. 3797  
The grant of limited driving privileges shall be conditioned upon 3798  
the person's having the permit in the person's possession at all 3799  
times during which the person is operating a vehicle. 3800

A person granted limited driving privileges who operates a 3801  
vehicle for other than limited purposes, in violation of any 3802  
condition imposed by the court or without having the permit in the 3803  
person's possession, is guilty of a violation of section 4510.11 3804  
of the Revised Code. 3805

(F) As used in divisions (C) and (D) of this section: 3806

(1) "Child" means a person who is under the age of eighteen 3807  
years, except that any person who violates a statute or ordinance 3808  
described in division (C) or (D) of this section prior to 3809  
attaining eighteen years of age shall be deemed a "child" 3810  
irrespective of the person's age at the time the complaint or 3811  
other equivalent document is filed in the other state or a 3812  
hearing, trial, or other proceeding is held in the other state on 3813  
the complaint or other equivalent document, and irrespective of 3814  
the person's age when the period of license suspension or denial 3815  
prescribed in division (C) or (D) of this section is imposed. 3816

(2) "Is convicted of or pleads guilty to" means, as it 3817  
relates to a child who is a resident of this state, that in a 3818  
proceeding conducted in a state or federal court located in 3819  
another state for a violation of a statute or ordinance described 3820

in division (C) or (D) of this section, the result of the 3821  
proceeding is any of the following: 3822

(a) Under the laws that govern the proceedings of the court, 3823  
the child is adjudicated to be or admits to being a delinquent 3824  
child or a juvenile traffic offender for a violation described in 3825  
division (C) or (D) of this section that would be a crime if 3826  
committed by an adult; 3827

(b) Under the laws that govern the proceedings of the court, 3828  
the child is convicted of or pleads guilty to a violation 3829  
described in division (C) or (D) of this section; 3830

(c) Under the laws that govern the proceedings of the court, 3831  
irrespective of the terminology utilized in those laws, the result 3832  
of the court's proceedings is the functional equivalent of 3833  
division (F)(2)(a) or (b) of this section. 3834

**Sec. 4510.54.** (A) A person whose driver's or commercial 3835  
driver's license has been suspended for life under a class one 3836  
suspension or as otherwise provided by law or has been suspended 3837  
for a period in excess of fifteen years under a class two 3838  
suspension may file a motion with the sentencing court for 3839  
modification or termination of the suspension. A motion under this 3840  
division may be heard only once. The person filing the motion 3841  
shall demonstrate all of the following: 3842

(1) At least fifteen years have elapsed since the suspension 3843  
began. 3844

(2) For the past fifteen years, the person has not been found 3845  
guilty of any felony, any offense involving a moving violation 3846  
under federal law, the law of this state, or the law of any of its 3847  
political subdivisions, or any violation of a suspension under 3848  
this chapter or a substantially equivalent municipal ordinance. 3849

(3) The person has proof of financial responsibility, a 3850

policy of liability insurance in effect that meets the minimum 3851  
standard set forth in section 4509.51 of the Revised Code, or 3852  
proof, to the satisfaction of the registrar of motor vehicles, 3853  
that the person is able to respond in damages in an amount at 3854  
least equal to the minimum amounts specified in that section. 3855

(4) If the suspension was imposed because the person was 3856  
under the influence of alcohol, a drug of abuse, or combination of 3857  
them at the time of the offense or because at the time of the 3858  
offense the person's whole blood, blood serum or plasma, breath, 3859  
or urine contained at least the concentration of alcohol specified 3860  
in division (A)~~(2), (3), (4), or (5)~~(1)(b), (c), (d), or (e) of 3861  
section 4511.19 of the Revised Code, the person also shall 3862  
demonstrate all of the following: 3863

(a) The person successfully completed an alcohol, drug, or 3864  
alcohol and drug treatment program. 3865

(b) The person has not abused alcohol or other drugs for a 3866  
period satisfactory to the court. 3867

(c) For the past fifteen years, the person has not been found 3868  
guilty of any alcohol-related or drug-related offense. 3869

(B) Upon receipt of a motion for modification or termination 3870  
of the suspension under this section, the court may schedule a 3871  
hearing on the motion. If scheduled, the hearing shall be 3872  
conducted in open court within ninety days after the date on which 3873  
the motion is filed. 3874

(C) The court shall notify the person whose license was 3875  
suspended and the prosecuting attorney of the date, time, and 3876  
location of the hearing. Upon receipt of the notice from the 3877  
court, the prosecuting attorney shall notify the victim or the 3878  
victim's representative of the date, time, and location of the 3879  
hearing. 3880

(D) At any hearing under this section, the person who seeks 3881

modification or termination of the suspension has the burden to 3882  
demonstrate, under oath, that the person meets the requirements of 3883  
division (A) of this section. At the hearing, the court shall 3884  
afford the offender or the offender's counsel an opportunity to 3885  
present oral or written information relevant to the motion. The 3886  
court shall afford a similar opportunity to provide relevant 3887  
information to the prosecuting attorney and the victim or victim's 3888  
representative. 3889

Before ruling on the motion, the court shall take into 3890  
account the person's driving record, the nature of the offense 3891  
that led to the suspension, and the impact of the offense on any 3892  
victim. In addition, if the offender is eligible for modification 3893  
or termination of the suspension under division (A)(2) of this 3894  
section, the court shall consider whether the person committed any 3895  
other offense while under suspension and determine whether the 3896  
offense is relevant to a determination under this section. The 3897  
court may modify or terminate the suspension subject to any 3898  
considerations it considers proper if it finds that allowing the 3899  
person to drive is not likely to present a danger to the public. 3900  
After the court makes a ruling on a motion filed under this 3901  
section, the prosecuting attorney shall notify the victim or the 3902  
victim's representative of the court's ruling. 3903

(E) If a court modifies a person's license suspension under 3904  
this section and the person subsequently is found guilty of any 3905  
moving violation or of any substantially equivalent municipal 3906  
ordinance that carries as a possible penalty the suspension of a 3907  
person's driver's or commercial driver's license, the court may 3908  
reimpose the class one or other lifetime suspension, or the class 3909  
two suspension, whichever is applicable. 3910

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 3911  
streetcar, or trackless trolley within this state, if, at the time 3912

of the operation, any of the following apply: 3913

~~(1)~~(a) The person is under the influence of alcohol, a drug 3914  
of abuse, or a combination of them. 3915

~~(2)~~(b) The person has a concentration of eight-hundredths of 3916  
one per cent or more but less than seventeen-hundredths of one per 3917  
cent by weight per unit volume of alcohol in the person's whole 3918  
blood. 3919

~~(3)~~(c) The person has a concentration of 3920  
ninety-six-thousandths of one per cent or more but less than two 3921  
hundred four-thousandths of one per cent by weight per unit volume 3922  
of alcohol in the person's blood serum or plasma. 3923

~~(4)~~(d) The person has a concentration of eight-hundredths of 3924  
one gram or more but less than seventeen-hundredths of one gram by 3925  
weight of alcohol per two hundred ten liters of the person's 3926  
breath. 3927

~~(5)~~(e) The person has a concentration of eleven-hundredths of 3928  
one gram or more but less than two hundred 3929  
thirty-eight-thousandths of one gram by weight of alcohol per one 3930  
hundred milliliters of the person's urine. 3931

~~(6)~~(f) The person has a concentration of seventeen-hundredths 3932  
of one per cent or more by weight per unit volume of alcohol in 3933  
the person's whole blood. 3934

~~(7)~~(g) The person has a concentration of two hundred 3935  
four-thousandths of one per cent or more by weight per unit volume 3936  
of alcohol in the person's blood serum or plasma. 3937

~~(8)~~(h) The person has a concentration of seventeen-hundredths 3938  
of one gram or more by weight of alcohol per two hundred ten 3939  
liters of the person's breath. 3940

~~(9)~~(i) The person has a concentration of two hundred 3941  
thirty-eight-thousandths of one gram or more by weight of alcohol 3942

per one hundred milliliters of the person's urine. 3943

(2) No person who, within twenty years of the conduct 3944  
described in division (A)(2)(a) of this section, previously has 3945  
been convicted of or pleaded guilty to a violation of this 3946  
division, division (A)(1) or (B) of this section, or a municipal 3947  
OVI offense shall do both of the following: 3948

(a) Operate any vehicle, streetcar, or trackless trolley 3949  
within this state while under the influence of alcohol, a drug of 3950  
abuse, or a combination of them; 3951

(b) Subsequent to being arrested for operating the vehicle, 3952  
streetcar, or trackless trolley as described in division (A)(2)(a) 3953  
of this section, being asked by a law enforcement officer to 3954  
submit to a chemical test or tests under section 4511.191 of the 3955  
Revised Code, and being advised by the officer in accordance with 3956  
section 4511.192 of the Revised Code of the consequences of the 3957  
person's refusal or submission to the test or tests, refuse to 3958  
submit to the test or tests. 3959

(B) No person under twenty-one years of age shall operate any 3960  
vehicle, streetcar, or trackless trolley within this state, if, at 3961  
the time of the operation, any of the following apply: 3962

(1) The person has a concentration of at least two-hundredths 3963  
of one per cent but less than eight-hundredths of one per cent by 3964  
weight per unit volume of alcohol in the person's whole blood. 3965

(2) The person has a concentration of at least 3966  
three-hundredths of one per cent but less than 3967  
ninety-six-thousandths of one per cent by weight per unit volume 3968  
of alcohol in the person's blood serum or plasma. 3969

(3) The person has a concentration of at least two-hundredths 3970  
of one gram but less than eight-hundredths of one gram by weight 3971  
of alcohol per two hundred ten liters of the person's breath. 3972

(4) The person has a concentration of at least twenty-eight 3973  
one-thousandths of one gram but less than eleven-hundredths of one 3974  
gram by weight of alcohol per one hundred milliliters of the 3975  
person's urine. 3976

(C) In any proceeding arising out of one incident, a person 3977  
may be charged with a violation of division (A)(1)(a) or (A)(2) 3978  
and a violation of division (B)(1), (2), or (3) of this section, 3979  
but the person may not be convicted of more than one violation of 3980  
these divisions. 3981

(D)(1) In any criminal prosecution or juvenile court 3982  
proceeding for a violation of division (A) or (B) of this section 3983  
or for an equivalent offense, the court may admit evidence on the 3984  
concentration of alcohol, drugs of abuse, or a combination of them 3985  
in the defendant's whole blood, blood serum or plasma, breath, 3986  
urine, or other bodily substance at the time of the alleged 3987  
violation as shown by chemical analysis of the substance withdrawn 3988  
within two hours of the time of the alleged violation. 3989

When a person submits to a blood test at the request of a law 3990  
enforcement officer under section 4511.191 of the Revised Code, 3991  
only a physician, a registered nurse, or a qualified technician, 3992  
chemist, or phlebotomist shall withdraw blood for the purpose of 3993  
determining the alcohol, drug, or alcohol and drug content of the 3994  
whole blood, blood serum, or blood plasma. This limitation does 3995  
not apply to the taking of breath or urine specimens. A person 3996  
authorized to withdraw blood under this division may refuse to 3997  
withdraw blood under this division, if in that person's opinion, 3998  
the physical welfare of the person would be endangered by the 3999  
withdrawing of blood. 4000

The bodily substance withdrawn shall be analyzed in 4001  
accordance with methods approved by the director of health by an 4002  
individual possessing a valid permit issued by the director 4003  
pursuant to section 3701.143 of the Revised Code. 4004

(2) In a criminal prosecution or juvenile court proceeding 4005  
for a violation of division (A) of this section or for an 4006  
equivalent offense, if there was at the time the bodily substance 4007  
was withdrawn a concentration of less than the applicable 4008  
concentration of alcohol specified in divisions (A)~~(2), (3), (4),~~ 4009  
~~and (5)(1)(b), (c), (d), and (e)~~ of this section, that fact may be 4010  
considered with other competent evidence in determining the guilt 4011  
or innocence of the defendant. This division does not limit or 4012  
affect a criminal prosecution or juvenile court proceeding for a 4013  
violation of division (B) of this section or for an equivalent 4014  
offense that is substantially equivalent to that division. 4015

(3) Upon the request of the person who was tested, the 4016  
results of the chemical test shall be made available to the person 4017  
or the person's attorney, immediately upon the completion of the 4018  
chemical test analysis. 4019

The person tested may have a physician, a registered nurse, 4020  
or a qualified technician, chemist, or phlebotomist of the 4021  
person's own choosing administer a chemical test or tests, at the 4022  
person's expense, in addition to any administered at the request 4023  
of a law enforcement officer. The form to be read to the person to 4024  
be tested, as required under section 4511.192 of the Revised Code, 4025  
shall state that the person may have an independent test performed 4026  
at the person's expense. The failure or inability to obtain an 4027  
additional chemical test by a person shall not preclude the 4028  
admission of evidence relating to the chemical test or tests taken 4029  
at the request of a law enforcement officer. 4030

(4)(a) As used in divisions (D)(4)(b) and (c) of this 4031  
section, "national highway traffic safety administration" means 4032  
the national highway traffic safety administration established as 4033  
an administration of the United States department of 4034  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 4035

(b) In any criminal prosecution or juvenile court proceeding 4036

for a violation of division (A) or (B) of this section, of a 4037  
municipal ordinance relating to operating a vehicle while under 4038  
the influence of alcohol, a drug of abuse, or alcohol and a drug 4039  
of abuse, or of a municipal ordinance relating to operating a 4040  
vehicle with a prohibited concentration of alcohol in the blood, 4041  
breath, or urine, if a law enforcement officer has administered a 4042  
field sobriety test to the operator of the vehicle involved in the 4043  
violation and if it is shown by clear and convincing evidence that 4044  
the officer administered the test in substantial compliance with 4045  
the testing standards for any reliable, credible, and generally 4046  
accepted field sobriety tests that were in effect at the time the 4047  
tests were administered, including, but not limited to, any 4048  
testing standards then in effect that were set by the national 4049  
highway traffic safety administration, all of the following apply: 4050

(i) The officer may testify concerning the results of the 4051  
field sobriety test so administered. 4052

(ii) The prosecution may introduce the results of the field 4053  
sobriety test so administered as evidence in any proceedings in 4054  
the criminal prosecution or juvenile court proceeding. 4055

(iii) If testimony is presented or evidence is introduced 4056  
under division (D)(4)(b)(i) or (ii) of this section and if the 4057  
testimony or evidence is admissible under the Rules of Evidence, 4058  
the court shall admit the testimony or evidence and the trier of 4059  
fact shall give it whatever weight the trier of fact considers to 4060  
be appropriate. 4061

(c) Division (D)(4)(b) of this section does not limit or 4062  
preclude a court, in its determination of whether the arrest of a 4063  
person was supported by probable cause or its determination of any 4064  
other matter in a criminal prosecution or juvenile court 4065  
proceeding of a type described in that division, from considering 4066  
evidence or testimony that is not otherwise disallowed by division 4067  
(D)(4)(b) of this section. 4068

(E)(1) Subject to division (E)(3) of this section, in any 4069  
criminal prosecution or juvenile court proceeding for a violation 4070  
of division (A)~~(2), (3), (4), (5), (6), (7), (8), or (9)~~(1)(b), 4071  
(c), (d), (e), (f), (g), (h), or (i) or (B)(1), (2), (3), or (4) 4072  
of this section or for an equivalent offense that is substantially 4073  
equivalent to any of those divisions, a laboratory report from any 4074  
forensic laboratory certified by the department of health that 4075  
contains an analysis of the whole blood, blood serum or plasma, 4076  
breath, urine, or other bodily substance tested and that contains 4077  
all of the information specified in this division shall be 4078  
admitted as prima-facie evidence of the information and statements 4079  
that the report contains. The laboratory report shall contain all 4080  
of the following: 4081

(a) The signature, under oath, of any person who performed 4082  
the analysis; 4083

(b) Any findings as to the identity and quantity of alcohol, 4084  
a drug of abuse, or a combination of them that was found; 4085

(c) A copy of a notarized statement by the laboratory 4086  
director or a designee of the director that contains the name of 4087  
each certified analyst or test performer involved with the report, 4088  
the analyst's or test performer's employment relationship with the 4089  
laboratory that issued the report, and a notation that performing 4090  
an analysis of the type involved is part of the analyst's or test 4091  
performer's regular duties; 4092

(d) An outline of the analyst's or test performer's 4093  
education, training, and experience in performing the type of 4094  
analysis involved and a certification that the laboratory 4095  
satisfies appropriate quality control standards in general and, in 4096  
this particular analysis, under rules of the department of health. 4097

(2) Notwithstanding any other provision of law regarding the 4098  
admission of evidence, a report of the type described in division 4099

(E)(1) of this section is not admissible against the defendant to 4100  
whom it pertains in any proceeding, other than a preliminary 4101  
hearing or a grand jury proceeding, unless the prosecutor has 4102  
served a copy of the report on the defendant's attorney or, if the 4103  
defendant has no attorney, on the defendant. 4104

(3) A report of the type described in division (E)(1) of this 4105  
section shall not be prima-facie evidence of the contents, 4106  
identity, or amount of any substance if, within seven days after 4107  
the defendant to whom the report pertains or the defendant's 4108  
attorney receives a copy of the report, the defendant or the 4109  
defendant's attorney demands the testimony of the person who 4110  
signed the report. The judge in the case may extend the seven-day 4111  
time limit in the interest of justice. 4112

(F) Except as otherwise provided in this division, any 4113  
physician, registered nurse, or qualified technician, chemist, or 4114  
phlebotomist who withdraws blood from a person pursuant to this 4115  
section, and any hospital, first-aid station, or clinic at which 4116  
blood is withdrawn from a person pursuant to this section, is 4117  
immune from criminal liability and civil liability based upon a 4118  
claim of assault and battery or any other claim that is not a 4119  
claim of malpractice, for any act performed in withdrawing blood 4120  
from the person. The immunity provided in this division is not 4121  
available to a person who withdraws blood if the person engages in 4122  
willful or wanton misconduct. 4123

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 4124  
to ~~(9)(i)~~ or (A)(2) of this section is guilty of operating a 4125  
vehicle under the influence of alcohol, a drug of abuse, or a 4126  
combination of them. The court shall sentence the offender under 4127  
Chapter 2929. of the Revised Code, except as otherwise authorized 4128  
or required by divisions (G)(1)(a) to (e) of this section: 4129

(a) Except as otherwise provided in division (G)(1)(b), (c), 4130  
(d), or (e) of this section, the offender is guilty of a 4131

misdemeanor of the first degree, and the court shall sentence the 4132  
offender to all of the following: 4133

(i) If the sentence is being imposed for a violation of 4134  
division (A)(1), ~~(2), (3), (4), or (5)~~ (a), (b), (c), (d), or (e) 4135  
of this section, a mandatory jail term of three consecutive days. 4136  
As used in this division, three consecutive days means seventy-two 4137  
consecutive hours. The court may sentence an offender to both an 4138  
intervention program and a jail term. The court may impose a jail 4139  
term in addition to the three-day mandatory jail term or 4140  
intervention program. However, in no case shall the cumulative 4141  
jail term imposed for the offense exceed six months. 4142

The court may suspend the execution of the three-day jail 4143  
term under this division if the court, in lieu of that suspended 4144  
term, places the offender under a community control sanction 4145  
pursuant to section 2929.25 of the Revised Code and requires the 4146  
offender to attend, for three consecutive days, a drivers' 4147  
intervention program certified under section 3793.10 of the 4148  
Revised Code. The court also may suspend the execution of any part 4149  
of the three-day jail term under this division if it places the 4150  
offender under a community control sanction pursuant to section 4151  
2929.25 of the Revised Code for part of the three days, requires 4152  
the offender to attend for the suspended part of the term a 4153  
drivers' intervention program so certified, and sentences the 4154  
offender to a jail term equal to the remainder of the three 4155  
consecutive days that the offender does not spend attending the 4156  
program. The court may require the offender, as a condition of 4157  
community control and in addition to the required attendance at a 4158  
drivers' intervention program, to attend and satisfactorily 4159  
complete any treatment or education programs that comply with the 4160  
minimum standards adopted pursuant to Chapter 3793. of the Revised 4161  
Code by the director of alcohol and drug addiction services that 4162  
the operators of the drivers' intervention program determine that 4163

the offender should attend and to report periodically to the court 4164  
on the offender's progress in the programs. The court also may 4165  
impose on the offender any other conditions of community control 4166  
that it considers necessary. 4167

(ii) If the sentence is being imposed for a violation of 4168  
division (A)~~(6), (7), (8), or (9)~~(1)(f), (g), (h), or (i) or 4169  
division (A)(2) of this section, except as otherwise provided in 4170  
this division, a mandatory jail term of at least three consecutive 4171  
days and a requirement that the offender attend, for three 4172  
consecutive days, a drivers' intervention program that is 4173  
certified pursuant to section 3793.10 of the Revised Code. As used 4174  
in this division, three consecutive days means seventy-two 4175  
consecutive hours. If the court determines that the offender is 4176  
not conducive to treatment in a drivers' intervention program, if 4177  
the offender refuses to attend a drivers' intervention program, or 4178  
if the jail at which the offender is to serve the jail term 4179  
imposed can provide a driver's intervention program, the court 4180  
shall sentence the offender to a mandatory jail term of at least 4181  
six consecutive days. 4182

The court may require the offender, under a community control 4183  
sanction imposed under section 2929.25 of the Revised Code, to 4184  
attend and satisfactorily complete any treatment or education 4185  
programs that comply with the minimum standards adopted pursuant 4186  
to Chapter 3793. of the Revised Code by the director of alcohol 4187  
and drug addiction services, in addition to the required 4188  
attendance at drivers' intervention program, that the operators of 4189  
the drivers' intervention program determine that the offender 4190  
should attend and to report periodically to the court on the 4191  
offender's progress in the programs. The court also may impose any 4192  
other conditions of community control on the offender that it 4193  
considers necessary. 4194

(iii) In all cases, a fine of not less than two hundred fifty 4195

and not more than one thousand dollars; 4196

(iv) In all cases, a class five license suspension of the 4197  
offender's driver's or commercial driver's license or permit or 4198  
nonresident operating privilege from the range specified in 4199  
division (A)(5) of section 4510.02 of the Revised Code. The court 4200  
may grant limited driving privileges relative to the suspension 4201  
under sections 4510.021 and 4510.13 of the Revised Code. 4202

(b) Except as otherwise provided in division (G)(1)(e) of 4203  
this section, an offender who, within six years of the offense, 4204  
previously has been convicted of or pleaded guilty to one 4205  
violation of division (A) or (B) of this section or one other 4206  
equivalent offense is guilty of a misdemeanor of the first degree. 4207  
The court shall sentence the offender to all of the following: 4208

(i) If the sentence is being imposed for a violation of 4209  
division (A)(1), ~~(2), (3), (4), or (5)~~ (a), (b), (c), (d), or (e) 4210  
of this section, a mandatory jail term of ten consecutive days. 4211  
The court shall impose the ten-day mandatory jail term under this 4212  
division unless, subject to division (G)(3) of this section, it 4213  
instead imposes a sentence under that division consisting of both 4214  
a jail term and a term of house arrest with electronic monitoring, 4215  
with continuous alcohol monitoring, or with both electronic 4216  
monitoring and continuous alcohol monitoring. The court may impose 4217  
a jail term in addition to the ten-day mandatory jail term. The 4218  
cumulative jail term imposed for the offense shall not exceed six 4219  
months. 4220

In addition to the jail term or the term of house arrest with 4221  
electronic monitoring or continuous alcohol monitoring or both 4222  
types of monitoring and jail term, the court may require the 4223  
offender to attend a drivers' intervention program that is 4224  
certified pursuant to section 3793.10 of the Revised Code. If the 4225  
operator of the program determines that the offender is alcohol 4226  
dependent, the program shall notify the court, and, subject to 4227

division (I) of this section, the court shall order the offender 4228  
to obtain treatment through an alcohol and drug addiction program 4229  
authorized by section 3793.02 of the Revised Code. 4230

(ii) If the sentence is being imposed for a violation of 4231  
division ~~(A)(6), (7), (8), or (9)~~(1)(f), (g), (h), or (i) or 4232  
division (A)(2) of this section, except as otherwise provided in 4233  
this division, a mandatory jail term of twenty consecutive days. 4234  
The court shall impose the twenty-day mandatory jail term under 4235  
this division unless, subject to division (G)(3) of this section, 4236  
it instead imposes a sentence under that division consisting of 4237  
both a jail term and a term of house arrest with electronic 4238  
monitoring, with continuous alcohol monitoring, or with both 4239  
electronic monitoring and continuous alcohol monitoring. The court 4240  
may impose a jail term in addition to the twenty-day mandatory 4241  
jail term. The cumulative jail term imposed for the offense shall 4242  
not exceed six months. 4243

In addition to the jail term or the term of house arrest with 4244  
electronic monitoring or continuous alcohol monitoring or both 4245  
types of monitoring and jail term, the court may require the 4246  
offender to attend a driver's intervention program that is 4247  
certified pursuant to section 3793.10 of the Revised Code. If the 4248  
operator of the program determines that the offender is alcohol 4249  
dependent, the program shall notify the court, and, subject to 4250  
division (I) of this section, the court shall order the offender 4251  
to obtain treatment through an alcohol and drug addiction program 4252  
authorized by section 3793.02 of the Revised Code. 4253

(iii) In all cases, notwithstanding the fines set forth in 4254  
Chapter 2929. of the Revised Code, a fine of not less than three 4255  
hundred fifty and not more than one thousand five hundred dollars; 4256

(iv) In all cases, a class four license suspension of the 4257  
offender's driver's license, commercial driver's license, 4258  
temporary instruction permit, probationary license, or nonresident 4259

operating privilege from the range specified in division (A)(4) of 4260  
section 4510.02 of the Revised Code. The court may grant limited 4261  
driving privileges relative to the suspension under sections 4262  
4510.021 and 4510.13 of the Revised Code. 4263

(v) In all cases, if the vehicle is registered in the 4264  
offender's name, immobilization of the vehicle involved in the 4265  
offense for ninety days in accordance with section 4503.233 of the 4266  
Revised Code and impoundment of the license plates of that vehicle 4267  
for ninety days. 4268

(c) Except as otherwise provided in division (G)(1)(e) of 4269  
this section, an offender who, within six years of the offense, 4270  
previously has been convicted of or pleaded guilty to two 4271  
violations of division (A) or (B) of this section or other 4272  
equivalent offenses is guilty of a misdemeanor. The court shall 4273  
sentence the offender to all of the following: 4274

(i) If the sentence is being imposed for a violation of 4275  
division (A)(1), ~~(2), (3), (4), or (5)~~ (a), (b), (c), (d), or (e) 4276  
of this section, a mandatory jail term of thirty consecutive days. 4277  
The court shall impose the thirty-day mandatory jail term under 4278  
this division unless, subject to division (G)(3) of this section, 4279  
it instead imposes a sentence under that division consisting of 4280  
both a jail term and a term of house arrest with electronic 4281  
monitoring, with continuous alcohol monitoring, or with both 4282  
electronic monitoring and continuous alcohol monitoring. The court 4283  
may impose a jail term in addition to the thirty-day mandatory 4284  
jail term. Notwithstanding the jail terms set forth in sections 4285  
2929.21 to 2929.28 of the Revised Code, the additional jail term 4286  
shall not exceed one year, and the cumulative jail term imposed 4287  
for the offense shall not exceed one year. 4288

(ii) If the sentence is being imposed for a violation of 4289  
division (A)~~(6), (7), (8), or (9)~~ (1)(f), (g), (h), or (i) or 4290  
division (A)(2) of this section, a mandatory jail term of sixty 4291

consecutive days. The court shall impose the sixty-day mandatory 4292  
jail term under this division unless, subject to division (G)(3) 4293  
of this section, it instead imposes a sentence under that division 4294  
consisting of both a jail term and a term of house arrest with 4295  
electronic monitoring, with continuous alcohol monitoring, or with 4296  
both electronic monitoring and continuous alcohol monitoring. The 4297  
court may impose a jail term in addition to the sixty-day 4298  
mandatory jail term. Notwithstanding the jail terms set forth in 4299  
sections 2929.21 to 2929.28 of the Revised Code, the additional 4300  
jail term shall not exceed one year, and the cumulative jail term 4301  
imposed for the offense shall not exceed one year. 4302

(iii) In all cases, notwithstanding the fines set forth in 4303  
Chapter 2929. of the Revised Code, a fine of not less than five 4304  
hundred fifty and not more than two thousand five hundred dollars; 4305

(iv) In all cases, a class three license suspension of the 4306  
offender's driver's license, commercial driver's license, 4307  
temporary instruction permit, probationary license, or nonresident 4308  
operating privilege from the range specified in division (A)(3) of 4309  
section 4510.02 of the Revised Code. The court may grant limited 4310  
driving privileges relative to the suspension under sections 4311  
4510.021 and 4510.13 of the Revised Code. 4312

(v) In all cases, if the vehicle is registered in the 4313  
offender's name, criminal forfeiture of the vehicle involved in 4314  
the offense in accordance with section 4503.234 of the Revised 4315  
Code. Division (G)(6) of this section applies regarding any 4316  
vehicle that is subject to an order of criminal forfeiture under 4317  
this division. 4318

(vi) In all cases, participation in an alcohol and drug 4319  
addiction program authorized by section 3793.02 of the Revised 4320  
Code, subject to division (I) of this section. 4321

(d) Except as otherwise provided in division (G)(1)(e) of 4322

this section, an offender who, within six years of the offense, 4323  
previously has been convicted of or pleaded guilty to three or 4324  
~~more~~ four violations of division (A) or (B) of this section or 4325  
other equivalent offenses or an offender who, within twenty years 4326  
of the offense, previously has been convicted of or pleaded guilty 4327  
to five or more violations of that nature is guilty of a felony of 4328  
the fourth degree. The court shall sentence the offender to all of 4329  
the following: 4330

(i) If the sentence is being imposed for a violation of 4331  
division (A)(1), ~~(2), (3), (4), or (5)~~ (a), (b), (c), (d), or (e) 4332  
of this section, a mandatory prison term of one, two, three, four, 4333  
or five years as required by and in accordance with division 4334  
(G)(2) of section 2929.13 of the Revised Code if the offender also 4335  
is convicted of or also pleads guilty to a specification of the 4336  
type described in section 2941.1413 of the Revised Code or, in the 4337  
discretion of the court, either a mandatory term of local 4338  
incarceration of sixty consecutive days in accordance with 4339  
division (G)(1) of section 2929.13 of the Revised Code or a 4340  
mandatory prison term of sixty consecutive days in accordance with 4341  
division (G)(2) of that section if the offender is not convicted 4342  
of and does not plead guilty to a specification of that type. If 4343  
the court imposes a mandatory term of local incarceration, it may 4344  
impose a jail term in addition to the sixty-day mandatory term, 4345  
the cumulative total of the mandatory term and the jail term for 4346  
the offense shall not exceed one year, and, except as provided in 4347  
division (A)(1) of section 2929.13 of the Revised Code, no prison 4348  
term is authorized for the offense. If the court imposes a 4349  
mandatory prison term, notwithstanding division (A)(4) of section 4350  
2929.14 of the Revised Code, it also may sentence the offender to 4351  
a definite prison term that shall be not less than six months and 4352  
not more than thirty months, and the prison terms shall be imposed 4353  
as described in division (G)(2) of section 2929.13 of the Revised 4354  
Code, and no term of local incarceration,. If the court imposes a 4355

mandatory prison term or mandatory prison term and additional 4356  
prison term, in addition to the term or terms so imposed, the 4357  
court also may sentence the offender to a community ~~residential~~ 4358  
sanction, or nonresidential control sanction is authorized for the 4359  
offense, but the offender shall serve all of the prison terms so 4360  
imposed prior to serving the community control sanction. 4361

(ii) If the sentence is being imposed for a violation of 4362  
division (A)~~(6), (7), (8), or (9)~~(1)(f), (g), (h), or (i) or 4363  
division (A)(2) of this section, a mandatory prison term of one, 4364  
two, three, four, or five years as required by and in accordance 4365  
with division (G)(2) of section 2929.13 of the Revised Code if the 4366  
offender also is convicted of or also pleads guilty to a 4367  
specification of the type described in section 2941.1413 of the 4368  
Revised Code or, in the discretion of the court, either a 4369  
mandatory term of local incarceration of one hundred twenty 4370  
consecutive days in accordance with division (G)(1) of section 4371  
2929.13 of the Revised Code or a mandatory prison term of one 4372  
hundred twenty consecutive days in accordance with division (G)(2) 4373  
of that section if the offender is not convicted of and does not 4374  
plead guilty to a specification of that type. If the court imposes 4375  
a mandatory term of local incarceration, it may impose a jail term 4376  
in addition to the one hundred twenty-day mandatory term, the 4377  
cumulative total of the mandatory term and the jail term for the 4378  
offense shall not exceed one year, and, except as provided in 4379  
division (A)(1) of section 2929.13 of the Revised Code, no prison 4380  
term is authorized for the offense. If the court imposes a 4381  
mandatory prison term, notwithstanding division (A)(4) of section 4382  
2929.14 of the Revised Code, it also may sentence the offender to 4383  
a definite prison term that shall be not less than six months and 4384  
not more than thirty months, and the prison terms shall be imposed 4385  
as described in division (G)(2) of section 2929.13 of the Revised 4386  
Code, and no term of local incarceration,. If the court imposes a 4387  
mandatory prison term or mandatory prison term and additional 4388

prison term, in addition to the term or terms so imposed, the 4389  
court also may sentence the offender to a community residential 4390  
sanction, or nonresidential control sanction is authorized for the 4391  
offense, but the offender shall serve all of the prison terms so 4392  
imposed prior to serving the community control sanction. 4393

(iii) In all cases, notwithstanding section 2929.18 of the 4394  
Revised Code, a fine of not less than eight hundred nor more than 4395  
ten thousand dollars; 4396

(iv) In all cases, a class two license suspension of the 4397  
offender's driver's license, commercial driver's license, 4398  
temporary instruction permit, probationary license, or nonresident 4399  
operating privilege from the range specified in division (A)(2) of 4400  
section 4510.02 of the Revised Code. The court may grant limited 4401  
driving privileges relative to the suspension under sections 4402  
4510.021 and 4510.13 of the Revised Code. 4403

(v) In all cases, if the vehicle is registered in the 4404  
offender's name, criminal forfeiture of the vehicle involved in 4405  
the offense in accordance with section 4503.234 of the Revised 4406  
Code. Division (G)(6) of this section applies regarding any 4407  
vehicle that is subject to an order of criminal forfeiture under 4408  
this division. 4409

(vi) In all cases, participation in an alcohol and drug 4410  
addiction program authorized by section 3793.02 of the Revised 4411  
Code, subject to division (I) of this section. 4412

(vii) In all cases, if the court sentences the offender to a 4413  
mandatory term of local incarceration, in addition to the 4414  
mandatory term, the court, pursuant to section 2929.17 of the 4415  
Revised Code, may impose a term of house arrest with electronic 4416  
monitoring. The term shall not commence until after the offender 4417  
has served the mandatory term of local incarceration. 4418

(e) An offender who previously has been convicted of or 4419

pleaded guilty to a violation of division (A) of this section that 4420  
was a felony, regardless of when the violation and the conviction 4421  
or guilty plea occurred, is guilty of a felony of the third 4422  
degree. The court shall sentence the offender to all of the 4423  
following: 4424

(i) If the offender is being sentenced for a violation of 4425  
division (A)(1), ~~(2), (3), (4), or (5)~~ (a), (b), (c), (d), or (e) 4426  
of this section, a mandatory prison term of one, two, three, four, 4427  
or five years as required by and in accordance with division 4428  
(G)(2) of section 2929.13 of the Revised Code if the offender also 4429  
is convicted of or also pleads guilty to a specification of the 4430  
type described in section 2941.1413 of the Revised Code or a 4431  
mandatory prison term of sixty consecutive days in accordance with 4432  
division (G)(2) of section 2929.13 of the Revised Code if the 4433  
offender is not convicted of and does not plead guilty to a 4434  
specification of that type. The court may impose a prison term in 4435  
addition to the ~~sixty-day~~ mandatory prison term. The cumulative 4436  
total of ~~the~~ a sixty-day mandatory prison term and the additional 4437  
prison term for the offense shall not exceed five years. ~~No term~~ 4438  
~~of local incarceration,~~ In addition to the mandatory prison term 4439  
or mandatory prison term and additional prison term the court 4440  
imposes, the court also may sentence the offender to a community 4441  
residential sanction, or nonresidential control sanction is 4442  
authorized for the offense, but the offender shall serve all of 4443  
the prison terms so imposed prior to serving the community control 4444  
sanction. 4445

(ii) If the sentence is being imposed for a violation of 4446  
division (A)~~(6), (7), (8), or (9)~~ (1)(f), (g), (h), or (i) or 4447  
division (A)(2) of this section, a mandatory prison term of one, 4448  
two, three, four, or five years as required by and in accordance 4449  
with division (G)(2) of section 2929.13 of the Revised Code if the 4450  
offender also is convicted of or also pleads guilty to a 4451

specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the ~~one hundred twenty-day~~ mandatory prison term. The cumulative total of ~~the a~~ one hundred twenty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. ~~No term of local incarceration,~~ In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community residential sanction, or nonresidential control sanction is ~~authorized~~ for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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

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

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

(vi) In all cases, participation in an alcohol and drug 4484  
addiction program authorized by section 3793.02 of the Revised 4485  
Code, subject to division (I) of this section. 4486

(2) An offender who is convicted of or pleads guilty to a 4487  
violation of division (A) of this section and who subsequently 4488  
seeks reinstatement of the driver's or occupational driver's 4489  
license or permit or nonresident operating privilege suspended 4490  
under this section as a result of the conviction or guilty plea 4491  
shall pay a reinstatement fee as provided in division (F)(2) of 4492  
section 4511.191 of the Revised Code. 4493

(3) If an offender is sentenced to a jail term under division 4494  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 4495  
if, within sixty days of sentencing of the offender, the court 4496  
issues a written finding on the record that, due to the 4497  
unavailability of space at the jail where the offender is required 4498  
to serve the term, the offender will not be able to begin serving 4499  
that term within the sixty-day period following the date of 4500  
sentencing, the court may impose an alternative sentence under 4501  
this division that includes a term of house arrest with electronic 4502  
monitoring, with continuous alcohol monitoring, or with both 4503  
electronic monitoring and continuous alcohol monitoring. 4504

As an alternative to a mandatory jail term of ten consecutive 4505  
days required by division (G)(1)(b)(i) of this section, the court, 4506  
under this division, may sentence the offender to five consecutive 4507  
days in jail and not less than eighteen consecutive days of house 4508  
arrest with electronic monitoring, with continuous alcohol 4509  
monitoring, or with both electronic monitoring and continuous 4510  
alcohol monitoring. The cumulative total of the five consecutive 4511  
days in jail and the period of house arrest with electronic 4512  
monitoring, continuous alcohol monitoring, or both types of 4513  
monitoring shall not exceed six months. The five consecutive days 4514  
in jail do not have to be served prior to or consecutively to the 4515

period of house arrest. 4516

As an alternative to the mandatory jail term of twenty 4517  
consecutive days required by division (G)(1)(b)(ii) of this 4518  
section, the court, under this division, may sentence the offender 4519  
to ten consecutive days in jail and not less than thirty-six 4520  
consecutive days of house arrest with electronic monitoring, with 4521  
continuous alcohol monitoring, or with both electronic monitoring 4522  
and continuous alcohol monitoring. The cumulative total of the ten 4523  
consecutive days in jail and the period of house arrest with 4524  
electronic monitoring, continuous alcohol monitoring, or both 4525  
types of monitoring shall not exceed six months. The ten 4526  
consecutive days in jail do not have to be served prior to or 4527  
consecutively to the period of house arrest. 4528

As an alternative to a mandatory jail term of thirty 4529  
consecutive days required by division (G)(1)(c)(i) of this 4530  
section, the court, under this division, may sentence the offender 4531  
to fifteen consecutive days in jail and not less than fifty-five 4532  
consecutive days of house arrest with electronic monitoring, with 4533  
continuous alcohol monitoring, or with both electronic monitoring 4534  
and continuous alcohol monitoring. The cumulative total of the 4535  
fifteen consecutive days in jail and the period of house arrest 4536  
with electronic monitoring, continuous alcohol monitoring, or both 4537  
types of monitoring shall not exceed one year. The fifteen 4538  
consecutive days in jail do not have to be served prior to or 4539  
consecutively to the period of house arrest. 4540

As an alternative to the mandatory jail term of sixty 4541  
consecutive days required by division (G)(1)(c)(ii) of this 4542  
section, the court, under this division, may sentence the offender 4543  
to thirty consecutive days in jail and not less than one hundred 4544  
ten consecutive days of house arrest with electronic monitoring, 4545  
with continuous alcohol monitoring, or with both electronic 4546  
monitoring and continuous alcohol monitoring. The cumulative total 4547

of the thirty consecutive days in jail and the period of house 4548  
arrest with electronic monitoring, continuous alcohol monitoring, 4549  
or both types of monitoring shall not exceed one year. The thirty 4550  
consecutive days in jail do not have to be served prior to or 4551  
consecutively to the period of house arrest. 4552

(4) If an offender's driver's or occupational driver's 4553  
license or permit or nonresident operating privilege is suspended 4554  
under division (G) of this section and if section 4510.13 of the 4555  
Revised Code permits the court to grant limited driving 4556  
privileges, the court may grant the limited driving privileges 4557  
only if in accordance with that section. If division (A)(7) of 4558  
that section requires that the court ~~imposes~~ impose as ~~one of the~~ 4559  
~~conditions~~ a condition of the privileges that the offender must 4560  
display on the vehicle that is driven subject to the privileges 4561  
restricted license plates that are issued under section 4503.231 4562  
of the Revised Code, except as provided in division (B) of that 4563  
section, the court shall impose that condition as one of the 4564  
conditions of the limited driving privileges granted to the 4565  
offender, except as provided in division (B) of section 4503.231 4566  
of the Revised Code. 4567

(5) Fines imposed under this section for a violation of 4568  
division (A) of this section shall be distributed as follows: 4569

(a) Twenty-five dollars of the fine imposed under division 4570  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 4571  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 4572  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 4573  
dollars of the fine imposed under division (G)(1)(d)(iii) or 4574  
(e)(iii) of this section shall be paid to an enforcement and 4575  
education fund established by the legislative authority of the law 4576  
enforcement agency in this state that primarily was responsible 4577  
for the arrest of the offender, as determined by the court that 4578  
imposes the fine. The agency shall use this share to pay only 4579

those costs it incurs in enforcing this section or a municipal OVI 4580  
ordinance and in informing the public of the laws governing the 4581  
operation of a vehicle while under the influence of alcohol, the 4582  
dangers of the operation of a vehicle under the influence of 4583  
alcohol, and other information relating to the operation of a 4584  
vehicle under the influence of alcohol and the consumption of 4585  
alcoholic beverages. 4586

(b) Fifty dollars of the fine imposed under division 4587  
(G)(1)(a)(iii) of this section shall be paid to the political 4588  
subdivision that pays the cost of housing the offender during the 4589  
offender's term of incarceration. If the offender is being 4590  
sentenced for a violation of division (A)(1), ~~(2), (3), (4), or~~ 4591  
~~(5)(a), (b), (c), (d), or (e)~~ of this section and was confined as 4592  
a result of the offense prior to being sentenced for the offense 4593  
but is not sentenced to a term of incarceration, the fifty dollars 4594  
shall be paid to the political subdivision that paid the cost of 4595  
housing the offender during that period of confinement. The 4596  
political subdivision shall use the share under this division to 4597  
pay or reimburse incarceration or treatment costs it incurs in 4598  
housing or providing drug and alcohol treatment to persons who 4599  
violate this section or a municipal OVI ordinance, costs of any 4600  
immobilizing or disabling device used on the offender's vehicle, 4601  
and costs of electronic house arrest equipment needed for persons 4602  
who violate this section. 4603

(c) Twenty-five dollars of the fine imposed under division 4604  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 4605  
division (G)(1)(b)(iii) of this section shall be deposited into 4606  
the county or municipal indigent drivers' alcohol treatment fund 4607  
under the control of that court, as created by the county or 4608  
municipal corporation under division (N) of section 4511.191 of 4609  
the Revised Code. 4610

(d) One hundred fifteen dollars of the fine imposed under 4611

division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 4612  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 4613  
dollars of the fine imposed under division (G)(1)(d)(iii) or 4614  
(e)(iii) of this section shall be paid to the political 4615  
subdivision that pays the cost of housing the offender during the 4616  
offender's term of incarceration. The political subdivision shall 4617  
use this share to pay or reimburse incarceration or treatment 4618  
costs it incurs in housing or providing drug and alcohol treatment 4619  
to persons who violate this section or a municipal OVI ordinance, 4620  
costs for any immobilizing or disabling device used on the 4621  
offender's vehicle, and costs of electronic house arrest equipment 4622  
needed for persons who violate this section. 4623

(e) The balance of the fine imposed under division 4624  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 4625  
section shall be disbursed as otherwise provided by law. 4626

(6) If title to a motor vehicle that is subject to an order 4627  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 4628  
this section is assigned or transferred and division (B)(2) or (3) 4629  
of section 4503.234 of the Revised Code applies, in addition to or 4630  
independent of any other penalty established by law, the court may 4631  
fine the offender the value of the vehicle as determined by 4632  
publications of the national auto dealers association. The 4633  
proceeds of any fine so imposed shall be distributed in accordance 4634  
with division (C)(2) of that section. 4635

(7) As used in division (G) of this section, "electronic 4636  
monitoring," "mandatory prison term," and "mandatory term of local 4637  
incarceration" have the same meanings as in section 2929.01 of the 4638  
Revised Code. 4639

(H) Whoever violates division (B) of this section is guilty 4640  
of operating a vehicle after underage alcohol consumption and 4641  
shall be punished as follows: 4642

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

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

(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code and if the court imposes a jail term for the violation of division (B) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of section 2929.24 of the Revised Code.

(I)(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program.

However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

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

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

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

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

**Sec. 4511.191.** (A)(1) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this

state or who is in physical control of a vehicle, streetcar, or 4705  
trackless trolley shall be deemed to have given consent to a 4706  
chemical test or tests of the person's whole blood, blood serum or 4707  
plasma, breath, or urine to determine the alcohol, drug, or 4708  
alcohol and drug content of the person's whole blood, blood serum 4709  
or plasma, breath, or urine if arrested for a violation of 4710  
division (A) or (B) of section 4511.19 of the Revised Code, 4711  
section 4511.194 of the Revised Code or a substantially equivalent 4712  
municipal ordinance, or a municipal OVI ordinance. 4713

(3) The chemical test or tests under division (A)(2) of this 4714  
section shall be administered at the request of a law enforcement 4715  
officer having reasonable grounds to believe the person was 4716  
operating or in physical control of a vehicle, streetcar, or 4717  
trackless trolley in violation of a division, section, or 4718  
ordinance identified in division (A)(2) of this section. The law 4719  
enforcement agency by which the officer is employed shall 4720  
designate which of the tests shall be administered. 4721

(4) Any person who is dead or unconscious, or who otherwise 4722  
is in a condition rendering the person incapable of refusal, shall 4723  
be deemed to have consented as provided in division (A)(2) of this 4724  
section, and the test or tests may be administered, subject to 4725  
sections 313.12 to 313.16 of the Revised Code. 4726

(B)(1) Upon receipt of the sworn report of a law enforcement 4727  
officer who arrested a person for a violation of division (A) or 4728  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 4729  
the Revised Code or a substantially equivalent municipal 4730  
ordinance, or a municipal OVI ordinance that was completed and 4731  
sent to the registrar and a court pursuant to section 4511.192 of 4732  
the Revised Code in regard to a person who refused to take the 4733  
designated chemical test, the registrar shall enter into the 4734  
registrar's records the fact that the person's driver's or 4735  
commercial driver's license or permit or nonresident operating 4736

privilege was suspended by the arresting officer under this 4737  
division and that section and the period of the suspension, as 4738  
determined under this section. The suspension shall be subject to 4739  
appeal as provided in section 4511.197 of the Revised Code. The 4740  
suspension shall be for whichever of the following periods 4741  
applies: 4742

(a) Except when division (B)(1)(b), (c), or (d) of this 4743  
section applies and specifies a different class or length of 4744  
suspension, the suspension shall be a class C suspension for the 4745  
period of time specified in division (B)(3) of section 4510.02 of 4746  
the Revised Code. 4747

(b) If the arrested person, within six years of the date on 4748  
which the person refused the request to consent to the chemical 4749  
test, had refused one previous request to consent to a chemical 4750  
test, the suspension shall be a class B suspension imposed for the 4751  
period of time specified in division (B)(2) of section 4510.02 of 4752  
the Revised Code. 4753

(c) If the arrested person, within six years of the date on 4754  
which the person refused the request to consent to the chemical 4755  
test, had refused two previous requests to consent to a chemical 4756  
test, the suspension shall be a class A suspension imposed for the 4757  
period of time specified in division (B)(1) of section 4510.02 of 4758  
the Revised Code. 4759

(d) If the arrested person, within six years of the date on 4760  
which the person refused the request to consent to the chemical 4761  
test, had refused three or more previous requests to consent to a 4762  
chemical test, the suspension shall be for five years. 4763

(2) The registrar shall terminate a suspension of the 4764  
driver's or commercial driver's license or permit of a resident or 4765  
of the operating privilege of a nonresident, or a denial of a 4766  
driver's or commercial driver's license or permit, imposed 4767

pursuant to division (B)(1) of this section upon receipt of notice 4768  
that the person has entered a plea of guilty to, or that the 4769  
person has been convicted ~~of~~ after entering a plea of no contest 4770  
to, operating a vehicle in violation of section 4511.19 of the 4771  
Revised Code or in violation of a municipal OVI ordinance, if the 4772  
offense for which the conviction is had or the plea is entered 4773  
arose from the same incident that led to the suspension or denial. 4774

The registrar shall credit against any judicial suspension of 4775  
a person's driver's or commercial driver's license or permit or 4776  
nonresident operating privilege imposed pursuant to section 4777  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4778  
Revised Code for a violation of a municipal OVI ordinance, any 4779  
time during which the person serves a related suspension imposed 4780  
pursuant to division (B)(1) of this section. 4781

(C)(1) Upon receipt of the sworn report of the law 4782  
enforcement officer who arrested a person for a violation of 4783  
division (A) or (B) of section 4511.19 of the Revised Code or a 4784  
municipal OVI ordinance that was completed and sent to the 4785  
registrar and a court pursuant to section 4511.192 of the Revised 4786  
Code in regard to a person whose test results indicate that the 4787  
person's whole blood, blood serum or plasma, breath, or urine 4788  
contained at least the concentration of alcohol specified in 4789  
division (A)~~(2), (3), (4), or (5)~~(1)(b), (c), (d), or (e) of 4790  
section 4511.19 of the Revised Code, the registrar shall enter 4791  
into the registrar's records the fact that the person's driver's 4792  
or commercial driver's license or permit or nonresident operating 4793  
privilege was suspended by the arresting officer under this 4794  
division and section 4511.192 of the Revised Code and the period 4795  
of the suspension, as determined under divisions (F)(1) to (4) of 4796  
this section. The suspension shall be subject to appeal as 4797  
provided in section 4511.197 of the Revised Code. The suspension 4798  
described in this division does not apply to, and shall not be 4799

imposed upon, a person arrested for a violation of section 4800  
4511.194 of the Revised Code or a substantially equivalent 4801  
municipal ordinance who submits to a designated chemical test. The 4802  
suspension shall be for whichever of the following periods 4803  
applies: 4804

(a) Except when division (C)(1)(b), (c), or (d) of this 4805  
section applies and specifies a different period, the suspension 4806  
shall be a class E suspension imposed for the period of time 4807  
specified in division (B)(5) of section 4510.02 of the Revised 4808  
Code. 4809

(b) The suspension shall be a class C suspension for the 4810  
period of time specified in division (B)(3) of section 4510.02 of 4811  
the Revised Code if the person has been convicted of or pleaded 4812  
guilty to, within six years of the date the test was conducted, 4813  
one violation of division (A) or (B) of section 4511.19 of the 4814  
Revised Code or one other equivalent offense. 4815

(c) If, within six years of the date the test was conducted, 4816  
the person has been convicted of or pleaded guilty to two 4817  
violations of a statute or ordinance described in division 4818  
(C)(1)(b) of this section, the suspension shall be a class B 4819  
suspension imposed for the period of time specified in division 4820  
(B)(2) of section 4510.02 of the Revised Code. 4821

(d) If, within six years of the date the test was conducted, 4822  
the person has been convicted of or pleaded guilty to more than 4823  
two violations of a statute or ordinance described in division 4824  
(C)(1)(b) of this section, the suspension shall be a class A 4825  
suspension imposed for the period of time specified in division 4826  
(B)(1) of section 4510.02 of the Revised Code. 4827

(2) The registrar shall terminate a suspension of the 4828  
driver's or commercial driver's license or permit of a resident or 4829  
of the operating privilege of a nonresident, or a denial of a 4830

driver's or commercial driver's license or permit, imposed 4831  
pursuant to division (C)(1) of this section upon receipt of notice 4832  
that the person has entered a plea of guilty to, or that the 4833  
person has been convicted ~~of~~ after entering a plea of no contest 4834  
to, operating a vehicle in violation of section 4511.19 of the 4835  
Revised Code or in violation of a municipal OVI ordinance, if the 4836  
offense for which the conviction is had or the plea is entered 4837  
arose from the same incident that led to the suspension or denial. 4838

The registrar shall credit against any judicial suspension of 4839  
a person's driver's or commercial driver's license or permit or 4840  
nonresident operating privilege imposed pursuant to section 4841  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4842  
Revised Code for a violation of a municipal OVI ordinance, any 4843  
time during which the person serves a related suspension imposed 4844  
pursuant to division (C)(1) of this section. 4845

(D)(1) A suspension of a person's driver's or commercial 4846  
driver's license or permit or nonresident operating privilege 4847  
under this section for the time described in division (B) or (C) 4848  
of this section is effective immediately from the time at which 4849  
the arresting officer serves the notice of suspension upon the 4850  
arrested person. Any subsequent finding that the person is not 4851  
guilty of the charge that resulted in the person being requested 4852  
to take the chemical test or tests under division (A) of this 4853  
section does not affect the suspension. 4854

(2) If a person is arrested for operating a vehicle, 4855  
streetcar, or trackless trolley in violation of division (A) or 4856  
(B) of section 4511.19 of the Revised Code or a municipal OVI 4857  
ordinance, or for being in physical control of a vehicle, 4858  
streetcar, or trackless trolley in violation of section 4511.194 4859  
of the Revised Code or a substantially equivalent municipal 4860  
ordinance, regardless of whether the person's driver's or 4861  
commercial driver's license or permit or nonresident operating 4862

privilege is or is not suspended under division (B) or (C) of this 4863  
section or Chapter 4510. of the Revised Code, the person's initial 4864  
appearance on the charge resulting from the arrest shall be held 4865  
within five days of the person's arrest or the issuance of the 4866  
citation to the person, subject to any continuance granted by the 4867  
court pursuant to section 4511.197 of the Revised Code regarding 4868  
the issues specified in that division. 4869

(E) When it finally has been determined under the procedures 4870  
of this section and sections 4511.192 through 4511.197 of the 4871  
Revised Code that a nonresident's privilege to operate a vehicle 4872  
within this state has been suspended, the registrar shall give 4873  
information in writing of the action taken to the motor vehicle 4874  
administrator of the state of the person's residence and of any 4875  
state in which the person has a license. 4876

(F) At the end of a suspension period under this section, 4877  
under section 4511.194, section 4511.196, or division (G) of 4878  
section 4511.19 of the Revised Code, or under section 4510.07 of 4879  
the Revised Code for a violation of a municipal OVI ordinance and 4880  
upon the request of the person whose driver's or commercial 4881  
driver's license or permit was suspended and who is not otherwise 4882  
subject to suspension, cancellation, or disqualification, the 4883  
registrar shall return the driver's or commercial driver's license 4884  
or permit to the person upon the occurrence of all of the 4885  
conditions specified in divisions (F)(1) and (2) of this section: 4886

(1) A showing that the person has proof of financial 4887  
responsibility, a policy of liability insurance in effect that 4888  
meets the minimum standards set forth in section 4509.51 of the 4889  
Revised Code, or proof, to the satisfaction of the registrar, that 4890  
the person is able to respond in damages in an amount at least 4891  
equal to the minimum amounts specified in section 4509.51 of the 4892  
Revised Code. 4893

(2) Subject to the limitation contained in division (F)(3) of 4894

this section, payment by the person to the bureau of motor vehicles of a license reinstatement fee of four hundred twenty-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established. Except as otherwise provided in division (F)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is ordered to attend an alcohol and drug addiction treatment program by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay

for the person's attendance at the program or to pay the costs 4927  
specified in division (H)(4) of this section in accordance with 4928  
that division. Moneys in the fund that are not distributed to a 4929  
county indigent drivers alcohol treatment fund, a county juvenile 4930  
indigent drivers alcohol treatment fund, or a municipal indigent 4931  
drivers alcohol treatment fund under division (H) of this section 4932  
because the director of alcohol and drug addiction services does 4933  
not have the information necessary to identify the county or 4934  
municipal corporation where the offender or juvenile offender was 4935  
arrested may be transferred by the director of budget and 4936  
management to the statewide treatment and prevention fund created 4937  
by section 4301.30 of the Revised Code, upon certification of the 4938  
amount by the director of alcohol and drug addiction services. 4939

(d) Seventy-five dollars shall be credited to the Ohio 4940  
rehabilitation services commission established by section 3304.12 4941  
of the Revised Code, to the services for rehabilitation fund, 4942  
which is hereby established. The fund shall be used to match 4943  
available federal matching funds where appropriate, and for any 4944  
other purpose or program of the commission to rehabilitate people 4945  
with disabilities to help them become employed and independent. 4946

(e) Seventy-five dollars shall be deposited into the state 4947  
treasury and credited to the drug abuse resistance education 4948  
programs fund, which is hereby established, to be used by the 4949  
attorney general for the purposes specified in division (L)(4) of 4950  
this section. 4951

(f) Thirty dollars shall be credited to the state bureau of 4952  
motor vehicles fund created by section 4501.25 of the Revised 4953  
Code. 4954

(g) Twenty dollars shall be credited to the trauma and 4955  
emergency medical services grants fund created by section 4513.263 4956  
of the Revised Code. 4957

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the bureau, only one reinstatement fee of four hundred twenty-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any

period of disqualification under section 3123.611 or 4506.16 of 4990  
the Revised Code or any period of suspension under section 3123.58 4991  
of the Revised Code. No person who is disqualified for life from 4992  
holding a commercial driver's license under section 4506.16 of the 4993  
Revised Code shall be issued a driver's license under Chapter 4994  
4507. of the Revised Code during the period for which the 4995  
commercial driver's license was suspended under division (B) or 4996  
(C) of this section. No person whose commercial driver's license 4997  
is suspended under division (B) or (C) of this section shall be 4998  
issued a driver's license under Chapter 4507. of the Revised Code 4999  
during the period of the suspension. 5000

(H)(1) Each county shall establish an indigent drivers 5001  
alcohol treatment fund, each county shall establish a juvenile 5002  
indigent drivers alcohol treatment fund, and each municipal 5003  
corporation in which there is a municipal court shall establish an 5004  
indigent drivers alcohol treatment fund. All revenue that the 5005  
general assembly appropriates to the indigent drivers alcohol 5006  
treatment fund for transfer to a county indigent drivers alcohol 5007  
treatment fund, a county juvenile indigent drivers alcohol 5008  
treatment fund, or a municipal indigent drivers alcohol treatment 5009  
fund, all portions of fees that are paid under division (L) of 5010  
this section and that are credited under that division to the 5011  
indigent drivers alcohol treatment fund in the state treasury for 5012  
a county indigent drivers alcohol treatment fund, a county 5013  
juvenile indigent drivers alcohol treatment fund, or a municipal 5014  
indigent drivers alcohol treatment fund, and all portions of fines 5015  
that are specified for deposit into a county or municipal indigent 5016  
drivers alcohol treatment fund by section 4511.193 of the Revised 5017  
Code shall be deposited into that county indigent drivers alcohol 5018  
treatment fund, county juvenile indigent drivers alcohol treatment 5019  
fund, or municipal indigent drivers alcohol treatment fund in 5020  
accordance with division (H)(2) of this section. Additionally, all 5021  
portions of fines that are paid for a violation of section 4511.19 5022

of the Revised Code or of any prohibition contained in Chapter 5023  
4510. of the Revised Code, and that are required under section 5024  
4511.19 or any provision of Chapter 4510. of the Revised Code to 5025  
be deposited into a county indigent drivers alcohol treatment fund 5026  
or municipal indigent drivers alcohol treatment fund shall be 5027  
deposited into the appropriate fund in accordance with the 5028  
applicable division. 5029

(2) That portion of the license reinstatement fee that is 5030  
paid under division (F) of this section and that is credited under 5031  
that division to the indigent drivers alcohol treatment fund shall 5032  
be deposited into a county indigent drivers alcohol treatment 5033  
fund, a county juvenile indigent drivers alcohol treatment fund, 5034  
or a municipal indigent drivers alcohol treatment fund as follows: 5035

(a) If the suspension in question was imposed under this 5036  
section, that portion of the fee shall be deposited as follows: 5037

(i) If the fee is paid by a person who was charged in a 5038  
county court with the violation that resulted in the suspension, 5039  
the portion shall be deposited into the county indigent drivers 5040  
alcohol treatment fund under the control of that court; 5041

(ii) If the fee is paid by a person who was charged in a 5042  
juvenile court with the violation that resulted in the suspension, 5043  
the portion shall be deposited into the county juvenile indigent 5044  
drivers alcohol treatment fund established in the county served by 5045  
the court; 5046

(iii) If the fee is paid by a person who was charged in a 5047  
municipal court with the violation that resulted in the 5048  
suspension, the portion shall be deposited into the municipal 5049  
indigent drivers alcohol treatment fund under the control of that 5050  
court. 5051

(b) If the suspension in question was imposed under section 5052  
4511.19 of the Revised Code or under section 4510.07 of the 5053

Revised Code for a violation of a municipal OVI ordinance, that 5054  
portion of the fee shall be deposited as follows: 5055

(i) If the fee is paid by a person whose license or permit 5056  
was suspended by a county court, the portion shall be deposited 5057  
into the county indigent drivers alcohol treatment fund under the 5058  
control of that court; 5059

(ii) If the fee is paid by a person whose license or permit 5060  
was suspended by a municipal court, the portion shall be deposited 5061  
into the municipal indigent drivers alcohol treatment fund under 5062  
the control of that court. 5063

(3) Expenditures from a county indigent drivers alcohol 5064  
treatment fund, a county juvenile indigent drivers alcohol 5065  
treatment fund, or a municipal indigent drivers alcohol treatment 5066  
fund shall be made only upon the order of a county, juvenile, or 5067  
municipal court judge and only for payment of the cost of the 5068  
attendance at an alcohol and drug addiction treatment program of a 5069  
person who is convicted of, or found to be a juvenile traffic 5070  
offender by reason of, a violation of division (A) of section 5071  
4511.19 of the Revised Code or a substantially similar municipal 5072  
ordinance, who is ordered by the court to attend the alcohol and 5073  
drug addiction treatment program, and who is determined by the 5074  
court to be unable to pay the cost of attendance at the treatment 5075  
program or for payment of the costs specified in division (H)(4) 5076  
of this section in accordance with that division. The alcohol and 5077  
drug addiction services board or the board of alcohol, drug 5078  
addiction, and mental health services established pursuant to 5079  
section 340.02 or 340.021 of the Revised Code and serving the 5080  
alcohol, drug addiction, and mental health service district in 5081  
which the court is located shall administer the indigent drivers 5082  
alcohol treatment program of the court. When a court orders an 5083  
offender or juvenile traffic offender to attend an alcohol and 5084  
drug addiction treatment program, the board shall determine which 5085

program is suitable to meet the needs of the offender or juvenile 5086  
traffic offender, and when a suitable program is located and space 5087  
is available at the program, the offender or juvenile traffic 5088  
offender shall attend the program designated by the board. A 5089  
reasonable amount not to exceed five per cent of the amounts 5090  
credited to and deposited into the county indigent drivers alcohol 5091  
treatment fund, the county juvenile indigent drivers alcohol 5092  
treatment fund, or the municipal indigent drivers alcohol 5093  
treatment fund serving every court whose program is administered 5094  
by that board shall be paid to the board to cover the costs it 5095  
incurs in administering those indigent drivers alcohol treatment 5096  
programs. 5097

(4) If a county, juvenile, or municipal court determines, in 5098  
consultation with the alcohol and drug addiction services board or 5099  
the board of alcohol, drug addiction, and mental health services 5100  
established pursuant to section 340.02 or 340.021 of the Revised 5101  
Code and serving the alcohol, drug addiction, and mental health 5102  
district in which the court is located, that the funds in the 5103  
county indigent drivers alcohol treatment fund, the county 5104  
juvenile indigent drivers alcohol treatment fund, or the municipal 5105  
indigent drivers alcohol treatment fund under the control of the 5106  
court are more than sufficient to satisfy the purpose for which 5107  
the fund was established, as specified in divisions (H)(1) to (3) 5108  
of this section, the court may declare a surplus in the fund. If 5109  
the court declares a surplus in the fund, the court may expend the 5110  
amount of the surplus in the fund for alcohol and drug abuse 5111  
assessment and treatment of persons who are charged in the court 5112  
with committing a criminal offense or with being a delinquent 5113  
child or juvenile traffic offender and in relation to whom both of 5114  
the following apply: 5115

(a) The court determines that substance abuse was a 5116  
contributing factor leading to the criminal or delinquent activity 5117

or the juvenile traffic offense with which the person is charged. 5118

(b) The court determines that the person is unable to pay the 5119  
cost of the alcohol and drug abuse assessment and treatment for 5120  
which the surplus money will be used. 5121

**Sec. 4511.192.** (A) The arresting law enforcement officer 5122  
shall give advice in accordance with this section to any person 5123  
under arrest for a violation of division (A) or (B) of section 5124  
4511.19 of the Revised Code, section 4511.194 of the Revised Code 5125  
or a substantially equivalent municipal ordinance, or a municipal 5126  
OVI ordinance. The officer shall give that advice in a written 5127  
form that contains the information described in division (B) of 5128  
this section and shall read the advice to the person. The form 5129  
shall contain a statement that the form was shown to the person 5130  
under arrest and read to the person by the arresting officer. One 5131  
or more persons shall witness the arresting officer's reading of 5132  
the form, and the witnesses shall certify to this fact by signing 5133  
the form. 5134

(B) If a person is under arrest as described in division (A) 5135  
of this section, before the person may be requested to submit to a 5136  
chemical test or tests to determine the alcohol and drug content 5137  
of the person's blood, breath, or urine, the arresting officer 5138  
shall read the following form to the person: 5139

"You now are under arrest for (specifically state the offense 5140  
under state law or a substantially equivalent municipal ordinance 5141  
for which the person was arrested - operating a vehicle under the 5142  
influence of alcohol, a drug, or a combination of them; operating 5143  
a vehicle after underage alcohol consumption; or having physical 5144  
control of a vehicle while under the influence). 5145

If you refuse to take any chemical test required by law, your 5146  
Ohio driving privileges will be suspended immediately, and you 5147  
will have to pay a fee to have the privileges reinstated. If you 5148

have a prior OVI or OVUAC conviction under state or municipal law 5149  
within the preceding twenty years, you now are under arrest for 5150  
state OVI, and, if you refuse to take a chemical test, you will 5151  
face increased penalties if you subsequently are convicted of the 5152  
state OVI. 5153

(Read this part unless the person is under arrest for solely 5154  
having physical control of a vehicle while under the influence.) 5155  
If you take any chemical test required by law and are found to be 5156  
at or over the prohibited amount of alcohol in your blood, breath, 5157  
or urine as set by law, your Ohio driving privileges will be 5158  
suspended immediately, and you will have to pay a fee to have the 5159  
privileges reinstated. 5160

If you take a chemical test, you may have an independent 5161  
chemical test taken at your own expense." 5162

(C) If the arresting law enforcement officer does not ask a 5163  
person under arrest as described in division (A) of this section 5164  
to submit to a chemical test or tests under section 4511.191 of 5165  
the Revised Code, the arresting officer shall seize the Ohio or 5166  
out-of-state driver's or commercial driver's license or permit of 5167  
the person and immediately forward it to the court in which the 5168  
arrested person is to appear on the charge. If the arrested person 5169  
is not in possession of the person's license or permit or it is 5170  
not in the person's vehicle, the officer shall order the person to 5171  
surrender it to the law enforcement agency that employs the 5172  
officer within twenty-four hours after the arrest, and, upon the 5173  
surrender, the agency immediately shall forward the license or 5174  
permit to the court in which the person is to appear on the 5175  
charge. Upon receipt of the license or permit, the court shall 5176  
retain it pending the arrested person's initial appearance and any 5177  
action taken under section 4511.196 of the Revised Code. 5178

(D)(1) If a law enforcement officer asks a person under 5179  
arrest as described in division (A) of this section to submit to a 5180

chemical test or tests under section 4511.191 of the Revised Code, 5181  
if the officer advises the person in accordance with this section 5182  
of the consequences of the person's refusal or submission, and if 5183  
either the person refuses to submit to the test or tests or, 5184  
unless the arrest was for a violation of section 4511.194 of the 5185  
Revised Code or a substantially equivalent municipal ordinance, 5186  
the person submits to the test or tests and the test results 5187  
indicate a prohibited concentration of alcohol in the person's 5188  
whole blood, blood serum or plasma, breath, or urine at the time 5189  
of the alleged offense, the arresting officer shall do all of the 5190  
following: 5191

(a) On behalf of the registrar of motor vehicles, notify the 5192  
person that, independent of any penalties or sanctions imposed 5193  
upon the person, the person's Ohio driver's or commercial driver's 5194  
license or permit or nonresident operating privilege is suspended 5195  
immediately, that the suspension will last at least until the 5196  
person's initial appearance on the charge, which will be held 5197  
within five days after the date of the person's arrest or the 5198  
issuance of a citation to the person, and that the person may 5199  
appeal the suspension at the initial appearance or during the 5200  
period of time ending thirty days after that initial appearance; 5201

(b) Seize the driver's or commercial driver's license or 5202  
permit of the person and immediately forward it to the registrar. 5203  
If the arrested person is not in possession of the person's 5204  
license or permit or it is not in the person's vehicle, the 5205  
officer shall order the person to surrender it to the law 5206  
enforcement agency that employs the officer within twenty-four 5207  
hours after the person is given notice of the suspension, and, 5208  
upon the surrender, the officer's employing agency immediately 5209  
shall forward the license or permit to the registrar. 5210

(c) Verify the person's current residence and, if it differs 5211  
from that on the person's driver's or commercial driver's license 5212

or permit, notify the registrar of the change; 5213

(d) Send to the registrar, within forty-eight hours after the 5214  
arrest of the person, a sworn report that includes all of the 5215  
following statements: 5216

(i) That the officer had reasonable grounds to believe that, 5217  
at the time of the arrest, the arrested person was operating a 5218  
vehicle, streetcar, or trackless trolley in violation of division 5219  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 5220  
OVI ordinance or for being in physical control of a stationary 5221  
vehicle, streetcar, or trackless trolley in violation of section 5222  
4511.194 of the Revised Code or a substantially equivalent 5223  
municipal ordinance; 5224

(ii) That the person was arrested and charged with a 5225  
violation of division (A) or (B) of section 4511.19 of the Revised 5226  
Code, section 4511.194 of the Revised Code or a substantially 5227  
equivalent municipal ordinance, or a municipal OVI ordinance; 5228

(iii) That the officer asked the person to take the 5229  
designated chemical test or tests, advised the person in 5230  
accordance with this section of the consequences of submitting to, 5231  
or refusing to take, the test or tests, and gave the person the 5232  
form described in division (B) of this section; 5233

(iv) That either the person refused to submit to the chemical 5234  
test or tests or, unless the arrest was for a violation of section 5235  
4511.194 of the Revised Code or a substantially equivalent 5236  
municipal ordinance, the person submitted to the chemical test or 5237  
tests and the test results indicate a prohibited concentration of 5238  
alcohol in the person's whole blood, blood serum or plasma, 5239  
breath, or urine at the time of the alleged offense. 5240

(2) Division (D)(1) of this section does not apply to a 5241  
person who is arrested for a violation of section 4511.194 of the 5242  
Revised Code or a substantially equivalent municipal ordinance, 5243

who is asked by a law enforcement officer to submit to a chemical 5244  
test or tests under section 4511.191 of the Revised Code, and who 5245  
submits to the test or tests, regardless of the amount of alcohol 5246  
that the test results indicate is present in the person's whole 5247  
blood, blood serum or plasma, breath, or urine. 5248

(E) The arresting officer shall give the officer's sworn 5249  
report that is completed under this section to the arrested person 5250  
at the time of the arrest, or the registrar of motor vehicles 5251  
shall send the report to the person by regular first class mail as 5252  
soon as possible after receipt of the report, but not later than 5253  
fourteen days after receipt of it. An arresting officer may give 5254  
an unsworn report to the arrested person at the time of the arrest 5255  
provided the report is complete when given to the arrested person 5256  
and subsequently is sworn to by the arresting officer. As soon as 5257  
possible, but not later than forty-eight hours after the arrest of 5258  
the person, the arresting officer shall send a copy of the sworn 5259  
report to the court in which the arrested person is to appear on 5260  
the charge for which the person was arrested. 5261

(F) The sworn report of an arresting officer completed under 5262  
this section is prima-facie proof of the information and 5263  
statements that it contains. It shall be admitted and considered 5264  
as prima-facie proof of the information and statements that it 5265  
contains in any appeal under section 4511.197 of the Revised Code 5266  
relative to any suspension of a person's driver's or commercial 5267  
driver's license or permit or nonresident operating privilege that 5268  
results from the arrest covered by the report. 5269

**Sec. 4511.194.** (A) As used in this section: 5270

(1) "National highway traffic safety administration" has the 5271  
same meaning as in section 4511.19 of the Revised Code. 5272

(2) "Physical control" means being in the driver's position 5273  
of the front seat of a vehicle or in the driver's position of a 5274

streetcar or trackless trolley and having possession of the 5275  
vehicle's, streetcar's, or trackless trolley's ignition key or 5276  
other ignition device. 5277

(B) No person shall be in physical control of a vehicle, 5278  
streetcar, or trackless trolley while under the influence of 5279  
alcohol, a drug of abuse, or a combination of them or while the 5280  
person's whole blood, blood serum or plasma, breath, or urine 5281  
contains at least the concentration of alcohol specified in 5282  
division ~~(A)(2), (3), (4), or (5)~~(1)(b), (c), (d), or (e) of 5283  
section 4511.19 of the Revised Code. 5284

(C)(1) In any criminal prosecution or juvenile court 5285  
proceeding for a violation of this section or a substantially 5286  
equivalent municipal ordinance, if a law enforcement officer has 5287  
administered a field sobriety test to the person in physical 5288  
control of the vehicle involved in the violation and if it is 5289  
shown by clear and convincing evidence that the officer 5290  
administered the test in substantial compliance with the testing 5291  
standards for any reliable, credible, and generally accepted field 5292  
sobriety tests that were in effect at the time the tests were 5293  
administered, including, but not limited to, any testing standards 5294  
then in effect that were set by the national highway traffic 5295  
safety administration, all of the following apply: 5296

(a) The officer may testify concerning the results of the 5297  
field sobriety test so administered. 5298

(b) The prosecution may introduce the results of the field 5299  
sobriety test so administered as evidence in any proceedings in 5300  
the criminal prosecution or juvenile court proceeding. 5301

(c) If testimony is presented or evidence is introduced under 5302  
division (C)(1)(a) or (b) of this section and if the testimony or 5303  
evidence is admissible under the Rules of Evidence, the court 5304  
shall admit the testimony or evidence, and the trier of fact shall 5305

give it whatever weight the trier of fact considers to be 5306  
appropriate. 5307

(2) Division (C)(1) of this section does not limit or 5308  
preclude a court, in its determination of whether the arrest of a 5309  
person was supported by probable cause or its determination of any 5310  
other matter in a criminal prosecution or juvenile court 5311  
proceeding of a type described in that division, from considering 5312  
evidence or testimony that is not otherwise disallowed by division 5313  
(C)(1) of this section. 5314

(D) Whoever violates this section is guilty of having 5315  
physical control of a vehicle while under the influence, a 5316  
misdemeanor of the first degree. In addition to other sanctions 5317  
imposed, the court may impose on the offender a class seven 5318  
suspension of the offender's driver's license, commercial driver's 5319  
license, temporary instruction permit, probationary license, or 5320  
nonresident operating privilege from the range specified in 5321  
division (A)(7) of section 4510.02 of the Revised Code. 5322

**Sec. 4511.196.** (A) If a person is arrested for being in 5323  
physical control of a vehicle, streetcar, or trackless trolley in 5324  
violation of section 4511.194 of the Revised Code or a 5325  
substantially equivalent municipal ordinance, or for operating a 5326  
vehicle, streetcar, or trackless trolley in violation of division 5327  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 5328  
OVI ordinance, regardless of whether the person's driver's or 5329  
commercial driver's license or permit or nonresident operating 5330  
privilege is or is not suspended under section 4511.191 of the 5331  
Revised Code, the person's initial appearance on the charge 5332  
resulting from the arrest shall be held within five days of the 5333  
person's arrest or the issuance of the citation to the person. 5334

(B)(1) If a person is arrested as described in division (A) 5335  
of this section, if the person's driver's or commercial driver's 5336

license or permit or nonresident operating privilege has been 5337  
suspended under section 4511.191 of the Revised Code in relation 5338  
to that arrest, if the person appeals the suspension in accordance 5339  
with section 4511.197 of the Revised Code, and if the judge, 5340  
magistrate, or mayor terminates the suspension in accordance with 5341  
that section, the judge, magistrate, or mayor, at any time prior 5342  
to adjudication on the merits of the charge resulting from the 5343  
arrest, may impose a new suspension of the person's license, 5344  
permit, or nonresident operating privilege, notwithstanding the 5345  
termination, if the judge, magistrate, or mayor determines that 5346  
the person's continued driving will be a threat to public safety. 5347

(2) If a person is arrested as described in division (A) of 5348  
this section and if the person's driver's or commercial driver's 5349  
license or permit or nonresident operating privilege has not been 5350  
suspended under section 4511.191 of the Revised Code in relation 5351  
to that arrest, the judge, magistrate, or mayor, at any time prior 5352  
to the adjudication on the merits of the charge resulting from the 5353  
arrest, may impose a suspension of the person's license, permit, 5354  
or nonresident operating privilege if the judge, magistrate, or 5355  
mayor determines that the person's continued driving will be a 5356  
threat to public safety. 5357

(C) A suspension under division (B)(1) or (2) of this section 5358  
shall continue until the complaint on the charge resulting from 5359  
the arrest is adjudicated on the merits. A court that imposes a 5360  
suspension under division (B)(2) of this section shall send the 5361  
person's driver's license or permit to the registrar of motor 5362  
vehicles. If the court possesses the license or permit of a person 5363  
in the category described in division (B)(2) of this section and 5364  
the court does not impose a suspension under that division, the 5365  
court shall return the license or permit to the person if the 5366  
license or permit has not otherwise been suspended or cancelled. 5367

Any time during which the person serves a suspension of the 5368

person's license, permit, or privilege that is imposed pursuant to 5369  
division (B)(1) or (2) of this section shall be credited against 5370  
any period of judicial suspension of the person's license, permit, 5371  
or privilege that is imposed under division (G) of section 4511.19 5372  
of the Revised Code or under section 4510.07 of the Revised Code 5373  
for a violation of a municipal ordinance substantially equivalent 5374  
to division (A) of section 4511.19 of the Revised Code. 5375

(D) If a person is arrested and charged with a violation of 5376  
section 2903.08 of the Revised Code or a violation of section 5377  
2903.06 of the Revised Code that is a felony offense, the judge at 5378  
the person's initial appearance, preliminary hearing, or 5379  
arraignment may suspend the person's driver's or commercial 5380  
driver's license or permit or nonresident operating privilege if 5381  
the judge determines at any of those proceedings that the person's 5382  
continued driving will be a threat to public safety. 5383

A suspension imposed under this division shall continue until 5384  
the indictment or information alleging the violation specified in 5385  
this division is adjudicated on the merits. A court that imposes a 5386  
suspension under this division shall send the person's driver's or 5387  
commercial driver's license or permit to the registrar. 5388

**Sec. 4511.197.** (A) If a person is arrested for operating a 5389  
vehicle, streetcar, or trackless trolley in violation of division 5390  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 5391  
OVI ordinance or for being in physical control of a vehicle, 5392  
streetcar, or trackless trolley in violation of section 4511.194 5393  
of the Revised Code or a substantially equivalent municipal 5394  
ordinance and if the person's driver's or commercial driver's 5395  
license or permit or nonresident operating privilege is suspended 5396  
under section 4511.191 of the Revised Code, the person may appeal 5397  
the suspension at the person's initial appearance on the charge 5398  
resulting from the arrest or within the period ending thirty days 5399

after the person's initial appearance on that charge, in the court 5400  
in which the person will appear on that charge. If the person 5401  
appeals the suspension, the appeal itself does not stay the 5402  
operation of the suspension. If the person appeals the suspension, 5403  
either the person or the registrar of motor vehicles may request a 5404  
continuance of the appeal, and the court may grant the 5405  
continuance. The court also may continue the appeal on its own 5406  
motion. Neither the request for, nor the granting of, a 5407  
continuance stays the suspension that is the subject of the 5408  
appeal, unless the court specifically grants a stay. 5409

(B) A person shall file an appeal under division (A) of this 5410  
section in the municipal court, county court, juvenile court, 5411  
mayor's court, or court of common pleas that has jurisdiction over 5412  
the charge in relation to which the person was arrested. 5413

(C) If a person appeals a suspension under division (A) of 5414  
this section, the scope of the appeal is limited to determining 5415  
whether one or more of the following conditions have not been met: 5416

(1) Whether the arresting law enforcement officer had 5417  
reasonable ground to believe the arrested person was operating a 5418  
vehicle, streetcar, or trackless trolley in violation of division 5419  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 5420  
OVI ordinance or was in physical control of a vehicle, streetcar, 5421  
or trackless trolley in violation of section 4511.194 of the 5422  
Revised Code or a substantially equivalent municipal ordinance and 5423  
whether the arrested person was in fact placed under arrest; 5424

(2) Whether the law enforcement officer requested the 5425  
arrested person to submit to the chemical test or tests designated 5426  
pursuant to division (A) of section 4511.191 of the Revised Code; 5427

(3) Whether the arresting officer informed the arrested 5428  
person of the consequences of refusing to be tested or of 5429  
submitting to the test or tests; 5430

(4) Whichever of the following is applicable: 5431

(a) Whether the arrested person refused to submit to the 5432  
chemical test or tests requested by the officer; 5433

(b) Whether the arrest was for a violation of division (A) or 5434  
(B) of section 4511.19 of the Revised Code or a municipal OVI 5435  
ordinance and, if it was, whether the chemical test results 5436  
indicate that the arrested person's whole blood contained a 5437  
concentration of eight-hundredths of one per cent or more by 5438  
weight of alcohol, the person's blood serum or plasma contained a 5439  
concentration of ninety-six-thousandths of one per cent or more by 5440  
weight of alcohol, the person's breath contained a concentration 5441  
of eight-hundredths of one gram or more by weight of alcohol per 5442  
two hundred ten liters of the person's breath, or the person's 5443  
urine contained a concentration of eleven-hundredths of one gram 5444  
or more by weight of alcohol per one hundred milliliters of the 5445  
person's urine at the time of the alleged offense. 5446

(D) A person who appeals a suspension under division (A) of 5447  
this section has the burden of proving, by a preponderance of the 5448  
evidence, that one or more of the conditions specified in division 5449  
(C) of this section has not been met. If, during the appeal, the 5450  
judge or magistrate of the court or the mayor of the mayor's court 5451  
determines that all of those conditions have been met, the judge, 5452  
magistrate, or mayor shall uphold the suspension, continue the 5453  
suspension, and notify the registrar of motor vehicles of the 5454  
decision on a form approved by the registrar. 5455

Except as otherwise provided in this section, if a suspension 5456  
imposed under section 4511.191 of the Revised Code is upheld on 5457  
appeal or if the subject person does not appeal the suspension 5458  
under division (A) of this section, the suspension shall continue 5459  
until the complaint alleging the violation for which the person 5460  
was arrested and in relation to which the suspension was imposed 5461  
is adjudicated on the merits or terminated pursuant to law. If the 5462

suspension was imposed under division (B)(1) of section 4511.191 5463  
of the Revised Code and it is continued under this section, any 5464  
subsequent finding that the person is not guilty of the charge 5465  
that resulted in the person being requested to take the chemical 5466  
test or tests under division (A) of section 4511.191 of the 5467  
Revised Code does not terminate or otherwise affect the 5468  
suspension. If the suspension was imposed under division (C) of 5469  
section 4511.191 of the Revised Code in relation to an alleged 5470  
misdemeanor violation of division (A) or (B) of section 4511.19 of 5471  
the Revised Code or of a municipal OVI ordinance and it is 5472  
continued under this section, the suspension shall terminate if, 5473  
for any reason, the person subsequently is found not guilty of the 5474  
charge that resulted in the person taking the chemical test or 5475  
tests. 5476

If, during the appeal, the judge or magistrate of the trial 5477  
court or the mayor of the mayor's court determines that one or 5478  
more of the conditions specified in division (C) of this section 5479  
have not been met, the judge, magistrate, or mayor shall terminate 5480  
the suspension, subject to the imposition of a new suspension 5481  
under division (B) of section 4511.196 of the Revised Code; shall 5482  
notify the registrar of motor vehicles of the decision on a form 5483  
approved by the registrar; and, except as provided in division (B) 5484  
of section 4511.196 of the Revised Code, shall order the registrar 5485  
to return the driver's or commercial driver's license or permit to 5486  
the person or to take any other measures that may be necessary, if 5487  
the license or permit was destroyed under section 4510.53 of the 5488  
Revised Code, to permit the person to obtain a replacement 5489  
driver's or commercial driver's license or permit from the 5490  
registrar or a deputy registrar in accordance with that section. 5491  
The court also shall issue to the person a court order, valid for 5492  
not more than ten days from the date of issuance, granting the 5493  
person operating privileges for that period. 5494

(E) Any person whose driver's or commercial driver's license 5495  
or permit or nonresident operating privilege has been suspended 5496  
pursuant to section 4511.191 of the Revised Code may file a 5497  
petition requesting limited driving privileges in the common pleas 5498  
court, municipal court, county court, mayor's court, or juvenile 5499  
court with jurisdiction over the related criminal or delinquency 5500  
case. The petition may be filed at any time subsequent to the date 5501  
on which the arresting law enforcement officer serves the notice 5502  
of suspension upon the arrested person but no later than thirty 5503  
days after the arrested person's initial appearance or 5504  
arraignment. Upon the making of the request, limited driving 5505  
privileges may be granted under sections 4510.021 and 4510.13 of 5506  
the Revised Code, regardless of whether the person appeals the 5507  
suspension under this section or appeals the decision of the court 5508  
on the appeal, and, if the person has so appealed the suspension 5509  
or decision, regardless of whether the matter has been heard or 5510  
decided by the court. The person shall pay the costs of the 5511  
proceeding, notify the registrar of the filing of the petition, 5512  
and send the registrar a copy of the petition. 5513

The court may not grant the person limited driving privileges 5514  
when prohibited by section 4510.13 or 4511.191 of the Revised 5515  
Code. 5516

(F) Any person whose driver's or commercial driver's license 5517  
or permit has been suspended under section 4511.19 of the Revised 5518  
Code or under section 4510.07 of the Revised Code for a conviction 5519  
of a municipal OVI offense and who desires to retain the license 5520  
or permit during the pendency of an appeal, at the time sentence 5521  
is pronounced, shall notify the court of record or mayor's court 5522  
that suspended the license or permit of the person's intention to 5523  
appeal. If the person so notifies the court, the court, mayor, or 5524  
clerk of the court shall retain the license or permit until the 5525  
appeal is perfected, and, if execution of sentence is stayed, the 5526

license or permit shall be returned to the person to be held by 5527  
the person during the pendency of the appeal. If the appeal is not 5528  
perfected or is dismissed or terminated in an affirmance of the 5529  
conviction, then the license or permit shall be taken up by the 5530  
court, mayor, or clerk, at the time of putting the sentence into 5531  
execution, and the court shall proceed in the same manner as if no 5532  
appeal was taken. 5533

(G) Except as otherwise provided in this division, if a 5534  
person whose driver's or commercial driver's license or permit or 5535  
nonresident operating privilege was suspended under section 5536  
4511.191 of the Revised Code appeals the suspension under division 5537  
(A) of this section, the prosecuting attorney of the county in 5538  
which the arrest occurred shall represent the registrar of motor 5539  
vehicles in the appeal. If the arrest occurred within a municipal 5540  
corporation within the jurisdiction of the court in which the 5541  
appeal is conducted, the city director of law, village solicitor, 5542  
or other chief legal officer of that municipal corporation shall 5543  
represent the registrar. If the appeal is conducted in a municipal 5544  
court, the registrar shall be represented as provided in section 5545  
1901.34 of the Revised Code. If the appeal is conducted in a 5546  
mayor's court, the city director of law, village solicitor, or 5547  
other chief legal officer of the municipal corporation that 5548  
operates that mayor's court shall represent the registrar. 5549

(H) The court shall give information in writing of any action 5550  
taken under this section to the registrar of motor vehicles. 5551

(I) When it finally has been determined under the procedures 5552  
of this section that a nonresident's privilege to operate a 5553  
vehicle within this state has been suspended, the registrar of 5554  
motor vehicles shall give information in writing of the action 5555  
taken to the motor vehicle administrator of the state of the 5556  
nonresident's residence and of any state in which the nonresident 5557  
has a license. 5558

**Sec. 4513.39.** (A) The state highway patrol and sheriffs or 5559  
their deputies shall exercise, to the exclusion of all other peace 5560  
officers except within municipal corporations and except as 5561  
specified in division (B) of this section and division (E) of 5562  
section 2935.03 of the Revised Code, the power to make arrests for 5563  
violations on all state highways, of sections 4503.11, 4503.21, 5564  
4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 4511.40, 5565  
4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 4511.71, 4513.03 5566  
to 4513.13, 4513.15 to 4513.22, 4513.24 to 4513.34, 4549.01, 5567  
4549.08 to 4549.12, and 4549.62 of the Revised Code. 5568

(B) A member of the police force of a township police 5569  
district created under section 505.48 of the Revised Code, and a 5570  
township constable appointed pursuant to section 509.01 of the 5571  
Revised Code, who has received a certificate from the Ohio peace 5572  
officer training commission under section 109.75 of the Revised 5573  
Code, shall exercise the power to make arrests for violations of 5574  
those sections listed in division (A) of this section, other than 5575  
sections 4513.33 and 4513.34 of the Revised Code, as follows: 5576

(1) If the population of the township that created the 5577  
township police district served by the member's police force or 5578  
the township that is served by the township constable is ~~sixty~~ 5579  
fifty thousand or less, the member or constable shall exercise 5580  
that power on those portions of all state highways, except those 5581  
highways included as part of the interstate system, as defined in 5582  
section 5516.01 of the Revised Code, that are located within the 5583  
township police district, in the case of a member of a township 5584  
police district police force, or within the unincorporated 5585  
territory of the township, in the case of a township constable; 5586

(2) If the population of the township that created the 5587  
township police district served by the member's police force or 5588  
the township that is served by the township constable is greater 5589

than ~~sixty~~ fifty thousand, the member or constable shall exercise 5590  
that power on those portions of all state highways and highways 5591  
included as part of the interstate highway system, as defined in 5592  
section 5516.01 of the Revised Code, that are located within the 5593  
township police district, in the case of a member of a township 5594  
police district police force, or within the unincorporated 5595  
territory of the township, in the case of a township constable. 5596

**Section 2.** That existing sections 1547.11, 1901.41, 2152.19, 5597  
2903.08, 2925.01, 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 5598  
2929.17, 2929.19, 2929.24, 2929.27, 4123.54, 4507.02, 4507.05, 5599  
4510.13, 4510.17, 4510.54, 4511.19, 4511.191, 4511.192, 4511.194, 5600  
4511.196, 4511.197, and 4513.39 of the Revised Code are hereby 5601  
repealed. 5602

**Section 3.** That Section 5 of Am. Sub. S.B. 123 of the 124th 5603  
General Assembly be amended to read as follows: 5604

**Sec. 5.** (A) Notwithstanding division (B) of section 1.58 of 5605  
the Revised Code, the provisions of the Revised Code amended or 5606  
enacted in Sections 1 and 2 of ~~this act~~ Am. Sub. S.B. 123 of the 5607  
124th General Assembly shall apply only in relation to conduct and 5608  
offenses committed on or after January 1, 2004. Conduct and 5609  
offenses committed prior to January 1, 2004, shall be governed by 5610  
the law in effect on the date the conduct or offense was 5611  
committed. 5612

(B)(1) Notwithstanding division (A) of this section, all of 5613  
the following apply to conduct or an offense committed prior to 5614  
January 1, 2004: 5615

(a) A person whose driver's or commercial driver's license, 5616  
temporary instruction permit, probationary license, or nonresident 5617  
operating privilege was suspended by a court may apply to the 5618  
sentencing court for limited driving privileges under division (A) 5619

of section 4510.021 of the Revised Code; 5620

(b) A person whose license, permit, or privilege was 5621  
suspended by the Registrar of Motor Vehicles may apply for limited 5622  
driving privileges under division (B) of section 4510.021 of the 5623  
Revised Code if limited driving privileges are expressly 5624  
authorized by a section of the Revised Code for the type of 5625  
conduct or offense that caused the suspension; 5626

(c) A person whose license, permit, or privilege was 5627  
suspended, canceled, or revoked for life may file a motion for 5628  
modification or termination of the suspension, cancellation, or 5629  
revocation in accordance with section 4510.54 of the Revised Code. 5630

(2) The terms and conditions of any limited driving 5631  
privileges granted under this section shall be governed by the law 5632  
in effect on and after January 1, 2004. 5633

**Section 4.** That existing Section 5 of Am. Sub. S.B. 123 of 5634  
the 124th General Assembly is hereby repealed. 5635

**Section 5.** (A) Section 2925.01 of the Revised Code is 5636  
presented in this act as a composite of the section as amended by 5637  
both Sub. H.B. 364 and Am. Sub. H.B. 415 of the 124th General 5638  
Assembly. The General Assembly, applying the principle stated in 5639  
division (B) of section 1.52 of the Revised Code that amendments 5640  
are to be harmonized if reasonably capable of simultaneous 5641  
operation, finds that the composite is the resulting version of 5642  
the section in effect prior to the effective date of the section 5643  
as presented in this act. 5644

(B) Section 2152.19 of the Revised Code is presented in this 5645  
act as a composite of the section as amended by Am. Sub. H.B. 400, 5646  
Am. Sub. H.B. 490, and Am. Sub. S.B. 123, all of the 124th General 5647  
Assembly, and Am. Sub. H.B. 95 and Am. Sub. S.B. 5, both of the 5648  
125th General Assembly. The General Assembly, applying the 5649

principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

(C) Section 4507.05 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 407 and Am. Sub. S.B. 123 of the 124th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

(D) Section 4511.19 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 87 of the 125th General Assembly and Am. Sub. H.B. 490 and Am. Sub. S.B. 163, both of the 124th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.