

# As Reported by the House Criminal Justice Committee

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 163

Representatives Oelslager, Olman, Hagan, Raussen, Williams, Barrett,  
D. Evans, C. Evans, Fessler, Latta, McGregor, Perry, Hollister, Willamowski,  
Brown

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## A BILL

To amend sections 1901.41, 2903.08, 2929.01, 2929.13, 1  
2929.21, 4511.99, and 4513.39 and to enact 2  
sections 1907.231, 2301.141, 2941.1413, and 3  
2941.1414 of the Revised Code to provide an 4  
additional prison term or term of imprisonment for 5  
certain repeat OMVI or OMVUAC offenders, to 6  
require municipal, county, and common pleas court 7  
clerks to retain admissible evidence of criminal 8  
convictions for fifty years after the entry of 9  
judgment of that conviction, to give the police 10  
force of a township with a population of greater 11  
than fifty thousand the same authority to make 12  
arrests for specified traffic offenses on 13  
interstate highways as now exists for the police 14  
force of a township with a population greater than 15  
sixty thousand, to increase the penalty for 16  
vehicular assault when the offender also fails to 17  
stop at the scene of the accident resulting in 18  
that offense, and to maintain the provisions of 19  
this act on and after January 1, 2004, by amending 20  
the versions of sections 2929.01, 2929.13, and 21  
4511.19 of the Revised Code that take effect on 22  
that date. 23

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

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

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

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

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

(B)(1) Except as otherwise provided in this division, all 44  
files destroyed or otherwise disposed of under division (A)(1) of 45  
this section shall be copied or reproduced prior to their 46  
destruction or disposition in the manner and according to the 47  
procedure prescribed in section 9.01 of the Revised Code. The 48  
copies or reproductions of the files made pursuant to section 9.01 49  
of the Revised Code shall be retained and preserved by the court 50  
for a period of ten years after the destruction of the original 51

files in accordance with this section, after which the copies or 52  
reproductions themselves may be destroyed or otherwise disposed 53  
of. 54

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

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

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

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

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

(3) The determination of rights in the title to real property 73  
either in the form of a creditor's bill or in any other action 74  
intended to determine or adjudicate the right, title, and interest 75  
of a person or persons in the ownership of a parcel or parcels of 76  
real property or any interest therein. 77

(D) All dockets, indexes, journals, and cash books of the 78  
court shall be retained and preserved by the court for at least 79  
twenty-five years unless they are reproduced in the manner and 80  
according to the procedure prescribed in section 9.01 of the 81  
Revised Code, in which case the reproductions shall be retained 82

and preserved by the court at least until the expiration of the 83  
twenty-five year period for which the originals would have had to 84  
have been retained. Court dockets, indexes, journals, and cash 85  
books, and all other court records also shall be subject to 86  
destruction or other disposition under section 149.39 of the 87  
Revised Code. 88

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

**Sec. 1907.231.** Notwithstanding section 149.38 of the Revised 99  
Code, each clerk of a county court shall retain documentation 100  
regarding each criminal conviction and plea of guilty involving a 101  
case that is or was before the court. The documentation shall be 102  
in a form that is admissible as evidence in a criminal proceeding 103  
as evidence of a prior conviction. The clerk shall retain this 104  
documentation for a period of fifty years after the entry of 105  
judgment in the case. This section shall apply to records 106  
currently retained and to records created on or after the 107  
effective date of this section. 108

**Sec. 2301.141.** Notwithstanding section 149.38 of the Revised 109  
Code, each clerk of a court of common pleas shall retain 110  
documentation regarding each criminal conviction and plea of 111  
guilty involving a case that is or was before the court. The 112  
documentation shall be in a form that is admissible as evidence in 113

a criminal proceeding as evidence of a prior conviction. The clerk 114  
shall retain this documentation for a period of fifty years after 115  
the entry of judgment in the case. This section shall apply to 116  
records currently retained and to records created on or after the 117  
effective date of this section. 118

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

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

(2) Recklessly. 127

(B)(1) Whoever violates division (A)(1) of this section is 128  
guilty of aggravated vehicular assault. Except as otherwise 129  
provided in this division, aggravated vehicular assault is a 130  
felony of the third degree. Aggravated vehicular assault is a 131  
felony of the second degree if, at the time of the offense, the 132  
offender was driving under a suspension imposed under Chapter 133  
4510. or any other provision of the Revised Code or if the 134  
offender previously has been convicted of or pleaded guilty to a 135  
violation of this section; any traffic-related homicide, 136  
manslaughter, or assault offense; three prior violations of 137  
section 4511.19 of the Revised Code or a substantially equivalent 138  
municipal ordinance within the previous six years; or a second or 139  
subsequent felony violation of division (A) of section 4511.19 of 140  
the Revised Code. 141

In addition to any other sanctions imposed, the court shall 142  
impose upon the offender a class three suspension of the 143

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

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

In addition to any other sanctions imposed, the court shall 166  
impose upon the offender a class four suspension of the offender's 167  
driver's license, commercial driver's license, temporary 168  
instruction permit, probationary license, or nonresident operating 169  
privilege from the range specified in division (A)(4) of section 170  
4510.02 of the Revised Code or, if the offender previously has 171  
been convicted of or pleaded guilty to a violation of this section 172  
or any traffic-related homicide, manslaughter, or assault offense, 173  
a class three suspension of the offender's driver's license, 174  
commercial driver's license, temporary instruction permit, 175

probationary license, or nonresident operating privilege from the 176  
range specified in division (A)(3) of that section. 177

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

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

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

(D) As used in this section: 190

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

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

(E) For the purposes of this section, when a penalty or 196  
suspension is enhanced because of a prior or current violation of 197  
a specified law or a prior or current specified offense, the 198  
reference to the violation of the specified law or the specified 199  
offense includes any violation of any substantially equivalent 200  
municipal ordinance, former law of this state, or current or 201  
former law of another state or the United States. 202

**Sec. 2929.01.** As used in this chapter: 203

(A)(1) "Alternative residential facility" means, subject to 204  
division (A)(2) of this section, any facility other than an 205

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

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

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

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

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

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

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

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



community-based correctional facility and program or district 237  
community-based correctional facility and program developed 238  
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 239

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

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

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

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

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

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

(L) "Drug treatment program" means any program under which a 259  
person undergoes assessment and treatment designed to reduce or 260  
completely eliminate the person's physical or emotional reliance 261  
upon alcohol, another drug, or alcohol and another drug and under 262  
which the person may be required to receive assessment and 263  
treatment on an outpatient basis or may be required to reside at a 264  
facility other than the person's home or residence while 265  
undergoing assessment and treatment. 266

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

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

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

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

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

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

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

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

eligible offender's home or other specified premises for the 297  
specified period of confinement, except for periods of time during 298  
which the eligible offender is at the eligible offender's place of 299  
employment or at other premises as authorized by the sentencing 300  
court or by the parole board. 301

(2) The eligible offender is required to report periodically 302  
to a person designated by the court or parole board. 303

(3) The eligible offender is subject to any other 304  
restrictions and requirements that may be imposed by the 305  
sentencing court or by the parole board. 306

(T) "Intensive probation supervision" means a requirement 307  
that an offender maintain frequent contact with a person appointed 308  
by the court, or by the parole board pursuant to section 2967.28 309  
of the Revised Code, to supervise the offender while the offender 310  
is seeking or maintaining necessary employment and participating 311  
in training, education, and treatment programs as required in the 312  
court's or parole board's order. "Intensive probation supervision" 313  
includes intensive parole supervision and intensive post-release 314  
control supervision. 315

(U) "Jail" means a jail, workhouse, minimum security jail, or 316  
other residential facility used for the confinement of alleged or 317  
convicted offenders that is operated by a political subdivision or 318  
a combination of political subdivisions of this state. 319

(V) "Delinquent child" has the same meaning as in section 320  
2152.02 of the Revised Code. 321

(W) "License violation report" means a report that is made by 322  
a sentencing court, or by the parole board pursuant to section 323  
2967.28 of the Revised Code, to the regulatory or licensing board 324  
or agency that issued an offender a professional license or a 325  
license or permit to do business in this state and that specifies 326  
that the offender has been convicted of or pleaded guilty to an 327

offense that may violate the conditions under which the offender's 328  
professional license or license or permit to do business in this 329  
state was granted or an offense for which the offender's 330  
professional license or license or permit to do business in this 331  
state may be revoked or suspended. 332

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

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

(1) Subject to division (Y)(2) of this section, the term in 349  
prison that must be imposed for the offenses or circumstances set 350  
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 351  
division (D) of section 2929.14 of the Revised Code. Except as 352  
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 353  
2925.11 of the Revised Code, unless the maximum or another 354  
specific term is required under section 2929.14 of the Revised 355  
Code, a mandatory prison term described in this division may be 356  
any prison term authorized for the level of offense. 357

(2) The term of sixty or one hundred twenty days in prison 358  
that a sentencing court is required to impose for a third or 359

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

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

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

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

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

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

(1) A stated prison term; 384

(2) A term in a prison shortened by, or with the approval of, 385  
the sentencing court pursuant to section 2929.20, 2967.26, 386  
5120.031, 5120.032, or 5120.073 of the Revised Code; 387

(3) A term in prison extended by bad time imposed pursuant to 388  
section 2967.11 of the Revised Code or imposed for a violation of 389

post-release control pursuant to section 2967.28 of the Revised Code. 390  
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(DD) "Repeat violent offender" means a person about whom both of the following apply: 392  
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(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person. 394  
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(2) Either of the following applies: 405

(a) The person previously was convicted of or pleaded guilty to, and previously served or, at the time of the offense was serving, a prison term for, any of the following: 406  
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(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses; 409  
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(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed under division (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person. 415  
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(b) The person previously was adjudicated a delinquent child 420

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

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

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

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

(HH) "Victim-offender mediation" means a reconciliation or 442  
mediation program that involves an offender and the victim of the 443  
offense committed by the offender and that includes a meeting in 444  
which the offender and the victim may discuss the offense, discuss 445  
restitution, and consider other sanctions for the offense. 446

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

(JJ) "Mandatory term of local incarceration" means the term 451

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

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

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

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

(NN) "Family or household member" has the same meaning as in 475  
section 2919.25 of the Revised Code. 476

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

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

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



section 4511.99 of the Revised Code, is a felony of the third 483  
degree. 484

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

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

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

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

If the offender is eligible to be sentenced to community 499  
control sanctions, the court shall consider the appropriateness of 500  
imposing a financial sanction pursuant to section 2929.18 of the 501  
Revised Code or a sanction of community service pursuant to 502  
section 2929.17 of the Revised Code as the sole sanction for the 503  
offense. Except as otherwise provided in this division, if the 504  
court is required to impose a mandatory prison term for the 505  
offense for which sentence is being imposed, the court also may 506  
impose a financial sanction pursuant to section 2929.18 of the 507  
Revised Code but may not impose any additional sanction or 508  
combination of sanctions under section 2929.16 or 2929.17 of the 509  
Revised Code. 510

If the offender is being sentenced for a fourth degree felony 511  
OMVI offense or for a third degree felony OMVI offense, in 512

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

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

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

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

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

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

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

(d) The offender held a public office or position of trust 541  
and the offense related to that office or position; the offender's 542  
position obliged the offender to prevent the offense or to bring 543

those committing it to justice; or the offender's professional 544  
reputation or position facilitated the offense or was likely to 545  
influence the future conduct of others. 546

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

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

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

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

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

(2)(a) If the court makes a finding described in division 560  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 561  
section and if the court, after considering the factors set forth 562  
in section 2929.12 of the Revised Code, finds that a prison term 563  
is consistent with the purposes and principles of sentencing set 564  
forth in section 2929.11 of the Revised Code and finds that the 565  
offender is not amenable to an available community control 566  
sanction, the court shall impose a prison term upon the offender. 567

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

sentencing set forth in section 2929.11 of the Revised Code, the 575  
court shall impose a community control sanction or combination of 576  
community control sanctions upon the offender. 577

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

(D) Except as provided in division (E) or (F) of this 586  
section, for a felony of the first or second degree and for a 587  
felony drug offense that is a violation of any provision of 588  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 589  
presumption in favor of a prison term is specified as being 590  
applicable, it is presumed that a prison term is necessary in 591  
order to comply with the purposes and principles of sentencing 592  
under section 2929.11 of the Revised Code. Notwithstanding the 593  
presumption established under this division, the sentencing court 594  
may impose a community control sanction or a combination of 595  
community control sanctions instead of a prison term on an 596  
offender for a felony of the first or second degree or for a 597  
felony drug offense that is a violation of any provision of 598  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 599  
presumption in favor of a prison term is specified as being 600  
applicable if it makes both of the following findings: 601

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

under that section indicating a greater likelihood of recidivism. 607

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

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

(2) If an offender who was convicted of or pleaded guilty to 626  
a felony violates the conditions of a community control sanction 627  
imposed for the offense solely by reason of producing positive 628  
results on a drug test, the court, as punishment for the violation 629  
of the sanction, shall not order that the offender be imprisoned 630  
unless the court determines on the record either of the following: 631

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

(b) The imprisonment of the offender for the violation is 637

consistent with the purposes and principles of sentencing set 638  
forth in section 2929.11 of the Revised Code. 639

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

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

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

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

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 661  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 662  
requires the imposition of a prison term; 663

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

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

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

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

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

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

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

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

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

(1) If the offender is being sentenced for a fourth degree 710  
felony OMVI offense and if the offender has not pleaded guilty to 711  
and has not been convicted of a specification of the type 712  
described in section 2941.1413 of the Revised Code, the court may 713  
impose upon the offender a mandatory term of local incarceration 714  
of sixty days as specified in division (A)(4) of section 4511.99 715  
of the Revised Code or a mandatory term of local incarceration of 716  
one hundred twenty days as specified in division (A)(8) of that 717  
section. The court shall not reduce the term pursuant to section 718  
2929.20, 2967.193, or any other provision of the Revised Code. The 719  
court that imposes a mandatory term of local incarceration under 720  
this division shall specify whether the term is to be served in a 721  
jail, a community-based correctional facility, a halfway house, or 722  
an alternative residential facility, and the offender shall serve 723  
the term in the type of facility specified by the court. A 724  
mandatory term of local incarceration imposed under division 725  
(G)(1) of this section is not subject to extension under section 726  
2967.11 of the Revised Code, to a period of post-release control 727  
under section 2967.28 of the Revised Code, or to any other Revised 728  
Code provision that pertains to a prison term. 729

(2) If the offender is being sentenced for a third degree 730  
felony OMVI offense, or if the offender is being sentenced for a 731



fourth degree felony OMVI offense and the court does not impose a 732  
mandatory term of local incarceration under division (G)(1) of 733  
this section, the court shall impose upon the offender a mandatory 734  
prison term of one, two, three, four, or five years if the 735  
offender also pleads guilty to or also is convicted of a 736  
specification of the type described in section 2941.1413 of the 737  
Revised Code or shall impose upon the offender a mandatory prison 738  
term of sixty days as specified in division (A)(4) of section 739  
4511.99 of the Revised Code or a mandatory prison term of one 740  
hundred twenty days as specified in division (A)(8) of that 741  
section if the offender has not pleaded guilty to and has not been 742  
convicted of a specification of that type. The court shall not 743  
reduce the term pursuant to section 2929.20, 2967.193, or any 744  
other provision of the Revised Code. The offender shall serve the 745  
one-, two-, three-, four-, or five-year mandatory prison term 746  
consecutively to and prior to the prison term imposed for the 747  
underlying offense and consecutively to any other mandatory prison 748  
term imposed in relation to the offense. In no case shall an 749  
offender who once has been sentenced to a mandatory term of local 750  
incarceration pursuant to division (G)(1) of this section for a 751  
fourth degree felony OMVI offense be sentenced to another 752  
mandatory term of local incarceration under that division for any 753  
violation of division (A) of section 4511.19 of the Revised Code. 754  
The court shall not sentence the offender to a community control 755  
sanction under section 2929.16 or 2929.17 of the Revised Code. The 756  
department of rehabilitation and correction may place an offender 757  
sentenced to a mandatory prison term under this division in an 758  
intensive program prison established pursuant to section 5120.033 759  
of the Revised Code if the department gave the sentencing judge 760  
prior notice of its intent to place the offender in an intensive 761  
program prison established under that section and if the judge did 762  
not notify the department that the judge disapproved the 763  
placement. Upon the establishment of the initial intensive program 764

prison pursuant to section 5120.033 of the Revised Code that is 765  
privately operated and managed by a contractor pursuant to a 766  
contract entered into under section 9.06 of the Revised Code, both 767  
of the following apply: 768

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

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

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

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

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

(I) If an offender is being sentenced for a sexually oriented 793  
offense committed on or after January 1, 1997, the judge shall 794  
include in the sentence a summary of the offender's duty to 795

register pursuant to section 2950.04 of the Revised Code, the 796  
offender's duty to provide notice of a change in residence address 797  
and register the new residence address pursuant to section 2950.05 798  
of the Revised Code, the offender's duty to periodically verify 799  
the offender's current residence address pursuant to section 800  
2950.06 of the Revised Code, and the duration of the duties. The 801  
judge shall inform the offender, at the time of sentencing, of 802  
those duties and of their duration and, if required under division 803  
(A)(2) of section 2950.03 of the Revised Code, shall perform the 804  
duties specified in that section. 805

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

(2) When considering sentencing factors under this section in 814  
relation to an offender who is convicted of or pleads guilty to an 815  
attempt to commit a drug abuse offense for which the penalty is 816  
determined by the amount or number of unit doses of the controlled 817  
substance involved in the drug abuse offense, the sentencing court 818  
shall consider the factors applicable to the felony category that 819  
the drug abuse offense attempted would be if that drug abuse 820  
offense had been committed and had involved an amount or number of 821  
unit doses of the controlled substance that is within the next 822  
lower range of controlled substance amounts than was involved in 823  
the attempt. 824

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

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

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

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

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

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

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

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

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

(1) For a misdemeanor of the first degree, not more than one 851  
thousand dollars; 852

(2) For a misdemeanor of the second degree, not more than 853  
seven hundred fifty dollars; 854

(3) For a misdemeanor of the third degree, not more than five 855

hundred dollars; 856

(4) For a misdemeanor of the fourth degree, not more than two 857  
hundred fifty dollars. 858

(D) Whoever is convicted of or pleads guilty to a minor 859  
misdemeanor shall be fined not more than one hundred dollars. 860

(E) The court may require a person who is convicted of or 861  
pleads guilty to a misdemeanor to make restitution for all or part 862  
of the property damage that is caused by the offense and for all 863  
or part of the value of the property that is the subject of any 864  
theft offense, as defined in division (K) of section 2913.01 of 865  
the Revised Code, that the person committed. If the court 866  
determines that the victim of the offense was sixty-five years of 867  
age or older or permanently or totally disabled at the time of the 868  
commission of the offense, the court, regardless of whether the 869  
offender knew the age of victim, shall consider this fact in favor 870  
of imposing restitution, but this fact shall not control the 871  
decision of the court. 872

(F)(1) If a person is sentenced to a term of imprisonment 873  
pursuant to this section and the term of imprisonment is to be 874  
served in a county jail in a county that has established a county 875  
jail industry program pursuant to section 5147.30 of the Revised 876  
Code, the court shall specify, as part of the sentence, whether 877  
the person may be considered by the county sheriff of that county 878  
for participation in the county jail industry program. The court 879  
shall retain jurisdiction to modify its specification made 880  
pursuant to this division during the person's term of imprisonment 881  
upon a reassessment of the person's qualifications for 882  
participation in the program. 883

(2) If a person is sentenced to a term of imprisonment 884  
pursuant to this section that is to be served in a local detention 885  
facility, as defined in section 2929.35 of the Revised Code, the 886

court may impose as part of the sentence pursuant to section 887  
2929.36 of the Revised Code a reimbursement sanction, and, if the 888  
local detention facility is covered by a policy adopted pursuant 889  
to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 890  
753.16, 2301.56, or 2947.19 of the Revised Code and section 891  
2929.37 of the Revised Code, both of the following apply: 892

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

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

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

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

(G) If an offender is being sentenced for a sexually oriented 907  
offense that is a misdemeanor committed on or after January 1, 908  
1997, and if the judge imposing sentence for the sexually oriented 909  
offense determines pursuant to division (B) of section 2950.09 of 910  
the Revised Code that the offender is a sexual predator, the judge 911  
shall include in the offender's sentence a statement that the 912  
offender has been adjudicated as being a sexual predator, shall 913  
comply with the requirements of section 2950.03 of the Revised 914  
Code, and shall require the offender to submit to a DNA specimen 915  
collection procedure pursuant to section 2901.07 of the Revised 916  
Code. 917

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

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

(J) If an offender is convicted of or pleads guilty to a 939  
violation of division (B) of section 4511.19 of the Revised Code 940  
and also is convicted of or pleads guilty to a specification of 941  
the type described in section 2941.1414 of the Revised Code, and 942  
if the court imposes a term of imprisonment for the underlying 943  
offense, the court shall impose upon the offender an additional 944  
definite term of imprisonment of not more than six months. The 945  
additional term of imprisonment shall not be reduced pursuant to 946  
any provision of the Revised Code. The offender shall serve the 947  
additional term of imprisonment consecutively to and prior to the 948  
term of imprisonment imposed for the underlying offense and 949

consecutively to any other mandatory term imposed in relation to 950  
the offense. 951

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

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

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

Sec. 2941.1414. (A) Imposition of a mandatory, additional, 975  
definite term of imprisonment of up to six months upon an offender 976  
under division (J) of section 2929.21 of the Revised Code is 977  
precluded unless the information charging a violation of division 978  
(B) of section 4511.19 of the Revised Code specifies that the 979



offender, within twenty years of the offense, previously has been 980  
convicted of or pleaded guilty to five or more violations 981  
identified in division (N)(1)(b) of section 4511.99 of the Revised 982  
Code or, on and after January 1, 2004, to five or more equivalent 983  
offenses. The specification shall be stated at the end of the body 984  
of the information and shall be stated in substantially the 985  
following form: 986

"SPECIFICATION. (Insert the person's or the prosecuting 987  
attorney's name as appropriate) further finds and specifies that 988  
(set forth that the offender, within twenty years of committing 989  
the offense, previously had been convicted of or pleaded guilty to 990  
five or more violations identified in division (N)(1)(b) of 991  
section 4511.99 of the Revised Code or, on and after January 1, 992  
2004, to five or more equivalent offenses)." 993

(B) On and after January 1, 2004, "equivalent offense" has 994  
the same meaning as in section 4511.181 of the Revised Code. 995

**Sec. 4511.99.** (A) Whoever violates division (A)(1), (2), (3), 996  
or (4) of section 4511.19 of the Revised Code, in addition to the 997  
license suspension or revocation provided in section 4507.16 of 998  
the Revised Code and any disqualification imposed under section 999  
4506.16 of the Revised Code, shall be punished as provided in 1000  
division (A)(1), (2), (3), or (4) of this section. Whoever 1001  
violates division (A)(5), (6), or (7) of section 4511.19 of the 1002  
Revised Code, in addition to the license suspension or revocation 1003  
provided in section 4507.16 of the Revised Code and any 1004  
disqualification imposed under section 4506.16 of the Revised 1005  
Code, shall be punished as provided in division (A)(5), (6), (7), 1006  
or (8) of this section. 1007

(1) Except as otherwise provided in division (A)(2), (3), or 1008  
(4) of this section, the offender is guilty of a misdemeanor of 1009

the first degree and the court shall sentence the offender to a 1010  
term of imprisonment of three consecutive days and may sentence 1011  
the offender pursuant to section 2929.21 of the Revised Code to a 1012  
longer term of imprisonment. In addition, the court shall impose 1013  
upon the offender a fine of not less than two hundred fifty and 1014  
not more than one thousand dollars. 1015

The court may suspend the execution of the mandatory three 1016  
consecutive days of imprisonment that it is required to impose by 1017  
this division, if the court, in lieu of the suspended term of 1018  
imprisonment, places the offender on probation and requires the 1019  
offender to attend, for three consecutive days, a drivers' 1020  
intervention program that is certified pursuant to section 3793.10 1021  
of the Revised Code. The court also may suspend the execution of 1022  
any part of the mandatory three consecutive days of imprisonment 1023  
that it is required to impose by this division, if the court 1024  
places the offender on probation for part of the three consecutive 1025  
days; requires the offender to attend, for that part of the three 1026  
consecutive days, a drivers' intervention program that is 1027  
certified pursuant to section 3793.10 of the Revised Code; and 1028  
sentences the offender to a term of imprisonment equal to the 1029  
remainder of the three consecutive days that the offender does not 1030  
spend attending the drivers' intervention program. The court may 1031  
require the offender, as a condition of probation, to attend and 1032  
satisfactorily complete any treatment or education programs that 1033  
comply with the minimum standards adopted pursuant to Chapter 1034  
3793. of the Revised Code by the director of alcohol and drug 1035  
addiction services, in addition to the required attendance at a 1036  
drivers' intervention program, that the operators of the drivers' 1037  
intervention program determine that the offender should attend and 1038  
to report periodically to the court on the offender's progress in 1039  
the programs. The court also may impose any other conditions of 1040  
probation on the offender that it considers necessary. 1041

Of the fine imposed pursuant to this division, twenty-five 1042  
dollars shall be paid to an enforcement and education fund 1043  
established by the legislative authority of the law enforcement 1044  
agency in this state that primarily was responsible for the arrest 1045  
of the offender, as determined by the court that imposes the fine. 1046  
This share shall be used by the agency to pay only those costs it 1047  
incurs in enforcing section 4511.19 of the Revised Code or a 1048  
substantially similar municipal ordinance and in informing the 1049  
public of the laws governing the operation of a motor vehicle 1050  
while under the influence of alcohol, the dangers of operating a 1051  
motor vehicle while under the influence of alcohol, and other 1052  
information relating to the operation of a motor vehicle and the 1053  
consumption of alcoholic beverages. Fifty dollars of the fine 1054  
imposed pursuant to this division shall be paid to the political 1055  
subdivision that pays the cost of housing the offender during the 1056  
offender's term of incarceration to the credit of the fund that 1057  
pays the cost of the incarceration. If the offender was confined 1058  
as a result of the offense prior to being sentenced for the 1059  
offense but is not sentenced to a term of incarceration, the fifty 1060  
dollars shall be paid to the political subdivision that paid the 1061  
cost of housing the offender during that period of confinement. 1062  
The political subdivision shall use this share to pay or reimburse 1063  
incarceration or treatment costs it incurs in housing or providing 1064  
drug and alcohol treatment to persons who violate section 4511.19 1065  
of the Revised Code or a substantially similar municipal ordinance 1066  
and to pay for ignition interlock devices and electronic house 1067  
arrest equipment for persons who violate that section. Twenty-five 1068  
dollars of the fine imposed pursuant to this division shall be 1069  
deposited into the county indigent drivers alcohol treatment fund 1070  
or municipal indigent drivers alcohol treatment fund under the 1071  
control of that court, as created by the county or municipal 1072  
corporation pursuant to division (N) of section 4511.191 of the 1073  
Revised Code. The balance of the fine shall be disbursed as 1074

otherwise provided by law. 1075

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

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

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

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

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

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

(vi) Division (A)(2), (3), or (4) of section 2903.06, 1098  
division (A)(2) of section 2903.08, or former section 2903.07 of 1099  
the Revised Code, or a municipal ordinance that is substantially 1100  
similar to any of those divisions or that former section, in a 1101  
case in which the jury or judge found that the offender was under 1102  
the influence of alcohol, a drug of abuse, or alcohol and a drug 1103  
of abuse; 1104

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

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

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

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

Of the fine imposed pursuant to this division, thirty-five 1132  
dollars shall be paid to an enforcement and education fund 1133  
established by the legislative authority of the law enforcement 1134  
agency in this state that primarily was responsible for the arrest 1135

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

(b) Regardless of whether the vehicle the offender was 1162  
operating at the time of the offense is registered in the 1163  
offender's name or in the name of another person, the court, in 1164  
addition to the penalties imposed under division (A)(2)(a) of this 1165  
section and all other penalties provided by law and subject to 1166  
section 4503.235 of the Revised Code, shall order the 1167  
immobilization for ninety days of the vehicle the offender was 1168

operating at the time of the offense and the impoundment for 1169  
ninety days of the identification license plates of that vehicle. 1170  
The order for the immobilization and impoundment shall be issued 1171  
and enforced in accordance with section 4503.233 of the Revised 1172  
Code. 1173

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

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

In addition to any other sentence that it imposes upon the 1196  
offender, the court shall require the offender to attend an 1197  
alcohol and drug addiction program authorized by section 3793.02 1198  
of the Revised Code. The cost of the treatment shall be paid by 1199  
the offender. If the court determines that the offender is unable 1200

to pay the cost of attendance at the treatment program, the court 1201  
may order that payment of the cost of the offender's attendance at 1202  
the treatment program be made from that court's indigent drivers 1203  
alcohol treatment fund. 1204

Of the fine imposed pursuant to this division, one hundred 1205  
twenty-three dollars shall be paid to an enforcement and education 1206  
fund established by the legislative authority of the law 1207  
enforcement agency in this state that primarily was responsible 1208  
for the arrest of the offender, as determined by the court that 1209  
imposes the fine. This share shall be used by the agency to pay 1210  
only those costs it incurs in enforcing section 4511.19 of the 1211  
Revised Code or a substantially similar municipal ordinance and in 1212  
informing the public of the laws governing the operation of a 1213  
motor vehicle while under the influence of alcohol, the dangers of 1214  
operating a motor vehicle while under the influence of alcohol, 1215  
and other information relating to the operation of a motor vehicle 1216  
and the consumption of alcoholic beverages. Two hundred 1217  
seventy-seven dollars of the fine imposed pursuant to this 1218  
division shall be paid to the political subdivision that pays the 1219  
cost of housing the offender during the offender's term of 1220  
incarceration. This share shall be used by the political 1221  
subdivision to pay or reimburse incarceration or treatment costs 1222  
it incurs in housing or providing drug and alcohol treatment to 1223  
persons who violate section 4511.19 of the Revised Code or a 1224  
substantially similar municipal ordinance and to pay for ignition 1225  
interlock devices and electronic house arrest equipment for 1226  
persons who violate that section and shall be paid to the credit 1227  
of the fund that pays the cost of incarceration. The balance of 1228  
the fine shall be disbursed as otherwise provided by law. 1229

(b) Regardless of whether the vehicle the offender was 1230  
operating at the time of the offense is registered in the 1231  
offender's name or in the name of another person, the court, in 1232



addition to the penalties imposed under division (A)(3)(a) of this 1233  
section and all other penalties provided by law and subject to 1234  
section 4503.235 of the Revised Code, shall order the criminal 1235  
forfeiture to the state of the vehicle the offender was operating 1236  
at the time of the offense. The order of criminal forfeiture shall 1237  
be issued and enforced in accordance with section 4503.234 of the 1238  
Revised Code. 1239

(4)(a)(i) If, within six years of the offense, the offender 1240  
has been convicted of or pleaded guilty to three or ~~more~~ four 1241  
violations identified in division (A)(2) of this section or if, 1242  
within twenty years of the offense, the offender previously has 1243  
been convicted of or pleaded guilty to five or more violations of 1244  
that nature, and if sentence is not required to be imposed under 1245  
division (A)(4)(a)(ii) of this section, the offender is guilty of 1246  
a felony of the fourth degree and, notwithstanding division (A)(4) 1247  
of section 2929.14 of the Revised Code, may be sentenced to a 1248  
definite prison term that shall be not less than six months and 1249  
not more than thirty months. The court shall sentence the offender 1250  
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1251  
and, shall impose as part of the sentence a mandatory prison term 1252  
of one, two, three, four, or five years as required by and in 1253  
accordance with division (G)(2) of section 2929.13 of the Revised 1254  
Code if the offender also pleads guilty to or also is convicted of 1255  
a specification of the type described in section 2941.1413 of the 1256  
Revised Code, and shall impose as part of the sentence either a 1257  
mandatory term of local incarceration of sixty consecutive days of 1258  
imprisonment in accordance with division (G)(1) of section 2929.13 1259  
of the Revised Code or a mandatory prison term of sixty 1260  
consecutive days of imprisonment in accordance with division 1261  
(G)(2) of that section if the offender does not plead guilty to 1262  
and is not convicted of a specification of that type. If the court 1263  
requires the offender to serve a mandatory term of local 1264  
incarceration of sixty consecutive days of imprisonment in 1265

accordance with division (G)(1) of section 2929.13 of the Revised Code, the court, pursuant to section 2929.17 of the Revised Code, may impose upon the offender a sentence that includes a term of electronically monitored house arrest, provided that the term of electronically monitored house arrest shall not commence until after the offender has served the mandatory term of local incarceration.

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

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

In addition to any other sanction that it imposes upon the offender under division (A)(4)(a)(i) or (ii) of this section, the court shall require the offender to attend an alcohol and drug

addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund.

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

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

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

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

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

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

(ii) If the court determines that the offender is not 1360

conducive to treatment in the program, if the offender refuses to 1361  
attend the program, or if the place of imprisonment can provide a 1362  
drivers' intervention program, a term of imprisonment of at least 1363  
six consecutive days. 1364

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

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

Of the fine imposed pursuant to this division, twenty-five 1379  
dollars shall be paid to an enforcement and education fund 1380  
established by the legislative authority of the law enforcement 1381  
agency in this state that primarily was responsible for the arrest 1382  
of the offender, as determined by the court that imposes the fine. 1383  
The agency shall use this share to pay only those costs it incurs 1384  
in enforcing section 4511.19 of the Revised Code or a 1385  
substantially similar municipal ordinance and in informing the 1386  
public of the laws governing the operation of a motor vehicle 1387  
while under the influence of alcohol, the dangers of operating a 1388  
motor vehicle while under the influence of alcohol, and other 1389  
information relating to the operation of a motor vehicle and the 1390  
consumption of alcoholic beverages. Fifty dollars of the fine 1391  
imposed pursuant to this division shall be paid to the political 1392

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

(6)(a) Except as otherwise provided in division (A)(8) of 1409  
this section and except as provided in this division, if, within 1410  
six years of the offense, the offender has been convicted of or 1411  
pleaded guilty to one violation of division (A) or (B) of section 1412  
4511.19 of the Revised Code, a municipal ordinance relating to 1413  
operating a vehicle while under the influence of alcohol, a drug 1414  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1415  
relating to operating a vehicle with a prohibited concentration of 1416  
alcohol in the blood, breath, or urine, section 2903.04 of the 1417  
Revised Code in a case in which the offender was subject to the 1418  
sanctions described in division (D) of that section, section 1419  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1420  
ordinance that is substantially similar to section 2903.07 of the 1421  
Revised Code in a case in which the jury or judge found that the 1422  
offender was under the influence of alcohol, a drug of abuse, or 1423  
alcohol and a drug of abuse, or a statute of the United States or 1424  
of any other state or a municipal ordinance of a municipal 1425

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

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

In addition to any other sentence that it imposes upon the 1446  
offender, the court may require the offender to attend a drivers' 1447  
intervention program that is certified pursuant to section 3793.10 1448  
of the Revised Code. If the officials of the drivers' intervention 1449  
program determine that the offender is alcohol dependent, they 1450  
shall notify the court, and the court shall order the offender to 1451  
obtain treatment through an alcohol and drug addiction program 1452  
authorized by section 3793.02 of the Revised Code. The offender 1453  
shall pay the cost of the treatment. 1454

Of the fine imposed pursuant to this division, thirty-five 1455  
dollars shall be paid to an enforcement and education fund 1456  
established by the legislative authority of the law enforcement 1457

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

(b) Regardless of whether the vehicle the offender was 1485  
operating at the time of the offense is registered in the 1486  
offender's name or in the name of another person, the court, in 1487  
addition to the penalties imposed under division (A)(6)(a) of this 1488  
section and all other penalties provided by law and subject to 1489  
section 4503.235 of the Revised Code, shall order the 1490



immobilization for ninety days of the vehicle the offender was 1491  
operating at the time of the offense and the impoundment for 1492  
ninety days of the identification license plates of that vehicle. 1493  
The order for the immobilization and impoundment shall be issued 1494  
and enforced in accordance with section 4503.233 of the Revised 1495  
Code. 1496

(7)(a) Except as otherwise provided in division (A)(8) of 1497  
this section and except as provided in this division, if, within 1498  
six years of the offense, the offender has been convicted of or 1499  
pleaded guilty to two violations of division (A) or (B) of section 1500  
4511.19 of the Revised Code, a municipal ordinance relating to 1501  
operating a vehicle while under the influence of alcohol, a drug 1502  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1503  
relating to operating a vehicle with a prohibited concentration of 1504  
alcohol in the blood, breath, or urine, section 2903.04 of the 1505  
Revised Code in a case in which the offender was subject to the 1506  
sanctions described in division (D) of that section, section 1507  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1508  
ordinance that is substantially similar to section 2903.07 of the 1509  
Revised Code in a case in which the jury or judge found that the 1510  
offender was under the influence of alcohol, a drug of abuse, or 1511  
alcohol and a drug of abuse, or a statute of the United States or 1512  
of any other state or a municipal ordinance of a municipal 1513  
corporation located in any other state that is substantially 1514  
similar to division (A) or (B) of section 4511.19 of the Revised 1515  
Code, the court shall sentence the offender to a term of 1516  
imprisonment of sixty consecutive days and may sentence the 1517  
offender to a longer definite term of imprisonment of not more 1518  
than one year. As an alternative to the term of imprisonment 1519  
required to be imposed by this division, but subject to division 1520  
(A)(12) of this section, the court may impose upon the offender a 1521  
sentence consisting of both a term of imprisonment of thirty 1522  
consecutive days and not less than one hundred ten consecutive 1523

days of electronically monitored house arrest as defined in 1524  
division (A) of section 2929.23 of the Revised Code. The thirty 1525  
consecutive days of imprisonment and the period of electronically 1526  
monitored house arrest shall not exceed one year. The thirty 1527  
consecutive days of imprisonment do not have to be served prior to 1528  
or consecutively with the period of electronically monitored house 1529  
arrest. 1530

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

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

Of the fine imposed pursuant to this division, one hundred 1543  
twenty-three dollars shall be paid to an enforcement and education 1544  
fund established by the legislative authority of the law 1545  
enforcement agency in this state that primarily was responsible 1546  
for the arrest of the offender, as determined by the court that 1547  
imposes the fine. The agency shall use this share to pay only 1548  
those costs it incurs in enforcing section 4511.19 of the Revised 1549  
Code or a substantially similar municipal ordinance and in 1550  
informing the public of the laws governing the operation of a 1551  
motor vehicle while under the influence of alcohol, the dangers of 1552  
operating a motor vehicle while under the influence of alcohol, 1553  
and other information relating to the operation of a motor vehicle 1554  
and the consumption of alcoholic beverages. Two hundred 1555

seventy-seven dollars of the fine imposed pursuant to this 1556  
division shall be paid to the political subdivision that pays the 1557  
cost of housing the offender during the offender's term of 1558  
incarceration. The political subdivision shall use this share to 1559  
pay or reimburse incarceration or treatment costs it incurs in 1560  
housing or providing drug and alcohol treatment to persons who 1561  
violate section 4511.19 of the Revised Code or a substantially 1562  
similar municipal ordinance and to pay for ignition interlock 1563  
devices and electronic house arrest equipment for persons who 1564  
violate that section, and this share shall be paid to the credit 1565  
of the fund that pays the cost of incarceration. The balance of 1566  
the fine shall be disbursed as otherwise provided by law. 1567

(b) Regardless of whether the vehicle the offender was 1568  
operating at the time of the offense is registered in the 1569  
offender's name or in the name of another person, the court, in 1570  
addition to the penalties imposed under division (A)(7)(a) of this 1571  
section and all other penalties provided by law and subject to 1572  
section 4503.235 of the Revised Code, shall order the 1573  
immobilization for one hundred eighty days of the vehicle the 1574  
offender was operating at the time of the offense and the 1575  
impoundment for one hundred eighty days of the identification 1576  
license plates of that vehicle. The order for the immobilization 1577  
and impoundment shall be issued and enforced in accordance with 1578  
section 4503.233 of the Revised Code. 1579

(8)(a)(i) If, within six years of the offense, the offender 1580  
has been convicted of or pleaded guilty to three or ~~more~~ four 1581  
violations of division (A) or (B) of section 4511.19 of the 1582  
Revised Code, a municipal ordinance relating to operating a 1583  
vehicle while under the influence of alcohol, a drug of abuse, or 1584  
alcohol and a drug of abuse, a municipal ordinance relating to 1585  
operating a vehicle with a prohibited concentration of alcohol in 1586  
the blood, breath, or urine, section 2903.04 of the Revised Code 1587

in a case in which the offender was subject to the sanctions 1588  
described in division (D) of that section, section 2903.06, 1589  
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 1590  
that is substantially similar to section 2903.07 of the Revised 1591  
Code in a case in which the jury or judge found that the offender 1592  
was under the influence of alcohol, a drug of abuse, or alcohol 1593  
and a drug of abuse, or a statute of the United States or of any 1594  
other state or a municipal ordinance of a municipal corporation 1595  
located in any other state that is substantially similar to 1596  
division (A) or (B) of section 4511.19 of the Revised Code or if, 1597  
within twenty years of the offense, the offender previously has 1598  
been convicted of or pleaded guilty to five or more violations of 1599  
that nature, and if sentence is not required to be imposed under 1600  
division (A)(8)(a)(ii) of this section, the offender is guilty of 1601  
a felony of the fourth degree and, notwithstanding division (A)(4) 1602  
of section 2929.14 of the Revised Code, may be sentenced to a 1603  
definite prison term that shall be not less than six months and 1604  
not more than thirty months. The court shall sentence the offender 1605  
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1606  
and, shall impose as part of the sentence a mandatory prison term 1607  
of one, two, three, four, or five years as required by and in 1608  
accordance with division (G)(2) of section 2929.13 of the Revised 1609  
Code if the offender also pleads guilty to or also is convicted of 1610  
a specification of the type described in section 2941.1413 of the 1611  
Revised Code, and shall impose as part of the sentence either a 1612  
mandatory term of local incarceration of one hundred twenty 1613  
consecutive days of imprisonment in accordance with division 1614  
(G)(1) of section 2929.13 of the Revised Code or a mandatory 1615  
prison term of one hundred twenty consecutive days of imprisonment 1616  
in accordance with division (G)(2) of that section if the offender 1617  
does not plead guilty to and is not convicted of a specification 1618  
of that type. If the court requires the offender to serve a 1619  
mandatory term of local incarceration of one hundred twenty 1620

consecutive days of imprisonment in accordance with division 1621  
(G)(1) of section 2929.13 of the Revised Code, the court, pursuant 1622  
to section 2929.17 of the Revised Code, may impose upon the 1623  
offender a sentence that includes a term of electronically 1624  
monitored house arrest, provided that the term of electronically 1625  
monitored house arrest shall not commence until after the offender 1626  
has served the mandatory term of local incarceration. 1627

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

(iii) In addition to all other sanctions imposed on an 1645  
offender under division (A)(8)(a)(i) or (ii) of this section, the 1646  
court shall impose upon the offender, pursuant to section 2929.18 1647  
of the Revised Code, a fine of not less than eight hundred nor 1648  
more than ten thousand dollars. 1649

In addition to any other sanction that it imposes upon the 1650  
offender under division (A)(8)(a)(i) or (ii) of this section, the 1651  
court shall require the offender to attend an alcohol and drug 1652

addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund.

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

(b) Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to the sanctions imposed under division (A)(8)(a) of this section and all other sanctions provided by law and subject to section 4503.235 of the Revised Code, shall order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code.

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

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

(9)(a) Except as provided in division (A)(9)(b) of this section, upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section to continue the offender's employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, six, ten, twenty, thirty, or sixty consecutive days of imprisonment or the mandatory term of local incarceration of sixty or one hundred twenty consecutive days that the court is required by division (A)(1), (2), (3), (4), (5), (6),

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

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

(10) Notwithstanding any section of the Revised Code that 1740  
authorizes the suspension of the imposition or execution of a 1741  
sentence, the placement of an offender in any treatment program in 1742  
lieu of imprisonment, or the use of a community control sanction 1743  
for an offender convicted of a felony, no court shall suspend the 1744  
ten, twenty, thirty, or sixty consecutive days of imprisonment 1745  
required to be imposed on an offender by division (A)(2), (3), 1746  
(6), or (7) of this section, no court shall place an offender who 1747  
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or 1748



(8) of this section in any treatment program in lieu of 1749  
imprisonment until after the offender has served the ten, twenty, 1750  
thirty, or sixty consecutive days of imprisonment or the mandatory 1751  
term of local incarceration or mandatory prison term of sixty or 1752  
one hundred twenty consecutive days required to be imposed 1753  
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 1754  
section or a mandatory prison term of one, two, three, four, or 1755  
five years that the court is required to impose under division 1756  
(G)(2) of section 2929.13 of the Revised Code, no court that 1757  
sentences an offender under division (A)(4) or (8) of this section 1758  
shall impose any sanction other than a mandatory term of local 1759  
incarceration or mandatory prison term to apply to the offender 1760  
until after the offender has served the mandatory term of local 1761  
incarceration or mandatory prison term ~~of sixty or one hundred~~ 1762  
~~twenty consecutive days~~ required to be imposed pursuant to 1763  
division (A)(4) or (8) of this section or division (G) of section 1764  
2929.13 of the Revised Code, and no court that imposes a sentence 1765  
of imprisonment and a period of electronically monitored house 1766  
arrest upon an offender under division (A)(2), (3), (6), or (7) of 1767  
this section shall suspend any portion of the sentence or place 1768  
the offender in any treatment program in lieu of imprisonment or 1769  
electronically monitored house arrest. Notwithstanding any section 1770  
of the Revised Code that authorizes the suspension of the 1771  
imposition or execution of a sentence or the placement of an 1772  
offender in any treatment program in lieu of imprisonment, no 1773  
court, except as specifically authorized by division (A)(1) or (5) 1774  
of this section, shall suspend the three or more consecutive days 1775  
of imprisonment required to be imposed by division (A)(1) or (5) 1776  
of this section or place an offender who is sentenced pursuant to 1777  
division (A)(1) or (5) of this section in any treatment program in 1778  
lieu of imprisonment until after the offender has served the three 1779  
or more consecutive days of imprisonment required to be imposed 1780  
pursuant to division (A)(1) or (5) of this section. 1781

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

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

(B) Whoever violates section 4511.192, 4511.251, or 4511.85 1802  
of the Revised Code is guilty of a misdemeanor of the first 1803  
degree. The court, in addition to or independent of all other 1804  
penalties provided by law, may suspend for a period not to exceed 1805  
one year the driver's or commercial driver's license or permit or 1806  
nonresident operating privilege of any person who pleads guilty to 1807  
or is convicted of a violation of section 4511.192 of the Revised 1808  
Code. 1809

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

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

(2) If the offender previously has been convicted of or pleaded guilty to one or more violations of section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, a misdemeanor of the fourth degree. 1815  
1816  
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(D)(1) Whoever violates any provision of sections 4511.01 to 4511.76 or section 4511.84 of the Revised Code, for which no penalty otherwise is provided in this section is guilty of one of the following: 1821  
1822  
1823  
1824

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

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

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of any provision described in division (D)(1)(b) of this section or any municipal ordinance that is substantially similar to any of those provisions, a misdemeanor of the third degree. 1836  
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1841

(2) When any person is found guilty of a first offense for a violation of section 4511.21 of the Revised Code upon a finding 1842  
1843

that the person operated a motor vehicle faster than thirty-five 1844  
miles an hour in a business district of a municipal corporation, 1845  
or faster than fifty miles an hour in other portions, or faster 1846  
than thirty-five miles an hour while passing through a school zone 1847  
during recess or while children are going to or leaving school 1848  
during the opening or closing hours, the person is guilty of a 1849  
misdemeanor of the fourth degree. 1850

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

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

(E) Whenever a person is found guilty in a court of record of 1868  
a violation of section 4511.761, 4511.762, or 4511.77 of the 1869  
Revised Code, the trial judge, in addition to or independent of 1870  
all other penalties provided by law, may suspend for any period of 1871  
time not exceeding three years, or revoke the license of any 1872  
person, partnership, association, or corporation, issued under 1873  
section 4511.763 of the Revised Code. 1874

(F) Whoever violates division (E) or (F) of section 4511.51, 1875

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

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

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

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

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

(2) Whoever is not a resident of this state, violates 1897  
division (A) or (B) of section 4511.81 of the Revised Code, and 1898  
fails to prove by a preponderance of the evidence that the 1899  
offender's use or nonuse of a child restraint system was in 1900  
accordance with the law of the state of which the offender is a 1901  
resident is guilty of a minor misdemeanor on a first offense; on a 1902  
second or subsequent offense, that person is guilty of a 1903  
misdemeanor of the fourth degree. 1904

(3) All fines imposed pursuant to division (H)(1) or (2) of 1905  
this section shall be forwarded to the treasurer of state for 1906

deposit in the "child highway safety fund" created by division (G) 1907  
of section 4511.81 of the Revised Code. 1908

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

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

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

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

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

(2) If the offender previously has been convicted of or 1930  
pleaded guilty to a violation of division (H) of section 4511.69 1931  
of the Revised Code or of a municipal ordinance that is 1932  
substantially similar to that division, the offender shall not be 1933  
issued a warning but shall be fined twenty-five dollars for each 1934  
parking location that is not properly marked or whose markings are 1935  
not properly maintained. 1936

(M) Whoever violates division (A)(1) or (2) of section 1937

4511.45 of the Revised Code is guilty of a misdemeanor of the 1938  
fourth degree on a first offense; on a second offense within one 1939  
year after the first offense, the person is guilty of a 1940  
misdemeanor of the third degree; and on each subsequent offense 1941  
within one year after the first offense, the person is guilty of a 1942  
misdemeanor of the second degree. 1943

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

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

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

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

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

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

(iv) Section 2903.04 of the Revised Code in a case in which 1961  
the offender was subject to the sanctions described in division 1962  
(D) of that section; 1963

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

(vi) Division (A)(2), (3), or (4) of section 2903.06 or 1967

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

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

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

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

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

Arrest or conviction for a violation of division (F)(1)(a) or 1990  
(b) of section 4511.69 of the Revised Code does not constitute a 1991  
criminal record and need not be reported by the person so arrested 1992  
or convicted in response to any inquiries contained in any 1993  
application for employment, license, or other right or privilege, 1994  
or made in connection with the person's appearance as a witness. 1995

Every fine collected under this division shall be paid by the 1996  
clerk of the court to the political subdivision in which the 1997  
violation occurred. Except as provided in this division, the 1998



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

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

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

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

(i) Order the impoundment for not less than one day but not 2019  
more than thirty days of the electric personal assistive mobility 2020  
device that was involved in the current violation of that 2021  
division. The court shall order the device to be impounded at a 2022  
safe indoor location designated by the court and may assess 2023  
storage fees of not more than five dollars per day, provided the 2024  
total storage, processing, and release fees assessed against the 2025  
offender or the device in connection with the device's impoundment 2026  
or subsequent release shall not exceed fifty dollars. 2027

(ii) If the court does not issue an impoundment order 2028  
pursuant to division (Q)(1)(b)(i) of this section, issue an order 2029

prohibiting the offender from operating any electric personal 2030  
assistive mobility device on the public streets, highways, 2031  
sidewalks, and paths and portions of roadways set aside for the 2032  
exclusive use of bicycles for not less than one day but not more 2033  
than thirty days. 2034

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

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

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

(1) If the population of the township that created the 2055  
township police district served by the member's police force or 2056  
the township that is served by the township constable is ~~sixty~~ 2057  
fifty thousand or less, the member or constable shall exercise 2058  
that power on those portions of all state highways, except those 2059  
highways included as part of the interstate system, as defined in 2060

section 5516.01 of the Revised Code, that are located within the township police district, in the case of a member of a township police district police force, or within the unincorporated territory of the township, in the case of a township constable;

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

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

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

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

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

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

(b) It has received the appropriate license or certificate

for any specialized education, training, treatment, habilitation, 2090  
or other service that it provides from the government agency that 2091  
is responsible for licensing or certifying that type of education, 2092  
training, treatment, habilitation, or service. 2093

(2) "Alternative residential facility" does not include a 2094  
community-based correctional facility, jail, halfway house, or 2095  
prison. 2096

(B) "Bad time" means the time by which the parole board 2097  
administratively extends an offender's stated prison term or terms 2098  
pursuant to section 2967.11 of the Revised Code because the parole 2099  
board finds by clear and convincing evidence that the offender, 2100  
while serving the prison term or terms, committed an act that is a 2101  
criminal offense under the law of this state or the United States, 2102  
whether or not the offender is prosecuted for the commission of 2103  
that act. 2104

(C) "Basic probation supervision" means a requirement that 2105  
the offender maintain contact with a person appointed to supervise 2106  
the offender in accordance with sanctions imposed by the court or 2107  
imposed by the parole board pursuant to section 2967.28 of the 2108  
Revised Code. "Basic probation supervision" includes basic parole 2109  
supervision and basic post-release control supervision. 2110

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 2111  
"unit dose" have the same meanings as in section 2925.01 of the 2112  
Revised Code. 2113

(E) "Community-based correctional facility" means a 2114  
community-based correctional facility and program or district 2115  
community-based correctional facility and program developed 2116  
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 2117

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

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

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

(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.

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

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

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

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

(N) "Education or training" includes study at, or in 2151  
conjunction with a program offered by, a university, college, or 2152  
technical college or vocational study and also includes the 2153  
completion of primary school, secondary school, and literacy 2154  
curricula or their equivalent. 2155

(O) "Electronically monitored house arrest" has the same 2156  
meaning as in section 2929.23 of the Revised Code. 2157

(P) "Eligible offender" has the same meaning as in section 2158  
2929.23 of the Revised Code except as otherwise specified in 2159  
section 2929.20 of the Revised Code. 2160

(Q) "Firearm" has the same meaning as in section 2923.11 of 2161  
the Revised Code. 2162

(R) "Halfway house" means a facility licensed by the division 2163  
of parole and community services of the department of 2164  
rehabilitation and correction pursuant to section 2967.14 of the 2165  
Revised Code as a suitable facility for the care and treatment of 2166  
adult offenders. 2167

(S) "House arrest" means a period of confinement of an 2168  
eligible offender that is in the eligible offender's home or in 2169  
other premises specified by the sentencing court or by the parole 2170  
board pursuant to section 2967.28 of the Revised Code, that may be 2171  
electronically monitored house arrest, and during which all of the 2172  
following apply: 2173

(1) The eligible offender is required to remain in the 2174  
eligible offender's home or other specified premises for the 2175  
specified period of confinement, except for periods of time during 2176  
which the eligible offender is at the eligible offender's place of 2177  
employment or at other premises as authorized by the sentencing 2178  
court or by the parole board. 2179

(2) The eligible offender is required to report periodically 2180

to a person designated by the court or parole board.	2181
(3) The eligible offender is subject to any other	2182
restrictions and requirements that may be imposed by the	2183
sentencing court or by the parole board.	2184
(T) "Intensive probation supervision" means a requirement	2185
that an offender maintain frequent contact with a person appointed	2186
by the court, or by the parole board pursuant to section 2967.28	2187
of the Revised Code, to supervise the offender while the offender	2188
is seeking or maintaining necessary employment and participating	2189
in training, education, and treatment programs as required in the	2190
court's or parole board's order. "Intensive probation supervision"	2191
includes intensive parole supervision and intensive post-release	2192
control supervision.	2193
(U) "Jail" means a jail, workhouse, minimum security jail, or	2194
other residential facility used for the confinement of alleged or	2195
convicted offenders that is operated by a political subdivision or	2196
a combination of political subdivisions of this state.	2197
(V) "Delinquent child" has the same meaning as in section	2198
2152.02 of the Revised Code.	2199
(W) "License violation report" means a report that is made by	2200
a sentencing court, or by the parole board pursuant to section	2201
2967.28 of the Revised Code, to the regulatory or licensing board	2202
or agency that issued an offender a professional license or a	2203
license or permit to do business in this state and that specifies	2204
that the offender has been convicted of or pleaded guilty to an	2205
offense that may violate the conditions under which the offender's	2206
professional license or license or permit to do business in this	2207
state was granted or an offense for which the offender's	2208
professional license or license or permit to do business in this	2209
state may be revoked or suspended.	2210
(X) "Major drug offender" means an offender who is convicted	2211

of or pleads guilty to the possession of, sale of, or offer to 2212  
sell any drug, compound, mixture, preparation, or substance that 2213  
consists of or contains at least one thousand grams of hashish; at 2214  
least one hundred grams of crack cocaine; at least one thousand 2215  
grams of cocaine that is not crack cocaine; at least two thousand 2216  
five hundred unit doses or two hundred fifty grams of heroin; at 2217  
least five thousand unit doses of L.S.D. or five hundred grams of 2218  
L.S.D. in a liquid concentrate, liquid extract, or liquid 2219  
distillate form; or at least one hundred times the amount of any 2220  
other schedule I or II controlled substance other than marihuana 2221  
that is necessary to commit a felony of the third degree pursuant 2222  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 2223  
Code that is based on the possession of, sale of, or offer to sell 2224  
the controlled substance. 2225

(Y) "Mandatory prison term" means any of the following: 2226

(1) Subject to division (Y)(2) of this section, the term in 2227  
prison that must be imposed for the offenses or circumstances set 2228  
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 2229  
division (D) of section 2929.14 of the Revised Code. Except as 2230  
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2231  
2925.11 of the Revised Code, unless the maximum or another 2232  
specific term is required under section 2929.14 of the Revised 2233  
Code, a mandatory prison term described in this division may be 2234  
any prison term authorized for the level of offense. 2235

(2) The term of sixty or one hundred twenty days in prison 2236  
that a sentencing court is required to impose for a third or 2237  
fourth degree felony OVI offense pursuant to division (G)(2) of 2238  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 2239  
of the Revised Code or the term of one, two, three, four, or five 2240  
years in prison that a sentencing court is required to impose 2241  
pursuant to division (G)(2) of section 2929.13 of the Revised 2242  
Code. 2243



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

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

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

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

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

(1) A stated prison term; 2262

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

(3) A term in prison extended by bad time imposed pursuant to 2266  
section 2967.11 of the Revised Code or imposed for a violation of 2267  
post-release control pursuant to section 2967.28 of the Revised 2268  
Code. 2269

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

(1) The person has been convicted of or has pleaded guilty 2272  
to, and is being sentenced for committing, for complicity in 2273

committing, or for an attempt to commit, aggravated murder, 2274  
murder, involuntary manslaughter, a felony of the first degree 2275  
other than one set forth in Chapter 2925. of the Revised Code, a 2276  
felony of the first degree set forth in Chapter 2925. of the 2277  
Revised Code that involved an attempt to cause serious physical 2278  
harm to a person or that resulted in serious physical harm to a 2279  
person, or a felony of the second degree that involved an attempt 2280  
to cause serious physical harm to a person or that resulted in 2281  
serious physical harm to a person. 2282

(2) Either of the following applies: 2283

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

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

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

(b) The person previously was adjudicated a delinquent child 2298  
for committing an act that if committed by an adult would have 2299  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 2300  
section, the person was committed to the department of youth 2301  
services for that delinquent act. 2302

(EE) "Sanction" means any penalty imposed upon an offender 2303  
who is convicted of or pleads guilty to an offense, as punishment 2304

for the offense. "Sanction" includes any sanction imposed pursuant 2305  
to any provision of sections 2929.14 to 2929.18 of the Revised 2306  
Code. 2307

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

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

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

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

(JJ) "Mandatory term of local incarceration" means the term 2328  
of sixty or one hundred twenty days in a jail, a community-based 2329  
correctional facility, a halfway house, or an alternative 2330  
residential facility that a sentencing court may impose upon a 2331  
person who is convicted of or pleads guilty to a fourth degree 2332  
felony OVI offense pursuant to division (G)(1) of section 2929.13 2333  
of the Revised Code and division (G)(1)(d) or (e) of section 2334  
4511.19 of the Revised Code. 2335

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

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

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

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

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

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

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

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

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

(TT) "Body armor" has the same meaning as in section 2365

2941.1411 of the Revised Code. 2366

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

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

If the offender is being sentenced for a fourth degree felony 2387  
OVI offense or for a third degree felony OVI offense, in addition 2388  
to the mandatory term of local incarceration or the mandatory 2389  
prison term required for the offense by division (G)(1) or (2) of 2390  
this section, the court shall impose upon the offender a mandatory 2391  
fine in accordance with division (B)(3) of section 2929.18 of the 2392  
Revised Code and may impose whichever of the following is 2393  
applicable: 2394

(1) For a fourth degree felony OVI offense for which sentence 2395  
is imposed under division (G)(1) of this section, an additional 2396

community control sanction or combination of community control	2397
sanctions under section 2929.16 or 2929.17 of the Revised Code;	2398
(2) For a third or fourth degree felony OVI offense for which	2399
sentence is imposed under division (G)(2) of this section, an	2400
additional prison term as described in division (D)(4) of section	2401
2929.14 of the Revised Code.	2402
(B)(1) Except as provided in division (B)(2), (E), (F), or	2403
(G) of this section, in sentencing an offender for a felony of the	2404
fourth or fifth degree, the sentencing court shall determine	2405
whether any of the following apply:	2406
(a) In committing the offense, the offender caused physical	2407
harm to a person.	2408
(b) In committing the offense, the offender attempted to	2409
cause or made an actual threat of physical harm to a person with a	2410
deadly weapon.	2411
(c) In committing the offense, the offender attempted to	2412
cause or made an actual threat of physical harm to a person, and	2413
the offender previously was convicted of an offense that caused	2414
physical harm to a person.	2415
(d) The offender held a public office or position of trust	2416
and the offense related to that office or position; the offender's	2417
position obliged the offender to prevent the offense or to bring	2418
those committing it to justice; or the offender's professional	2419
reputation or position facilitated the offense or was likely to	2420
influence the future conduct of others.	2421
(e) The offender committed the offense for hire or as part of	2422
an organized criminal activity.	2423
(f) The offense is a sex offense that is a fourth or fifth	2424
degree felony violation of section 2907.03, 2907.04, 2907.05,	2425
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the	2426

Revised Code.	2427
(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term.	2428 2429
(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.	2430 2431 2432
(i) The offender committed the offense while in possession of a firearm.	2433 2434
(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.	2435 2436 2437 2438 2439 2440 2441 2442
(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.	2443 2444 2445 2446 2447 2448 2449 2450 2451 2452
(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	2453 2454 2455 2456 2457

purposes of sentencing, the sentencing court shall comply with the 2458  
purposes and principles of sentencing under section 2929.11 of the 2459  
Revised Code and with section 2929.12 of the Revised Code. 2460

(D) Except as provided in division (E) or (F) of this 2461  
section, for a felony of the first or second degree and for a 2462  
felony drug offense that is a violation of any provision of 2463  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2464  
presumption in favor of a prison term is specified as being 2465  
applicable, it is presumed that a prison term is necessary in 2466  
order to comply with the purposes and principles of sentencing 2467  
under section 2929.11 of the Revised Code. Notwithstanding the 2468  
presumption established under this division, the sentencing court 2469  
may impose a community control sanction or a combination of 2470  
community control sanctions instead of a prison term on an 2471  
offender for a felony of the first or second degree or for a 2472  
felony drug offense that is a violation of any provision of 2473  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2474  
presumption in favor of a prison term is specified as being 2475  
applicable if it makes both of the following findings: 2476

(1) A community control sanction or a combination of 2477  
community control sanctions would adequately punish the offender 2478  
and protect the public from future crime, because the applicable 2479  
factors under section 2929.12 of the Revised Code indicating a 2480  
lesser likelihood of recidivism outweigh the applicable factors 2481  
under that section indicating a greater likelihood of recidivism. 2482

(2) A community control sanction or a combination of 2483  
community control sanctions would not demean the seriousness of 2484  
the offense, because one or more factors under section 2929.12 of 2485  
the Revised Code that indicate that the offender's conduct was 2486  
less serious than conduct normally constituting the offense are 2487  
applicable, and they outweigh the applicable factors under that 2488  
section that indicate that the offender's conduct was more serious 2489



than conduct normally constituting the offense. 2490

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

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

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

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

(F) Notwithstanding divisions (A) to (E) of this section, the 2515  
court shall impose a prison term or terms under sections 2929.02 2516  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 2517  
Code and except as specifically provided in section 2929.20 or 2518  
2967.191 of the Revised Code or when parole is authorized for the 2519  
offense under section 2967.13 of the Revised Code shall not reduce 2520

the terms pursuant to section 2929.20, section 2967.193, or any 2521  
other provision of Chapter 2967. or Chapter 5120. of the Revised 2522  
Code for any of the following offenses: 2523

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

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

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

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

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

(6) Any offense that is a first or second degree felony and 2544  
that is not set forth in division (F)(1), (2), (3), or (4) of this 2545  
section, if the offender previously was convicted of or pleaded 2546  
guilty to aggravated murder, murder, any first or second degree 2547  
felony, or an offense under an existing or former law of this 2548  
state, another state, or the United States that is or was 2549  
substantially equivalent to one of those offenses; 2550

(7) Any offense that is a third degree felony and that is 2551

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

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

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

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

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

(12) A violation of division (A)(1) or (2) of section 2921.36 2575  
of the Revised Code, or a violation of division (C) of that 2576  
section involving an item listed in division (A)(1) or (2) of that 2577  
section, if the offender is an officer or employee of the 2578  
department of rehabilitation and correction. 2579

(G) Notwithstanding divisions (A) to (E) of this section, if 2580  
an offender is being sentenced for a fourth degree felony OVI 2581  
offense or for a third degree felony OVI offense, the court shall 2582

impose upon the offender a mandatory term of local incarceration 2583  
or a mandatory prison term in accordance with the following: 2584

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

(2) If the offender is being sentenced for a third degree 2604  
felony OVI offense, or if the offender is being sentenced for a 2605  
fourth degree felony OVI offense and the court does not impose a 2606  
mandatory term of local incarceration under division (G)(1) of 2607  
this section, the court shall impose upon the offender a mandatory 2608  
prison term of one, two, three, four, or five years if the 2609  
offender also pleads guilty to or also is convicted of a 2610  
specification of the type described in section 2941.1413 of the 2611  
Revised Code or shall impose upon the offender a mandatory prison 2612  
term of sixty days or one hundred twenty days as specified in 2613  
division (G)(1)(e) of section 4511.19 of the Revised Code if the 2614

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

(a) The department of rehabilitation and correction shall 2642  
make a reasonable effort to ensure that a sufficient number of 2643  
offenders sentenced to a mandatory prison term under this division 2644  
are placed in the privately operated and managed prison so that 2645  
the privately operated and managed prison has full occupancy. 2646

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

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

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

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

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

duties specified in that section. 2678

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

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

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

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

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

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

blood;	2708
(3) The person has a concentration of twelve-hundredths of	2709
one per cent or more but less than two hundred four-thousandths of	2710
one per cent by weight per unit volume of alcohol in the person's	2711
blood serum or plasma;	2712
(4) The person has a concentration of ten-hundredths of one	2713
gram or more but less than seventeen-hundredths of one gram by	2714
weight of alcohol per two hundred ten liters of the person's	2715
breath;	2716
(5) The person has a concentration of fourteen-hundredths of	2717
one gram or more but less than two hundred	2718
thirty-eight-thousandths of one gram by weight of alcohol per one	2719
hundred milliliters of the person's urine;	2720
(6) The person has a concentration of seventeen-hundredths of	2721
one per cent or more by weight per unit volume of alcohol in the	2722
person's whole blood;	2723
(7) The person has a concentration of two hundred	2724
four-thousandths of one per cent or more by weight per unit volume	2725
of alcohol in the person's blood serum or plasma;	2726
(8) The person has a concentration of seventeen-hundredths of	2727
one gram or more by weight of alcohol per two hundred ten liters	2728
of the person's breath;	2729
(9) The person has a concentration of two hundred	2730
thirty-eight-thousandths of one gram or more by weight of alcohol	2731
per one hundred milliliters of the person's urine.	2732
(B) No person under twenty-one years of age shall operate any	2733
vehicle, streetcar, or trackless trolley within this state, if, at	2734
the time of the operation, any of the following apply:	2735
(1) The person has a concentration of at least two-hundredths	2736
of one per cent but less than ten-hundredths of one per cent by	2737



weight per unit volume of alcohol in the person's whole blood; 2738

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

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

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

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

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

When a person submits to a blood test at the request of a law 2763  
enforcement officer under section 4511.191 of the Revised Code, 2764  
only a physician, a registered nurse, or a qualified technician, 2765  
chemist, or phlebotomist shall withdraw blood for the purpose of 2766  
determining the alcohol, drug, or alcohol and drug content of the 2767  
whole blood, blood serum, or blood plasma. This limitation does 2768

not apply to the taking of breath or urine specimens. A person 2769  
authorized to withdraw blood under this division may refuse to 2770  
withdraw blood under this division, if in that person's opinion, 2771  
the physical welfare of the person would be endangered by the 2772  
withdrawing of blood. 2773

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

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

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

The person tested may have a physician, a registered nurse, 2793  
or a qualified technician, chemist, or phlebotomist of the 2794  
person's own choosing administer a chemical test or tests, at the 2795  
person's expense, in addition to any administered at the request 2796  
of a law enforcement officer. The form to be read to the person to 2797  
be tested, as required under section 4511.192 of the Revised Code, 2798  
shall state that the person may have an independent test performed 2799  
at the person's expense. The failure or inability to obtain an 2800

additional chemical test by a person shall not preclude the 2801  
admission of evidence relating to the chemical test or tests taken 2802  
at the request of a law enforcement officer. 2803

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

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

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

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

(d) An outline of the analyst's or test performer's 2828  
education, training, and experience in performing the type of 2829  
analysis involved and a certification that the laboratory 2830  
satisfies appropriate quality control standards in general and, in 2831

this particular analysis, under rules of the department of health. 2832

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

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

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

(G)(1) Whoever violates any provision of divisions (A)(1) to 2859  
(9) of this section is guilty of operating a vehicle under the 2860  
influence of alcohol, a drug of abuse, or a combination of them. 2861  
The court shall sentence the offender under Chapter 2929. of the 2862  
Revised Code, except as otherwise authorized or required by 2863

divisions (G)(1)(a) to (e) of this section: 2864

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

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

The court may suspend the execution of the three-day jail 2878  
term under this division if the court, in lieu of that suspended 2879  
term, places the offender on probation and requires the offender 2880  
to attend, for three consecutive days, a drivers' intervention 2881  
program certified under section 3793.10 of the Revised Code. The 2882  
court also may suspend the execution of any part of the three-day 2883  
jail term under this division if it places the offender on 2884  
probation for part of the three days, requires the offender to 2885  
attend for the suspended part of the term a drivers' intervention 2886  
program so certified, and sentences the offender to a jail term 2887  
equal to the remainder of the three consecutive days that the 2888  
offender does not spend attending the program. The court may 2889  
require the offender, as a condition of probation and in addition 2890  
to the required attendance at a drivers' intervention program, to 2891  
attend and satisfactorily complete any treatment or education 2892  
programs that comply with the minimum standards adopted pursuant 2893  
to Chapter 3793. of the Revised Code by the director of alcohol 2894  
and drug addiction services that the operators of the drivers' 2895

intervention program determine that the offender should attend and 2896  
to report periodically to the court on the offender's progress in 2897  
the programs. The court also may impose on the offender any other 2898  
conditions of probation that it considers necessary. 2899

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

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

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

(iv) In all cases, a class five license suspension of the 2927

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

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

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

In addition to the jail term or the term of electronically 2949  
monitored house arrest and jail term, the court may require the 2950  
offender to attend a drivers' intervention program that is 2951  
certified pursuant to section 3793.10 of the Revised Code. If the 2952  
operator of the program determines that the offender is alcohol 2953  
dependent, the program shall notify the court, and, subject to 2954  
division (I) of this section, the court shall order the offender 2955  
to obtain treatment through an alcohol and drug addiction program 2956  
authorized by section 3793.02 of the Revised Code. 2957

(ii) If the sentence is being imposed for a violation of 2958  
division (A)(6), (7), (8), or (9) of this section, except as 2959

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

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

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

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

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



for ninety days. 2992

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

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

(ii) If the sentence is being imposed for a violation of 3011  
division (A)(6), (7), (8), or (9) of this section, a mandatory 3012  
jail term of sixty consecutive days. The court shall impose the 3013  
sixty-day mandatory jail term under this division unless, subject 3014  
to division (G)(3) of this section, it instead imposes a sentence 3015  
under that division consisting of both a jail term and a term of 3016  
electronically monitored house arrest. The court may impose a jail 3017  
term in addition to the sixty-day mandatory jail term. 3018  
Notwithstanding the terms of imprisonment set forth in Chapter 3019  
2929. of the Revised Code, the additional jail term shall not 3020  
exceed one year, and the cumulative jail term imposed for the 3021  
offense shall not exceed one year. 3022

(iii) In all cases, notwithstanding the fines set forth in 3023

Chapter 2929. of the Revised Code, a fine of not less than five 3024  
hundred fifty and not more than two thousand five hundred dollars; 3025

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

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

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

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

(i) If the sentence is being imposed for a violation of 3051  
division (A)(1), (2), (3), (4), or (5) of this section, a 3052  
mandatory prison term of one, two, three, four, or five years as 3053  
required by and in accordance with division (G)(2) of section 3054

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

(ii) If the sentence is being imposed for a violation of 3076  
division (A)(6), (7), (8), or (9) of this section, a mandatory 3077  
prison term of one, two, three, four, or five years as required by 3078  
and in accordance with division (G)(2) of section 2929.13 of the 3079  
Revised Code if the offender also is convicted of or also pleads 3080  
guilty to a specification of the type described in section 3081  
2941.1413 of the Revised Code or, in the discretion of the court, 3082  
either a mandatory term of local incarceration of one hundred 3083  
twenty consecutive days in accordance with division (G)(1) of 3084  
section 2929.13 of the Revised Code or a mandatory prison term of 3085  
one hundred twenty consecutive days in accordance with division 3086  
(G)(2) of that section if the offender is not convicted of and 3087

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

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

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

(v) In all cases, if the vehicle is registered in the 3112  
offender's name, criminal forfeiture of the vehicle involved in 3113  
the offense in accordance with section 4503.234 of the Revised 3114  
Code. Division (G)(6) of this section applies regarding any 3115  
vehicle that is subject to an order of criminal forfeiture under 3116  
this division. 3117

(vi) In all cases, participation in an alcohol and drug 3118  
addiction program authorized by section 3793.02 of the Revised 3119

Code, subject to division (I) of this section. 3120

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

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

(i) If the offender is being sentenced for a violation of 3133  
division (A)(1), (2), (3), (4), or (5) of this section, a 3134  
mandatory prison term of one, two, three, four, or five years as 3135  
required by and in accordance with division (G)(2) of section 3136  
2929.13 of the Revised Code if the offender also is convicted of 3137  
or also pleads guilty to a specification of the type described in 3138  
section 2941.1413 of the Revised Code or a mandatory prison term 3139  
of sixty consecutive days in accordance with division (G)(2) of 3140  
section 2929.13 of the Revised Code if the offender is not 3141  
convicted of and does not plead guilty to a specification of that 3142  
type. The court may impose a prison term in addition to the 3143  
~~sixty-day~~ mandatory prison term. The cumulative total of ~~the a~~ 3144  
sixty-day mandatory prison term and the additional prison term for 3145  
the offense shall not exceed five years. No term of local 3146  
incarceration, community residential sanction, or nonresidential 3147  
sanction is authorized for the offense. 3148

(ii) If the sentence is being imposed for a violation of 3149  
division (A)(6), (7), (8), or (9) of this section, a mandatory 3150  
prison term of one, two, three, four, or five years as required by 3151

and in accordance with division (G)(2) of section 2929.13 of the 3152  
Revised Code if the offender also is convicted of or also pleads 3153  
guilty to a specification of the type described in section 3154  
2941.1413 of the Revised Code or a mandatory prison term of one 3155  
hundred twenty consecutive days in accordance with division (G)(2) 3156  
of section 2929.13 of the Revised Code if the offender is not 3157  
convicted of and does not plead guilty to a specification of that 3158  
type. The court may impose a prison term in addition to the ~~one~~ 3159  
~~hundred twenty-day~~ mandatory prison term. The cumulative total of 3160  
~~the~~ a one hundred twenty-day mandatory prison term and the 3161  
additional prison term for the offense shall not exceed five 3162  
years. No term of local incarceration, community residential 3163  
sanction, or nonresidential sanction is authorized for the 3164  
offense. 3165

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

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

(v) In all cases, if the vehicle is registered in the 3176  
offender's name, criminal forfeiture of the vehicle involved in 3177  
the offense in accordance with section 4503.234 of the Revised 3178  
Code. Division (G)(6) of this section applies regarding any 3179  
vehicle that is subject to an order of criminal forfeiture under 3180  
this division. 3181

(vi) In all cases, participation in an alcohol and drug 3182  
addiction program authorized by section 3793.02 of the Revised 3183

Code, subject to division (I) of this section. 3184

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

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

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

As an alternative to the mandatory jail term of twenty 3211  
consecutive days required by division (G)(1)(b)(ii) of this 3212  
section, the court, under this division, may sentence the offender 3213  
to ten consecutive days in jail and not less than thirty-six 3214  
consecutive days of electronically monitored house arrest. The 3215

cumulative total of the ten consecutive days in jail and the 3216  
period of electronically monitored house arrest shall not exceed 3217  
six months. The ten consecutive days in jail do not have to be 3218  
served prior to or consecutively to the period of house arrest. 3219

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

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

(4) If an offender's driver's or occupational driver's 3238  
license or permit or nonresident operating privilege is suspended 3239  
under division (G) of this section and if section 4510.13 of the 3240  
Revised Code permits the court to grant limited driving 3241  
privileges, the court may grant the limited driving privileges 3242  
only if the court imposes as one of the conditions of the 3243  
privileges that the offender must display on the vehicle that is 3244  
driven subject to the privileges restricted license plates that 3245  
are issued under section 4503.231 of the Revised Code, except as 3246  
provided in division (B) of that section. 3247



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

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

(b) Fifty dollars of the fine imposed under division 3267  
(G)(1)(a)(iii) of this section shall be paid to the political 3268  
subdivision that pays the cost of housing the offender during the 3269  
offender's term of incarceration. If the offender is being 3270  
sentenced for a violation of division (A)(1), (2), (3), (4), or 3271  
(5) of this section and was confined as a result of the offense 3272  
prior to being sentenced for the offense but is not sentenced to a 3273  
term of incarceration, the fifty dollars shall be paid to the 3274  
political subdivision that paid the cost of housing the offender 3275  
during that period of confinement. The political subdivision shall 3276  
use the share under this division to pay or reimburse 3277  
incarceration or treatment costs it incurs in housing or providing 3278  
drug and alcohol treatment to persons who violate this section or 3279

a municipal OVI ordinance, costs of any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

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

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

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

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c), (d), or (e) of this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may

fine the offender the value of the vehicle as determined by 3312  
publications of the national auto dealers association. The 3313  
proceeds of any fine so imposed shall be distributed in accordance 3314  
with division (C)(2) of that section. 3315

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

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

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

(I)(1) No court shall sentence an offender to an alcohol 3337  
treatment program under this section unless the treatment program 3338  
complies with the minimum standards for alcohol treatment programs 3339  
adopted under Chapter 3793. of the Revised Code by the director of 3340  
alcohol and drug addiction services. 3341

(2) An offender who stays in a drivers' intervention program 3342

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

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

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

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

(2) If, on or after ~~the effective date of this amendment~~ 3367  
January 1, 2004, the supreme court modifies the Ohio Traffic Rules 3368  
to provide procedures to govern felony violations of this section, 3369  
the modified rules shall apply to felony violations of this 3370  
section. 3371

**Section 4.** That the existing versions of sections 2929.01, 3372  
2929.13, and 4511.19 of the Revised Code that are scheduled to 3373

take effect January 1, 2004, are hereby repealed. 3374

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

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

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

(B) Section 2929.13 of the Revised Code, effective on January 3391  
1, 2004, is presented in Section 3 of this act as a composite of 3392  
the section as amended by Am. Sub. H.B. 327, Sub. H.B. 485, and 3393  
Am. Sub. S.B. 123 of the 124th General Assembly. The General 3394  
Assembly, applying the principle stated in division (B) of section 3395  
1.52 of the Revised Code that amendments are to be harmonized if 3396  
reasonably capable of simultaneous operation, finds that the 3397  
composite is the resulting version of the section in effect prior 3398  
to the effective date of the section as presented in Section 3 of 3399  
this act. 3400