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Senators Goodman, Dann, Zurz

A BILL

To amend sections 2152.02, 2152.17, 2152.20, 2152.21, 1
2903.06, 2903.08, 2923.162, 2929.01, 2929.13, 2
2929.14, 2929.18, 2929.21, 2929.28, 4510.021, 3
4510.12, 4510.15, 4510.16, 4510.54, 4511.01, 4
4511.251, 4511.98, and 5501.27 and to enact 5
sections 2903.081, 2941.1413, and 2941.1414 of the 6
Revised Code to expand the offenses of aggravated 7
vehicular homicide, vehicular homicide, and 8
vehicular assault to also prohibit causing death 9
or serious physical harm as a proximate result of 10
committing a reckless operation or speeding 11
violation in a construction zone when the victim 12
is any person in the construction zone and notice 13
of the prohibitions was posted; to impose a 14
five-year mandatory prison term for a conviction 15
of aggravated vehicular homicide and a peace 16
officer victim specification; to impose a 17
three-year mandatory prison term for a conviction 18

of aggravated vehicular homicide and a 19
specification of three or more OVI-related 20
violations; to increase the penalty for 21
discharging a firearm upon or over a public road 22
or highway and link the amount of the increase to 23
the injury caused, or risk of injury created, by 24
the offense; to limit the use of restitution as a 25
sanction for misdemeanor offenders and delinquent 26
children and change the terminology used regarding 27
the court's imposition of a restitution sanction; 28
to revise the effect of a restitution sanction for 29
a misdemeanor; to revise the definition of 30
"economic loss" that applies to the Delinquent 31
Child Law and the Criminal Sentencing Law; to 32
eliminate the application of the overriding 33
purposes of misdemeanor sentencing to certain 34
misdemeanor offenses; to correct errors in and 35
otherwise modify certain provisions that contain 36
some of the Ohio Criminal Sentencing Commission's 37
traffic law and misdemeanor sentencing law 38
revisions; and to declare an emergency. 39

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

Section 1. That sections 2152.02, 2152.17, 2152.20, 2152.21, 40
2903.06, 2903.08, 2923.162, 2929.01, 2929.13, 2929.14, 2929.18, 41
2929.21, 2929.28, 4510.021, 4510.12, 4510.15, 4510.16, 4510.54, 42
4511.01, 4511.251, 4511.98, and 5501.27 be amended and sections 43
2903.081, 2941.1413, and 2941.1414 of the Revised Code be enacted 44
to read as follows: 45

Sec. 2152.02. As used in this chapter: 46

(A) "Act charged" means the act that is identified in a 47
complaint, indictment, or information alleging that a child is a 48
delinquent child. 49

(B) "Admitted to a department of youth services facility" 50
includes admission to a facility operated, or contracted for, by 51
the department and admission to a comparable facility outside this 52
state by another state or the United States. 53

(C)(1) "Child" means a person who is under eighteen years of 54
age, except as otherwise provided in divisions (C)(2) to (6) of 55
this section. 56

(2) Subject to division (C)(3) of this section, any person 57
who violates a federal or state law or a municipal ordinance prior 58
to attaining eighteen years of age shall be deemed a "child" 59
irrespective of that person's age at the time the complaint with 60
respect to that violation is filed or the hearing on the complaint 61
is held. 62

(3) Any person who, while under eighteen years of age, 63
commits an act that would be a felony if committed by an adult and 64
who is not taken into custody or apprehended for that act until 65
after the person attains twenty-one years of age is not a child in 66
relation to that act. 67

(4) Any person whose case is transferred for criminal 68
prosecution pursuant to section 2152.12 of the Revised Code shall 69
be deemed after the transfer not to be a child in the transferred 70
case. 71

(5) Any person whose case is transferred for criminal 72
prosecution pursuant to section 2152.12 of the Revised Code and 73
who subsequently is convicted of or pleads guilty to a felony in 74
that case, and any person who is adjudicated a delinquent child 75
for the commission of an act, who has a serious youthful offender 76
dispositional sentence imposed for the act pursuant to section 77

2152.13 of the Revised Code, and whose adult portion of the 78
dispositional sentence is invoked pursuant to section 2152.14 of 79
the Revised Code, shall be deemed after the transfer or invocation 80
not to be a child in any case in which a complaint is filed 81
against the person. 82

(6) The juvenile court has jurisdiction over a person who is 83
adjudicated a delinquent child or juvenile traffic offender prior 84
to attaining eighteen years of age until the person attains 85
twenty-one years of age, and, for purposes of that jurisdiction 86
related to that adjudication, except as otherwise provided in this 87
division, a person who is so adjudicated a delinquent child or 88
juvenile traffic offender shall be deemed a "child" until the 89
person attains twenty-one years of age. If a person is so 90
adjudicated a delinquent child or juvenile traffic offender and 91
the court makes a disposition of the person under this chapter, at 92
any time after the person attains eighteen years of age, the 93
places at which the person may be held under that disposition are 94
not limited to places authorized under this chapter solely for 95
confinement of children, and the person may be confined under that 96
disposition, in accordance with division (F)(2) of section 2152.26 97
of the Revised Code, in places other than those authorized under 98
this chapter solely for confinement of children. 99

(D) "Chronic truant" means any child of compulsory school age 100
who is absent without legitimate excuse for absence from the 101
public school the child is supposed to attend for seven or more 102
consecutive school days, ten or more school days in one school 103
month, or fifteen or more school days in a school year. 104

(E) "Community corrections facility," "public safety beds," 105
"release authority," and "supervised release" have the same 106
meanings as in section 5139.01 of the Revised Code. 107

(F) "Delinquent child" includes any of the following: 108

(1) Any child, except a juvenile traffic offender, who	109
violates any law of this state or the United States, or any	110
ordinance of a political subdivision of the state, that would be	111
an offense if committed by an adult;	112
(2) Any child who violates any lawful order of the court made	113
under this chapter or under Chapter 2151. of the Revised Code	114
other than an order issued under section 2151.87 of the Revised	115
Code;	116
(3) Any child who violates division (A) of section 2923.211	117
of the Revised Code;	118
(4) Any child who is a habitual truant and who previously has	119
been adjudicated an unruly child for being a habitual truant;	120
(5) Any child who is a chronic truant.	121
(G) "Discretionary serious youthful offender" means a person	122
who is eligible for a discretionary SYO and who is not transferred	123
to adult court under a mandatory or discretionary transfer.	124
(H) "Discretionary SYO" means a case in which the juvenile	125
court, in the juvenile court's discretion, may impose a serious	126
youthful offender disposition under section 2152.13 of the Revised	127
Code.	128
(I) "Discretionary transfer" means that the juvenile court	129
has discretion to transfer a case for criminal prosecution under	130
division (B) of section 2152.12 of the Revised Code.	131
(J) "Drug abuse offense," "felony drug abuse offense," and	132
"minor drug possession offense" have the same meanings as in	133
section 2925.01 of the Revised Code.	134
(K) "Electronic monitoring" and "electronic monitoring	135
device" have the same meanings as in section 2929.01 of the	136
Revised Code.	137
(L) "Economic loss" means any economic detriment suffered by	138

a victim of a delinquent act or juvenile traffic offense as a 139
direct and proximate result of the delinquent act or juvenile 140
traffic offense and includes any loss of income due to lost time 141
at work because of any injury caused to the victim and any 142
property loss, medical cost, or funeral expense incurred as a 143
result of the delinquent act or juvenile traffic offense. 144
"Economic loss" does not include non-economic loss or any punitive 145
or exemplary damages. 146

(M) "Firearm" has the same meaning as in section 2923.11 of 147
the Revised Code. 148

(N) "Juvenile traffic offender" means any child who violates 149
any traffic law, traffic ordinance, or traffic regulation of this 150
state, the United States, or any political subdivision of this 151
state, other than a resolution, ordinance, or regulation of a 152
political subdivision of this state the violation of which is 153
required to be handled by a parking violations bureau or a joint 154
parking violations bureau pursuant to Chapter 4521. of the Revised 155
Code. 156

(O) A "legitimate excuse for absence from the public school 157
the child is supposed to attend" has the same meaning as in 158
section 2151.011 of the Revised Code. 159

(P) "Mandatory serious youthful offender" means a person who 160
is eligible for a mandatory SYO and who is not transferred to 161
adult court under a mandatory or discretionary transfer. 162

(Q) "Mandatory SYO" means a case in which the juvenile court 163
is required to impose a mandatory serious youthful offender 164
disposition under section 2152.13 of the Revised Code. 165

(R) "Mandatory transfer" means that a case is required to be 166
transferred for criminal prosecution under division (A) of section 167
2152.12 of the Revised Code. 168

(S) "Mental illness" has the same meaning as in section 169

5122.01 of the Revised Code.	170
(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	171 172
(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.	173 174
(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	175 176
(W) "Public record" has the same meaning as in section 149.43 of the Revised Code.	177 178
(X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer.	179 180 181 182
(Y) "Sexually oriented offense," "habitual sex offender," "juvenile offender registrant," "sexual predator," "presumptive registration-exempt sexually oriented offense," "registration-exempt sexually oriented offense," "child-victim oriented offense," "habitual child-victim offender," and "child-victim predator" have the same meanings as in section 2950.01 of the Revised Code.	183 184 185 186 187 188 189
(Z) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code.	190 191 192 193 194 195
(AA) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of	196 197 198 199

the offense.	200
(BB) "Category one offense" means any of the following:	201
(1) A violation of section 2903.01 or 2903.02 of the Revised Code;	202
(2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder.	204
(CC) "Category two offense" means any of the following:	206
(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code;	207
(2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree;	209
(3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	211
<u>(DD) "Non-economic loss" means nonpecuniary harm suffered by a victim of a delinquent act or juvenile traffic offense as a result of or related to the delinquent act or juvenile traffic offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss.</u>	213
<u>Sec. 2152.17. (A) Subject to division (D) of this section, if a child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and if the court determines that, if the child was an adult, the child would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412, 2941.1413, or 2941.1414 of the Revised Code, in addition to any commitment or other disposition the court imposes for the underlying delinquent</u>	221
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act, all of the following apply: 230

(1) If the court determines that the child would be guilty of 231
a specification of the type set forth in section 2941.141 of the 232
Revised Code, the court may commit the child to the department of 233
youth services for the specification for a definite period of up 234
to one year. 235

(2) If the court determines that the child would be guilty of 236
a specification of the type set forth in section 2941.145 of the 237
Revised Code or if the delinquent act is a violation of division 238
(A)(1) or (2) of section 2903.06 of the Revised Code and the court 239
determines that the child would be guilty of a specification of 240
the type set forth in section 2941.1414 of the Revised Code, the 241
court shall commit the child to the department of youth services 242
for the specification for a definite period of not less than one 243
and not more than three years, and the court also shall commit the 244
child to the department for the underlying delinquent act under 245
sections 2152.11 to 2152.16 of the Revised Code. 246

(3) If the court determines that the child would be guilty of 247
a specification of the type set forth in section 2941.144, 248
2941.146, or 2941.1412 of the Revised Code or if the delinquent 249
act is a violation of division (A)(1) or (2) of section 2903.06 of 250
the Revised Code and the court determines that the child would be 251
guilty of a specification of the type set forth in section 252
2941.1413 of the Revised Code, the court shall commit the child to 253
the department of youth services for the specification for a 254
definite period of not less than one and not more than five years, 255
and the court also shall commit the child to the department for 256
the underlying delinquent act under sections 2152.11 to 2152.16 of 257
the Revised Code. 258

(B) Division (A) of this section also applies to a child who 259
is an accomplice to the same extent the firearm specifications 260

would apply to an adult accomplice in a criminal proceeding. 261

(C) If a child is adjudicated a delinquent child for 262
committing an act that would be aggravated murder, murder, or a 263
first, second, or third degree felony offense of violence if 264
committed by an adult and if the court determines that, if the 265
child was an adult, the child would be guilty of a specification 266
of the type set forth in section 2941.142 of the Revised Code in 267
relation to the act for which the child was adjudicated a 268
delinquent child, the court shall commit the child for the 269
specification to the legal custody of the department of youth 270
services for institutionalization in a secure facility for a 271
definite period of not less than one and not more than three 272
years, subject to division (D)(2) of this section, and the court 273
also shall commit the child to the department for the underlying 274
delinquent act. 275

(D)(1) If the child is adjudicated a delinquent child for 276
committing an act that would be an offense of violence that is a 277
felony if committed by an adult and is committed to the legal 278
custody of the department of youth services pursuant to division 279
(A)(1) of section 2152.16 of the Revised Code and if the court 280
determines that the child, if the child was an adult, would be 281
guilty of a specification of the type set forth in section 282
2941.1411 of the Revised Code in relation to the act for which the 283
child was adjudicated a delinquent child, the court may commit the 284
child to the custody of the department of youth services for 285
institutionalization in a secure facility for up to two years, 286
subject to division (D)(2) of this section. 287

(2) A court that imposes a period of commitment under 288
division (A) of this section is not precluded from imposing an 289
additional period of commitment under division (C) or (D)(1) of 290
this section, a court that imposes a period of commitment under 291
division (C) of this section is not precluded from imposing an 292

additional period of commitment under division (A) or (D)(1) of 293
this section, and a court that imposes a period of commitment 294
under division (D)(1) of this section is not precluded from 295
imposing an additional period of commitment under division (A) or 296
(C) of this section. 297

(E) The court shall not commit a child to the legal custody 298
of the department of youth services for a specification pursuant 299
to this section for a period that exceeds five years for any one 300
delinquent act. Any commitment imposed pursuant to division (A), 301
(B), (C), or (D)(1) of this section shall be in addition to, and 302
shall be served consecutively with and prior to, a period of 303
commitment ordered under this chapter for the underlying 304
delinquent act, and each commitment imposed pursuant to division 305
(A), (B), (C), or (D)(1) of this section shall be in addition to, 306
and shall be served consecutively with, any other period of 307
commitment imposed under those divisions. If a commitment is 308
imposed under division (A) or (B) of this section and a commitment 309
also is imposed under division (C) of this section, the period 310
imposed under division (A) or (B) of this section shall be served 311
prior to the period imposed under division (C) of this section. 312

In each case in which a court makes a disposition under this 313
section, the court retains control over the commitment for the 314
entire period of the commitment. 315

The total of all the periods of commitment imposed for any 316
specification under this section and for the underlying offense 317
shall not exceed the child's attainment of twenty-one years of 318
age. 319

(F) If a child is adjudicated a delinquent child for 320
committing two or more acts that would be felonies if committed by 321
an adult and if the court entering the delinquent child 322
adjudication orders the commitment of the child for two or more of 323
those acts to the legal custody of the department of youth 324

services for institutionalization in a secure facility pursuant to 325
section 2152.13 or 2152.16 of the Revised Code, the court may 326
order that all of the periods of commitment imposed under those 327
sections for those acts be served consecutively in the legal 328
custody of the department of youth services, provided that those 329
periods of commitment shall be in addition to and commence 330
immediately following the expiration of a period of commitment 331
that the court imposes pursuant to division (A), (B), (C), or 332
(D)(1) of this section. A court shall not commit a delinquent 333
child to the legal custody of the department of youth services 334
under this division for a period that exceeds the child's 335
attainment of twenty-one years of age. 336

(G) If a child is adjudicated a delinquent child for 337
committing an act that if committed by an adult would be 338
aggravated murder, murder, rape, felonious sexual penetration in 339
violation of former section 2907.12 of the Revised Code, 340
involuntary manslaughter, a felony of the first or second degree 341
resulting in the death of or physical harm to a person, complicity 342
in or an attempt to commit any of those offenses, or an offense 343
under an existing or former law of this state that is or was 344
substantially equivalent to any of those offenses and if the court 345
in its order of disposition for that act commits the child to the 346
custody of the department of youth services, the adjudication 347
shall be considered a conviction for purposes of a future 348
determination pursuant to Chapter 2929. of the Revised Code as to 349
whether the child, as an adult, is a repeat violent offender. 350

Sec. 2152.20. (A) If a child is adjudicated a delinquent 351
child or a juvenile traffic offender, the court may order any of 352
the following dispositions, in addition to any other disposition 353
authorized or required by this chapter: 354

(1) Impose a fine in accordance with the following schedule: 355

(a) For an act that would be a minor misdemeanor or an unclassified misdemeanor if committed by an adult, a fine not to exceed fifty dollars;	356 357 358
(b) For an act that would be a misdemeanor of the fourth degree if committed by an adult, a fine not to exceed one hundred dollars;	359 360 361
(c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars;	362 363 364
(d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars;	365 366 367
(e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars;	368 369 370
(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars;	371 372 373
(g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars;	374 375
(h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars;	376 377 378
(i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars;	379 380
(j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars;	381 382 383
(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars.	384 385

(2) Require the child to pay costs; 386

(3) ~~Require~~ Unless the child's delinquent act or juvenile 387
traffic offense would be a minor misdemeanor if committed by an 388
adult or could be disposed of by the juvenile traffic violations 389
bureau serving the court under Traffic Rule 13.1 if the court has 390
established a juvenile traffic violations bureau, require the 391
child to make restitution to the victim of the child's delinquent 392
act or juvenile traffic offense or, if the victim is deceased, to 393
a survivor of the victim in an amount based upon the victim's 394
economic loss caused by or related to the delinquent act or 395
juvenile traffic offense. Restitution required The court may not 396
require a child to make restitution pursuant to this division if 397
the child's delinquent act or juvenile traffic offense would be a 398
minor misdemeanor if committed by an adult or could be disposed of 399
by the juvenile traffic violations bureau serving the court under 400
Traffic Rule 13.1 if the court has established a juvenile traffic 401
violations bureau. If the court requires restitution under this 402
division, the restitution shall be made directly to the victim in 403
open court or to the probation department that serves the 404
jurisdiction or the clerk of courts on behalf of the victim. ~~The~~ 405
~~restitution may include reimbursement to third parties, other than~~ 406
~~the delinquent child's insurer, for amounts paid to the victim or~~ 407
~~to any survivor of the victim for economic loss resulting from the~~ 408
~~delinquent act. If reimbursement to a third party is required, the~~ 409
~~reimbursement shall be made to any governmental agency to repay~~ 410
~~any amounts the agency paid to the victim or any survivor of the~~ 411
~~victim before any reimbursement is made to any other person.~~ 412

~~Restitution required~~ If the court requires restitution under 413
this division, the restitution may be in the form of a cash 414
reimbursement paid in a lump sum or in installments, the 415
performance of repair work to restore any damaged property to its 416
original condition, the performance of a reasonable amount of 417

labor for the victim or survivor of the victim, the performance of 418
community service work, any other form of restitution devised by 419
the court, or any combination of the previously described forms of 420
restitution. 421

~~The~~ If the court requires restitution under this division, 422
the court may base the restitution order ~~under this division~~ on an 423
amount recommended by the victim or survivor of the victim, the 424
delinquent child, the juvenile traffic offender, a presentence 425
investigation report, estimates or receipts indicating the cost of 426
repairing or replacing property, and any other information, 427
provided that the amount the court orders as restitution shall not 428
exceed the amount of the economic loss suffered by the victim as a 429
direct and proximate result of the delinquent act or juvenile 430
traffic offense. If the court decides to order restitution under 431
this division and the amount of the restitution is disputed by the 432
victim or survivor or by the delinquent child or juvenile traffic 433
offender, the court shall hold a hearing on the restitution. ~~The~~ 434
If the court requires restitution under this division, the court 435
shall determine, or order the determination of, the amount of 436
restitution to be paid by the delinquent child or juvenile traffic 437
offender. All restitution payments shall be credited against any 438
recovery of economic loss in a civil action brought by or on 439
behalf of the victim against the delinquent child or juvenile 440
traffic offender or the delinquent child's or juvenile traffic 441
offender's parent, guardian, or other custodian. 442

~~The~~ If the court requires restitution under this division, 443
the court may order that the delinquent child or juvenile traffic 444
offender pay a surcharge, in an amount not exceeding five per cent 445
of the amount of restitution otherwise ordered under this 446
division, to the entity responsible for collecting and processing 447
the restitution payments. 448

The victim or the survivor of the victim may request that the 449

prosecuting authority file a motion, or the delinquent child or 450
juvenile traffic offender may file a motion, for modification of 451
the payment terms of any restitution ordered under this division. 452
If the court grants the motion, it may modify the payment terms as 453
it determines appropriate. 454

(4) Require the child to reimburse any or all of the costs 455
incurred for services or sanctions provided or imposed, including, 456
but not limited to, the following: 457

(a) All or part of the costs of implementing any community 458
control imposed as a disposition under section 2152.19 of the 459
Revised Code, including a supervision fee; 460

(b) All or part of the costs of confinement in a residential 461
facility described in section 2152.19 of the Revised Code or in a 462
department of youth services institution, including, but not 463
limited to, a per diem fee for room and board, the costs of 464
medical and dental treatment provided, and the costs of repairing 465
property the delinquent child damaged while so confined. The 466
amount of reimbursement ordered for a child under this division 467
shall not exceed the total amount of reimbursement the child is 468
able to pay as determined at a hearing and shall not exceed the 469
actual cost of the confinement. The court may collect any 470
reimbursement ordered under this division. If the court does not 471
order reimbursement under this division, confinement costs may be 472
assessed pursuant to a repayment policy adopted under section 473
2929.37 of the Revised Code and division (D) of section 307.93, 474
division (A) of section 341.19, division (C) of section 341.23 or 475
753.16, or division (B) of section 341.14, 753.02, 753.04, 476
2301.56, or 2947.19 of the Revised Code. 477

(B)(1) If a child is adjudicated a delinquent child for 478
violating section 2923.32 of the Revised Code, the court shall 479
enter an order of criminal forfeiture against the child in 480
accordance with divisions (B)(3), (4), (5), and (6) and (C) to (F) 481

of section 2923.32 of the Revised Code. 482

(2) Sections 2925.41 to 2925.45 of the Revised Code apply to 483
children who are adjudicated or could be adjudicated by a juvenile 484
court to be delinquent children for an act that, if committed by 485
an adult, would be a felony drug abuse offense. Subject to 486
division (B) of section 2925.42 and division (E) of section 487
2925.43 of the Revised Code, a delinquent child of that nature 488
loses any right to the possession of, and forfeits to the state 489
any right, title, and interest that the delinquent child may have 490
in, property as defined in section 2925.41 of the Revised Code and 491
further described in section 2925.42 or 2925.43 of the Revised 492
Code. 493

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to 494
children who are adjudicated or could be adjudicated by a juvenile 495
court to be delinquent children for an act in violation of section 496
2923.42 of the Revised Code. Subject to division (B) of section 497
2923.44 and division (E) of section 2923.45 of the Revised Code, a 498
delinquent child of that nature loses any right to the possession 499
of, and forfeits to the state any right, title, and interest that 500
the delinquent child may have in, property as defined in section 501
2923.41 of the Revised Code and further described in section 502
2923.44 or 2923.45 of the Revised Code. 503

(C) The court may hold a hearing if necessary to determine 504
whether a child is able to pay a sanction under this section. 505

(D) If a child who is adjudicated a delinquent child is 506
indigent, the court shall consider imposing a term of community 507
service under division (A) of section 2152.19 of the Revised Code 508
in lieu of imposing a financial sanction under this section. If a 509
child who is adjudicated a delinquent child is not indigent, the 510
court may impose a term of community service under that division 511
in lieu of, or in addition to, imposing a financial sanction under 512
this section. The court may order community service for an act 513

that if committed by an adult would be a minor misdemeanor. 514

If a child fails to pay a financial sanction imposed under 515
this section, the court may impose a term of community service in 516
lieu of the sanction. 517

(E) The clerk of the court, or another person authorized by 518
law or by the court to collect a financial sanction imposed under 519
this section, may do any of the following: 520

(1) Enter into contracts with one or more public agencies or 521
private vendors for the collection of the amounts due under the 522
financial sanction, which amounts may include interest from the 523
date of imposition of the financial sanction; 524

(2) Permit payment of all, or any portion of, the financial 525
sanction in installments, by credit or debit card, by another type 526
of electronic transfer, or by any other reasonable method, within 527
any period of time, and on any terms that the court considers 528
just, except that the maximum time permitted for payment shall not 529
exceed five years. The clerk may pay any fee associated with 530
processing an electronic transfer out of public money and may 531
charge the fee to the delinquent child. 532

(3) To defray administrative costs, charge a reasonable fee 533
to a child who elects a payment plan rather than a lump sum 534
payment of a financial sanction. 535

Sec. 2152.21. (A) Unless division (C) of this section 536
applies, if a child is adjudicated a juvenile traffic offender, 537
the court may make any of the following orders of disposition: 538

(1) Impose costs and one or more financial sanctions in 539
accordance with section 2152.20 of the Revised Code; 540

(2) Suspend the child's driver's license, probationary 541
driver's license, or temporary instruction permit for a definite 542
period not exceeding two years or suspend the registration of all 543

motor vehicles registered in the name of the child for a definite 544
period not exceeding two years. A child whose license or permit is 545
so suspended is ineligible for issuance of a license or permit 546
during the period of suspension. At the end of the period of 547
suspension, the child shall not be reissued a license or permit 548
until the child has paid any applicable reinstatement fee and 549
complied with all requirements governing license reinstatement. 550

(3) Place the child on community control; 551

(4) Require If the child is adjudicated a juvenile traffic 552
offender for an act other than an act that would be a minor 553
misdemeanor if committed by an adult and other than an act that 554
could be disposed of by the juvenile traffic violations bureau 555
serving the court under Traffic Rule 13.1 if the court has 556
established a juvenile traffic violations bureau, require the 557
child to make restitution ~~for all damages caused by the child's~~ 558
~~traffic violation~~ pursuant to division (A)(3) of section 2152.20 559
of the Revised Code; 560

(5)(a) If the child is adjudicated a juvenile traffic 561
offender for committing a violation of division (A) of section 562
4511.19 of the Revised Code or of a municipal ordinance that is 563
substantially equivalent to that division, commit the child, for 564
not longer than five days, to either of the following: 565

(i) The temporary custody of a detention facility or district 566
detention facility established under section 2152.41 of the 567
Revised Code; 568

(ii) The temporary custody of any school, camp, institution, 569
or other facility for children operated in whole or in part for 570
the care of juvenile traffic offenders of that nature by the 571
county, by a district organized under section ~~2152.41~~ or 2151.65 572
or 2152.41 of the Revised Code, or by a private agency or 573
organization within the state that is authorized and qualified to 574

provide the care, treatment, or placement required. 575

(b) If an order of disposition committing a child to the 576
temporary custody of a home, school, camp, institution, or other 577
facility of that nature is made under division (A)(5)(a) of this 578
section, the length of the commitment shall not be reduced or 579
diminished as a credit for any time that the child was held in a 580
place of detention or shelter care, or otherwise was detained, 581
prior to entry of the order of disposition. 582

(6) If, after making a disposition under divisions (A)(1) to 583
(5) of this section, the court finds upon further hearing that the 584
child has failed to comply with the orders of the court and the 585
child's operation of a motor vehicle constitutes the child a 586
danger to the child and to others, the court may make any 587
disposition authorized by divisions (A)(1), (4), (5), and (8) of 588
section 2152.19 of the Revised Code, except that the child may not 589
be committed to or placed in a secure correctional facility unless 590
authorized by division (A)(5) of this section, and commitment to 591
or placement in a detention facility may not exceed twenty-four 592
hours. 593

(B) If a child is adjudicated a juvenile traffic offender for 594
violating division (A) or (B) of section 4511.19 of the Revised 595
Code, in addition to any order of disposition made under division 596
(A) of this section, the court shall impose a class six suspension 597
of the temporary instruction permit, probationary driver's 598
license, or driver's license issued to the child from the range 599
specified in division (A)(6) of section 4510.02 of the Revised 600
Code. The court, in its discretion, may terminate the suspension 601
if the child attends and satisfactorily completes a drug abuse or 602
alcohol abuse education, intervention, or treatment program 603
specified by the court. During the time the child is attending a 604
program as described in this division, the court shall retain the 605
child's temporary instruction permit, probationary driver's 606

license, or driver's license issued, and the court shall return 607
the permit or license if it terminates the suspension as described 608
in this division. 609

(C) If a child is adjudicated a juvenile traffic offender for 610
violating division (B)(1) of section 4513.263 of the Revised Code, 611
the court shall impose the appropriate fine set forth in division 612
(G) of that section. If a child is adjudicated a juvenile traffic 613
offender for violating division (B)(3) of section 4513.263 of the 614
Revised Code and if the child is sixteen years of age or older, 615
the court shall impose the fine set forth in division (G)(2) of 616
that section. If a child is adjudicated a juvenile traffic 617
offender for violating division (B)(3) of section 4513.263 of the 618
Revised Code and if the child is under sixteen years of age, the 619
court shall not impose a fine but may place the child on probation 620
or community control. 621

(D) A juvenile traffic offender is subject to sections 622
4509.01 to 4509.78 of the Revised Code. 623

Sec. 2903.06. (A) No person, while operating or participating 624
in the operation of a motor vehicle, motorcycle, snowmobile, 625
locomotive, watercraft, or aircraft, shall cause the death of 626
another or the unlawful termination of another's pregnancy in any 627
of the following ways: 628

(1)(a) As the proximate result of committing a violation of 629
division (A) of section 4511.19 of the Revised Code or of a 630
substantially equivalent municipal ordinance; 631

(b) As the proximate result of committing a violation of 632
division (A) of section 1547.11 of the Revised Code or of a 633
substantially equivalent municipal ordinance; 634

(c) As the proximate result of committing a violation of 635
division (A)(3) of section 4561.15 of the Revised Code or of a 636

substantially equivalent municipal ordinance.

637

(2) In one of the following ways:

638

(a) Recklessly;

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(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (F) of this section.

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(3) In one of the following ways:

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(a) Negligently;

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(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (F) of this section.

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(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor.

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(B)(1) Whoever violates division (A)(1) or (2) of this section is guilty of aggravated vehicular homicide and shall be punished as provided in divisions (B)(2) and (3) of this section.

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(2)(a) Except as otherwise provided in this division, 667
aggravated vehicular homicide committed in violation of division 668
(A)(1) of this section is a felony of the second degree. 669
Aggravated vehicular homicide committed in violation of division 670
(A)(1) of this section is a felony of the first degree if any of 671
the following apply: 672

(i) At the time of the offense, the offender was driving 673
under a suspension imposed under Chapter 4510. or any other 674
provision of the Revised Code. 675

(ii) The offender previously has been convicted of or pleaded 676
guilty to a violation of this section. 677

(iii) The offender previously has been convicted of or 678
pleaded guilty to any traffic-related homicide, manslaughter, or 679
assault offense. 680

(iv) The offender previously has been convicted of or pleaded 681
guilty to three or more prior violations of section 4511.19 of the 682
Revised Code or of a substantially equivalent municipal ordinance 683
within the previous six years. 684

(v) The offender previously has been convicted of or pleaded 685
guilty to three or more prior violations of division (A) of 686
section 1547.11 of the Revised Code or of a substantially 687
equivalent municipal ordinance within the previous six years. 688

(vi) The offender previously has been convicted of or pleaded 689
guilty to three or more prior violations of division (A)(3) of 690
section 4561.15 of the Revised Code or of a substantially 691
equivalent municipal ordinance within the previous six years. 692

(vii) The offender previously has been convicted of or 693
pleaded guilty to three or more violations of any combination of 694
the offenses listed in division (B)(2)(a)(iv), (v), or (vi) of 695
this section. 696

(viii) The offender previously has been convicted of or 697
pleaded guilty to a second or subsequent felony violation of 698
division (A) of section 4511.19 of the Revised Code. 699

(b) In addition to any other sanctions imposed pursuant to 700
division (B)(2)(a) of this section for aggravated vehicular 701
homicide committed in violation of division (A)(1) of this 702
section, the court shall impose upon the offender a class one 703
suspension of the offender's driver's license, commercial driver's 704
license, temporary instruction permit, probationary license, or 705
nonresident operating privilege as specified in division (A)(1) of 706
section 4510.02 of the Revised Code. 707

(3) Except as otherwise provided in this division, aggravated 708
vehicular homicide committed in violation of division (A)(2) of 709
this section is a felony of the third degree. Aggravated vehicular 710
homicide committed in violation of division (A)(2) of this section 711
is a felony of the second degree if, at the time of the offense, 712
the offender was driving under a suspension imposed under Chapter 713
4510. or any other provision of the Revised Code or if the 714
offender previously has been convicted of or pleaded guilty to a 715
violation of this section or any traffic-related homicide, 716
manslaughter, or assault offense. 717

In addition to any other sanctions imposed pursuant to this 718
division for a violation of division (A)(2) of this section, the 719
court shall impose upon the offender a class two suspension of the 720
offender's driver's license, commercial driver's license, 721
temporary instruction permit, probationary license, or nonresident 722
operating privilege from the range specified in division (A)(2) of 723
section 4510.02 of the Revised Code. 724

(C) Whoever violates division (A)(3) of this section is 725
guilty of vehicular homicide. Except as otherwise provided in this 726
division, vehicular homicide is a misdemeanor of the first degree. 727

Vehicular homicide committed in violation of division (A)(3) of 728
this section is a felony of the fourth degree if, at the time of 729
the offense, the offender was driving under a suspension or 730
revocation imposed under Chapter 4507. or any other provision of 731
the Revised Code or if the offender previously has been convicted 732
of or pleaded guilty to a violation of this section or any 733
traffic-related homicide, manslaughter, or assault offense. 734

In addition to any other sanctions imposed pursuant to this 735
division, the court shall impose upon the offender a class four 736
suspension of the offender's driver's license, commercial driver's 737
license, temporary instruction permit, probationary license, or 738
nonresident operating privilege from the range specified in 739
division (A)(4) of section 4510.02 of the Revised Code or, if the 740
offender previously has been convicted of or pleaded guilty to a 741
violation of this section or any traffic-related homicide, 742
manslaughter, or assault offense, a class three suspension of the 743
offender's driver's license, commercial driver's license, 744
temporary instruction permit, probationary license, or nonresident 745
operating privilege from the range specified in division (A)(3) of 746
that section. 747

(D) Whoever violates division (A)(4) of this section is 748
guilty of vehicular manslaughter. Except as otherwise provided in 749
this division, vehicular manslaughter is a misdemeanor of the 750
second degree. Vehicular manslaughter is a misdemeanor of the 751
first degree if, at the time of the offense, the offender was 752
driving under a suspension imposed under Chapter 4510. or any 753
other provision of the Revised Code or if the offender previously 754
has been convicted of or pleaded guilty to a violation of this 755
section or any traffic-related homicide, manslaughter, or assault 756
offense. 757

In addition to any other sanctions imposed pursuant to this 758
division, the court shall impose upon the offender a class six 759

suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of that section.

(E) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(1) of this section. The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A)(3)(b) of this section and may impose upon the offender a longer jail term as authorized pursuant to section 2929.24 of the Revised Code. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(2) or (3)(a) of this section or a felony violation of division (A)(3)(b) of this section if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code.

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

(F) Divisions (A)(2)(b) and (3)(b) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in

that construction zone in accordance with the guidelines and 792
design specifications established by the director of 793
transportation under section 5501.27 of the Revised Code. The 794
failure to erect signs of the type described in section 2903.081 795
of the Revised Code in a particular construction zone in 796
accordance with those guidelines and design specifications does 797
not limit or affect the application of division (A)(1), (A)(2)(a), 798
(A)(3)(a), or (A)(4) of this section in that construction zone or 799
the prosecution of any person who violates any of those divisions 800
in that construction zone. 801

(G)(1) As used in this section: 802

(a) "Mandatory prison term" ~~has~~ and "mandatory jail term" 803
have the same meaning meanings as in section 2929.01 of the 804
Revised Code. 805

(b) "Traffic-related homicide, manslaughter, or assault 806
offense" means a violation of section 2903.04 of the Revised Code 807
in circumstances in which division (D) of that section applies, a 808
violation of section 2903.06 or 2903.08 of the Revised Code, or a 809
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 810
Code as they existed prior to March 23, 2000. 811

(c) "Construction zone" has the same meaning as in section 812
5501.27 of the Revised Code. 813

(d) "Reckless operation offense" means a violation of section 814
4511.20 of the Revised Code or a municipal ordinance substantially 815
equivalent to section 4511.20 of the Revised Code. 816

(e) "Speeding offense" means a violation of section 4511.21 817
of the Revised Code or a municipal ordinance pertaining to speed. 818

(2) For the purposes of this section, when a penalty or 819
suspension is enhanced because of a prior or current violation of 820
a specified law or a prior or current specified offense, the 821
reference to the violation of the specified law or the specified 822

offense includes any violation of any substantially equivalent 823
municipal ordinance, former law of this state, or current or 824
former law of another state or the United States. 825

Sec. 2903.08. (A) No person, while operating or participating 826
in the operation of a motor vehicle, motorcycle, snowmobile, 827
locomotive, watercraft, or aircraft, shall cause serious physical 828
harm to another person or another's unborn in ~~either~~ any of the 829
following ways: 830

(1)(a) As the proximate result of committing a violation of 831
division (A) of section 4511.19 of the Revised Code or of a 832
substantially equivalent municipal ordinance; 833

(b) As the proximate result of committing a violation of 834
division (A) of section 1547.11 of the Revised Code or of a 835
substantially equivalent municipal ordinance; 836

(c) As the proximate result of committing a violation of 837
division (A)(3) of section 4561.15 of the Revised Code or of a 838
substantially equivalent municipal ordinance. 839

(2) In one of the following ways: 840

(a) As the proximate result of committing, while operating or 841
participating in the operation of a motor vehicle or motorcycle in 842
a construction zone, a reckless operation offense, provided that 843
this division applies only if the person to whom the serious 844
physical harm is caused or to whose unborn the serious physical 845
harm is caused is in the construction zone at the time of the 846
offender's commission of the reckless operation offense in the 847
construction zone and does not apply as described in division (E) 848
of this section; 849

(b) Recklessly. 850

(3) As the proximate result of committing, while operating or 851
participating in the operation of a motor vehicle or motorcycle in 852

a construction zone, a speeding offense, provided that this 853
division applies only if the person to whom the serious physical 854
harm is caused or to whose unborn the serious physical harm is 855
caused is in the construction zone at the time of the offender's 856
commission of the speeding offense in the construction zone and 857
does not apply as described in division (E) of this section. 858

(B)(1) Whoever violates division (A)(1) of this section is 859
guilty of aggravated vehicular assault. Except as otherwise 860
provided in this division, aggravated vehicular assault is a 861
felony of the third degree. Aggravated vehicular assault is a 862
felony of the second degree if any of the following apply: 863

(a) At the time of the offense, the offender was driving 864
under a suspension imposed under Chapter 4510. or any other 865
provision of the Revised Code. 866

(b) The offender previously has been convicted of or pleaded 867
guilty to a violation of this section. 868

(c) The offender previously has been convicted of or pleaded 869
guilty to any traffic-related homicide, manslaughter, or assault 870
offense. 871

(d) The offender previously has been convicted of or pleaded 872
guilty to three or more prior violations of section 4511.19 of the 873
Revised Code or a substantially equivalent municipal ordinance 874
within the previous six years. 875

(e) The offender previously has been convicted of or pleaded 876
guilty to three or more prior violations of division (A) of 877
section 1547.11 of the Revised Code or of a substantially 878
equivalent municipal ordinance within the previous six years. 879

(f) The offender previously has been convicted of or pleaded 880
guilty to three or more prior violations of division (A)(3) of 881
section 4561.15 of the Revised Code or of a substantially 882

equivalent municipal ordinance within the previous six years. 883

(g) The offender previously has been convicted of or pleaded 884
guilty to three or more prior violations of any combination of the 885
offenses listed in division (B)(1)(d), (e), or (f) of this 886
section. 887

(h) The offender previously has been convicted of or pleaded 888
guilty to a second or subsequent felony violation of division (A) 889
of section 4511.19 of the Revised Code. 890

(2) In addition to any other sanctions imposed pursuant to 891
division (B)(1) of this section, the court shall impose upon the 892
offender a class three suspension of the offender's driver's 893
license, commercial driver's license, temporary instruction 894
permit, probationary license, or nonresident operating privilege 895
from the range specified in division (A)(3) of section 4510.02 of 896
the Revised Code or, if the offender previously has been convicted 897
of or pleaded guilty to a violation of this section or any 898
traffic-related homicide, manslaughter, or assault offense, a 899
class two suspension of the offender's driver's license, 900
commercial driver's license, temporary instruction permit, 901
probationary license, or nonresident operating privilege from the 902
range specified in division (A)(2) of that section. 903

(C)(1) Whoever violates division (A)(2) or (3) of this 904
section is guilty of vehicular assault and shall be punished as 905
provided in divisions (C)(2) and (3) of this section. ~~Except~~ 906

(2) Except as otherwise provided in this division, vehicular 907
assault committed in violation of division (A)(2) of this section 908
is a felony of the fourth degree. Vehicular assault committed in 909
violation of division (A)(2) of this section is a felony of the 910
third degree if, at the time of the offense, the offender was 911
driving under a suspension imposed under Chapter 4510. or any 912
other provision of the Revised Code or if the offender previously 913

has been convicted of or pleaded guilty to a violation of this 914
section or any traffic-related homicide, manslaughter, or assault 915
offense. 916

In addition to any other sanctions imposed, the court shall 917
impose upon the offender a class four suspension of the offender's 918
driver's license, commercial driver's license, temporary 919
instruction permit, probationary license, or nonresident operating 920
privilege from the range specified in division (A)(4) of section 921
4510.02 of the Revised Code or, if the offender previously has 922
been convicted of or pleaded guilty to a violation of this section 923
or any traffic-related homicide, manslaughter, or assault offense, 924
a class three suspension of the offender's driver's license, 925
commercial driver's license, temporary instruction permit, 926
probationary license, or nonresident operating privilege from the 927
range specified in division (A)(3) of that section. 928

(3) Except as otherwise provided in this division, vehicular 929
assault committed in violation of division (A)(3) of this section 930
is a misdemeanor of the first degree. Vehicular assault committed 931
in violation of division (A)(3) of this section is a felony of the 932
fourth degree if, at the time of the offense, the offender was 933
driving under a suspension imposed under Chapter 4510. or any 934
other provision of the Revised Code or if the offender previously 935
has been convicted of or pleaded guilty to a violation of this 936
section or any traffic-related homicide, manslaughter, or assault 937
offense. 938

In addition to any other sanctions imposed, the court shall 939
impose upon the offender a class four suspension of the offender's 940
driver's license, commercial driver's license, temporary 941
instruction permit, probationary license, or nonresident operating 942
privilege from the range specified in division (A)(4) of section 943
4510.02 of the Revised Code or, if the offender previously has 944
been convicted of or pleaded guilty to a violation of this section 945

or any traffic-related homicide, manslaughter, or assault offense, 946
a class three suspension of the offender's driver's license, 947
commercial driver's license, temporary instruction permit, 948
probationary license, or nonresident operating privilege from the 949
range specified in division (A)(3) of section 4510.02 of the 950
Revised Code. 951

(D)(1) The court shall impose a mandatory prison term on an 952
offender who is convicted of or pleads guilty to a violation of 953
division (A)(1) of this section. ~~The~~ 954

(2) The court shall impose a mandatory prison term on an 955
offender who is convicted of or pleads guilty to a violation of 956
division (A)(2) of this section or a felony violation of division 957
(A)(3) of this section if either of the following applies: 958

~~(1)~~(a) The offender previously has been convicted of or 959
pleaded guilty to a violation of this section or section 2903.06 960
of the Revised Code. 961

~~(2)~~(b) At the time of the offense, the offender was driving 962
under suspension under Chapter 4510. or any other provision of the 963
Revised Code. 964

(3) The court shall impose a mandatory jail term of at least 965
seven days on an offender who is convicted of or pleads guilty to 966
a misdemeanor violation of division (A)(3) of this section and may 967
impose upon the offender a longer jail term as authorized pursuant 968
to section 2929.24 of the Revised Code. 969

(E) Divisions (A)(2)(a) and (3) of this section do not apply 970
in a particular construction zone unless signs of the type 971
described in section 2903.081 of the Revised Code are erected in 972
that construction zone in accordance with the guidelines and 973
design specifications established by the director of 974
transportation under section 5501.27 of the Revised Code. The 975
failure to erect signs of the type described in section 2903.081 976

of the Revised Code in a particular construction zone in 977
accordance with those guidelines and design specifications does 978
not limit or affect the application of division (A)(1) or (2)(b) 979
of this section in that construction zone or the prosecution of 980
any person who violates either of those divisions in that 981
construction zone. 982

(F) As used in this section: 983

(1) "Mandatory prison term" ~~has~~ and "mandatory jail term" 984
have the same ~~meaning~~ meanings as in section 2929.01 of the 985
Revised Code. 986

(2) "Traffic-related homicide, manslaughter, or assault 987
offense" has the same meaning as in section 2903.06 of the Revised 988
Code. 989

(3) "Construction zone" has the same meaning as in section 990
5501.27 of the Revised Code. 991

(4) "Reckless operation offense" and "speeding offense" have 992
the same meanings as in section 2903.06 of the Revised Code. 993

~~(F)~~(G) For the purposes of this section, when a penalty or 994
suspension is enhanced because of a prior or current violation of 995
a specified law or a prior or current specified offense, the 996
reference to the violation of the specified law or the specified 997
offense includes any violation of any substantially equivalent 998
municipal ordinance, former law of this state, or current or 999
former law of another state or the United States. 1000

Sec. 2903.081. (A) As used in this section: 1001

(1) "Construction zone" has the same meaning as in section 1002
5501.27 of the Revised Code. 1003

(2) "Reckless operation offense" and "speeding offense" have 1004
the same meanings as in section 2903.06 of the Revised Code. 1005

(B) The director of transportation, board of county commissioners, or board of township trustees shall cause signs to be erected in construction zones notifying motorists of the prohibitions set forth in sections 2903.06 and 2903.08 of the Revised Code regarding the death of or injury to any person in the construction zone as a proximate result of a reckless operation offense or speeding offense in the construction zone. The prohibitions set forth in divisions (A)(2)(b) and (3)(b) of section 2903.06 and divisions (A)(2)(a) and (3) of section 2903.08 of the Revised Code apply to persons who commit a reckless operation offense or speeding offense in a particular construction zone only when signs of that nature are erected in that construction zone in accordance with the guidelines and design specifications established by the director under section 5501.27 of the Revised Code. The failure to erect signs of that nature in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A)(1), (A)(2)(a), (A)(3)(a), or (A)(4) of section 2903.06 or division (A)(1) or (2)(b) of section 2903.08 of the Revised Code in that construction zone or the prosecution of any person who violates either of those divisions in that construction zone.

Sec. 2923.162. (A) No person shall do any of the following: 1028

(1) Without permission from the proper officials and subject to division (B)(1) of this section, discharge a firearm upon or over a cemetery or within one hundred yards of a cemetery; 1029
1030
1031

(2) Subject to division (B)(2) of this section, discharge a firearm on a lawn, park, pleasure ground, orchard, or other ground appurtenant to a schoolhouse, church, or inhabited dwelling, the property of another, or a charitable institution; 1032
1033
1034
1035

(3) Discharge a firearm upon or over a public road or 1036

highway. 1037

(B)(1) Division (A)(1) of this section does not apply to a 1038
person who, while on the person's own land, discharges a firearm. 1039

(2) Division (A)(2) of this section does not apply to a 1040
person who owns any type of property described in that division 1041
and who, while on the person's own enclosure, discharges a 1042
firearm. 1043

(C) Whoever violates this section is guilty of discharge of a 1044
firearm on or near prohibited premises. A violation of division 1045
(A)(1) or (2) of this section is a misdemeanor of the fourth 1046
degree. A violation of division (A)(3) of this section shall be 1047
punished as follows: 1048

(1) Except as otherwise provided in division (C)(2), (3), or 1049
(4) of this section, a violation of division (A)(3) of this 1050
section is a misdemeanor of the first degree. 1051

(2) Except as otherwise provided in division (C)(3) or (4) of 1052
this section, if the violation created a substantial risk of 1053
physical harm to any person or caused serious physical harm to 1054
property, a violation of division (A)(3) of this section is a 1055
felony of the third degree. 1056

(3) Except as otherwise provided in division (C)(4) of this 1057
section, if the violation caused physical harm to any person, a 1058
violation of division (A)(3) of this section is a felony of the 1059
second degree. 1060

(4) If the violation caused serious physical harm to any 1061
person, a violation of division (A)(3) of this section is a felony 1062
of the first degree. 1063

Sec. 2929.01. As used in this chapter: 1064

(A)(1) "Alternative residential facility" means, subject to 1065

division (A)(2) of this section, any facility other than an 1066
offender's home or residence in which an offender is assigned to 1067
live and that satisfies all of the following criteria: 1068

(a) It provides programs through which the offender may seek 1069
or maintain employment or may receive education, training, 1070
treatment, or habilitation. 1071

(b) It has received the appropriate license or certificate 1072
for any specialized education, training, treatment, habilitation, 1073
or other service that it provides from the government agency that 1074
is responsible for licensing or certifying that type of education, 1075
training, treatment, habilitation, or service. 1076

(2) "Alternative residential facility" does not include a 1077
community-based correctional facility, jail, halfway house, or 1078
prison. 1079

(B) "Bad time" means the time by which the parole board 1080
administratively extends an offender's stated prison term or terms 1081
pursuant to section 2967.11 of the Revised Code because the parole 1082
board finds by clear and convincing evidence that the offender, 1083
while serving the prison term or terms, committed an act that is a 1084
criminal offense under the law of this state or the United States, 1085
whether or not the offender is prosecuted for the commission of 1086
that act. 1087

(C) "Basic probation supervision" means a requirement that 1088
the offender maintain contact with a person appointed to supervise 1089
the offender in accordance with sanctions imposed by the court or 1090
imposed by the parole board pursuant to section 2967.28 of the 1091
Revised Code. "Basic probation supervision" includes basic parole 1092
supervision and basic post-release control supervision. 1093

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1094
"unit dose" have the same meanings as in section 2925.01 of the 1095
Revised Code. 1096

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

(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

(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 1127
completely eliminate the person's physical or emotional reliance 1128
upon alcohol, another drug, or alcohol and another drug and under 1129
which the person may be required to receive assessment and 1130
treatment on an outpatient basis or may be required to reside at a 1131
facility other than the person's home or residence while 1132
undergoing assessment and treatment. 1133

(M) "Economic loss" means any economic detriment suffered by 1134
a victim as a direct and proximate result of the commission of an 1135
offense and includes any loss of income due to lost time at work 1136
because of any injury caused to the victim, and any property loss, 1137
medical cost, or funeral expense incurred as a result of the 1138
commission of the offense. "Economic loss" does not include 1139
non-economic loss or any punitive or exemplary damages. 1140

(N) "Education or training" includes study at, or in 1141
conjunction with a program offered by, a university, college, or 1142
technical college or vocational study and also includes the 1143
completion of primary school, secondary school, and literacy 1144
curricula or their equivalent. 1145

(O) "Firearm" has the same meaning as in section 2923.11 of 1146
the Revised Code. 1147

(P) "Halfway house" means a facility licensed by the division 1148
of parole and community services of the department of 1149
rehabilitation and correction pursuant to section 2967.14 of the 1150
Revised Code as a suitable facility for the care and treatment of 1151
adult offenders. 1152

(Q) "House arrest" means a period of confinement of an 1153
offender that is in the offender's home or in other premises 1154
specified by the sentencing court or by the parole board pursuant 1155
to section 2967.28 of the Revised Code and during which all of the 1156
following apply: 1157

(1) The offender is required to remain in the offender's home 1158
or other specified premises for the specified period of 1159
confinement, except for periods of time during which the offender 1160
is at the offender's place of employment or at other premises as 1161
authorized by the sentencing court or by the parole board. 1162

(2) The offender is required to report periodically to a 1163
person designated by the court or parole board. 1164

(3) The offender is subject to any other restrictions and 1165
requirements that may be imposed by the sentencing court or by the 1166
parole board. 1167

(R) "Intensive probation supervision" means a requirement 1168
that an offender maintain frequent contact with a person appointed 1169
by the court, or by the parole board pursuant to section 2967.28 1170
of the Revised Code, to supervise the offender while the offender 1171
is seeking or maintaining necessary employment and participating 1172
in training, education, and treatment programs as required in the 1173
court's or parole board's order. "Intensive probation supervision" 1174
includes intensive parole supervision and intensive post-release 1175
control supervision. 1176

(S) "Jail" means a jail, workhouse, minimum security jail, or 1177
other residential facility used for the confinement of alleged or 1178
convicted offenders that is operated by a political subdivision or 1179
a combination of political subdivisions of this state. 1180

(T) "Jail term" means the term in a jail that a sentencing 1181
court imposes or is authorized to impose pursuant to section 1182
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1183
provision of the Revised Code that authorizes a term in a jail for 1184
a misdemeanor conviction. 1185

(U) "Mandatory jail term" means the term in a jail that a 1186
sentencing court is required to impose pursuant to division (G) of 1187
section 1547.99 of the Revised Code, division (E) of section 1188

2903.06 or division (D) of section 2903.08 of the Revised Code, 1189
division (B) of section 4510.14 of the Revised Code, or division 1190
(G) of section 4511.19 of the Revised Code or pursuant to any 1191
other provision of the Revised Code that requires a term in a jail 1192
for a misdemeanor conviction. 1193

(V) "Delinquent child" has the same meaning as in section 1194
2152.02 of the Revised Code. 1195

(W) "License violation report" means a report that is made by 1196
a sentencing court, or by the parole board pursuant to section 1197
2967.28 of the Revised Code, to the regulatory or licensing board 1198
or agency that issued an offender a professional license or a 1199
license or permit to do business in this state and that specifies 1200
that the offender has been convicted of or pleaded guilty to an 1201
offense that may violate the conditions under which the offender's 1202
professional license or license or permit to do business in this 1203
state was granted or an offense for which the offender's 1204
professional license or license or permit to do business in this 1205
state may be revoked or suspended. 1206

(X) "Major drug offender" means an offender who is convicted 1207
of or pleads guilty to the possession of, sale of, or offer to 1208
sell any drug, compound, mixture, preparation, or substance that 1209
consists of or contains at least one thousand grams of hashish; at 1210
least one hundred grams of crack cocaine; at least one thousand 1211
grams of cocaine that is not crack cocaine; at least two thousand 1212
five hundred unit doses or two hundred fifty grams of heroin; at 1213
least five thousand unit doses of L.S.D. or five hundred grams of 1214
L.S.D. in a liquid concentrate, liquid extract, or liquid 1215
distillate form; or at least one hundred times the amount of any 1216
other schedule I or II controlled substance other than marihuana 1217
that is necessary to commit a felony of the third degree pursuant 1218
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1219
Code that is based on the possession of, sale of, or offer to sell 1220

the controlled substance. 1221

(Y) "Mandatory prison term" means any of the following: 1222

(1) Subject to division (Y)(2) of this section, the term in 1223
prison that must be imposed for the offenses or circumstances set 1224
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1225
2929.13 and division (D) of section 2929.14 of the Revised Code. 1226
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1227
and 2925.11 of the Revised Code, unless the maximum or another 1228
specific term is required under section 2929.14 of the Revised 1229
Code, a mandatory prison term described in this division may be 1230
any prison term authorized for the level of offense. 1231

(2) The term of sixty or one hundred twenty days in prison 1232
that a sentencing court is required to impose for a third or 1233
fourth degree felony OVI offense pursuant to division (G)(2) of 1234
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1235
of the Revised Code. 1236

(3) The term in prison imposed pursuant to section 2971.03 of 1237
the Revised Code for the offenses and in the circumstances 1238
described in division (F)(11) of section 2929.13 of the Revised 1239
Code and that term as modified or terminated pursuant to section 1240
2971.05 of the Revised Code. 1241

(Z) "Monitored time" means a period of time during which an 1242
offender continues to be under the control of the sentencing court 1243
or parole board, subject to no conditions other than leading a 1244
law-abiding life. 1245

(AA) "Offender" means a person who, in this state, is 1246
convicted of or pleads guilty to a felony or a misdemeanor. 1247

(BB) "Prison" means a residential facility used for the 1248
confinement of convicted felony offenders that is under the 1249
control of the department of rehabilitation and correction but 1250
does not include a violation sanction center operated under 1251

authority of section 2967.141 of the Revised Code.	1252
(CC) "Prison term" includes any of the following sanctions	1253
for an offender:	1254
(1) A stated prison term;	1255
(2) A term in a prison shortened by, or with the approval of,	1256
the sentencing court pursuant to section 2929.20, 2967.26,	1257
5120.031, 5120.032, or 5120.073 of the Revised Code;	1258
(3) A term in prison extended by bad time imposed pursuant to	1259
section 2967.11 of the Revised Code or imposed for a violation of	1260
post-release control pursuant to section 2967.28 of the Revised	1261
Code.	1262
(DD) "Repeat violent offender" means a person about whom both	1263
of the following apply:	1264
(1) The person has been convicted of or has pleaded guilty	1265
to, and is being sentenced for committing, for complicity in	1266
committing, or for an attempt to commit, aggravated murder,	1267
murder, involuntary manslaughter, a felony of the first degree	1268
other than one set forth in Chapter 2925. of the Revised Code, a	1269
felony of the first degree set forth in Chapter 2925. of the	1270
Revised Code that involved an attempt to cause serious physical	1271
harm to a person or that resulted in serious physical harm to a	1272
person, or a felony of the second degree that involved an attempt	1273
to cause serious physical harm to a person or that resulted in	1274
serious physical harm to a person.	1275
(2) Either of the following applies:	1276
(a) The person previously was convicted of or pleaded guilty	1277
to, and previously served or, at the time of the offense was	1278
serving, a prison term for, any of the following:	1279
(i) Aggravated murder, murder, involuntary manslaughter,	1280
rape, felonious sexual penetration as it existed under section	1281

2907.12 of the Revised Code prior to September 3, 1996, a felony 1282
of the first or second degree that resulted in the death of a 1283
person or in physical harm to a person, or complicity in or an 1284
attempt to commit any of those offenses; 1285

(ii) An offense under an existing or former law of this 1286
state, another state, or the United States that is or was 1287
substantially equivalent to an offense listed under division 1288
(DD)(2)(a)(i) of this section and that resulted in the death of a 1289
person or in physical harm to a person. 1290

(b) The person previously was adjudicated a delinquent child 1291
for committing an act that if committed by an adult would have 1292
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 1293
section, the person was committed to the department of youth 1294
services for that delinquent act. 1295

(EE) "Sanction" means any penalty imposed upon an offender 1296
who is convicted of or pleads guilty to an offense, as punishment 1297
for the offense. "Sanction" includes any sanction imposed pursuant 1298
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1299
2929.28 of the Revised Code. 1300

(FF) "Sentence" means the sanction or combination of 1301
sanctions imposed by the sentencing court on an offender who is 1302
convicted of or pleads guilty to an offense. 1303

(GG) "Stated prison term" means the prison term, mandatory 1304
prison term, or combination of all prison terms and mandatory 1305
prison terms imposed by the sentencing court pursuant to section 1306
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 1307
includes any credit received by the offender for time spent in 1308
jail awaiting trial, sentencing, or transfer to prison for the 1309
offense and any time spent under house arrest or house arrest with 1310
electronic monitoring imposed after earning credits pursuant to 1311
section 2967.193 of the Revised Code. 1312

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

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

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

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

(LL) "Habitual sex offender," "sexually oriented offense," "sexual predator," "registration-exempt sexually oriented offense," "child-victim oriented offense," "habitual child-victim offender," and "child-victim predator" have the same meanings as in section 2950.01 of the Revised Code.

(MM) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed

within thirty feet of or within the same residential unit as the 1344
child and regardless of whether the child actually views the 1345
commission of the offense. 1346

(NN) "Family or household member" has the same meaning as in 1347
section 2919.25 of the Revised Code. 1348

(OO) "Motor vehicle" and "manufactured home" have the same 1349
meanings as in section 4501.01 of the Revised Code. 1350

(PP) "Detention" and "detention facility" have the same 1351
meanings as in section 2921.01 of the Revised Code. 1352

(QQ) "Third degree felony OVI offense" means a violation of 1353
division (A) of section 4511.19 of the Revised Code that, under 1354
division (G) of that section, is a felony of the third degree. 1355

(RR) "Random drug testing" has the same meaning as in section 1356
5120.63 of the Revised Code. 1357

(SS) "Felony sex offense" has the same meaning as in section 1358
2967.28 of the Revised Code. 1359

(TT) "Body armor" has the same meaning as in section 1360
2941.1411 of the Revised Code. 1361

(UU) "Electronic monitoring" means monitoring through the use 1362
of an electronic monitoring device. 1363

(VV) "Electronic monitoring device" means any of the 1364
following: 1365

(1) Any device that can be operated by electrical or battery 1366
power and that conforms with all of the following: 1367

(a) The device has a transmitter that can be attached to a 1368
person, that will transmit a specified signal to a receiver of the 1369
type described in division (VV)(1)(b) of this section if the 1370
transmitter is removed from the person, turned off, or altered in 1371
any manner without prior court approval in relation to electronic 1372
monitoring or without prior approval of the department of 1373

rehabilitation and correction in relation to the use of an 1374
electronic monitoring device for an inmate on transitional control 1375
or otherwise is tampered with, that can transmit continuously and 1376
periodically a signal to that receiver when the person is within a 1377
specified distance from the receiver, and that can transmit an 1378
appropriate signal to that receiver if the person to whom it is 1379
attached travels a specified distance from that receiver. 1380

(b) The device has a receiver that can receive continuously 1381
the signals transmitted by a transmitter of the type described in 1382
division (VV)(1)(a) of this section, can transmit continuously 1383
those signals by telephone to a central monitoring computer of the 1384
type described in division (VV)(1)(c) of this section, and can 1385
transmit continuously an appropriate signal to that central 1386
monitoring computer if the receiver is turned off or altered 1387
without prior court approval or otherwise tampered with. 1388

(c) The device has a central monitoring computer that can 1389
receive continuously the signals transmitted by telephone by a 1390
receiver of the type described in division (VV)(1)(b) of this 1391
section and can monitor continuously the person to whom an 1392
electronic monitoring device of the type described in division 1393
(VV)(1)(a) of this section is attached. 1394

(2) Any device that is not a device of the type described in 1395
division (VV)(1) of this section and that conforms with all of the 1396
following: 1397

(a) The device includes a transmitter and receiver that can 1398
monitor and determine the location of a subject person at any 1399
time, or at a designated point in time, through the use of a 1400
central monitoring computer or through other electronic means. 1401

(b) The device includes a transmitter and receiver that can 1402
determine at any time, or at a designated point in time, through 1403
the use of a central monitoring computer or other electronic means 1404

the fact that the transmitter is turned off or altered in any 1405
manner without prior approval of the court in relation to the 1406
electronic monitoring or without prior approval of the department 1407
of rehabilitation and correction in relation to the use of an 1408
electronic monitoring device for an inmate on transitional control 1409
or otherwise is tampered with. 1410

(3) Any type of technology that can adequately track or 1411
determine the location of a subject person at any time and that is 1412
approved by the director of rehabilitation and correction, 1413
including, but not limited to, any satellite technology, voice 1414
tracking system, or retinal scanning system that is so approved. 1415

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1416
a victim of an offense as a result of or related to the commission 1417
of the offense, including, but not limited to, pain and suffering; 1418
loss of society, consortium, companionship, care, assistance, 1419
attention, protection, advice, guidance, counsel, instruction, 1420
training, or education; mental anguish; and any other intangible 1421
loss. 1422

(XX) "Prosecutor" has the same meaning as in section 2935.01 1423
of the Revised Code. 1424

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1425
(G) of this section and unless a specific sanction is required to 1426
be imposed or is precluded from being imposed pursuant to law, a 1427
court that imposes a sentence upon an offender for a felony may 1428
impose any sanction or combination of sanctions on the offender 1429
that are provided in sections 2929.14 to 2929.18 of the Revised 1430
Code. The sentence shall not impose an unnecessary burden on state 1431
or local government resources. 1432

If the offender is eligible to be sentenced to community 1433
control sanctions, the court shall consider the appropriateness of 1434
imposing a financial sanction pursuant to section 2929.18 of the 1435

Revised Code or a sanction of community service pursuant to 1436
section 2929.17 of the Revised Code as the sole sanction for the 1437
offense. Except as otherwise provided in this division, if the 1438
court is required to impose a mandatory prison term for the 1439
offense for which sentence is being imposed, the court also may 1440
impose a financial sanction pursuant to section 2929.18 of the 1441
Revised Code but may not impose any additional sanction or 1442
combination of sanctions under section 2929.16 or 2929.17 of the 1443
Revised Code. 1444

If the offender is being sentenced for a fourth degree felony 1445
OVI offense or for a third degree felony OVI offense, in addition 1446
to the mandatory term of local incarceration or the mandatory 1447
prison term required for the offense by division (G)(1) or (2) of 1448
this section, the court shall impose upon the offender a mandatory 1449
fine in accordance with division (B)(3) of section 2929.18 of the 1450
Revised Code and may impose whichever of the following is 1451
applicable: 1452

(1) For a fourth degree felony OVI offense for which sentence 1453
is imposed under division (G)(1) of this section, an additional 1454
community control sanction or combination of community control 1455
sanctions under section 2929.16 or 2929.17 of the Revised Code; 1456

(2) For a third or fourth degree felony OVI offense for which 1457
sentence is imposed under division (G)(2) of this section, an 1458
additional prison term as described in division (D)(4) of section 1459
2929.14 of the Revised Code. 1460

(B)(1) Except as provided in division (B)(2), (E), (F), or 1461
(G) of this section, in sentencing an offender for a felony of the 1462
fourth or fifth degree, the sentencing court shall determine 1463
whether any of the following apply: 1464

(a) In committing the offense, the offender caused physical 1465
harm to a person. 1466

(b) In committing the offense, the offender attempted to 1467
cause or made an actual threat of physical harm to a person with a 1468
deadly weapon. 1469

(c) In committing the offense, the offender attempted to 1470
cause or made an actual threat of physical harm to a person, and 1471
the offender previously was convicted of an offense that caused 1472
physical harm to a person. 1473

(d) The offender held a public office or position of trust 1474
and the offense related to that office or position; the offender's 1475
position obliged the offender to prevent the offense or to bring 1476
those committing it to justice; or the offender's professional 1477
reputation or position facilitated the offense or was likely to 1478
influence the future conduct of others. 1479

(e) The offender committed the offense for hire or as part of 1480
an organized criminal activity. 1481

(f) The offense is a sex offense that is a fourth or fifth 1482
degree felony violation of section 2907.03, 2907.04, 2907.05, 1483
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1484
Revised Code. 1485

(g) The offender at the time of the offense was serving, or 1486
the offender previously had served, a prison term. 1487

(h) The offender committed the offense while under a 1488
community control sanction, while on probation, or while released 1489
from custody on a bond or personal recognizance. 1490

(i) The offender committed the offense while in possession of 1491
a firearm. 1492

(2)(a) If the court makes a finding described in division 1493
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1494
section and if the court, after considering the factors set forth 1495
in section 2929.12 of the Revised Code, finds that a prison term 1496

is consistent with the purposes and principles of sentencing set 1497
forth in section 2929.11 of the Revised Code and finds that the 1498
offender is not amenable to an available community control 1499
sanction, the court shall impose a prison term upon the offender. 1500

(b) Except as provided in division (E), (F), or (G) of this 1501
section, if the court does not make a finding described in 1502
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1503
this section and if the court, after considering the factors set 1504
forth in section 2929.12 of the Revised Code, finds that a 1505
community control sanction or combination of community control 1506
sanctions is consistent with the purposes and principles of 1507
sentencing set forth in section 2929.11 of the Revised Code, the 1508
court shall impose a community control sanction or combination of 1509
community control sanctions upon the offender. 1510

(C) Except as provided in division (E), (F), or (G) of this 1511
section, in determining whether to impose a prison term as a 1512
sanction for a felony of the third degree or a felony drug offense 1513
that is a violation of a provision of Chapter 2925. of the Revised 1514
Code and that is specified as being subject to this division for 1515
purposes of sentencing, the sentencing court shall comply with the 1516
purposes and principles of sentencing under section 2929.11 of the 1517
Revised Code and with section 2929.12 of the Revised Code. 1518

(D) Except as provided in division (E) or (F) of this 1519
section, for a felony of the first or second degree and for a 1520
felony drug offense that is a violation of any provision of 1521
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1522
presumption in favor of a prison term is specified as being 1523
applicable, it is presumed that a prison term is necessary in 1524
order to comply with the purposes and principles of sentencing 1525
under section 2929.11 of the Revised Code. Notwithstanding the 1526
presumption established under this division, the sentencing court 1527
may impose a community control sanction or a combination of 1528

community control sanctions instead of a prison term on an 1529
offender for a felony of the first or second degree or for a 1530
felony drug offense that is a violation of any provision of 1531
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1532
presumption in favor of a prison term is specified as being 1533
applicable if it makes both of the following findings: 1534

(1) A community control sanction or a combination of 1535
community control sanctions would adequately punish the offender 1536
and protect the public from future crime, because the applicable 1537
factors under section 2929.12 of the Revised Code indicating a 1538
lesser likelihood of recidivism outweigh the applicable factors 1539
under that section indicating a greater likelihood of recidivism. 1540

(2) A community control sanction or a combination of 1541
community control sanctions would not demean the seriousness of 1542
the offense, because one or more factors under section 2929.12 of 1543
the Revised Code that indicate that the offender's conduct was 1544
less serious than conduct normally constituting the offense are 1545
applicable, and they outweigh the applicable factors under that 1546
section that indicate that the offender's conduct was more serious 1547
than conduct normally constituting the offense. 1548

(E)(1) Except as provided in division (F) of this section, 1549
for any drug offense that is a violation of any provision of 1550
Chapter 2925. of the Revised Code and that is a felony of the 1551
third, fourth, or fifth degree, the applicability of a presumption 1552
under division (D) of this section in favor of a prison term or of 1553
division (B) or (C) of this section in determining whether to 1554
impose a prison term for the offense shall be determined as 1555
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1556
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1557
Revised Code, whichever is applicable regarding the violation. 1558

(2) If an offender who was convicted of or pleaded guilty to 1559
a felony violates the conditions of a community control sanction 1560

imposed for the offense solely by reason of producing positive 1561
results on a drug test, the court, as punishment for the violation 1562
of the sanction, shall not order that the offender be imprisoned 1563
unless the court determines on the record either of the following: 1564

(a) The offender had been ordered as a sanction for the 1565
felony to participate in a drug treatment program, in a drug 1566
education program, or in narcotics anonymous or a similar program, 1567
and the offender continued to use illegal drugs after a reasonable 1568
period of participation in the program. 1569

(b) The imprisonment of the offender for the violation is 1570
consistent with the purposes and principles of sentencing set 1571
forth in section 2929.11 of the Revised Code. 1572

(F) Notwithstanding divisions (A) to (E) of this section, the 1573
court shall impose a prison term or terms under sections 2929.02 1574
to 2929.06, section 2929.14, or section 2971.03 of the Revised 1575
Code and except as specifically provided in section 2929.20 or 1576
2967.191 of the Revised Code or when parole is authorized for the 1577
offense under section 2967.13 of the Revised Code shall not reduce 1578
the terms pursuant to section 2929.20, section 2967.193, or any 1579
other provision of Chapter 2967. or Chapter 5120. of the Revised 1580
Code for any of the following offenses: 1581

(1) Aggravated murder when death is not imposed or murder; 1582

(2) Any rape, regardless of whether force was involved and 1583
regardless of the age of the victim, or an attempt to commit rape 1584
if, had the offender completed the rape that was attempted, the 1585
offender would have been subject to a sentence of life 1586
imprisonment or life imprisonment without parole for the rape; 1587

(3) Gross sexual imposition or sexual battery, if the victim 1588
is under thirteen years of age, if the offender previously was 1589
convicted of or pleaded guilty to rape, the former offense of 1590
felonious sexual penetration, gross sexual imposition, or sexual 1591

battery, and if the victim of the previous offense was under 1592
thirteen years of age; 1593

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 1594
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 1595
requires the imposition of a prison term; 1596

(5) A first, second, or third degree felony drug offense for 1597
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1598
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 1599
4729.99 of the Revised Code, whichever is applicable regarding the 1600
violation, requires the imposition of a mandatory prison term; 1601

(6) Any offense that is a first or second degree felony and 1602
that is not set forth in division (F)(1), (2), (3), or (4) of this 1603
section, if the offender previously was convicted of or pleaded 1604
guilty to aggravated murder, murder, any first or second degree 1605
felony, or an offense under an existing or former law of this 1606
state, another state, or the United States that is or was 1607
substantially equivalent to one of those offenses; 1608

(7) Any offense that is a third degree felony and that is 1609
listed in division (DD)(1) of section 2929.01 of the Revised Code 1610
if the offender previously was convicted of or pleaded guilty to 1611
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 1612
section 2929.01 of the Revised Code; 1613

(8) Any offense, other than a violation of section 2923.12 of 1614
the Revised Code, that is a felony, if the offender had a firearm 1615
on or about the offender's person or under the offender's control 1616
while committing the felony, with respect to a portion of the 1617
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 1618
of the Revised Code for having the firearm; 1619

(9) Any offense of violence that is a felony, if the offender 1620
wore or carried body armor while committing the felony offense of 1621
violence, with respect to the portion of the sentence imposed 1622

pursuant to division (D)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor; 1623
1624

(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; 1625
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(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; 1629
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(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction; 1633
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(13) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (D)(5) of section 2929.14 of the Revised Code; 1638
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(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1414 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (D)(6) of section 2929.14 of the Revised Code. 1643
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(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI 1652
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offense or for a third degree felony OVI offense, the court shall 1654
impose upon the offender a mandatory term of local incarceration 1655
or a mandatory prison term in accordance with the following: 1656

(1) If the offender is being sentenced for a fourth degree 1657
felony OVI offense, the court may impose upon the offender a 1658
mandatory term of local incarceration of sixty days or one hundred 1659
twenty days as specified in division (G)(1)(d) of section 4511.19 1660
of the Revised Code. The court shall not reduce the term pursuant 1661
to section 2929.20, 2967.193, or any other provision of the 1662
Revised Code. The court that imposes a mandatory term of local 1663
incarceration under this division shall specify whether the term 1664
is to be served in a jail, a community-based correctional 1665
facility, a halfway house, or an alternative residential facility, 1666
and the offender shall serve the term in the type of facility 1667
specified by the court. A mandatory term of local incarceration 1668
imposed under division (G)(1) of this section is not subject to 1669
extension under section 2967.11 of the Revised Code, to a period 1670
of post-release control under section 2967.28 of the Revised Code, 1671
or to any other Revised Code provision that pertains to a prison 1672
term. 1673

(2) If the offender is being sentenced for a third degree 1674
felony OVI offense, or if the offender is being sentenced for a 1675
fourth degree felony OVI offense and the court does not impose a 1676
mandatory term of local incarceration under division (G)(1) of 1677
this section, the court shall impose upon the offender a mandatory 1678
prison term of sixty days or one hundred twenty days as specified 1679
in division (G)(1)(e) of section 4511.19 of the Revised Code. The 1680
court shall not reduce the term pursuant to section 2929.20, 1681
2967.193, or any other provision of the Revised Code. In no case 1682
shall an offender who once has been sentenced to a mandatory term 1683
of local incarceration pursuant to division (G)(1) of this section 1684
for a fourth degree felony OVI offense be sentenced to another 1685

mandatory term of local incarceration under that division for any 1686
violation of division (A) of section 4511.19 of the Revised Code. 1687
The court shall not sentence the offender to a community control 1688
sanction under section 2929.16 or 2929.17 of the Revised Code. The 1689
department of rehabilitation and correction may place an offender 1690
sentenced to a mandatory prison term under this division in an 1691
intensive program prison established pursuant to section 5120.033 1692
of the Revised Code if the department gave the sentencing judge 1693
prior notice of its intent to place the offender in an intensive 1694
program prison established under that section and if the judge did 1695
not notify the department that the judge disapproved the 1696
placement. Upon the establishment of the initial intensive program 1697
prison pursuant to section 5120.033 of the Revised Code that is 1698
privately operated and managed by a contractor pursuant to a 1699
contract entered into under section 9.06 of the Revised Code, both 1700
of the following apply: 1701

(a) The department of rehabilitation and correction shall 1702
make a reasonable effort to ensure that a sufficient number of 1703
offenders sentenced to a mandatory prison term under this division 1704
are placed in the privately operated and managed prison so that 1705
the privately operated and managed prison has full occupancy. 1706

(b) Unless the privately operated and managed prison has full 1707
occupancy, the department of rehabilitation and correction shall 1708
not place any offender sentenced to a mandatory prison term under 1709
this division in any intensive program prison established pursuant 1710
to section 5120.033 of the Revised Code other than the privately 1711
operated and managed prison. 1712

(H) If an offender is being sentenced for a sexually oriented 1713
offense committed on or after January 1, 1997, the judge shall 1714
require the offender to submit to a DNA specimen collection 1715
procedure pursuant to section 2901.07 of the Revised Code if 1716
either of the following applies: 1717

(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 that is not a registration-exempt sexually oriented offense or for a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 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.

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

(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court

shall consider the factors applicable to the felony category that 1749
the drug abuse offense attempted would be if that drug abuse 1750
offense had been committed and had involved an amount or number of 1751
unit doses of the controlled substance that is within the next 1752
lower range of controlled substance amounts than was involved in 1753
the attempt. 1754

(K) As used in this section, "drug abuse offense" has the 1755
same meaning as in section 2925.01 of the Revised Code. 1756

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 1757
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 1758
except in relation to an offense for which a sentence of death or 1759
life imprisonment is to be imposed, if the court imposing a 1760
sentence upon an offender for a felony elects or is required to 1761
impose a prison term on the offender pursuant to this chapter and 1762
is not prohibited by division (G)(1) of section 2929.13 of the 1763
Revised Code from imposing a prison term on the offender, the 1764
court shall impose a definite prison term that shall be one of the 1765
following: 1766

(1) For a felony of the first degree, the prison term shall 1767
be three, four, five, six, seven, eight, nine, or ten years. 1768

(2) For a felony of the second degree, the prison term shall 1769
be two, three, four, five, six, seven, or eight years. 1770

(3) For a felony of the third degree, the prison term shall 1771
be one, two, three, four, or five years. 1772

(4) For a felony of the fourth degree, the prison term shall 1773
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1774
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1775

(5) For a felony of the fifth degree, the prison term shall 1776
be six, seven, eight, nine, ten, eleven, or twelve months. 1777

(B) Except as provided in division (C), (D)(1), (D)(2), 1778

(D)(3), ~~(D)(5)~~, ~~(D)(6)~~, or (G) of this section, in section 2907.02 1779
of the Revised Code, or in Chapter 2925. of the Revised Code, if 1780
the court imposing a sentence upon an offender for a felony elects 1781
or is required to impose a prison term on the offender, the court 1782
shall impose the shortest prison term authorized for the offense 1783
pursuant to division (A) of this section, unless one or more of 1784
the following applies: 1785

(1) The offender was serving a prison term at the time of the 1786
offense, or the offender previously had served a prison term. 1787

(2) The court finds on the record that the shortest prison 1788
term will demean the seriousness of the offender's conduct or will 1789
not adequately protect the public from future crime by the 1790
offender or others. 1791

(C) Except as provided in division (G) of this section or in 1792
Chapter 2925. of the Revised Code, the court imposing a sentence 1793
upon an offender for a felony may impose the longest prison term 1794
authorized for the offense pursuant to division (A) of this 1795
section only upon offenders who committed the worst forms of the 1796
offense, upon offenders who pose the greatest likelihood of 1797
committing future crimes, upon certain major drug offenders under 1798
division (D)(3) of this section, and upon certain repeat violent 1799
offenders in accordance with division (D)(2) of this section. 1800

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1801
section, if an offender who is convicted of or pleads guilty to a 1802
felony also is convicted of or pleads guilty to a specification of 1803
the type described in section 2941.141, 2941.144, or 2941.145 of 1804
the Revised Code, the court shall impose on the offender one of 1805
the following prison terms: 1806

(i) A prison term of six years if the specification is of the 1807
type described in section 2941.144 of the Revised Code that 1808
charges the offender with having a firearm that is an automatic 1809

firearm or that was equipped with a firearm muffler or silencer on 1810
or about the offender's person or under the offender's control 1811
while committing the felony; 1812

(ii) A prison term of three years if the specification is of 1813
the type described in section 2941.145 of the Revised Code that 1814
charges the offender with having a firearm on or about the 1815
offender's person or under the offender's control while committing 1816
the offense and displaying the firearm, brandishing the firearm, 1817
indicating that the offender possessed the firearm, or using it to 1818
facilitate the offense; 1819

(iii) A prison term of one year if the specification is of 1820
the type described in section 2941.141 of the Revised Code that 1821
charges the offender with having a firearm on or about the 1822
offender's person or under the offender's control while committing 1823
the felony. 1824

(b) If a court imposes a prison term on an offender under 1825
division (D)(1)(a) of this section, the prison term shall not be 1826
reduced pursuant to section 2929.20, section 2967.193, or any 1827
other provision of Chapter 2967. or Chapter 5120. of the Revised 1828
Code. A court shall not impose more than one prison term on an 1829
offender under division (D)(1)(a) of this section for felonies 1830
committed as part of the same act or transaction. 1831

(c) Except as provided in division (D)(1)(e) of this section, 1832
if an offender who is convicted of or pleads guilty to a violation 1833
of section 2923.161 of the Revised Code or to a felony that 1834
includes, as an essential element, purposely or knowingly causing 1835
or attempting to cause the death of or physical harm to another, 1836
also is convicted of or pleads guilty to a specification of the 1837
type described in section 2941.146 of the Revised Code that 1838
charges the offender with committing the offense by discharging a 1839
firearm from a motor vehicle other than a manufactured home, the 1840
court, after imposing a prison term on the offender for the 1841

violation of section 2923.161 of the Revised Code or for the other 1842
felony offense under division (A), (D)(2), or (D)(3) of this 1843
section, shall impose an additional prison term of five years upon 1844
the offender that shall not be reduced pursuant to section 1845
2929.20, section 2967.193, or any other provision of Chapter 2967. 1846
or Chapter 5120. of the Revised Code. A court shall not impose 1847
more than one additional prison term on an offender under division 1848
(D)(1)(c) of this section for felonies committed as part of the 1849
same act or transaction. If a court imposes an additional prison 1850
term on an offender under division (D)(1)(c) of this section 1851
relative to an offense, the court also shall impose a prison term 1852
under division (D)(1)(a) of this section relative to the same 1853
offense, provided the criteria specified in that division for 1854
imposing an additional prison term are satisfied relative to the 1855
offender and the offense. 1856

(d) If an offender who is convicted of or pleads guilty to an 1857
offense of violence that is a felony also is convicted of or 1858
pleads guilty to a specification of the type described in section 1859
2941.1411 of the Revised Code that charges the offender with 1860
wearing or carrying body armor while committing the felony offense 1861
of violence, the court shall impose on the offender a prison term 1862
of two years. The prison term so imposed shall not be reduced 1863
pursuant to section 2929.20, section 2967.193, or any other 1864
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1865
court shall not impose more than one prison term on an offender 1866
under division (D)(1)(d) of this section for felonies committed as 1867
part of the same act or transaction. If a court imposes an 1868
additional prison term under division (D)(1)(a) or (c) of this 1869
section, the court is not precluded from imposing an additional 1870
prison term under division (D)(1)(d) of this section. 1871

(e) The court shall not impose any of the prison terms 1872
described in division (D)(1)(a) of this section or any of the 1873

additional prison terms described in division (D)(1)(c) of this 1874
section upon an offender for a violation of section 2923.12 or 1875
2923.123 of the Revised Code. The court shall not impose any of 1876
the prison terms described in division (D)(1)(a) of this section 1877
or any of the additional prison terms described in division 1878
(D)(1)(c) of this section upon an offender for a violation of 1879
section 2923.13 of the Revised Code unless all of the following 1880
apply: 1881

(i) The offender previously has been convicted of aggravated 1882
murder, murder, or any felony of the first or second degree. 1883

(ii) Less than five years have passed since the offender was 1884
released from prison or post-release control, whichever is later, 1885
for the prior offense. 1886

(f) If an offender is convicted of or pleads guilty to a 1887
felony that includes, as an essential element, causing or 1888
attempting to cause the death of or physical harm to another and 1889
also is convicted of or pleads guilty to a specification of the 1890
type described in section 2941.1412 of the Revised Code that 1891
charges the offender with committing the offense by discharging a 1892
firearm at a peace officer as defined in section 2935.01 of the 1893
Revised Code or a corrections officer as defined in section 1894
2941.1412 of the Revised Code, the court, after imposing a prison 1895
term on the offender for the felony offense under division (A), 1896
(D)(2), or (D)(3) of this section, shall impose an additional 1897
prison term of seven years upon the offender that shall not be 1898
reduced pursuant to section 2929.20, section 2967.193, or any 1899
other provision of Chapter 2967. or Chapter 5120. of the Revised 1900
Code. A court shall not impose more than one additional prison 1901
term on an offender under division (D)(1)(f) of this section for 1902
felonies committed as part of the same act or transaction. If a 1903
court imposes an additional prison term on an offender under 1904
division (D)(1)(f) of this section relative to an offense, the 1905

court shall not impose a prison term under division (D)(1)(a) or 1906
(c) of this section relative to the same offense. 1907

(2)(a) If an offender who is convicted of or pleads guilty to 1908
a felony also is convicted of or pleads guilty to a specification 1909
of the type described in section 2941.149 of the Revised Code that 1910
the offender is a repeat violent offender, the court shall impose 1911
a prison term from the range of terms authorized for the offense 1912
under division (A) of this section that may be the longest term in 1913
the range and that shall not be reduced pursuant to section 1914
2929.20, section 2967.193, or any other provision of Chapter 2967. 1915
or Chapter 5120. of the Revised Code. If the court finds that the 1916
repeat violent offender, in committing the offense, caused any 1917
physical harm that carried a substantial risk of death to a person 1918
or that involved substantial permanent incapacity or substantial 1919
permanent disfigurement of a person, the court shall impose the 1920
longest prison term from the range of terms authorized for the 1921
offense under division (A) of this section. 1922

(b) If the court imposing a prison term on a repeat violent 1923
offender imposes the longest prison term from the range of terms 1924
authorized for the offense under division (A) of this section, the 1925
court may impose on the offender an additional definite prison 1926
term of one, two, three, four, five, six, seven, eight, nine, or 1927
ten years if the court finds that both of the following apply with 1928
respect to the prison terms imposed on the offender pursuant to 1929
division (D)(2)(a) of this section and, if applicable, divisions 1930
(D)(1) and (3) of this section: 1931

(i) The terms so imposed are inadequate to punish the 1932
offender and protect the public from future crime, because the 1933
applicable factors under section 2929.12 of the Revised Code 1934
indicating a greater likelihood of recidivism outweigh the 1935
applicable factors under that section indicating a lesser 1936
likelihood of recidivism. 1937

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

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole

for the violation of section 2907.02 of the Revised Code, the 1970
court shall impose upon the offender for the felony violation a 1971
ten-year prison term that cannot be reduced pursuant to section 1972
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1973

(b) The court imposing a prison term on an offender under 1974
division (D)(3)(a) of this section may impose an additional prison 1975
term of one, two, three, four, five, six, seven, eight, nine, or 1976
ten years, if the court, with respect to the term imposed under 1977
division (D)(3)(a) of this section and, if applicable, divisions 1978
(D)(1) and (2) of this section, makes both of the findings set 1979
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1980

(4) If the offender is being sentenced for a third or fourth 1981
degree felony OVI offense under division (G)(2) of section 2929.13 1982
of the Revised Code, the sentencing court shall impose upon the 1983
offender a mandatory prison term in accordance with that division. 1984
In addition to the mandatory prison term, if the offender is being 1985
sentenced for a fourth degree felony OVI offense, the court, 1986
notwithstanding division (A)(4) of this section, may sentence the 1987
offender to a definite prison term of not less than six months and 1988
not more than thirty months, and if the offender is being 1989
sentenced for a third degree felony OVI offense, the sentencing 1990
court may sentence the offender to an additional prison term of 1991
any duration specified in division (A)(3) of this section. In 1992
either case, the additional prison term imposed shall be reduced 1993
by the sixty or one hundred twenty days imposed upon the offender 1994
as the mandatory prison term. The total of the additional prison 1995
term imposed under division (D)(4) of this section plus the sixty 1996
or one hundred twenty days imposed as the mandatory prison term 1997
shall equal a definite term in the range of six months to thirty 1998
months for a fourth degree felony OVI offense and shall equal one 1999
of the authorized prison terms specified in division (A)(3) of 2000
this section for a third degree felony OVI offense. If the court 2001

imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code.

(5) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (D)(5) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1414 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (D)(6) of this section, the prison term

shall not be reduced pursuant to section 2929.20, section 2034
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2035
of the Revised Code. A court shall not impose more than one prison 2036
term on an offender under division (D)(6) of this section for 2037
felonies committed as part of the same act. 2038

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2039
mandatory prison term is imposed upon an offender pursuant to 2040
division (D)(1)(a) of this section for having a firearm on or 2041
about the offender's person or under the offender's control while 2042
committing a felony, if a mandatory prison term is imposed upon an 2043
offender pursuant to division (D)(1)(c) of this section for 2044
committing a felony specified in that division by discharging a 2045
firearm from a motor vehicle, or if both types of mandatory prison 2046
terms are imposed, the offender shall serve any mandatory prison 2047
term imposed under either division consecutively to any other 2048
mandatory prison term imposed under either division or under 2049
division (D)(1)(d) of this section, consecutively to and prior to 2050
any prison term imposed for the underlying felony pursuant to 2051
division (A), (D)(2), or (D)(3) of this section or any other 2052
section of the Revised Code, and consecutively to any other prison 2053
term or mandatory prison term previously or subsequently imposed 2054
upon the offender. 2055

(b) If a mandatory prison term is imposed upon an offender 2056
pursuant to division (D)(1)(d) of this section for wearing or 2057
carrying body armor while committing an offense of violence that 2058
is a felony, the offender shall serve the mandatory term so 2059
imposed consecutively to any other mandatory prison term imposed 2060
under that division or under division (D)(1)(a) or (c) of this 2061
section, consecutively to and prior to any prison term imposed for 2062
the underlying felony under division (A), (D)(2), or (D)(3) of 2063
this section or any other section of the Revised Code, and 2064
consecutively to any other prison term or mandatory prison term 2065

previously or subsequently imposed upon the offender. 2066

(c) If a mandatory prison term is imposed upon an offender 2067
pursuant to division (D)(1)(f) of this section, the offender shall 2068
serve the mandatory prison term so imposed consecutively to and 2069
prior to any prison term imposed for the underlying felony under 2070
division (A), (D)(2), or (D)(3) of this section or any other 2071
section of the Revised Code, and consecutively to any other prison 2072
term or mandatory prison term previously or subsequently imposed 2073
upon the offender. 2074

(2) If an offender who is an inmate in a jail, prison, or 2075
other residential detention facility violates section 2917.02, 2076
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2077
who is under detention at a detention facility commits a felony 2078
violation of section 2923.131 of the Revised Code, or if an 2079
offender who is an inmate in a jail, prison, or other residential 2080
detention facility or is under detention at a detention facility 2081
commits another felony while the offender is an escapee in 2082
violation of section 2921.34 of the Revised Code, any prison term 2083
imposed upon the offender for one of those violations shall be 2084
served by the offender consecutively to the prison term or term of 2085
imprisonment the offender was serving when the offender committed 2086
that offense and to any other prison term previously or 2087
subsequently imposed upon the offender. 2088

(3) If a prison term is imposed for a violation of division 2089
(B) of section 2911.01 of the Revised Code, a violation of 2090
division (A) of section 2913.02 of the Revised Code in which the 2091
stolen property is a firearm or dangerous ordnance, or a felony 2092
violation of division (B) of section 2921.331 of the Revised Code, 2093
the offender shall serve that prison term consecutively to any 2094
other prison term or mandatory prison term previously or 2095
subsequently imposed upon the offender. 2096

(4) If multiple prison terms are imposed on an offender for 2097

convictions of multiple offenses, the court may require the 2098
offender to serve the prison terms consecutively if the court 2099
finds that the consecutive service is necessary to protect the 2100
public from future crime or to punish the offender and that 2101
consecutive sentences are not disproportionate to the seriousness 2102
of the offender's conduct and to the danger the offender poses to 2103
the public, and if the court also finds any of the following: 2104

(a) The offender committed one or more of the multiple 2105
offenses while the offender was awaiting trial or sentencing, was 2106
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2107
2929.18 of the Revised Code, or was under post-release control for 2108
a prior offense. 2109

(b) At least two of the multiple offenses were committed as 2110
part of one or more courses of conduct, and the harm caused by two 2111
or more of the multiple offenses so committed was so great or 2112
unusual that no single prison term for any of the offenses 2113
committed as part of any of the courses of conduct adequately 2114
reflects the seriousness of the offender's conduct. 2115

(c) The offender's history of criminal conduct demonstrates 2116
that consecutive sentences are necessary to protect the public 2117
from future crime by the offender. 2118

(5) If a mandatory prison term is imposed upon an offender 2119
pursuant to division (D)(5) or (6) of this section, the offender 2120
shall serve the mandatory prison term consecutively to and prior 2121
to any prison term imposed for the underlying violation of 2122
division (A)(1) or (2) of section 2903.06 of the Revised Code 2123
pursuant to division (A) of this section. If a mandatory prison 2124
term is imposed upon an offender pursuant to division (D)(5) of 2125
this section, and if a mandatory prison term also is imposed upon 2126
the offender pursuant to division (D)(6) of this section in 2127
relation to the same violation, the offender shall serve the 2128
mandatory prison term imposed pursuant to division (D)(5) of this 2129

section consecutively to and prior to the mandatory prison term 2130
imposed pursuant to division (D)(6) of this section and 2131
consecutively to and prior to any prison term imposed for the 2132
underlying violation of division (A)(1) or (2) of section 2903.06 2133
of the Revised Code pursuant to division (A) of this section. 2134

(6) When consecutive prison terms are imposed pursuant to 2135
division (E)(1), (2), (3), ~~or (4)~~, or (5) of this section, the 2136
term to be served is the aggregate of all of the terms so imposed. 2137

(F) If a court imposes a prison term of a type described in 2138
division (B) of section 2967.28 of the Revised Code, it shall 2139
include in the sentence a requirement that the offender be subject 2140
to a period of post-release control after the offender's release 2141
from imprisonment, in accordance with that division. If a court 2142
imposes a prison term of a type described in division (C) of that 2143
section, it shall include in the sentence a requirement that the 2144
offender be subject to a period of post-release control after the 2145
offender's release from imprisonment, in accordance with that 2146
division, if the parole board determines that a period of 2147
post-release control is necessary. 2148

(G) If a person is convicted of or pleads guilty to a 2149
sexually violent offense and also is convicted of or pleads guilty 2150
to a sexually violent predator specification that was included in 2151
the indictment, count in the indictment, or information charging 2152
that offense, the court shall impose sentence upon the offender in 2153
accordance with section 2971.03 of the Revised Code, and Chapter 2154
2971. of the Revised Code applies regarding the prison term or 2155
term of life imprisonment without parole imposed upon the offender 2156
and the service of that term of imprisonment. 2157

(H) If a person who has been convicted of or pleaded guilty 2158
to a felony is sentenced to a prison term or term of imprisonment 2159
under this section, sections 2929.02 to 2929.06 of the Revised 2160
Code, section 2971.03 of the Revised Code, or any other provision 2161

of law, section 5120.163 of the Revised Code applies regarding the 2162
person while the person is confined in a state correctional 2163
institution. 2164

(I) If an offender who is convicted of or pleads guilty to a 2165
felony that is an offense of violence also is convicted of or 2166
pleads guilty to a specification of the type described in section 2167
2941.142 of the Revised Code that charges the offender with having 2168
committed the felony while participating in a criminal gang, the 2169
court shall impose upon the offender an additional prison term of 2170
one, two, or three years. 2171

(J) If an offender who is convicted of or pleads guilty to 2172
aggravated murder, murder, or a felony of the first, second, or 2173
third degree that is an offense of violence also is convicted of 2174
or pleads guilty to a specification of the type described in 2175
section 2941.143 of the Revised Code that charges the offender 2176
with having committed the offense in a school safety zone or 2177
towards a person in a school safety zone, the court shall impose 2178
upon the offender an additional prison term of two years. The 2179
offender shall serve the additional two years consecutively to and 2180
prior to the prison term imposed for the underlying offense. 2181

(K) At the time of sentencing, the court may recommend the 2182
offender for placement in a program of shock incarceration under 2183
section 5120.031 of the Revised Code or for placement in an 2184
intensive program prison under section 5120.032 of the Revised 2185
Code, disapprove placement of the offender in a program of shock 2186
incarceration or an intensive program prison of that nature, or 2187
make no recommendation on placement of the offender. In no case 2188
shall the department of rehabilitation and correction place the 2189
offender in a program or prison of that nature unless the 2190
department determines as specified in section 5120.031 or 5120.032 2191
of the Revised Code, whichever is applicable, that the offender is 2192
eligible for the placement. 2193

If the court disapproves placement of the offender in a 2194
program or prison of that nature, the department of rehabilitation 2195
and correction shall not place the offender in any program of 2196
shock incarceration or intensive program prison. 2197

If the court recommends placement of the offender in a 2198
program of shock incarceration or in an intensive program prison, 2199
and if the offender is subsequently placed in the recommended 2200
program or prison, the department shall notify the court of the 2201
placement and shall include with the notice a brief description of 2202
the placement. 2203

If the court recommends placement of the offender in a 2204
program of shock incarceration or in an intensive program prison 2205
and the department does not subsequently place the offender in the 2206
recommended program or prison, the department shall send a notice 2207
to the court indicating why the offender was not placed in the 2208
recommended program or prison. 2209

If the court does not make a recommendation under this 2210
division with respect to an offender and if the department 2211
determines as specified in section 5120.031 or 5120.032 of the 2212
Revised Code, whichever is applicable, that the offender is 2213
eligible for placement in a program or prison of that nature, the 2214
department shall screen the offender and determine if there is an 2215
available program of shock incarceration or an intensive program 2216
prison for which the offender is suited. If there is an available 2217
program of shock incarceration or an intensive program prison for 2218
which the offender is suited, the department shall notify the 2219
court of the proposed placement of the offender as specified in 2220
section 5120.031 or 5120.032 of the Revised Code and shall include 2221
with the notice a brief description of the placement. The court 2222
shall have ten days from receipt of the notice to disapprove the 2223
placement. 2224

Sec. 2929.18. (A) Except as otherwise provided in this 2225
division and in addition to imposing court costs pursuant to 2226
section 2947.23 of the Revised Code, the court imposing a sentence 2227
upon an offender for a felony may sentence the offender to any 2228
financial sanction or combination of financial sanctions 2229
authorized under this section or, in the circumstances specified 2230
in section 2929.32 of the Revised Code, may impose upon the 2231
offender a fine in accordance with that section. Financial 2232
sanctions that may be imposed pursuant to this section include, 2233
but are not limited to, the following: 2234

(1) Restitution by the offender to the victim of the 2235
offender's crime or any survivor of the victim, in an amount based 2236
on the victim's economic loss. ~~The~~ If the court imposes 2237
restitution, the court shall order that the restitution be made to 2238
the victim in open court, to the adult probation department that 2239
serves the county on behalf of the victim, to the clerk of courts, 2240
or to another agency designated by the court. ~~The order may~~ 2241
~~include a requirement that reimbursement be made to third parties~~ 2242
~~for amounts paid to or on behalf of the victim or any survivor of~~ 2243
~~the victim for economic loss resulting from the offense. If~~ 2244
~~reimbursement to third parties is required, the reimbursement~~ 2245
~~shall be made to any governmental agency to repay any amounts paid~~ 2246
~~by the agency to or on behalf of the victim or any survivor of the~~ 2247
~~victim for economic loss resulting from the offense before any~~ 2248
~~reimbursement is made to any person other than a governmental~~ 2249
~~agency. If no governmental agency incurred expenses for economic~~ 2250
~~loss of the victim or any survivor of the victim resulting from~~ 2251
~~the offense, the reimbursement shall be made to any person other~~ 2252
~~than a governmental agency to repay amounts paid by that person to~~ 2253
~~or on behalf of the victim or any survivor of the victim for~~ 2254
~~economic loss of the victim resulting from the offense. The court~~ 2255
~~shall not require an offender to repay an insurance company for~~ 2256

~~any amounts the company paid on behalf of the offender pursuant to~~ 2257
~~a policy of insurance. At~~ If the court imposes restitution, at 2258
sentencing, the court shall determine the amount of restitution to 2259
be made by the offender. ~~The~~ If the court imposes restitution, the 2260
court may base the amount of restitution it orders on an amount 2261
recommended by the victim, the offender, a presentence 2262
investigation report, estimates or receipts indicating the cost of 2263
repairing or replacing property, and other information, provided 2264
that the amount the court orders as restitution shall not exceed 2265
the amount of the economic loss suffered by the victim as a direct 2266
and proximate result of the commission of the offense. The If the 2267
court decides to impose restitution, the court shall hold a 2268
hearing on restitution if the offender, victim, or survivor 2269
disputes the amount. All restitution payments shall be credited 2270
against any recovery of economic loss in a civil action brought by 2271
the victim or any survivor of the victim against the offender. 2272

~~The~~ If the court imposes restitution, the court may order 2273
that the offender pay a surcharge of not more than five per cent 2274
of the amount of the restitution otherwise ordered to the entity 2275
responsible for collecting and processing restitution payments. 2276

The victim or survivor may request that the ~~prosecuting~~ 2277
~~attorney~~ prosecutor in the case file a motion, or the offender may 2278
file a motion, for modification of the payment terms of any 2279
restitution ordered. If the court grants the motion, it may modify 2280
the payment terms as it determines appropriate. 2281

(2) Except as provided in division (B)(1), (3), or (4) of 2282
this section, a fine payable by the offender to the state, to a 2283
political subdivision, or as described in division (B)(2) of this 2284
section to one or more law enforcement agencies, with the amount 2285
of the fine based on a standard percentage of the offender's daily 2286
income over a period of time determined by the court and based 2287
upon the seriousness of the offense. A fine ordered under this 2288

division shall not exceed the maximum conventional fine amount 2289
authorized for the level of the offense under division (A)(3) of 2290
this section. 2291

(3) Except as provided in division (B)(1), (3), or (4) of 2292
this section, a fine payable by the offender to the state, to a 2293
political subdivision when appropriate for a felony, or as 2294
described in division (B)(2) of this section to one or more law 2295
enforcement agencies, in the following amount: 2296

(a) For a felony of the first degree, not more than twenty 2297
thousand dollars; 2298

(b) For a felony of the second degree, not more than fifteen 2299
thousand dollars; 2300

(c) For a felony of the third degree, not more than ten 2301
thousand dollars; 2302

(d) For a felony of the fourth degree, not more than five 2303
thousand dollars; 2304

(e) For a felony of the fifth degree, not more than two 2305
thousand five hundred dollars. 2306

(4) A state fine or costs as defined in section 2949.111 of 2307
the Revised Code. 2308

(5)(a) Reimbursement by the offender of any or all of the 2309
costs of sanctions incurred by the government, including the 2310
following: 2311

(i) All or part of the costs of implementing any community 2312
control sanction, including a supervision fee under section 2313
2951.021 of the Revised Code; 2314

(ii) All or part of the costs of confinement under a sanction 2315
imposed pursuant to section 2929.14 or 2929.16 of the Revised 2316
Code, provided that the amount of reimbursement ordered under this 2317
division shall not exceed the total amount of reimbursement the 2318

offender is able to pay as determined at a hearing and shall not 2319
exceed the actual cost of the confinement. 2320

(b) If the offender is sentenced to a sanction of confinement 2321
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 2322
to be served in a facility operated by a board of county 2323
commissioners, a legislative authority of a municipal corporation, 2324
or another local governmental entity, if, pursuant to section 2325
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 2326
or 2947.19 of the Revised Code and section 2929.37 of the Revised 2327
Code, the board, legislative authority, or other local 2328
governmental entity requires prisoners to reimburse the county, 2329
municipal corporation, or other entity for its expenses incurred 2330
by reason of the prisoner's confinement, and if the court does not 2331
impose a financial sanction under division (A)(5)(a)(ii) of this 2332
section, confinement costs may be assessed pursuant to section 2333
2929.37 of the Revised Code. In addition, the offender may be 2334
required to pay the fees specified in section 2929.38 of the 2335
Revised Code in accordance with that section. 2336

(c) Reimbursement by the offender for costs pursuant to 2337
section 2929.71 of the Revised Code. 2338

(B)(1) For a first, second, or third degree felony violation 2339
of any provision of Chapter 2925., 3719., or 4729. of the Revised 2340
Code, the sentencing court shall impose upon the offender a 2341
mandatory fine of at least one-half of, but not more than, the 2342
maximum statutory fine amount authorized for the level of the 2343
offense pursuant to division (A)(3) of this section. If an 2344
offender alleges in an affidavit filed with the court prior to 2345
sentencing that the offender is indigent and unable to pay the 2346
mandatory fine and if the court determines the offender is an 2347
indigent person and is unable to pay the mandatory fine described 2348
in this division, the court shall not impose the mandatory fine 2349
upon the offender. 2350

(2) Any mandatory fine imposed upon an offender under 2351
division (B)(1) of this section and any fine imposed upon an 2352
offender under division (A)(2) or (3) of this section for any 2353
fourth or fifth degree felony violation of any provision of 2354
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 2355
to law enforcement agencies pursuant to division (F) of section 2356
2925.03 of the Revised Code. 2357

(3) For a fourth degree felony OVI offense and for a third 2358
degree felony OVI offense, the sentencing court shall impose upon 2359
the offender a mandatory fine in the amount specified in division 2360
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 2361
is applicable. The mandatory fine so imposed shall be disbursed as 2362
provided in the division pursuant to which it is imposed. 2363

(4) Notwithstanding any fine otherwise authorized or required 2364
to be imposed under division (A)(2) or (3) or (B)(1) of this 2365
section or section 2929.31 of the Revised Code for a violation of 2366
section 2925.03 of the Revised Code, in addition to any penalty or 2367
sanction imposed for that offense under section 2925.03 or 2368
sections 2929.11 to 2929.18 of the Revised Code and in addition to 2369
the forfeiture of property in connection with the offense as 2370
prescribed in sections 2925.42 to 2925.45 of the Revised Code, the 2371
court that sentences an offender for a violation of section 2372
2925.03 of the Revised Code may impose upon the offender a fine in 2373
addition to any fine imposed under division (A)(2) or (3) of this 2374
section and in addition to any mandatory fine imposed under 2375
division (B)(1) of this section. The fine imposed under division 2376
(B)(4) of this section shall be used as provided in division (H) 2377
of section 2925.03 of the Revised Code. A fine imposed under 2378
division (B)(4) of this section shall not exceed whichever of the 2379
following is applicable: 2380

(a) The total value of any personal or real property in which 2381
the offender has an interest and that was used in the course of, 2382

intended for use in the course of, derived from, or realized 2383
through conduct in violation of section 2925.03 of the Revised 2384
Code, including any property that constitutes proceeds derived 2385
from that offense; 2386

(b) If the offender has no interest in any property of the 2387
type described in division (B)(4)(a) of this section or if it is 2388
not possible to ascertain whether the offender has an interest in 2389
any property of that type in which the offender may have an 2390
interest, the amount of the mandatory fine for the offense imposed 2391
under division (B)(1) of this section or, if no mandatory fine is 2392
imposed under division (B)(1) of this section, the amount of the 2393
fine authorized for the level of the offense imposed under 2394
division (A)(3) of this section. 2395

(5) Prior to imposing a fine under division (B)(4) of this 2396
section, the court shall determine whether the offender has an 2397
interest in any property of the type described in division 2398
(B)(4)(a) of this section. Except as provided in division (B)(6) 2399
or (7) of this section, a fine that is authorized and imposed 2400
under division (B)(4) of this section does not limit or affect the 2401
imposition of the penalties and sanctions for a violation of 2402
section 2925.03 of the Revised Code prescribed under those 2403
sections or sections 2929.11 to 2929.18 of the Revised Code and 2404
does not limit or affect a forfeiture of property in connection 2405
with the offense as prescribed in sections 2925.42 to 2925.45 of 2406
the Revised Code. 2407

(6) If the sum total of a mandatory fine amount imposed for a 2408
first, second, or third degree felony violation of section 2925.03 2409
of the Revised Code under division (B)(1) of this section plus the 2410
amount of any fine imposed under division (B)(4) of this section 2411
does not exceed the maximum statutory fine amount authorized for 2412
the level of the offense under division (A)(3) of this section or 2413
section 2929.31 of the Revised Code, the court may impose a fine 2414

for the offense in addition to the mandatory fine and the fine 2415
imposed under division (B)(4) of this section. The sum total of 2416
the amounts of the mandatory fine, the fine imposed under division 2417
(B)(4) of this section, and the additional fine imposed under 2418
division (B)(6) of this section shall not exceed the maximum 2419
statutory fine amount authorized for the level of the offense 2420
under division (A)(3) of this section or section 2929.31 of the 2421
Revised Code. The clerk of the court shall pay any fine that is 2422
imposed under division (B)(6) of this section to the county, 2423
township, municipal corporation, park district as created pursuant 2424
to section 511.18 or 1545.04 of the Revised Code, or state law 2425
enforcement agencies in this state that primarily were responsible 2426
for or involved in making the arrest of, and in prosecuting, the 2427
offender pursuant to division (F) of section 2925.03 of the 2428
Revised Code. 2429

(7) If the sum total of the amount of a mandatory fine 2430
imposed for a first, second, or third degree felony violation of 2431
section 2925.03 of the Revised Code plus the amount of any fine 2432
imposed under division (B)(4) of this section exceeds the maximum 2433
statutory fine amount authorized for the level of the offense 2434
under division (A)(3) of this section or section 2929.31 of the 2435
Revised Code, the court shall not impose a fine under division 2436
(B)(6) of this section. 2437

(C)(1) The offender shall pay reimbursements imposed upon the 2438
offender pursuant to division (A)(5)(a) of this section to pay the 2439
costs incurred by the department of rehabilitation and correction 2440
in operating a prison or other facility used to confine offenders 2441
pursuant to sanctions imposed under section 2929.14 or 2929.16 of 2442
the Revised Code to the treasurer of state. The treasurer of state 2443
shall deposit the reimbursements in the confinement cost 2444
reimbursement fund that is hereby created in the state treasury. 2445
The department of rehabilitation and correction shall use the 2446

amounts deposited in the fund to fund the operation of facilities 2447
used to confine offenders pursuant to sections 2929.14 and 2929.16 2448
of the Revised Code. 2449

(2) Except as provided in section 2951.021 of the Revised 2450
Code, the offender shall pay reimbursements imposed upon the 2451
offender pursuant to division (A)(5)(a) of this section to pay the 2452
costs incurred by a county pursuant to any sanction imposed under 2453
this section or section 2929.16 or 2929.17 of the Revised Code or 2454
in operating a facility used to confine offenders pursuant to a 2455
sanction imposed under section 2929.16 of the Revised Code to the 2456
county treasurer. The county treasurer shall deposit the 2457
reimbursements in the sanction cost reimbursement fund that each 2458
board of county commissioners shall create in its county treasury. 2459
The county shall use the amounts deposited in the fund to pay the 2460
costs incurred by the county pursuant to any sanction imposed 2461
under this section or section 2929.16 or 2929.17 of the Revised 2462
Code or in operating a facility used to confine offenders pursuant 2463
to a sanction imposed under section 2929.16 of the Revised Code. 2464

(3) Except as provided in section 2951.021 of the Revised 2465
Code, the offender shall pay reimbursements imposed upon the 2466
offender pursuant to division (A)(5)(a) of this section to pay the 2467
costs incurred by a municipal corporation pursuant to any sanction 2468
imposed under this section or section 2929.16 or 2929.17 of the 2469
Revised Code or in operating a facility used to confine offenders 2470
pursuant to a sanction imposed under section 2929.16 of the 2471
Revised Code to the treasurer of the municipal corporation. The 2472
treasurer shall deposit the reimbursements in a special fund that 2473
shall be established in the treasury of each municipal 2474
corporation. The municipal corporation shall use the amounts 2475
deposited in the fund to pay the costs incurred by the municipal 2476
corporation pursuant to any sanction imposed under this section or 2477
section 2929.16 or 2929.17 of the Revised Code or in operating a 2478

facility used to confine offenders pursuant to a sanction imposed 2479
under section 2929.16 of the Revised Code. 2480

(4) Except as provided in section 2951.021 of the Revised 2481
Code, the offender shall pay reimbursements imposed pursuant to 2482
division (A)(5)(a) of this section for the costs incurred by a 2483
private provider pursuant to a sanction imposed under this section 2484
or section 2929.16 or 2929.17 of the Revised Code to the provider. 2485

(D) Except as otherwise provided in this division, a 2486
financial sanction imposed pursuant to division (A) or (B) of this 2487
section is a judgment in favor of the state or a political 2488
subdivision in which the court that imposed the financial sanction 2489
is located, and the offender subject to the financial sanction is 2490
the judgment debtor. A financial sanction of reimbursement imposed 2491
pursuant to division (A)(5)(a)(ii) of this section upon an 2492
offender who is incarcerated in a state facility or a municipal 2493
jail is a judgment in favor of the state or the municipal 2494
corporation, and the offender subject to the financial sanction is 2495
the judgment debtor. A financial sanction of reimbursement imposed 2496
upon an offender pursuant to this section for costs incurred by a 2497
private provider of sanctions is a judgment in favor of the 2498
private provider, and the offender subject to the financial 2499
sanction is the judgment debtor. A financial sanction of 2500
restitution imposed pursuant to this section is ~~a judgment an~~ 2501
order in favor of the victim of the offender's criminal act. ~~The~~ 2502
~~offender subject to the sanction is the judgment debtor that can~~ 2503
be collected through execution as described in division (D)(1) of 2504
this section or through an order as described in division (D)(2) 2505
of this section, and the offender shall be considered for purposes 2506
of the collection as the judgment debtor. Imposition of a 2507
financial sanction and execution on the judgment does not preclude 2508
any other power of the court to impose or enforce sanctions on the 2509
offender. Once the financial sanction is imposed as a judgment or 2510

order under this division, the victim, private provider, state, or 2511
political subdivision may bring an action to do any of the 2512
following: 2513

(1) Obtain execution of the judgment or order through any 2514
available procedure, including: 2515

(a) An execution against the property of the judgment debtor 2516
under Chapter 2329. of the Revised Code; 2517

(b) An execution against the person of the judgment debtor 2518
under Chapter 2331. of the Revised Code; 2519

(c) A proceeding in aid of execution under Chapter 2333. of 2520
the Revised Code, including: 2521

(i) A proceeding for the examination of the judgment debtor 2522
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 2523
of the Revised Code; 2524

(ii) A proceeding for attachment of the person of the 2525
judgment debtor under section 2333.28 of the Revised Code; 2526

(iii) A creditor's suit under section 2333.01 of the Revised 2527
Code. 2528

(d) The attachment of the property of the judgment debtor 2529
under Chapter 2715. of the Revised Code; 2530

(e) The garnishment of the property of the judgment debtor 2531
under Chapter 2716. of the Revised Code. 2532

(2) Obtain an order for the assignment of wages of the 2533
judgment debtor under section 1321.33 of the Revised Code. 2534

(E) A court that imposes a financial sanction upon an 2535
offender may hold a hearing if necessary to determine whether the 2536
offender is able to pay the sanction or is likely in the future to 2537
be able to pay it. 2538

(F) Each court imposing a financial sanction upon an offender 2539

under this section or under section 2929.32 of the Revised Code 2540
may designate the clerk of the court or another person to collect 2541
the financial sanction. The clerk or other person authorized by 2542
law or the court to collect the financial sanction may enter into 2543
contracts with one or more public agencies or private vendors for 2544
the collection of, amounts due under the financial sanction 2545
imposed pursuant to this section or section 2929.32 of the Revised 2546
Code. Before entering into a contract for the collection of 2547
amounts due from an offender pursuant to any financial sanction 2548
imposed pursuant to this section or section 2929.32 of the Revised 2549
Code, a court shall comply with sections 307.86 to 307.92 of the 2550
Revised Code. 2551

(G) If a court that imposes a financial sanction under 2552
division (A) or (B) of this section finds that an offender 2553
satisfactorily has completed all other sanctions imposed upon the 2554
offender and that all restitution that has been ordered has been 2555
paid as ordered, the court may suspend any financial sanctions 2556
imposed pursuant to this section or section 2929.32 of the Revised 2557
Code that have not been paid. 2558

(H) No financial sanction imposed under this section or 2559
section 2929.32 of the Revised Code shall preclude a victim from 2560
bringing a civil action against the offender. 2561

Sec. 2929.21. (A) A court that sentences an offender for a 2562
misdemeanor or minor misdemeanor violation of any provision of the 2563
Revised Code, or of any municipal ordinance that is substantially 2564
similar to a misdemeanor or minor misdemeanor violation of a 2565
provision of the Revised Code, shall be guided by the overriding 2566
purposes of misdemeanor sentencing. The overriding purposes of 2567
misdemeanor sentencing are to protect the public from future crime 2568
by the offender and others and to punish the offender. To achieve 2569
those purposes, the sentencing court shall consider the impact of 2570

the offense upon the victim and the need for changing the 2571
offender's behavior, rehabilitating the offender, and making 2572
restitution to the victim of the offense, the public, or the 2573
victim and the public. 2574

(B) A sentence imposed for a misdemeanor or minor misdemeanor 2575
violation of a Revised Code provision or for a violation of a 2576
municipal ordinance that is subject to division (A) of this 2577
section shall be reasonably calculated to achieve the two 2578
overriding purposes of misdemeanor sentencing set forth in 2579
division (A) of this section, commensurate with and not demeaning 2580
to the seriousness of the offender's conduct and its impact upon 2581
the victim, and consistent with sentences imposed for similar 2582
offenses committed by similar offenders. 2583

(C) A court that imposes a sentence upon an offender for a 2584
misdemeanor or minor misdemeanor violation of a Revised Code 2585
provision or for a violation of a municipal ordinance that is 2586
subject to division (A) of this section shall not base the 2587
sentence upon the race, ethnic background, gender, or religion of 2588
the offender. 2589

(D) Divisions (A) and (B) of this section shall not apply to 2590
any offense that is disposed of by a traffic violations bureau of 2591
any court pursuant to Traffic Rule 13 and shall not apply to any 2592
violation of any provision of the Revised Code that is a minor 2593
misdemeanor and that is disposed of without a court appearance. 2594
Divisions (A) to (C) of this section do not affect any penalties 2595
established by a municipal corporation for a violation of its 2596
ordinances. 2597

Sec. 2929.28. (A) In addition to imposing court costs 2598
pursuant to section 2947.23 of the Revised Code, the court 2599
imposing a sentence upon an offender for a misdemeanor, including 2600

a minor misdemeanor, may sentence the offender to any financial 2601
sanction or combination of financial sanctions authorized under 2602
this section. ~~Financial~~ If the court in its discretion imposes one 2603
or more financial sanctions, the financial sanctions that may be 2604
imposed pursuant to this section include, but are not limited to, 2605
the following: 2606

(1) ~~Restitution~~ Unless the misdemeanor offense is a minor 2607
misdemeanor or could be disposed of by the traffic violations 2608
bureau serving the court under Traffic Rule 13, restitution by the 2609
offender to the victim of the offender's crime or any survivor of 2610
the victim, in an amount based on the victim's economic loss. The 2611
court may not impose restitution as a sanction pursuant to this 2612
division if the offense is a minor misdemeanor or could be 2613
disposed of by the traffic violations bureau serving the court 2614
under Traffic Rule 13. If the court requires restitution, the 2615
court shall order that the restitution be made to the victim in 2616
open court or to the adult probation department that serves the 2617
jurisdiction or the clerk of the court on behalf of the victim. 2618
~~The order may include a requirement that reimbursement be made to~~ 2619
~~third parties, other than the offender's insurer, for amounts paid~~ 2620
~~to the victim or any survivor of the victim for economic loss~~ 2621
~~resulting from the offense. If reimbursement to third parties is~~ 2622
~~required, the offender shall make the reimbursement to any~~ 2623
~~governmental agency to repay any amounts paid by the agency to the~~ 2624
~~victim or survivor before the offender makes any reimbursement to~~ 2625
~~any other person.~~ 2626

~~The~~ If the court imposes restitution, the court shall 2627
determine, ~~or order to be determined,~~ the amount of restitution to 2628
be paid by the offender. ~~The~~ If the court imposes restitution, the 2629
court may base the amount of restitution it orders on an amount 2630
recommended by the victim, the offender, a presentence 2631
investigation report, estimates or receipts indicating the cost of 2632

repairing or replacing property, and other information, provided 2633
that the amount the court orders as restitution shall not exceed 2634
the amount of the economic loss suffered by the victim as a direct 2635
and proximate result of the commission of the offense. ~~The~~ If the 2636
court decides to impose restitution, the court shall hold a an 2637
evidentiary hearing on restitution if the offender, victim, or 2638
survivor disputes the amount of restitution. If the court holds an 2639
evidentiary hearing, at the hearing the victim or survivor has the 2640
burden to prove by a preponderance of the evidence the amount of 2641
restitution sought from the offender. 2642

All restitution payments shall be credited against any 2643
recovery of economic loss in a civil action brought by the victim 2644
or any survivor of the victim against the offender. 2645

~~The~~ If the court imposes restitution, the court may order 2646
that the offender pay a surcharge, of not more than five per cent 2647
of the amount of the restitution otherwise ordered, to the entity 2648
responsible for collecting and processing restitution payments. 2649

The victim or survivor may request that the ~~prosecuting~~ 2650
~~attorney~~ prosecutor in the case file a motion, or the offender may 2651
file a motion, for modification of the payment terms of any 2652
restitution ordered. If the court grants the motion, it may modify 2653
the payment terms as it determines appropriate. 2654

(2) A fine of the type described in divisions (A)(2)(a) and 2655
(b) of this section payable to the appropriate entity as required 2656
by law: 2657

(a) A fine in the following amount: 2658

(i) For a misdemeanor of the first degree, not more than one 2659
thousand dollars; 2660

(ii) For a misdemeanor of the second degree, not more than 2661
seven hundred fifty dollars; 2662

(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	2663 2664
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	2665 2666
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	2667 2668
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	2669 2670
(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	2671 2672 2673
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	2674 2675 2676
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.	2677 2678 2679 2680 2681
(b) The amount of reimbursement ordered under division (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.	2682 2683 2684 2685 2686 2687 2688 2689 2690 2691
(B) If the court determines a hearing is necessary, the court	2692

may hold a hearing to determine whether the offender is able to 2693
pay the financial sanction imposed pursuant to this section or 2694
court costs or is likely in the future to be able to pay the 2695
sanction or costs. 2696

If the court determines that the offender is indigent and 2697
unable to pay the financial sanction or court costs, the court 2698
shall consider imposing and may impose a term of community service 2699
under division (A) of section 2929.27 of the Revised Code in lieu 2700
of imposing a financial sanction or court costs. If the court does 2701
not determine that the offender is indigent, the court may impose 2702
a term of community service under division (A) of section 2929.27 2703
of the Revised Code in lieu of or in addition to imposing a 2704
financial sanction under this section and in addition to imposing 2705
court costs. The court may order community service for a minor 2706
misdemeanor pursuant to division (C) of section 2929.27 of the 2707
Revised Code in lieu of or in addition to imposing a financial 2708
sanction under this section and in addition to imposing court 2709
costs. If a person fails to pay a financial sanction or court 2710
costs, the court may order community service in lieu of the 2711
financial sanction or court costs. 2712

(C)(1) The offender shall pay reimbursements imposed upon the 2713
offender pursuant to division (A)(3) of this section to pay the 2714
costs incurred by a county pursuant to any sanction imposed under 2715
this section or section 2929.26 or 2929.27 of the Revised Code or 2716
in operating a facility used to confine offenders pursuant to a 2717
sanction imposed under section 2929.26 of the Revised Code to the 2718
county treasurer. The county treasurer shall deposit the 2719
reimbursements in the county's general fund. The county shall use 2720
the amounts deposited in the fund to pay the costs incurred by the 2721
county pursuant to any sanction imposed under this section or 2722
section 2929.26 or 2929.27 of the Revised Code or in operating a 2723
facility used to confine offenders pursuant to a sanction imposed 2724

under section 2929.26 of the Revised Code. 2725

(2) The offender shall pay reimbursements imposed upon the 2726
offender pursuant to division (A)(3) of this section to pay the 2727
costs incurred by a municipal corporation pursuant to any sanction 2728
imposed under this section or section 2929.26 or 2929.27 of the 2729
Revised Code or in operating a facility used to confine offenders 2730
pursuant to a sanction imposed under section 2929.26 of the 2731
Revised Code to the treasurer of the municipal corporation. The 2732
treasurer shall deposit the reimbursements in the municipal 2733
corporation's general fund. The municipal corporation shall use 2734
the amounts deposited in the fund to pay the costs incurred by the 2735
municipal corporation pursuant to any sanction imposed under this 2736
section or section 2929.26 or 2929.27 of the Revised Code or in 2737
operating a facility used to confine offenders pursuant to a 2738
sanction imposed under section 2929.26 of the Revised Code. 2739

(3) The offender shall pay reimbursements imposed pursuant to 2740
division (A)(3) of this section for the costs incurred by a 2741
private provider pursuant to a sanction imposed under this section 2742
or section 2929.26 or 2929.27 of the Revised Code to the provider. 2743

(D) Except as otherwise provided in this division, a 2744
financial sanction imposed under division (A) of this section is a 2745
judgment in favor of the state or the political subdivision that 2746
operates the court that imposed the financial sanction, and the 2747
offender subject to the financial sanction is the judgment debtor. 2748
A financial sanction of reimbursement imposed pursuant to division 2749
(A)(3)(a)(i) of this section upon an offender is a judgment in 2750
favor of the entity administering the community control sanction, 2751
and the offender subject to the financial sanction is the judgment 2752
debtor. A financial sanction of reimbursement imposed pursuant to 2753
division (A)(3)(a)(ii) of this section upon an offender confined 2754
in a jail or other residential facility is a judgment in favor of 2755
the entity operating the jail or other residential facility, and 2756

the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) of this section is ~~a judgment~~ an order in favor of the victim of the offender's criminal act. ~~The offender subject to the financial sanction is the judgment debtor that can be collected through execution as described in division (D)(1) of this section or through an order as described in division (D)(2) of this section and the offender shall be considered for purposes of the collection as the judgment debtor.~~

Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may bring an action to do any of the following:

(1) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions (D)(1)(a) to (e) of section 2929.18 of the Revised Code.

(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.

(E) The civil remedies authorized under division (D) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

(F) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with

sections 307.86 to 307.92 of the Revised Code. 2788

(2) Permit payment of all or any portion of the sanction in 2789
installments, by financial transaction device if the court is a 2790
county court or a municipal court operated by a county, by credit 2791
or debit card or by another electronic transfer if the court is a 2792
municipal court not operated by a county, or by any other 2793
reasonable method, in any time, and on any terms that court 2794
considers just, except that the maximum time permitted for payment 2795
shall not exceed five years. If the court is a county court or a 2796
municipal court operated by a county, the acceptance of payments 2797
by any financial transaction device shall be governed by the 2798
policy adopted by the board of county commissioners of the county 2799
pursuant to section 301.28 of the Revised Code. If the court is a 2800
municipal court not operated by a county, the clerk may pay any 2801
fee associated with processing an electronic transfer out of 2802
public money or may charge the fee to the offender. 2803

(3) To defray administrative costs, charge a reasonable fee 2804
to an offender who elects a payment plan rather than a lump sum 2805
payment of any financial sanction. 2806

(G) No financial sanction imposed under this section shall 2807
preclude a victim from bringing a civil action against the 2808
offender. 2809

Sec. 2941.1413. (A) Imposition of a five-year mandatory 2810
prison term upon an offender under division (D)(5) of section 2811
2929.14 of the Revised Code is precluded unless the offender is 2812
convicted of or pleads guilty to violating division (A)(1) or (2) 2813
of section 2903.06 of the Revised Code and unless the indictment, 2814
count in the indictment, or information charging the offense 2815
specifies that the victim of the offense is a peace officer. The 2816
specification shall be stated at the end of the body of the 2817
indictment, count, or information and shall be stated in 2818

substantially the following form: 2819

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the victim of the offense is a peace officer)." 2820
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(B) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 2824
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(C) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code. 2828
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Sec. 2941.1414. (A) Imposition of a three-year mandatory prison term upon an offender under division (D)(6) of section 2929.14 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to violating division (A)(1) or (2) of section 2903.06 of the Revised Code and unless the indictment, count in the indictment, or information charging the offense specifies that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, or three or more violations of any combination of those divisions and offenses. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 2830
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, or 2843
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three or more violations of any combination of those divisions and offenses)." 2849
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(B) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 2851
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(C) As used in this section, "equivalent offense" has the same meaning as in section 4511.181 of the Revised Code. 2855
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Sec. 4510.021. (A) Unless expressly prohibited by section 2857
2919.22, section 4510.13, or any other section of the Revised 2858
Code, a court may grant limited driving privileges for any purpose 2859
described in division (A)(1), (2), or (3) of this section during 2860
any suspension imposed by the court. In granting the privileges, 2861
the court shall specify the purposes, times, and places of the 2862
privileges and may impose any other reasonable conditions on the 2863
person's driving of a motor vehicle. The privileges shall be for 2864
any of the following limited purposes: 2865

(1) Occupational, educational, vocational, or medical 2866
purposes; 2867

(2) Taking the driver's or commercial driver's license 2868
examination; 2869

(3) Attending court-ordered treatment. 2870

(B) Unless expressly authorized by a section of the Revised 2871
Code, a court may not grant limited driving privileges during any 2872
suspension imposed by the bureau of motor vehicles. To obtain 2873
limited driving privileges during a suspension imposed by the 2874
bureau, the person under suspension may file a petition ~~may be~~ 2875
~~filed~~ in a court of record in the county in which the person ~~under~~ 2876
~~suspension~~ resides. A person who is not a resident of this state 2877
shall file any petition for privileges either in the Franklin 2878

county municipal court, ~~or, if~~ in the municipal or county court 2879
located in the county where the offense occurred. If the person 2880
who is not a resident of this state is a minor, the person may 2881
file the petition either in the Franklin county juvenile court or 2882
in the juvenile court with jurisdiction over the offense. If a 2883
court grants limited driving privileges as described in this 2884
division, the privileges shall be for any of the limited purposes 2885
identified in division (A) of this section. 2886

(C) When the use of an immobilizing or disabling device is 2887
not otherwise required by law, the court, as a condition of 2888
granting limited driving privileges, may require that the person's 2889
vehicle be equipped with an immobilizing or disabling device, 2890
except as provided in division (C) of section 4510.43 of the 2891
Revised Code. When the use of restricted license plates issued 2892
under section 4503.231 of the Revised Code is not otherwise 2893
required by law, the court, as a condition of granting limited 2894
driving privileges, may require that the person's vehicle be 2895
equipped with restricted license plates of that nature, except as 2896
provided in division (B) of that section. 2897

(D) When the court grants limited driving privileges under 2898
section 4510.31 of the Revised Code or any other provision of law 2899
during the suspension of the temporary instruction permit or 2900
probationary driver's license of a person who is under eighteen 2901
years of age, the court may include as a purpose of the privilege 2902
the person's practicing of driving with the person's parent, 2903
guardian, or other custodian during the period of the suspension. 2904
If the court grants limited driving privileges for this purpose, 2905
the court, in addition to all other conditions it imposes, shall 2906
impose as a condition that the person exercise the privilege only 2907
when a parent, guardian, or custodian of the person who holds a 2908
current valid driver's or commercial driver's license issued by 2909
this state actually occupies the seat beside the person in the 2910

vehicle the person is operating. 2911

(E) Before granting limited driving privileges under this 2912
section, the court shall require the offender to provide proof of 2913
financial responsibility pursuant to section 4509.45 of the 2914
Revised Code. 2915

Sec. 4510.12. (A)(1) No person, except those expressly 2916
exempted under sections 4507.03, 4507.04, and 4507.05 of the 2917
Revised Code, shall operate any motor vehicle upon a public road 2918
or highway or any public or private property used by the public 2919
for purposes of vehicular travel or parking in this state unless 2920
the person has a valid driver's license issued under Chapter 4507. 2921
of the Revised Code or a commercial driver's license issued under 2922
Chapter 4506. of the Revised Code. 2923

(2) No person, except a person expressly exempted under 2924
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 2925
operate any motorcycle upon a public road or highway or any public 2926
or private property used by the public for purposes of vehicular 2927
travel or parking in this state unless the person has a valid 2928
license as a motorcycle operator that was issued upon application 2929
by the registrar of motor vehicles under Chapter 4507. of the 2930
Revised Code. The license shall be in the form of an endorsement, 2931
as determined by the registrar, upon a driver's or commercial 2932
driver's license, if the person has a valid license to operate a 2933
motor vehicle or commercial motor vehicle, or in the form of a 2934
restricted license as provided in section 4507.14 of the Revised 2935
Code, if the person does not have a valid license to operate a 2936
motor vehicle or commercial motor vehicle. 2937

(B) Whoever violates this section is guilty of operating a 2938
motor vehicle without a valid license and shall be punished as 2939
follows: 2940

(1) If the trier of fact finds that the offender never has 2941

held a valid driver's or commercial driver's license issued by 2942
this state or any other jurisdiction, the offense is a misdemeanor 2943
of the first degree. 2944

(2)(a) Subject to division (B)(2)(b) of this section, if the 2945
offender's driver's or commercial driver's license or permit was 2946
expired at the time of the offense for no more than six months, 2947
~~subject to divisions (B)(3) to (5) of this section,~~ the offense is 2948
a minor misdemeanor. 2949

~~(2) If and if the offender's driver's or commercial driver's~~ 2950
license or permit was expired at the time of the offense for more 2951
than six months, ~~subject to divisions (B)(3) to (5) of this~~ 2952
~~section,~~ the offense is a misdemeanor of the fourth degree. 2953

~~(3)(b)(i)~~ If the offender previously was convicted of or 2954
pleaded guilty to one violation of this section or a substantially 2955
equivalent municipal ordinance within the past three years, the 2956
offense is a misdemeanor of the third degree. 2957

~~(4)(ii)~~ If the offender previously was convicted of or 2958
pleaded guilty to two violations of this section or a 2959
substantially equivalent municipal ordinance within the past three 2960
years, the offense is a misdemeanor of the second degree. 2961

~~(5)(iii)~~ If the offender previously was convicted of or 2962
pleaded guilty to three or more violations of this section or a 2963
substantially equivalent municipal ordinance within the past three 2964
years, the offense is a misdemeanor of the first degree. 2965

(C) The court shall not impose a license suspension for a 2966
first violation of this section or if more than three years have 2967
passed since the offender's last violation of this section or a 2968
substantially equivalent municipal ordinance. 2969

(D) If the offender was convicted of or pleaded guilty to one 2970
or more violations of this section or a substantially equivalent 2971
municipal ordinance within the past three years, and if the 2972

offender's license was expired for more than six months at the 2973
time of the offense, the court shall impose a class seven 2974
suspension of the offender's driver license, commercial driver's 2975
license, temporary instruction permit, probationary license, or 2976
nonresident operating privilege from the range specified in 2977
division (A)(7) of section 4510.02 of the Revised Code. 2978

Sec. 4510.15. Whenever a person is found guilty of ~~reckless~~ 2979
~~operation of a motor vehicle~~ under the laws of this state, or 2980
under any ordinance of any political subdivision of this state, of 2981
operating a motor vehicle in violation of any such law or 2982
ordinance relating to reckless operation, the trial court of any 2983
court of record, in addition to or independent of all other 2984
penalties provided by law, may impose a class five suspension of 2985
the offender's driver's or commercial driver's license or permit 2986
or nonresident operating privilege from the range specified in 2987
division (A)(5) of section 4510.02 of the Revised Code. 2988

Suspension of a commercial driver's license under this 2989
section shall be concurrent with any period of suspension 2990
disqualification under section 3123.58 or 4506.16 of the Revised 2991
Code. No person who is disqualified for life from holding a 2992
commercial driver's license under section 4506.16 of the Revised 2993
Code shall be issued a driver's license under Chapter 4507. of the 2994
Revised Code during the period for which the commercial driver's 2995
license was suspended under this section, and no person whose 2996
commercial driver's license is suspended under this section shall 2997
be issued a driver's license under Chapter 4507. of the Revised 2998
Code during the period of the suspension. 2999

Sec. 4510.16. (A) No person, whose driver's or commercial 3000
driver's license or temporary instruction permit or nonresident's 3001
operating privilege has been suspended or canceled pursuant to 3002
Chapter 4509. of the Revised Code, shall operate any motor vehicle 3003

within this state, or knowingly permit any motor vehicle owned by 3004
the person to be operated by another person in the state, during 3005
the period of the suspension or cancellation, except as 3006
specifically authorized by Chapter 4509. of the Revised Code. No 3007
person shall operate a motor vehicle within this state, or 3008
knowingly permit any motor vehicle owned by the person to be 3009
operated by another person in the state, during the period in 3010
which the person is required by section 4509.45 of the Revised 3011
Code to file and maintain proof of financial responsibility for a 3012
violation of section 4509.101 of the Revised Code, unless proof of 3013
financial responsibility is maintained with respect to that 3014
vehicle. 3015

(B)(1) Whoever violates this section is guilty of driving 3016
under financial responsibility law suspension or cancellation, a 3017
misdemeanor of the first degree. The court shall impose a class 3018
seven suspension of the offender's driver's or commercial driver's 3019
license or permit or nonresident operating privilege for the 3020
period of time specified in division (A)(7) of section 4510.02 of 3021
the Revised Code. 3022

(2) If the vehicle is registered in the offender's name, the 3023
court, in addition to or independent of any other sentence that it 3024
imposes upon the offender, shall do one of the following: 3025

(a) Except as otherwise provided in division (B)(2)(b) or (c) 3026
of this section, order the immobilization for thirty days of the 3027
vehicle involved in the offense and the impoundment for thirty 3028
days of the license plates of that vehicle; 3029

(b) If, within five years of the offense, the offender 3030
~~previously~~ has been convicted of or pleaded guilty to one 3031
violation of this section or a substantially similar municipal 3032
ordinance, order the immobilization for sixty days of the vehicle 3033
involved in the offense and impoundment for sixty days of the 3034

license plates of that vehicle; 3035

(c) If, within five years of the offense, the offender 3036
~~previously~~ has been convicted of or pleaded guilty to two or more 3037
violations of this section or a substantially similar municipal 3038
ordinance, order the criminal forfeiture to the state of the 3039
vehicle involved in the offense. If title to a motor vehicle that 3040
is subject to an order for criminal forfeiture under this division 3041
is assigned or transferred and division (B)(2) or (3) of section 3042
4503.234 of the Revised Code applies, in addition to or 3043
independent of any other penalty established by law, the court may 3044
fine the offender the value of the vehicle as determined by 3045
publications of the national auto dealers association. The 3046
proceeds from any fine so imposed shall be distributed in 3047
accordance with division (C)(2) of that section. 3048

(C) Any order for immobilization and impoundment under this 3049
section shall be issued and enforced in accordance with sections 3050
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 3051
of criminal forfeiture shall be issued and enforced in accordance 3052
with section 4503.234 of the Revised Code. The court shall not 3053
release a vehicle from immobilization orders under this section 3054
unless the court is presented with current proof of financial 3055
responsibility with respect to that vehicle. 3056

Sec. 4510.54. (A) A person whose driver's or commercial 3057
driver's license has been suspended for life under a class one 3058
suspension or as otherwise provided by law or has been suspended 3059
for a period in excess of fifteen years under a class two 3060
suspension may file a motion with the sentencing court for 3061
modification or termination of the suspension. ~~A motion under this~~ 3062
~~division may be heard only once.~~ The person filing the motion 3063
shall demonstrate all of the following: 3064

(1) At least fifteen years have elapsed since the suspension 3065

began. 3066

(2) For the past fifteen years, the person has not been found 3067
guilty of any felony, any offense involving a moving violation 3068
under federal law, the law of this state, or the law of any of its 3069
political subdivisions, or any violation of a suspension under 3070
this chapter or a substantially equivalent municipal ordinance. 3071

(3) The person has proof of financial responsibility, a 3072
policy of liability insurance in effect that meets the minimum 3073
standard set forth in section 4509.51 of the Revised Code, or 3074
proof, to the satisfaction of the registrar of motor vehicles, 3075
that the person is able to respond in damages in an amount at 3076
least equal to the minimum amounts specified in that section. 3077

(4) If the suspension was imposed because the person was 3078
under the influence of alcohol, a drug of abuse, or combination of 3079
them at the time of the offense or because at the time of the 3080
offense the person's whole blood, blood serum or plasma, breath, 3081
or urine contained at least the concentration of alcohol specified 3082
in division (A)(2), (3), (4), or (5) of section 4511.19 of the 3083
Revised Code, the person also shall demonstrate all of the 3084
following: 3085

(a) The person successfully completed an alcohol, drug, or 3086
alcohol and drug treatment program. 3087

(b) The person has not abused alcohol or other drugs for a 3088
period satisfactory to the court. 3089

(c) For the past fifteen years, the person has not been found 3090
guilty of any alcohol-related or drug-related offense. 3091

(B) Upon receipt of a motion for modification or termination 3092
of the suspension under this section, the court may schedule a 3093
hearing on the motion. The court may deny the motion without a 3094
hearing but shall not grant the motion without a hearing. If the 3095
court denies a motion without a hearing, the court may consider a 3096

subsequent motion filed under this section by that person. If a 3097
court denies the motion after a hearing, the court shall not 3098
consider a subsequent motion for that person. The court shall hear 3099
only one motion filed by a person under this section. If 3100
scheduled, the hearing shall be conducted in open court within 3101
ninety days after the date on which the motion is filed. 3102

(C) The court shall notify the person whose license was 3103
suspended and the prosecuting attorney of the date, time, and 3104
location of the hearing. Upon receipt of the notice from the 3105
court, the prosecuting attorney shall notify the victim or the 3106
victim's representative of the date, time, and location of the 3107
hearing. 3108

(D) At any hearing under this section, the person who seeks 3109
modification or termination of the suspension has the burden to 3110
demonstrate, under oath, that the person meets the requirements of 3111
division (A) of this section. At the hearing, the court shall 3112
afford the offender or the offender's counsel an opportunity to 3113
present oral or written information relevant to the motion. The 3114
court shall afford a similar opportunity to provide relevant 3115
information to the prosecuting attorney and the victim or victim's 3116
representative. 3117

Before ruling on the motion, the court shall take into 3118
account the person's driving record, the nature of the offense 3119
that led to the suspension, and the impact of the offense on any 3120
victim. In addition, if the offender is eligible for modification 3121
or termination of the suspension under division (A)(2) of this 3122
section, the court shall consider whether the person committed any 3123
other offense while under suspension and determine whether the 3124
offense is relevant to a determination under this section. The 3125
court may modify or terminate the suspension subject to any 3126
considerations it considers proper if it finds that allowing the 3127
person to drive is not likely to present a danger to the public. 3128

After the court makes a ruling on a motion filed under this 3129
section, the prosecuting attorney shall notify the victim or the 3130
victim's representative of the court's ruling. 3131

(E) If a court modifies a person's license suspension under 3132
this section and the person subsequently is found guilty of any 3133
moving violation or of any substantially equivalent municipal 3134
ordinance that carries as a possible penalty the suspension of a 3135
person's driver's or commercial driver's license, the court may 3136
reimpose the class one or other lifetime suspension, or the class 3137
two suspension, whichever is applicable. 3138

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 3139
the Revised Code: 3140

(A) "Vehicle" means every device, including a motorized 3141
bicycle, in, upon, or by which any person or property may be 3142
transported or drawn upon a highway, except that "vehicle" does 3143
not include any motorized wheelchair, any electric personal 3144
assistive mobility ~~devices~~ device, any device that is moved by 3145
power collected from overhead electric trolley wires or that is 3146
used exclusively upon stationary rails or tracks, or any device, 3147
other than a bicycle, that is moved by human power. 3148

(B) "Motor vehicle" means every vehicle propelled or drawn by 3149
power other than muscular power or power collected from overhead 3150
electric trolley wires, except motorized bicycles, road rollers, 3151
traction engines, power shovels, power cranes, and other equipment 3152
used in construction work and not designed for or employed in 3153
general highway transportation, hole-digging machinery, 3154
well-drilling machinery, ditch-digging machinery, farm machinery, 3155
trailers used to transport agricultural produce or agricultural 3156
production materials between a local place of storage or supply 3157
and the farm when drawn or towed on a street or highway at a speed 3158
of twenty-five miles per hour or less, threshing machinery, 3159

hay-baling machinery, agricultural tractors and machinery used in 3160
the production of horticultural, floricultural, agricultural, and 3161
vegetable products, and trailers designed and used exclusively to 3162
transport a boat between a place of storage and a marina, or in 3163
and around a marina, when drawn or towed on a street or highway 3164
for a distance of no more than ten miles and at a speed of 3165
twenty-five miles per hour or less. 3166

(C) "Motorcycle" means every motor vehicle, other than a 3167
tractor, having a saddle for the use of the operator and designed 3168
to travel on not more than three wheels in contact with the 3169
ground, including, but not limited to, motor vehicles known as 3170
"motor-driven cycle," "motor scooter," or "motorcycle" without 3171
regard to weight or brake horsepower. 3172

(D) "Emergency vehicle" means emergency vehicles of 3173
municipal, township, or county departments or public utility 3174
corporations when identified as such as required by law, the 3175
director of public safety, or local authorities, and motor 3176
vehicles when commandeered by a police officer. 3177

(E) "Public safety vehicle" means any of the following: 3178

(1) Ambulances, including private ambulance companies under 3179
contract to a municipal corporation, township, or county, and 3180
private ambulances and nontransport vehicles bearing license 3181
plates issued under section 4503.49 of the Revised Code; 3182

(2) Motor vehicles used by public law enforcement officers or 3183
other persons sworn to enforce the criminal and traffic laws of 3184
the state; 3185

(3) Any motor vehicle when properly identified as required by 3186
the director of public safety, when used in response to fire 3187
emergency calls or to provide emergency medical service to ill or 3188
injured persons, and when operated by a duly qualified person who 3189
is a member of a volunteer rescue service or a volunteer fire 3190

department, and who is on duty pursuant to the rules or directives 3191
of that service. The state fire marshal shall be designated by the 3192
director of public safety as the certifying agency for all public 3193
safety vehicles described in division (E)(3) of this section. 3194

(4) Vehicles used by fire departments, including motor 3195
vehicles when used by volunteer fire fighters responding to 3196
emergency calls in the fire department service when identified as 3197
required by the director of public safety. 3198

Any vehicle used to transport or provide emergency medical 3199
service to an ill or injured person, when certified as a public 3200
safety vehicle, shall be considered a public safety vehicle when 3201
transporting an ill or injured person to a hospital regardless of 3202
whether such vehicle has already passed a hospital. 3203

(5) Vehicles used by the commercial motor vehicle safety 3204
enforcement unit for the enforcement of orders and rules of the 3205
public utilities commission as specified in section 5503.34 of the 3206
Revised Code. 3207

(F) "School bus" means every bus designed for carrying more 3208
than nine passengers that is owned by a public, private, or 3209
governmental agency or institution of learning and operated for 3210
the transportation of children to or from a school session or a 3211
school function, or owned by a private person and operated for 3212
compensation for the transportation of children to or from a 3213
school session or a school function, provided "school bus" does 3214
not include a bus operated by a municipally owned transportation 3215
system, a mass transit company operating exclusively within the 3216
territorial limits of a municipal corporation, or within such 3217
limits and the territorial limits of municipal corporations 3218
immediately contiguous to such municipal corporation, nor a common 3219
passenger carrier certified by the public utilities commission 3220
unless such bus is devoted exclusively to the transportation of 3221
children to and from a school session or a school function, and 3222

"school bus" does not include a van or bus used by a licensed 3223
child day-care center or type A family day-care home to transport 3224
children from the child day-care center or type A family day-care 3225
home to a school if the van or bus does not have more than fifteen 3226
children in the van or bus at any time. 3227

(G) "Bicycle" means every device, other than a tricycle 3228
designed solely for use as a play vehicle by a child, propelled 3229
solely by human power upon which any person may ride having either 3230
two tandem wheels, or one wheel in the front and two wheels in the 3231
rear, any of which is more than fourteen inches in diameter. 3232

(H) "Motorized bicycle" means any vehicle having either two 3233
tandem wheels or one wheel in the front and two wheels in the 3234
rear, that is capable of being pedaled and is equipped with a 3235
helper motor of not more than fifty cubic centimeters piston 3236
displacement that produces no more than one brake horsepower and 3237
is capable of propelling the vehicle at a speed of no greater than 3238
twenty miles per hour on a level surface. 3239

(I) "Commercial tractor" means every motor vehicle having 3240
motive power designed or used for drawing other vehicles and not 3241
so constructed as to carry any load thereon, or designed or used 3242
for drawing other vehicles while carrying a portion of such other 3243
vehicles, or load thereon, or both. 3244

(J) "Agricultural tractor" means every self-propelling 3245
vehicle designed or used for drawing other vehicles or wheeled 3246
machinery but having no provision for carrying loads independently 3247
of such other vehicles, and used principally for agricultural 3248
purposes. 3249

(K) "Truck" means every motor vehicle, except trailers and 3250
semitrailers, designed and used to carry property. 3251

(L) "Bus" means every motor vehicle designed for carrying 3252
more than nine passengers and used for the transportation of 3253

persons other than in a ridesharing arrangement, and every motor 3254
vehicle, automobile for hire, or funeral car, other than a taxicab 3255
or motor vehicle used in a ridesharing arrangement, designed and 3256
used for the transportation of persons for compensation. 3257

(M) "Trailer" means every vehicle designed or used for 3258
carrying persons or property wholly on its own structure and for 3259
being drawn by a motor vehicle, including any such vehicle when 3260
formed by or operated as a combination of a "semitrailer" and a 3261
vehicle of the dolly type, such as that commonly known as a 3262
"trailer dolly," a vehicle used to transport agricultural produce 3263
or agricultural production materials between a local place of 3264
storage or supply and the farm when drawn or towed on a street or 3265
highway at a speed greater than twenty-five miles per hour, and a 3266
vehicle designed and used exclusively to transport a boat between 3267
a place of storage and a marina, or in and around a marina, when 3268
drawn or towed on a street or highway for a distance of more than 3269
ten miles or at a speed of more than twenty-five miles per hour. 3270

(N) "Semitrailer" means every vehicle designed or used for 3271
carrying persons or property with another and separate motor 3272
vehicle so that in operation a part of its own weight or that of 3273
its load, or both, rests upon and is carried by another vehicle. 3274

(O) "Pole trailer" means every trailer or semitrailer 3275
attached to the towing vehicle by means of a reach, pole, or by 3276
being boomed or otherwise secured to the towing vehicle, and 3277
ordinarily used for transporting long or irregular shaped loads 3278
such as poles, pipes, or structural members capable, generally, of 3279
sustaining themselves as beams between the supporting connections. 3280

(P) "Railroad" means a carrier of persons or property 3281
operating upon rails placed principally on a private right-of-way. 3282

(Q) "Railroad train" means a steam engine or an electric or 3283
other motor, with or without cars coupled thereto, operated by a 3284

railroad.	3285
(R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.	3286 3287 3288
(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.	3289 3290 3291
(T) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.	3292 3293 3294 3295 3296 3297 3298 3299 3300 3301 3302 3303 3304 3305 3306 3307
(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.	3308 3309 3310
(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	3311 3312
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	3313 3314
(X) "Pedestrian" means any natural person afoot.	3315

(Y) "Driver or operator" means every person who drives or is 3316
in actual physical control of a vehicle, trackless trolley, or 3317
streetcar. 3318

(Z) "Police officer" means every officer authorized to direct 3319
or regulate traffic, or to make arrests for violations of traffic 3320
regulations. 3321

(AA) "Local authorities" means every county, municipal, and 3322
other local board or body having authority to adopt police 3323
regulations under the constitution and laws of this state. 3324

(BB) "Street" or "highway" means the entire width between the 3325
boundary lines of every way open to the use of the public as a 3326
thoroughfare for purposes of vehicular travel. 3327

(CC) "Controlled-access highway" means every street or 3328
highway in respect to which owners or occupants of abutting lands 3329
and other persons have no legal right of access to or from the 3330
same except at such points only and in such manner as may be 3331
determined by the public authority having jurisdiction over such 3332
street or highway. 3333

(DD) "Private road or driveway" means every way or place in 3334
private ownership used for vehicular travel by the owner and those 3335
having express or implied permission from the owner but not by 3336
other persons. 3337

(EE) "Roadway" means that portion of a highway improved, 3338
designed, or ordinarily used for vehicular travel, except the berm 3339
or shoulder. If a highway includes two or more separate roadways 3340
the term "roadway" means any such roadway separately but not all 3341
such roadways collectively. 3342

(FF) "Sidewalk" means that portion of a street between the 3343
curb lines, or the lateral lines of a roadway, and the adjacent 3344
property lines, intended for the use of pedestrians. 3345

(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code.

(JJ) "State route" means every highway that is designated with an official state route number and so marked.

(KK) "Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.

(LL) "Crosswalk" means:	3376
(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;	3377 3378 3379 3380
(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;	3381 3382 3383
(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.	3384 3385 3386
(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.	3387 3388 3389 3390
(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.	3391 3392 3393 3394 3395 3396 3397 3398 3399
(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.	3400 3401 3402 3403 3404
(PP) "Urban district" means the territory contiguous to and	3405

including any street or highway which is built up with structures 3406
devoted to business, industry, or dwelling houses situated at 3407
intervals of less than one hundred feet for a distance of a 3408
quarter of a mile or more, and the character of such territory is 3409
indicated by official traffic control devices. 3410

(QQ) "Traffic control devices" means all flaggers, signs, 3411
signals, markings, and devices placed or erected by authority of a 3412
public body or official having jurisdiction, for the purpose of 3413
regulating, warning, or guiding traffic, including signs denoting 3414
names of streets and highways. 3415

(RR) "Traffic control signal" means any device, whether 3416
manually, electrically, or mechanically operated, by which traffic 3417
is alternately directed to stop, to proceed, to change direction, 3418
or not to change direction. 3419

(SS) "Railroad sign or signal" means any sign, signal, or 3420
device erected by authority of a public body or official or by a 3421
railroad and intended to give notice of the presence of railroad 3422
tracks or the approach of a railroad train. 3423

(TT) "Traffic" means pedestrians, ridden or herded animals, 3424
vehicles, streetcars, trackless trolleys, and other devices, 3425
either singly or together, while using any highway for purposes of 3426
travel. 3427

(UU) "Right-of-way" means either of the following, as the 3428
context requires: 3429

(1) The right of a vehicle, streetcar, trackless trolley, or 3430
pedestrian to proceed uninterruptedly in a lawful manner in the 3431
direction in which it or the individual is moving in preference to 3432
another vehicle, streetcar, trackless trolley, or pedestrian 3433
approaching from a different direction into its or the 3434
individual's path; 3435

(2) A general term denoting land, property, or the interest 3436

therein, usually in the configuration of a strip, acquired for or 3437
devoted to transportation purposes. When used in this context, 3438
right-of-way includes the roadway, shoulders or berm, ditch, and 3439
slopes extending to the right-of-way limits under the control of 3440
the state or local authority. 3441

(VV) "Rural mail delivery vehicle" means every vehicle used 3442
to deliver United States mail on a rural mail delivery route. 3443

(WW) "Funeral escort vehicle" means any motor vehicle, 3444
including a funeral hearse, while used to facilitate the movement 3445
of a funeral procession. 3446

(XX) "Alley" means a street or highway intended to provide 3447
access to the rear or side of lots or buildings in urban districts 3448
and not intended for the purpose of through vehicular traffic, and 3449
includes any street or highway that has been declared an "alley" 3450
by the legislative authority of the municipal corporation in which 3451
such street or highway is located. 3452

(YY) "Freeway" means a divided multi-lane highway for through 3453
traffic with all crossroads separated in grade and with full 3454
control of access. 3455

(ZZ) "Expressway" means a divided arterial highway for 3456
through traffic with full or partial control of access with an 3457
excess of fifty per cent of all crossroads separated in grade. 3458

(AAA) "Thruway" means a through highway whose entire roadway 3459
is reserved for through traffic and on which roadway parking is 3460
prohibited. 3461

(BBB) "Stop intersection" means any intersection at one or 3462
more entrances of which stop signs are erected. 3463

(CCC) "Arterial street" means any United States or state 3464
numbered route, controlled access highway, or other major radial 3465
or circumferential street or highway designated by local 3466

authorities within their respective jurisdictions as part of a 3467
major arterial system of streets or highways. 3468

(DDD) "Ridesharing arrangement" means the transportation of 3469
persons in a motor vehicle where such transportation is incidental 3470
to another purpose of a volunteer driver and includes ridesharing 3471
arrangements known as carpools, vanpools, and buspools. 3472

(EEE) "Motorized wheelchair" means any self-propelled vehicle 3473
designed for, and used by, a handicapped person and that is 3474
incapable of a speed in excess of eight miles per hour. 3475

(FFF) "Child day-care center" and "type A family day-care 3476
home" have the same meanings as in section 5104.01 of the Revised 3477
Code. 3478

(GGG) "Multi-wheel agricultural tractor" means a type of 3479
agricultural tractor that has two or more wheels or tires on each 3480
side of one axle at the rear of the tractor, is designed or used 3481
for drawing other vehicles or wheeled machinery, has no provision 3482
for carrying loads independently of the drawn vehicles or 3483
machinery, and is used principally for agricultural purposes. 3484

(HHH) "Operate" means to cause or have caused movement of a 3485
vehicle, streetcar, or trackless trolley ~~on any public or private~~ 3486
~~property used by the public for purposes of vehicular travel or~~ 3487
~~parking.~~ 3488

(III) "Predicate motor vehicle or traffic offense" means any 3489
of the following: 3490

(1) A violation of section 4511.03, 4511.051, 4511.12, 3491
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 3492
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 3493
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 3494
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 3495
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 3496
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 3497

4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 3498
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 3499
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 3500
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 3501

(2) A violation of division (A)(2) of section 4511.17, 3502
divisions (A) to (D) of section 4511.51, or division (A) of 3503
section 4511.74 of the Revised Code; 3504

(3) A violation of any provision of sections 4511.01 to 3505
4511.76 of the Revised Code for which no penalty otherwise is 3506
provided in the section that contains the provision violated; 3507

(4) A violation of a municipal ordinance that is 3508
substantially similar to any section or provision set forth or 3509
described in division (III)(1), (2), or (3) of this section. 3510

Sec. 4511.251. (A) As used in this section and section 3511
4510.036 of the Revised Code, "street racing" means the operation 3512
of two or more vehicles from a point side by side at accelerating 3513
speeds in a competitive attempt to out-distance each other or the 3514
operation of one or more vehicles over a common selected course, 3515
from the same point to the same point, wherein timing is made of 3516
the participating vehicles involving competitive accelerations or 3517
speeds. Persons rendering assistance in any manner to such 3518
competitive use of vehicles shall be equally charged as the 3519
participants. The operation of two or more vehicles side by side 3520
either at speeds in excess of prima-facie lawful speeds 3521
established by divisions (B)(1)(a) to (B)(7) of section 4511.21 of 3522
the Revised Code or rapidly accelerating from a common starting 3523
point to a speed in excess of such prima-facie lawful speeds shall 3524
be prima-facie evidence of street racing. 3525

(B) No person shall participate in street racing upon any 3526
public road, street, or highway in this state. 3527

(C) Whoever violates this section is guilty of street racing, 3528
a misdemeanor of the first degree. In addition to any other 3529
sanctions, the court shall suspend the offender's driver's 3530
license, commercial driver's license, temporary instruction 3531
permit, probationary license, or nonresident operating privilege 3532
for not less than thirty days or more than ~~one year~~ three years. 3533
No judge shall suspend the first thirty days of any suspension of 3534
an offender's license, permit, or privilege imposed under this 3535
division. 3536

Sec. 4511.98. The director of transportation, board of county 3537
commissioners, or board of township trustees ~~may~~ shall cause signs 3538
to be erected advising motorists that increased penalties apply 3539
for certain traffic violations occurring on streets or highways in 3540
a construction zone. The increased penalties shall be effective 3541
only when signs are erected in accordance with the guidelines and 3542
design specifications established by the director under section 3543
5501.27 of the Revised Code, and when a violation occurs during 3544
hours of actual work within the construction zone. 3545

Sec. 5501.27. (A) The director of transportation shall adopt 3546
rules that do the following: 3547

(1) Rules governing the posting of signs advising motorists 3548
that increased penalties apply for certain traffic violations 3549
occurring on streets or highways in a construction zone; 3550

(2) Rules governing the posting of signs to be used pursuant 3551
to section 2903.081 of the Revised Code giving notice to motorists 3552
of the prohibitions set forth in sections 2903.06 and 2903.08 of 3553
the Revised Code regarding the death of or injury to any person in 3554
a construction zone as a proximate result of a reckless operation 3555
offense or speeding offense. The 3556

(B) The rules required under divisions (A)(1) and (2) of this 3557

section shall include guidelines to determine which areas are 3558
appropriate to the posting of such signs. The guidelines may 3559
include consideration of the following: the duration of the work 3560
on the street or highway, the proximity of workers to moving 3561
traffic, the existence of any unusual or hazardous conditions, the 3562
volume of traffic on the street or highway, and any other 3563
appropriate factors. The director shall formulate design 3564
specifications for the signs described in division (A)(1) of this 3565
section advising motorists of the increased penalties and the 3566
signs described in division (A)(2) of this section notifying 3567
motorists of the prohibitions set forth in sections 2903.06 and 3568
2903.08 of the Revised Code regarding the death of or injury to 3569
any person in a construction zone as a proximate result of a 3570
reckless operation offense or speeding offense as described in 3571
that division. For purposes of traffic violation penalties, 3572
nothing in this section is intended to conflict with any standard 3573
set forth in the federal manual of uniform traffic control devices 3574
for streets and highways. 3575

(C) As used in this section and in section 4511.98 of the 3576
Revised Code, "construction zone" means that lane or portion of 3577
street or highway open to vehicular traffic and adjacent to a 3578
lane, berm, or shoulder of a street or highway within which lane, 3579
berm, or shoulder construction, reconstruction, resurfacing, or 3580
any other work of a repair or maintenance nature, including public 3581
utility work, is being conducted, commencing with the point where 3582
the first worker or piece of equipment is located and ending where 3583
the last worker or piece of equipment is located. 3584

Section 2. That existing sections 2152.02, 2152.17, 2152.20, 3585
2152.21, 2903.06, 2903.08, 2923.162, 2929.01, 2929.13, 2929.14, 3586
2929.18, 2929.21, 2929.28, 4510.021, 4510.12, 4510.15, 4510.16, 3587
4510.54, 4511.01, 4511.251, 4511.98, and 5501.27 of the Revised 3588
Code are hereby repealed. 3589

Section 3. Section 2152.17 of the Revised Code is presented 3590
in this act as a composite of the section as amended by both Sub. 3591
H.B. 130 and Sub. H.B. 393 of the 124th General Assembly. Section 3592
4511.01 of the Revised Code is presented in this act as a 3593
composite of the section as amended by Am. Sub. S.B. 123 and Am. 3594
Sub. S.B. 231, both of the 124th General Assembly. The General 3595
Assembly, applying the principle stated in division (B) of section 3596
1.52 of the Revised Code that amendments are to be harmonized if 3597
reasonably capable of simultaneous operation, finds that the 3598
composites are the resulting versions of the sections in effect 3599
prior to the effective date of the sections as presented in this 3600
act. 3601

Section 4. This act is hereby declared to be an emergency 3602
measure necessary for the immediate preservation of the public 3603
peace, health, and safety. The reasons for such necessity are that 3604
the changes it makes regarding vehicular homicides and vehicular 3605
assaults occurring in constructions zone and regarding vehicular 3606
homicides when the victim is a peace officer or the offender is a 3607
repeat OVI offender are crucially needed for the protection of 3608
persons in construction zones, peace officers, and users of our 3609
streets and highways, and that the changes it makes to the 3610
provisions containing the Criminal Sentencing Commission traffic 3611
law and misdemeanor sentencing law revisions are needed to 3612
correspond as much as possible to the January 1, 2004, effective 3613
date of Am. Sub. S.B. 123 and Am. Sub. H.B. 490 of the 124th 3614
General Assembly to preserve the timely, equitable administration 3615
of the reforms in those laws. Therefore, this act shall go into 3616
immediate effect. 3617