

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Am. Sub. H. B. No. 259

**Representatives Wagner, McGregor, J., Martin, Evans, C., Fende, Bulp,
Wagoner, Seaver, Evans, D., Setzer, Hagan, Harwood, Gilb, Wolpert, Distel,
Willamowski, Collier, Latta, Faber, Brown, Aslanides, Uecker, Allen, Perry,
Mason, Hughes, Blessing, Daniels, DeBose, DeGeeter, Domenick, Fessler,
Flowers, Gibbs, Law, Oelslager, Otterman, Patton, T., Reidelbach, Schaffer,
Schlichter, Schneider, Smith, G., Stewart, J., Taylor, Williams
Senators Clancy, Grendell, Schuring, Dann, Zurz, Carey, Hottinger, Niehaus,
Gardner, Goodman, Spada, Harris, Mumper, Fedor, Jacobson, Padgett,
Stivers, Jordan**

—

A BILL

To amend sections 2152.02, 2152.19, 2921.38, 2921.51, 1
2929.14, 2929.19, 2967.28, 4510.07, 4510.13, 2
4510.14, 4510.17, 4510.31, 4511.19, 4511.191, 3
4511.193, and 4511.195 and to enact section 4
2929.191 of the Revised Code to prohibit a person, 5
with intent to harass, annoy, threaten, or alarm a 6
law enforcement officer, from causing or 7
attempting to cause the law enforcement officer to 8
come into contact with a bodily substance; to 9
prohibit any person from engaging in the same 10
action with respect to any person when the person 11
is a knowing carrier of certain viruses or 12
bacteria; to specify that a sentencing court's 13
failure to notify a felon of mandatory 14
post-release control after prison does not affect 15
mandatory post-release control; to specify that a 16

sentencing court's failure to notify a felon of 17
the possibility of being sent back to prison for 18
violating mandatory or discretionary post-release 19
control does not affect the authority to do so if 20
the Parole Board gives such a notice; to require 21
the Parole Board to notify felons prior to release 22
from prison of the possibility of being sent back 23
to prison for violating post-release control; to 24
allow a court that previously sentenced a felon 25
and failed to notify the felon of mandatory or 26
discretionary post-release control or the 27
possibility of being sent back to prison for 28
violating post-release control to correct the 29
sentence at a hearing to include the notice and 30
place upon its journal an entry nunc pro tunc to 31
record the correction; to provide that the hearing 32
may be conducted by video conferencing equipment 33
if available and compatible; to specify that a 34
court's placement upon the journal of such an 35
entry nunc pro tunc before the offender is 36
released from imprisonment serves as if the court 37
at the time of original sentencing had provided 38
the notice to the offender; to increase the 39
administrative license suspension periods for 40
persons who are arrested for OVI and refuse a 41
request of a law enforcement officer to consent to 42
a chemical test of the person's whole blood, blood 43
serum or plasma, breath, or urine to determine its 44
alcohol content; to increase the period that a 45
person must serve under such an administrative 46
license suspension in certain circumstances before 47
becoming eligible for limited driving privileges; 48
to provide that the suspension period for a 49

judicial post-conviction OVI suspension of a 50
person serving an administrative license 51
suspension must be not less than the greater of 52
the period of time remaining in the administrative 53
license suspension or the minimum applicable 54
judicial post-conviction suspension period 55
specified for the offender; to clarify the 56
circumstances in which a person serving an 57
administrative license suspension for refusal to 58
consent to a chemical test or for having a 59
prohibited concentration of alcohol in the 60
person's system or serving a judicial 61
post-conviction OVI suspension never is eligible 62
for limited driving privileges; to increase from 63
six years to twenty years the "look back" period 64
during which a person's prior convictions or 65
chemical test refusals are considered in 66
determining certain specified sanctions against 67
the person; to clarify and reaffirm that acts that 68
would be minor misdemeanors if committed by an 69
adult are delinquent acts when committed by a 70
juvenile; to specify as a presumptive disposition 71
for the offenses of trafficking in marihuana and 72
possession of marihuana when committed by a 73
juvenile either a requirement of confinement in a 74
detention facility for a specified minimum period 75
of time or a requirement of drug assessment, 76
counseling, or treatment plus probation, or both; 77
to prohibit impersonating a federal law 78
enforcement officer; and to declare an emergency. 79

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

Section 1. That sections 2152.02, 2152.19, 2921.38, 2921.51, 80
2929.14, 2929.19, 2967.28, 4510.07, 4510.13, 4510.14, 4510.17, 81
4510.31, 4511.19, 4511.191, 4511.193, and 4511.195 be amended and 82
section 2929.191 of the Revised Code be enacted to read as 83
follows: 84

Sec. 2152.02. As used in this chapter: 85

(A) "Act charged" means the act that is identified in a 86
complaint, indictment, or information alleging that a child is a 87
delinquent child. 88

(B) "Admitted to a department of youth services facility" 89
includes admission to a facility operated, or contracted for, by 90
the department and admission to a comparable facility outside this 91
state by another state or the United States. 92

(C)(1) "Child" means a person who is under eighteen years of 93
age, except as otherwise provided in divisions (C)(2) to (6) of 94
this section. 95

(2) Subject to division (C)(3) of this section, any person 96
who violates a federal or state law or a municipal ordinance prior 97
to attaining eighteen years of age shall be deemed a "child" 98
irrespective of that person's age at the time the complaint with 99
respect to that violation is filed or the hearing on the complaint 100
is held. 101

(3) Any person who, while under eighteen years of age, 102
commits an act that would be a felony if committed by an adult and 103
who is not taken into custody or apprehended for that act until 104
after the person attains twenty-one years of age is not a child in 105
relation to that act. 106

(4) Any person whose case is transferred for criminal 107
prosecution pursuant to section 2152.12 of the Revised Code shall 108

be deemed after the transfer not to be a child in the transferred case. 109
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(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, and any person who is adjudicated a delinquent child for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the dispositional sentence is invoked pursuant to section 2152.14 of the Revised Code, shall be deemed after the transfer or invocation not to be a child in any case in which a complaint is filed against the person. 111
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(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains eighteen years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F)(2) of section 2152.26 of the Revised Code, in places other than those authorized under this chapter solely for confinement of children. 122
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(D) "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the 139
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public school the child is supposed to attend for seven or more
consecutive school days, ten or more school days in one school
month, or fifteen or more school days in a school year.

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

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

(1) Any child, except a juvenile traffic offender, who
violates any law of this state or the United States, or any
ordinance of a political subdivision of the state, that would be
an offense if committed by an adult, including a violation of any
law or ordinance that would be a minor misdemeanor if committed by
an adult;

(2) Any child who violates any lawful order of the court made
under this chapter or under Chapter 2151. of the Revised Code
other than an order issued under section 2151.87 of the Revised
Code;

(3) Any child who violates division (A) of section 2923.211
of the Revised Code;

(4) Any child who is a habitual truant and who previously has
been adjudicated an unruly child for being a habitual truant;

(5) Any child who is a chronic truant.

(G) "Discretionary serious youthful offender" means a person
who is eligible for a discretionary SYO and who is not transferred
to adult court under a mandatory or discretionary transfer.

(H) "Discretionary SYO" means a case in which the juvenile
court, in the juvenile court's discretion, may impose a serious
youthful offender disposition under section 2152.13 of the Revised
Code.

(I) "Discretionary transfer" means that the juvenile court

has discretion to transfer a case for criminal prosecution under 171
division (B) of section 2152.12 of the Revised Code. 172

(J) "Drug abuse offense," "felony drug abuse offense," and 173
"minor drug possession offense" have the same meanings as in 174
section 2925.01 of the Revised Code. 175

(K) "Electronic monitoring" and "electronic monitoring 176
device" have the same meanings as in section 2929.01 of the 177
Revised Code. 178

(L) "Economic loss" means any economic detriment suffered by 179
a victim of a delinquent act or juvenile traffic offense as a 180
direct and proximate result of the delinquent act or juvenile 181
traffic offense and includes any loss of income due to lost time 182
at work because of any injury caused to the victim and any 183
property loss, medical cost, or funeral expense incurred as a 184
result of the delinquent act or juvenile traffic offense. 185
"Economic loss" does not include non-economic loss or any punitive 186
or exemplary damages. 187

(M) "Firearm" has the same meaning as in section 2923.11 of 188
the Revised Code. 189

(N) "Juvenile traffic offender" means any child who violates 190
any traffic law, traffic ordinance, or traffic regulation of this 191
state, the United States, or any political subdivision of this 192
state, other than a resolution, ordinance, or regulation of a 193
political subdivision of this state the violation of which is 194
required to be handled by a parking violations bureau or a joint 195
parking violations bureau pursuant to Chapter 4521. of the Revised 196
Code. 197

(O) A "legitimate excuse for absence from the public school 198
the child is supposed to attend" has the same meaning as in 199
section 2151.011 of the Revised Code. 200

(P) "Mandatory serious youthful offender" means a person who	201
is eligible for a mandatory SYO and who is not transferred to	202
adult court under a mandatory or discretionary transfer.	203
(Q) "Mandatory SYO" means a case in which the juvenile court	204
is required to impose a mandatory serious youthful offender	205
disposition under section 2152.13 of the Revised Code.	206
(R) "Mandatory transfer" means that a case is required to be	207
transferred for criminal prosecution under division (A) of section	208
2152.12 of the Revised Code.	209
(S) "Mental illness" has the same meaning as in section	210
5122.01 of the Revised Code.	211
(T) "Mentally retarded person" has the same meaning as in	212
section 5123.01 of the Revised Code.	213
(U) "Monitored time" and "repeat violent offender" have the	214
same meanings as in section 2929.01 of the Revised Code.	215
(V) "Of compulsory school age" has the same meaning as in	216
section 3321.01 of the Revised Code.	217
(W) "Public record" has the same meaning as in section 149.43	218
of the Revised Code.	219
(X) "Serious youthful offender" means a person who is	220
eligible for a mandatory SYO or discretionary SYO but who is not	221
transferred to adult court under a mandatory or discretionary	222
transfer.	223
(Y) "Sexually oriented offense," "habitual sex offender,"	224
"juvenile offender registrant," "sexual predator," "presumptive	225
registration-exempt sexually oriented offense,"	226
"registration-exempt sexually oriented offense," "child-victim	227
oriented offense," "habitual child-victim offender," and	228
"child-victim predator" have the same meanings as in section	229
2950.01 of the Revised Code.	230

(Z) "Traditional juvenile" means a case that is not 231
transferred to adult court under a mandatory or discretionary 232
transfer, that is eligible for a disposition under sections 233
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 234
that is not eligible for a disposition under section 2152.13 of 235
the Revised Code. 236

(AA) "Transfer" means the transfer for criminal prosecution 237
of a case involving the alleged commission by a child of an act 238
that would be an offense if committed by an adult from the 239
juvenile court to the appropriate court that has jurisdiction of 240
the offense. 241

(BB) "Category one offense" means any of the following: 242

(1) A violation of section 2903.01 or 2903.02 of the Revised 243
Code; 244

(2) A violation of section 2923.02 of the Revised Code 245
involving an attempt to commit aggravated murder or murder. 246

(CC) "Category two offense" means any of the following: 247

(1) A violation of section 2903.03, 2905.01, 2907.02, 248
2909.02, 2911.01, or 2911.11 of the Revised Code; 249

(2) A violation of section 2903.04 of the Revised Code that 250
is a felony of the first degree; 251

(3) A violation of section 2907.12 of the Revised Code as it 252
existed prior to September 3, 1996. 253

(DD) "Non-economic loss" means nonpecuniary harm suffered by 254
a victim of a delinquent act or juvenile traffic offense as a 255
result of or related to the delinquent act or juvenile traffic 256
offense, including, but not limited to, pain and suffering; loss 257
of society, consortium, companionship, care, assistance, 258
attention, protection, advice, guidance, counsel, instruction, 259
training, or education; mental anguish; and any other intangible 260

loss.

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

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

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

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

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

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

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court;	291
(b) A period of intensive probation supervision in which the	292
child is required to maintain frequent contact with a person	293
appointed by the court to supervise the child while the child is	294
seeking or maintaining employment and participating in training,	295
education, and treatment programs as the order of disposition;	296
(c) A period of day reporting in which the child is required	297
each day to report to and leave a center or another approved	298
reporting location at specified times in order to participate in	299
work, education or training, treatment, and other approved	300
programs at the center or outside the center;	301
(d) A period of community service of up to five hundred hours	302
for an act that would be a felony or a misdemeanor of the first	303
degree if committed by an adult, up to two hundred hours for an	304
act that would be a misdemeanor of the second, third, or fourth	305
degree if committed by an adult, or up to thirty hours for an act	306
that would be a minor misdemeanor if committed by an adult;	307
(e) A requirement that the child obtain a high school	308
diploma, a certificate of high school equivalence, vocational	309
training, or employment;	310
(f) A period of drug and alcohol use monitoring;	311
(g) A requirement of alcohol or drug assessment or	312
counseling, or a period in an alcohol or drug treatment program	313
with a level of security for the child as determined necessary by	314
the court;	315
(h) A period in which the court orders the child to observe a	316
curfew that may involve daytime or evening hours;	317
(i) A requirement that the child serve monitored time;	318
(j) A period of house arrest without electronic monitoring or	319
continuous alcohol monitoring;	320

(k) A period of electronic monitoring or continuous alcohol 321
monitoring without house arrest, or house arrest with electronic 322
monitoring or continuous alcohol monitoring or both electronic 323
monitoring and continuous alcohol monitoring, that does not exceed 324
the maximum sentence of imprisonment that could be imposed upon an 325
adult who commits the same act. 326

A period of house arrest with electronic monitoring or 327
continuous alcohol monitoring or both electronic monitoring and 328
continuous alcohol monitoring, imposed under this division shall 329
not extend beyond the child's twenty-first birthday. If a court 330
imposes a period of house arrest with electronic monitoring or 331
continuous alcohol monitoring or both electronic monitoring and 332
continuous alcohol monitoring, upon a child under this division, 333
it shall require the child: to remain in the child's home or other 334
specified premises for the entire period of house arrest with 335
electronic monitoring or continuous alcohol monitoring or both 336
except when the court permits the child to leave those premises to 337
go to school or to other specified premises. Regarding electronic 338
monitoring, the court also shall require the child to be monitored 339
by a central system that can determine the child's location at 340
designated times; to report periodically to a person designated by 341
the court; and to enter into a written contract with the court 342
agreeing to comply with all requirements imposed by the court, 343
agreeing to pay any fee imposed by the court for the costs of the 344
house arrest with electronic monitoring, and agreeing to waive the 345
right to receive credit for any time served on house arrest with 346
electronic monitoring toward the period of any other dispositional 347
order imposed upon the child if the child violates any of the 348
requirements of the dispositional order of house arrest with 349
electronic monitoring. The court also may impose other reasonable 350
requirements upon the child. 351

Unless ordered by the court, a child shall not receive credit 352

for any time served on house arrest with electronic monitoring or 353
continuous alcohol monitoring or both toward any other 354
dispositional order imposed upon the child for the act for which 355
was imposed the dispositional order of house arrest with 356
electronic monitoring or continuous alcohol monitoring. As used in 357
this division and division (A)(4)(1) of this section, "continuous 358
alcohol monitoring" has the same meaning as in section 2929.01 of 359
the Revised Code. 360

(1) A suspension of the driver's license, probationary 361
driver's license, or temporary instruction permit issued to the 362
child for a period of time prescribed by the court, or a 363
suspension of the registration of all motor vehicles registered in 364
the name of the child for a period of time prescribed by the 365
court. A child whose license or permit is so suspended is 366
ineligible for issuance of a license or permit during the period 367
of suspension. At the end of the period of suspension, the child 368
shall not be reissued a license or permit until the child has paid 369
any applicable reinstatement fee and complied with all 370
requirements governing license reinstatement. 371

(5) Commit the child to the custody of the court; 372

(6) Require the child to not be absent without legitimate 373
excuse from the public school the child is supposed to attend for 374
five or more consecutive days, seven or more school days in one 375
school month, or twelve or more school days in a school year; 376

(7)(a) If a child is adjudicated a delinquent child for being 377
a chronic truant or a habitual truant who previously has been 378
adjudicated an unruly child for being a habitual truant, do either 379
or both of the following: 380

(i) Require the child to participate in a truancy prevention 381
mediation program; 382

(ii) Make any order of disposition as authorized by this 383

section, except that the court shall not commit the child to a 384
facility described in division (A)(2) or (3) of this section 385
unless the court determines that the child violated a lawful court 386
order made pursuant to division (C)(1)(e) of section 2151.354 of 387
the Revised Code or division (A)(6) of this section. 388

(b) If a child is adjudicated a delinquent child for being a 389
chronic truant or a habitual truant who previously has been 390
adjudicated an unruly child for being a habitual truant and the 391
court determines that the parent, guardian, or other person having 392
care of the child has failed to cause the child's attendance at 393
school in violation of section 3321.38 of the Revised Code, do 394
either or both of the following: 395

(i) Require the parent, guardian, or other person having care 396
of the child to participate in a truancy prevention mediation 397
program; 398

(ii) Require the parent, guardian, or other person having 399
care of the child to participate in any community service program, 400
preferably a community service program that requires the 401
involvement of the parent, guardian, or other person having care 402
of the child in the school attended by the child. 403

(8) Make any further disposition that the court finds proper, 404
except that the child shall not be placed in any of the following: 405

(a) A state correctional institution, a county, multicounty, 406
or municipal jail or workhouse, or another place in which an adult 407
convicted of a crime, under arrest, or charged with a crime is 408
held; 409

(b) A community corrections facility, if the child would be 410
covered by the definition of public safety beds for purposes of 411
sections 5139.41 to 5139.43 of the Revised Code if the court 412
exercised its authority to commit the child to the legal custody 413
of the department of youth services for institutionalization or 414

institutionalization in a secure facility pursuant to this
chapter.

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

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

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

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(C) The court may establish a victim-offender mediation
program in which victims and their offenders meet to discuss the

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offense and suggest possible restitution. If the court obtains the
assent of the victim of the delinquent act committed by the child,
the court may require the child to participate in the program.

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

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

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

statement furnished by the court to the department pursuant to 478
this section shall be kept confidential and is not a public 479
record. If an officer is preparing pursuant to section 2947.06 or 480
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 481
investigation report pertaining to a person, the court shall make 482
available to the officer, for use in preparing the report, a copy 483
of any victim impact statement regarding that person. The copies 484
of a victim impact statement that are made available to the 485
adjudicated delinquent child or the adjudicated delinquent child's 486
counsel and the prosecuting attorney pursuant to this division 487
shall be returned to the court by the person to whom they were 488
made available immediately following the imposition of an order of 489
disposition for the child under this chapter. 490

The copy of a victim impact statement that is made available 491
pursuant to this division to an officer preparing a criminal 492
presentence investigation report shall be returned to the court by 493
the officer immediately following its use in preparing the report. 494

(4) The department of youth services shall work with local 495
probation departments and victim assistance programs to develop a 496
standard victim impact statement. 497

(E) If a child is adjudicated a delinquent child for being a 498
chronic truant or a habitual truant who previously has been 499
adjudicated an unruly child for being a habitual truant and the 500
court determines that the parent, guardian, or other person having 501
care of the child has failed to cause the child's attendance at 502
school in violation of section 3321.38 of the Revised Code, in 503
addition to any order of disposition it makes under this section, 504
the court shall warn the parent, guardian, or other person having 505
care of the child that any subsequent adjudication of the child as 506
an unruly or delinquent child for being a habitual or chronic 507
truant may result in a criminal charge against the parent, 508
guardian, or other person having care of the child for a violation 509

of division (C) of section 2919.21 or section 2919.24 of the Revised Code. 510
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(F)(1) During the period of a delinquent child's community control granted under this section, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the delinquent child, the place of residence of the delinquent child, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the delinquent child has a right, title, or interest or for which the delinquent child has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court that places a delinquent child on community control under this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of community control if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court also shall provide the written notice described in division (E)(2) of this section to each parent, guardian, or custodian of the delinquent child who is described in that division. 512
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(2) The court that places a child on community control under this section shall provide the child's parent, guardian, or other custodian with a written notice that informs them that authorized probation officers may conduct searches pursuant to division (E)(1) of this section. The notice shall specifically state that a 537
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permissible search might extend to a motor vehicle, another item 542
of tangible or intangible personal property, or a place of 543
residence or other real property in which a notified parent, 544
guardian, or custodian has a right, title, or interest and that 545
the parent, guardian, or custodian expressly or impliedly permits 546
the child to use, occupy, or possess. 547

(G) If a juvenile court commits a delinquent child to the 548
custody of any person, organization, or entity pursuant to this 549
section and if the delinquent act for which the child is so 550
committed is a sexually oriented offense that is not a 551
registration-exempt sexually oriented offense or is a child-victim 552
oriented offense, the court in the order of disposition shall do 553
one of the following: 554

(1) Require that the child be provided treatment as described 555
in division (A)(2) of section 5139.13 of the Revised Code; 556

(2) Inform the person, organization, or entity that it is the 557
preferred course of action in this state that the child be 558
provided treatment as described in division (A)(2) of section 559
5139.13 of the Revised Code and encourage the person, 560
organization, or entity to provide that treatment. 561

(H)(1) If a child is adjudicated a delinquent child for 562
committing a violation of section 2925.03 or 2925.11 of the 563
Revised Code, if the drug involved in the violation is marihuana, 564
and if the violation would be a minor misdemeanor or another 565
misdemeanor if committed by an adult or the violation would be a 566
felony if committed by an adult and the court does not commit the 567
child to the department of youth services under this chapter, in 568
addition to any other disposition authorized or required under 569
this chapter, the court, subject to division (H)(2) of this 570
section, shall make an order of disposition for the child that 571
does either or both of the following: 572

(a) Places the child in a detention facility or district detention facility pursuant to division (A)(3) of this section for at least the minimum period of time specified in this division. If the violation would be a minor misdemeanor or another misdemeanor if committed by an adult, except as otherwise provided in this division, the minimum period of time for which the child shall be so placed is three days. If the violation would be a minor misdemeanor or another misdemeanor if committed by an adult and if the child previously has been adjudicated a delinquent child for committing a violation of section 2925.03 or 2925.11 of the Revised Code in which the drug involved in the violation was marihuana, the minimum period of time for which the child shall be so placed is fourteen days. If the violation would be a felony if committed by an adult and the court does not commit the child to the department of youth services, except as otherwise provided in this division, the minimum period of time for which the child shall be so placed is thirty days. If the violation would be a felony if committed by an adult, if the court does not commit the child to the department of youth services, and if the child previously has been adjudicated a delinquent child for committing a violation of section 2925.03 or 2925.11 of the Revised Code in which the drug involved in the violation was marihuana, the minimum period of time for which the child shall be so placed is sixty days. The court may place the child in a detention facility or district detention facility pursuant to division (A)(3) of this section for a period of time in excess of the minimum period of time specified in this division and not in excess of the period of time specified in division (A)(3) of this section.

(b) Places the child on community control that includes a requirement of drug assessment or counseling, or a period in a drug treatment program, pursuant to division (A)(4)(g) of this section together with a requirement of basic or intense probation

supervision pursuant to division (A)(4)(a) or (b) of this section.

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(2) The court is not required to impose an order of disposition under division (H)(1) of this section if the court determines that an order under that division is not in the interests of justice. Division (H)(1) of this section does not apply to a violation of section 2925.03 or 2925.11 of the Revised Code that is classified a felony when the court commits the child to the department of youth services under this chapter.

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Sec. 2921.38. (A) No person who is confined in a detention facility, with intent to harass, annoy, threaten, or alarm another person, shall cause or attempt to cause the other person to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the bodily substance at the other person, by expelling the bodily substance upon the other person, or in any other manner.

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(B) No person, with intent to harass, annoy, threaten, or alarm a law enforcement officer, shall cause or attempt to cause the law enforcement officer to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the bodily substance at the law enforcement officer, by expelling the bodily substance upon the law enforcement officer, or in any other manner.

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~~(C) No person who is confined in a detention facility,~~ with knowledge that the person is a carrier of the virus that causes acquired immunodeficiency syndrome, is a carrier of a hepatitis virus, or is infected with tuberculosis and with intent to harass, annoy, threaten, or alarm another person, shall cause or attempt to cause the other person to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the bodily substance at the other person, by expelling the bodily substance upon the other person, or in any other manner.

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~~(C)~~(D) Whoever violates this section is guilty of harassment 636
by an inmate with a bodily substance. A violation of division (A) 637
or (B) of this section is a felony of the fifth degree. A 638
violation of division ~~(B)~~(C) of this section is a felony of the 639
third degree. 640

~~(D)~~(E)(1) The court, on request of the prosecutor, or the law 641
enforcement authority responsible for the investigation of the 642
violation, shall cause a person who allegedly has committed a 643
violation of this section to submit to one or more appropriate 644
tests to determine if the person is a carrier of the virus that 645
causes acquired immunodeficiency syndrome, is a carrier of a 646
hepatitis virus, or is infected with tuberculosis. 647

(2) The court shall charge the offender with the costs of the 648
test or tests ordered under division ~~(D)~~(E)(1) of this section 649
unless the court determines that the accused is unable to pay, in 650
which case the costs shall be charged to whichever of the 651
following is applicable: 652

(a) If the alleged offense occurred in a detention facility, 653
the entity that operates the detention facility in which the 654
alleged offense occurred; 655

(b) If the alleged offense occurred outside of a detention 656
facility, the law enforcement authority responsible for the 657
investigation of the violation. 658

~~(E)~~(F) This section does not apply to a person who is 659
hospitalized, institutionalized, or confined in a facility 660
operated by the department of mental health or the department of 661
mental retardation and developmental disabilities. 662

Sec. 2921.51. (A) As used in this section: 663

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 664
deputy marshal, member of the organized police department of a 665

municipal corporation, or township constable, who is employed by a
political subdivision of this state, a member of a police force
employed by a metropolitan housing authority under division (D) of
section 3735.31 of the Revised Code, a member of a police force
employed by a regional transit authority under division (Y) of
section 306.35 of the Revised Code, a state university law
enforcement officer appointed under section 3345.04 of the Revised
Code, a veterans' home police officer appointed under section
5907.02 of the Revised Code, a special police officer employed by
a port authority under section 4582.04 or 4582.28 of the Revised
Code, or a state highway patrol trooper and whose primary duties
are to preserve the peace, to protect life and property, and to
enforce the laws, ordinances, or rules of the state or any of its
political subdivisions.

(2) "Private police officer" means any security guard,
special police officer, private detective, or other person who is
privately employed in a police capacity.

(3) "Federal law enforcement officer" means an employee of
the United States who serves in a position the duties of which are
primarily the investigation, apprehension, or detention of
individuals suspected or convicted of offenses under the criminal
laws of the United States.

(4) "Impersonate" means to act the part of, assume the
identity of, wear the uniform or any part of the uniform of, or
display the identification of a particular person or of a member
of a class of persons with purpose to make another person believe
that the actor is that particular person or is a member of that
class of persons.

(B) No person shall impersonate a peace officer ~~or~~, a private
police officer, or a federal law enforcement officer.

(C) No person, by impersonating a peace officer ~~or~~, a private

police officer, or a federal law enforcement officer, shall arrest 697
or detain any person, search any person, or search the property of 698
any person. 699

(D) No person, with purpose to commit or facilitate the 700
commission of an offense, shall impersonate a peace officer, a 701
private police officer, a federal law enforcement officer, or an 702
officer, agent, or employee of the state. 703

(E) No person shall commit a felony while impersonating a 704
peace officer, a private police officer, a federal law enforcement 705
officer, or an officer, agent, or employee of the state. 706

(F) It is an affirmative defense to a charge under division 707
(B) of this section that the impersonation of the peace officer 708
was for a lawful purpose. 709

(G) Whoever violates division (B) of this section is guilty 710
of a misdemeanor of the fourth degree. Whoever violates division 711
(C) or (D) of this section is guilty of a misdemeanor of the first 712
degree. If the purpose of a violation of division (D) of this 713
section is to commit or facilitate the commission of a felony, a 714
violation of division (D) is a felony of the fourth degree. 715
Whoever violates division (E) of this section is guilty of a 716
felony of the third degree. 717

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 718
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 719
except in relation to an offense for which a sentence of death or 720
life imprisonment is to be imposed, if the court imposing a 721
sentence upon an offender for a felony elects or is required to 722
impose a prison term on the offender pursuant to this chapter, the 723
court shall impose a definite prison term that shall be one of the 724
following: 725

(1) For a felony of the first degree, the prison term shall 726

be three, four, five, six, seven, eight, nine, or ten years. 727

(2) For a felony of the second degree, the prison term shall 728
be two, three, four, five, six, seven, or eight years. 729

(3) For a felony of the third degree, the prison term shall 730
be one, two, three, four, or five years. 731

(4) For a felony of the fourth degree, the prison term shall 732
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 733
fourteen, fifteen, sixteen, seventeen, or eighteen months. 734

(5) For a felony of the fifth degree, the prison term shall 735
be six, seven, eight, nine, ten, eleven, or twelve months. 736

(B) Except as provided in division (C), (D)(1), (D)(2), 737
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 738
of the Revised Code, or in Chapter 2925. of the Revised Code, if 739
the court imposing a sentence upon an offender for a felony elects 740
or is required to impose a prison term on the offender, the court 741
shall impose the shortest prison term authorized for the offense 742
pursuant to division (A) of this section, unless one or more of 743
the following applies: 744

(1) The offender was serving a prison term at the time of the 745
offense, or the offender previously had served a prison term. 746

(2) The court finds on the record that the shortest prison 747
term will demean the seriousness of the offender's conduct or will 748
not adequately protect the public from future crime by the 749
offender or others. 750

(C) Except as provided in division (G) of this section or in 751
Chapter 2925. of the Revised Code, the court imposing a sentence 752
upon an offender for a felony may impose the longest prison term 753
authorized for the offense pursuant to division (A) of this 754
section only upon offenders who committed the worst forms of the 755
offense, upon offenders who pose the greatest likelihood of 756

committing future crimes, upon certain major drug offenders under 757
division (D)(3) of this section, and upon certain repeat violent 758
offenders in accordance with division (D)(2) of this section. 759

(D)(1)(a) Except as provided in division (D)(1)(e) of this 760
section, if an offender who is convicted of or pleads guilty to a 761
felony also is convicted of or pleads guilty to a specification of 762
the type described in section 2941.141, 2941.144, or 2941.145 of 763
the Revised Code, the court shall impose on the offender one of 764
the following prison terms: 765

(i) A prison term of six years if the specification is of the 766
type described in section 2941.144 of the Revised Code that 767
charges the offender with having a firearm that is an automatic 768
firearm or that was equipped with a firearm muffler or silencer on 769
or about the offender's person or under the offender's control 770
while committing the felony; 771

(ii) A prison term of three years if the specification is of 772
the type described in section 2941.145 of the Revised Code that 773
charges the offender with having a firearm on or about the 774
offender's person or under the offender's control while committing 775
the offense and displaying the firearm, brandishing the firearm, 776
indicating that the offender possessed the firearm, or using it to 777
facilitate the offense; 778

(iii) A prison term of one year if the specification is of 779
the type described in section 2941.141 of the Revised Code that 780
charges the offender with having a firearm on or about the 781
offender's person or under the offender's control while committing 782
the felony. 783

(b) If a court imposes a prison term on an offender under 784
division (D)(1)(a) of this section, the prison term shall not be 785
reduced pursuant to section 2929.20, section 2967.193, or any 786
other provision of Chapter 2967. or Chapter 5120. of the Revised 787

Code. A court shall not impose more than one prison term on an
offender under division (D)(1)(a) of this section for felonies
committed as part of the same act or transaction.

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

(d) If an offender who is convicted of or pleads guilty to an
offense of violence that is a felony also is convicted of or
pleads guilty to a specification of the type described in section
2941.1411 of the Revised Code that charges the offender with

wearing or carrying body armor while committing the felony offense 820
of violence, the court shall impose on the offender a prison term 821
of two years. The prison term so imposed shall not be reduced 822
pursuant to section 2929.20, section 2967.193, or any other 823
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 824
court shall not impose more than one prison term on an offender 825
under division (D)(1)(d) of this section for felonies committed as 826
part of the same act or transaction. If a court imposes an 827
additional prison term under division (D)(1)(a) or (c) of this 828
section, the court is not precluded from imposing an additional 829
prison term under division (D)(1)(d) of this section. 830

(e) The court shall not impose any of the prison terms 831
described in division (D)(1)(a) of this section or any of the 832
additional prison terms described in division (D)(1)(c) of this 833
section upon an offender for a violation of section 2923.12 or 834
2923.123 of the Revised Code. The court shall not impose any of 835
the prison terms described in division (D)(1)(a) of this section 836
or any of the additional prison terms described in division 837
(D)(1)(c) of this section upon an offender for a violation of 838
section 2923.13 of the Revised Code unless all of the following 839
apply: 840

(i) The offender previously has been convicted of aggravated 841
murder, murder, or any felony of the first or second degree. 842

(ii) Less than five years have passed since the offender was 843
released from prison or post-release control, whichever is later, 844
for the prior offense. 845

(f) If an offender is convicted of or pleads guilty to a 846
felony that includes, as an essential element, causing or 847
attempting to cause the death of or physical harm to another and 848
also is convicted of or pleads guilty to a specification of the 849
type described in section 2941.1412 of the Revised Code that 850

charges the offender with committing the offense by discharging a
firearm at a peace officer as defined in section 2935.01 of the
Revised Code or a corrections officer as defined in section
2941.1412 of the Revised Code, the court, after imposing a prison
term on the offender for the felony offense under division (A),
(D)(2), or (D)(3) of this section, shall impose an additional
prison term of seven years upon the offender that shall not be
reduced pursuant to section 2929.20, section 2967.193, or any
other provision of Chapter 2967. or Chapter 5120. of the Revised
Code. A court shall not impose more than one additional prison
term on an offender under division (D)(1)(f) of this section for
felonies committed as part of the same act or transaction. If a
court imposes an additional prison term on an offender under
division (D)(1)(f) of this section relative to an offense, the
court shall not impose a prison term under division (D)(1)(a) or
(c) of this section relative to the same offense.

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

(b) If the court imposing a prison term on a repeat violent

offender imposes the longest prison term from the range of terms 883
authorized for the offense under division (A) of this section, the 884
court may impose on the offender an additional definite prison 885
term of one, two, three, four, five, six, seven, eight, nine, or 886
ten years if the court finds that both of the following apply with 887
respect to the prison terms imposed on the offender pursuant to 888
division (D)(2)(a) of this section and, if applicable, divisions 889
(D)(1) and (3) of this section: 890

(i) The terms so imposed are inadequate to punish the 891
offender and protect the public from future crime, because the 892
applicable factors under section 2929.12 of the Revised Code 893
indicating a greater likelihood of recidivism outweigh the 894
applicable factors under that section indicating a lesser 895
likelihood of recidivism. 896

(ii) The terms so imposed are demeaning to the seriousness of 897
the offense, because one or more of the factors under section 898
2929.12 of the Revised Code indicating that the offender's conduct 899
is more serious than conduct normally constituting the offense are 900
present, and they outweigh the applicable factors under that 901
section indicating that the offender's conduct is less serious 902
than conduct normally constituting the offense. 903

(3)(a) Except when an offender commits a violation of section 904
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 905
the violation is life imprisonment or commits a violation of 906
section 2903.02 of the Revised Code, if the offender commits a 907
violation of section 2925.03 or 2925.11 of the Revised Code and 908
that section classifies the offender as a major drug offender and 909
requires the imposition of a ten-year prison term on the offender, 910
if the offender commits a felony violation of section 2925.02, 911
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 912
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 913
division (C) of section 4729.51, or division (J) of section 914

4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

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

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the

offender to a definite prison term of not less than six months and
not more than thirty months, and if the offender is being
sentenced for a third degree felony OVI offense, the sentencing
court may sentence the offender to an additional prison term of
any duration specified in division (A)(3) of this section. In
either case, the additional prison term imposed shall be reduced
by the sixty or one hundred twenty days imposed upon the offender
as the mandatory prison term. The total of the additional prison
term imposed under division (D)(4) of this section plus the sixty
or one hundred twenty days imposed as the mandatory prison term
shall equal a definite term in the range of six months to thirty
months for a fourth degree felony OVI offense and shall equal one
of the authorized prison terms specified in division (A)(3) of
this section for a third degree felony OVI offense. If the court
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. In addition to the mandatory prison term or mandatory and
additional prison term imposed as described in division (D)(4) of
this section, the court also may sentence the offender to a
community control sanction under section 2929.16 or 2929.17 of the
Revised Code, but the offender shall serve all of the prison terms
so imposed prior to serving the community control sanction.

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

(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 2941.1414 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 2941.1415 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 2941.1415 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
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)(6) of this section for
felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a
mandatory prison term is imposed upon an offender pursuant to
division (D)(1)(a) of this section for having a firearm on or
about the offender's person or under the offender's control while
committing a felony, if a mandatory prison term is imposed upon an

offender pursuant to division (D)(1)(c) of this section for 1011
committing a felony specified in that division by discharging a 1012
firearm from a motor vehicle, or if both types of mandatory prison 1013
terms are imposed, the offender shall serve any mandatory prison 1014
term imposed under either division consecutively to any other 1015
mandatory prison term imposed under either division or under 1016
division (D)(1)(d) of this section, consecutively to and prior to 1017
any prison term imposed for the underlying felony pursuant to 1018
division (A), (D)(2), or (D)(3) of this section or any other 1019
section of the Revised Code, and consecutively to any other prison 1020
term or mandatory prison term previously or subsequently imposed 1021
upon the offender. 1022

(b) If a mandatory prison term is imposed upon an offender 1023
pursuant to division (D)(1)(d) of this section for wearing or 1024
carrying body armor while committing an offense of violence that 1025
is a felony, the offender shall serve the mandatory term so 1026
imposed consecutively to any other mandatory prison term imposed 1027
under that division or under division (D)(1)(a) or (c) of this 1028
section, consecutively to and prior to any prison term imposed for 1029
the underlying felony under division (A), (D)(2), or (D)(3) of 1030
this section or any other section of the Revised Code, and 1031
consecutively to any other prison term or mandatory prison term 1032
previously or subsequently imposed upon the offender. 1033

(c) If a mandatory prison term is imposed upon an offender 1034
pursuant to division (D)(1)(f) of this section, the offender shall 1035
serve the mandatory prison term so imposed consecutively to and 1036
prior to any prison term imposed for the underlying felony under 1037
division (A), (D)(2), or (D)(3) of this section or any other 1038
section of the Revised Code, and consecutively to any other prison 1039
term or mandatory prison term previously or subsequently imposed 1040
upon the offender. 1041

(2) If an offender who is an inmate in a jail, prison, or 1042

other residential detention facility violates section 2917.02, 1043
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1044
who is under detention at a detention facility commits a felony 1045
violation of section 2923.131 of the Revised Code, or if an 1046
offender who is an inmate in a jail, prison, or other residential 1047
detention facility or is under detention at a detention facility 1048
commits another felony while the offender is an escapee in 1049
violation of section 2921.34 of the Revised Code, any prison term 1050
imposed upon the offender for one of those violations shall be 1051
served by the offender consecutively to the prison term or term of 1052
imprisonment the offender was serving when the offender committed 1053
that offense and to any other prison term previously or 1054
subsequently imposed upon the offender. 1055

(3) If a prison term is imposed for a violation of division 1056
(B) of section 2911.01 of the Revised Code, a violation of 1057
division (A) of section 2913.02 of the Revised Code in which the 1058
stolen property is a firearm or dangerous ordnance, or a felony 1059
violation of division (B) of section 2921.331 of the Revised Code, 1060
the offender shall serve that prison term consecutively to any 1061
other prison term or mandatory prison term previously or 1062
subsequently imposed upon the offender. 1063

(4) If multiple prison terms are imposed on an offender for 1064
convictions of multiple offenses, the court may require the 1065
offender to serve the prison terms consecutively if the court 1066
finds that the consecutive service is necessary to protect the 1067
public from future crime or to punish the offender and that 1068
consecutive sentences are not disproportionate to the seriousness 1069
of the offender's conduct and to the danger the offender poses to 1070
the public, and if the court also finds any of the following: 1071

(a) The offender committed one or more of the multiple 1072
offenses while the offender was awaiting trial or sentencing, was 1073
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1074

2929.18 of the Revised Code, or was under post-release control for
a prior offense.

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

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

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

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

(F)(1) If a court imposes a prison term ~~of a type described~~

in division (B) of section 2967.28 of the Revised Code for a 1106
felony of the first degree, for a felony of the second degree, for 1107
a felony sex offense, or for a felony of the third degree that is 1108
not a felony sex offense and in the commission of which the 1109
offender caused or threatened to cause physical harm to a person, 1110
it shall include in the sentence a requirement that the offender 1111
be subject to a period of post-release control after the 1112
offender's release from imprisonment, in accordance with that 1113
division. If a court imposes a sentence including a prison term of 1114
a type described in this division on or after the effective date 1115
of this amendment, the failure of a court to include a 1116
post-release control requirement in the sentence pursuant to this 1117
division does not negate, limit, or otherwise affect the mandatory 1118
period of post-release control that is required for the offender 1119
under division (B) of section 2967.28 of the Revised Code. Section 1120
2929.191 of the Revised Code applies if, prior to the effective 1121
date of this amendment, a court imposed a sentence including a 1122
prison term of a type described in this division and failed to 1123
include in the sentence pursuant to this division a statement 1124
regarding post-release control. 1125

(2) If a court imposes a prison term of a type described in 1126
division (C) of that section for a felony of the third, fourth, or 1127
fifth degree that is not subject to division (F)(1) of this 1128
section, it shall include in the sentence a requirement that the 1129
offender be subject to a period of post-release control after the 1130
offender's release from imprisonment, in accordance with that 1131
division, if the parole board determines that a period of 1132
post-release control is necessary. Section 2929.191 of the Revised 1133
Code applies if, prior to the effective date of this amendment, a 1134
court imposed a sentence including a prison term of a type 1135
described in this division and failed to include in the sentence 1136
pursuant to this division a statement regarding post-release 1137
control. 1138

(G) If a person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense and, in relation to that offense, the offender is adjudicated a sexually violent predator, the court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment.

(H) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

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

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

prior to the prison term imposed for the underlying offense. 1171

(K) At the time of sentencing, the court may recommend the 1172
offender for placement in a program of shock incarceration under 1173
section 5120.031 of the Revised Code or for placement in an 1174
intensive program prison under section 5120.032 of the Revised 1175
Code, disapprove placement of the offender in a program of shock 1176
incarceration or an intensive program prison of that nature, or 1177
make no recommendation on placement of the offender. In no case 1178
shall the department of rehabilitation and correction place the 1179
offender in a program or prison of that nature unless the 1180
department determines as specified in section 5120.031 or 5120.032 1181
of the Revised Code, whichever is applicable, that the offender is 1182
eligible for the placement. 1183

If the court disapproves placement of the offender in a 1184
program or prison of that nature, the department of rehabilitation 1185
and correction shall not place the offender in any program of 1186
shock incarceration or intensive program prison. 1187

If the court recommends placement of the offender in a 1188
program of shock incarceration or in an intensive program prison, 1189
and if the offender is subsequently placed in the recommended 1190
program or prison, the department shall notify the court of the 1191
placement and shall include with the notice a brief description of 1192
the placement. 1193

If the court recommends placement of the offender in a 1194
program of shock incarceration or in an intensive program prison 1195
and the department does not subsequently place the offender in the 1196
recommended program or prison, the department shall send a notice 1197
to the court indicating why the offender was not placed in the 1198
recommended program or prison. 1199

If the court does not make a recommendation under this 1200
division with respect to an offender and if the department 1201

determines as specified in section 5120.031 or 5120.032 of the
Revised Code, whichever is applicable, that the offender is
eligible for placement in a program or prison of that nature, the
department shall screen the offender and determine if there is an
available program of shock incarceration or an intensive program
prison for which the offender is suited. If there is an available
program of shock incarceration or an intensive program prison for
which the offender is suited, the department shall notify the
court of the proposed placement of the offender as specified in
section 5120.031 or 5120.032 of the Revised Code and shall include
with the notice a brief description of the placement. The court
shall have ten days from receipt of the notice to disapprove the
placement.

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

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(2) Except as otherwise provided in this division, before
imposing sentence on an offender who is being sentenced on or
after January 1, 1997, for a sexually oriented offense that is not
a registration-exempt sexually oriented offense and who is in any

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category of offender described in division (B)(1)(a)(i), (ii), or 1233
(iii) of section 2950.09 of the Revised Code, the court shall 1234
conduct a hearing in accordance with division (B) of section 1235
2950.09 of the Revised Code to determine whether the offender is a 1236
sexual predator. The court shall not conduct a hearing under that 1237
division if the offender is being sentenced for a violent sex 1238
offense or a designated homicide, assault, or kidnapping offense 1239
and, in relation to that offense, the offender was adjudicated a 1240
sexually violent predator. Before imposing sentence on an offender 1241
who is being sentenced for a sexually oriented offense that is not 1242
a registration-exempt sexually oriented offense, the court also 1243
shall comply with division (E) of section 2950.09 of the Revised 1244
Code. 1245

Before imposing sentence on or after July 31, 2003, on an 1246
offender who is being sentenced for a child-victim oriented 1247
offense, regardless of when the offense was committed, the court 1248
shall conduct a hearing in accordance with division (B) of section 1249
2950.091 of the Revised Code to determine whether the offender is 1250
a child-victim predator. Before imposing sentence on an offender 1251
who is being sentenced for a child-victim oriented offense, the 1252
court also shall comply with division (E) of section 2950.091 of 1253
the Revised Code. 1254

(B)(1) At the sentencing hearing, the court, before imposing 1255
sentence, shall consider the record, any information presented at 1256
the hearing by any person pursuant to division (A) of this 1257
section, and, if one was prepared, the presentence investigation 1258
report made pursuant to section 2951.03 of the Revised Code or 1259
Criminal Rule 32.2, and any victim impact statement made pursuant 1260
to section 2947.051 of the Revised Code. 1261

(2) The court shall impose a sentence and shall make a 1262
finding that gives its reasons for selecting the sentence imposed 1263
in any of the following circumstances: 1264

(a) Unless the offense is a violent sex offense or designated homicide, assault, or kidnapping offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and the basis of the findings it made under divisions (D)(1) and (2) of section 2929.13 of the Revised Code.

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

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

(e) If the sentence is for two or more offenses arising out of a single incident and it imposes a prison term for those

offenses that is the maximum prison term allowed for the offense 1296
of the highest degree by division (A) of section 2929.14 of the 1297
Revised Code, its reasons for imposing the maximum prison term. 1298

(3) Subject to division (B)(4) of this section, if the 1299
sentencing court determines at the sentencing hearing that a 1300
prison term is necessary or required, the court shall do all of 1301
the following: 1302

(a) Impose a stated prison term; 1303

(b) Notify the offender that, as part of the sentence, the 1304
parole board may extend the stated prison term for certain 1305
violations of prison rules for up to one-half of the stated prison 1306
term; 1307

(c) Notify the offender that the offender will be supervised 1308
under section 2967.28 of the Revised Code after the offender 1309
leaves prison if the offender is being sentenced for a felony of 1310
the first degree or second degree, for a felony sex offense, or 1311
for a felony of the third degree that is not a felony sex offense 1312
and in the commission of which the offender caused or threatened 1313
to cause physical harm to a person~~+~~. If a court imposes a sentence 1314
including a prison term of a type described in division (B)(3)(c) 1315
of this section on or after the effective date of this amendment, 1316
the failure of a court to notify the offender pursuant to division 1317
(B)(3)(c) of this section that the offender will be supervised 1318
under section 2967.28 of the Revised Code after the offender 1319
leaves prison or to include in the judgment of conviction entered 1320
on the journal a statement to that effect does not negate, limit, 1321
or otherwise affect the mandatory period of supervision that is 1322
required for the offender under division (B) of section 2967.28 of 1323
the Revised Code. Section 2929.191 of the Revised Code applies if, 1324
prior to the effective date of this amendment, a court imposed a 1325
sentence including a prison term of a type described in division 1326

(B)(3)(c) of this section and failed to notify the offender 1327
pursuant to division (B)(3)(c) of this section regarding 1328
post-release control or to include in the judgment of conviction 1329
entered on the journal or in the sentence a statement regarding 1330
post-release control. 1331

(d) Notify the offender that the offender may be supervised 1332
under section 2967.28 of the Revised Code after the offender 1333
leaves prison if the offender is being sentenced for a felony of 1334
the third, fourth, or fifth degree that is not subject to division 1335
(B)(3)(c) of this section. Section 2929.191 of the Revised Code 1336
applies if, prior to the effective date of this amendment, a court 1337
imposed a sentence including a prison term of a type described in 1338
division (B)(3)(d) of this section and failed to notify the 1339
offender pursuant to division (B)(3)(d) of this section regarding 1340
post-release control or to include in the judgment of conviction 1341
entered on the journal or in the sentence a statement regarding 1342
post-release control. 1343

(e) Notify the offender that, if a period of supervision is 1344
imposed following the offender's release from prison, as described 1345
in division (B)(3)(c) or (d) of this section, and if the offender 1346
violates that supervision or a condition of post-release control 1347
imposed under division (B) of section 2967.131 of the Revised 1348
Code, the parole board may impose a prison term, as part of the 1349
sentence, of up to one-half of the stated prison term originally 1350
imposed upon the offender. If a court imposes a sentence 1351
including a prison term on or after the effective date of this 1352
amendment, the failure of a court to notify the offender pursuant 1353
to division (B)(3)(e) of this section that the parole board may 1354
impose a prison term as described in division (B)(3)(e) of this 1355
section for a violation of that supervision or a condition of 1356
post-release control imposed under division (B) of section 1357
2967.131 of the Revised Code or to include in the judgment of 1358

conviction entered on the journal a statement to that effect does 1359
not negate, limit, or otherwise affect the authority of the parole 1360
board to so impose a prison term for a violation of that nature 1361
if, pursuant to division (D)(1) of section 2967.28 of the Revised 1362
Code, the parole board notifies the offender prior to the 1363
offender's release of the board's authority to so impose a prison 1364
term. Section 2929.191 of the Revised Code applies if, prior to 1365
the effective date of this amendment, a court imposed a sentence 1366
including a prison term and failed to notify the offender pursuant 1367
to division (B)(3)(e) of this section regarding the possibility of 1368
the parole board imposing a prison term for a violation of 1369
supervision or a condition of post-release control. 1370

(f) Require that the offender not ingest or be injected with 1371
a drug of abuse and submit to random drug testing as provided in 1372
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 1373
is applicable to the offender who is serving a prison term, and 1374
require that the results of the drug test administered under any 1375
of those sections indicate that the offender did not ingest or was 1376
not injected with a drug of abuse. 1377

(4) If the offender is being sentenced for a violent sex 1378
offense or designated homicide, assault, or kidnapping offense 1379
that the offender committed on or after January 1, 1997, and the 1380
offender is adjudicated a sexually violent predator in relation to 1381
that offense, if the offender is being sentenced for a sexually 1382
oriented offense that is not a registration-exempt sexually 1383
oriented offense and that the offender committed on or after 1384
January 1, 1997, and the court imposing the sentence has 1385
determined pursuant to division (B) of section 2950.09 of the 1386
Revised Code that the offender is a sexual predator, if the 1387
offender is being sentenced on or after July 31, 2003, for a 1388
child-victim oriented offense and the court imposing the sentence 1389
has determined pursuant to division (B) of section 2950.091 of the 1390

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

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

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

(7) If the sentencing court sentences the offender to a
sanction of confinement pursuant to section 2929.14 or 2929.16 of

the Revised Code that is to be served in a local detention 1423
facility, as defined in section 2929.36 of the Revised Code, and 1424
if the local detention facility is covered by a policy adopted 1425
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1426
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1427
and section 2929.37 of the Revised Code, both of the following 1428
apply: 1429

(a) The court shall specify both of the following as part of 1430
the sentence: 1431

(i) If the offender is presented with an itemized bill 1432
pursuant to section 2929.37 of the Revised Code for payment of the 1433
costs of confinement, the offender is required to pay the bill in 1434
accordance with that section. 1435

(ii) If the offender does not dispute the bill described in 1436
division (B)(7)(a)(i) of this section and does not pay the bill by 1437
the times specified in section 2929.37 of the Revised Code, the 1438
clerk of the court may issue a certificate of judgment against the 1439
offender as described in that section. 1440

(b) The sentence automatically includes any certificate of 1441
judgment issued as described in division (B)(7)(a)(ii) of this 1442
section. 1443

(C)(1) If the offender is being sentenced for a fourth degree 1444
felony OVI offense under division (G)(1) of section 2929.13 of the 1445
Revised Code, the court shall impose the mandatory term of local 1446
incarceration in accordance with that division, shall impose a 1447
mandatory fine in accordance with division (B)(3) of section 1448
2929.18 of the Revised Code, and, in addition, may impose 1449
additional sanctions as specified in sections 2929.15, 2929.16, 1450
2929.17, and 2929.18 of the Revised Code. The court shall not 1451
impose a prison term on the offender except that the court may 1452
impose a prison term upon the offender as provided in division 1453

(A)(1) of section 2929.13 of the Revised Code. 1454

(2) If the offender is being sentenced for a third or fourth 1455
degree felony OVI offense under division (G)(2) of section 2929.13 1456
of the Revised Code, the court shall impose the mandatory prison 1457
term in accordance with that division, shall impose a mandatory 1458
fine in accordance with division (B)(3) of section 2929.18 of the 1459
Revised Code, and, in addition, may impose an additional prison 1460
term as specified in section 2929.14 of the Revised Code. In 1461
addition to the mandatory prison term or mandatory prison term and 1462
additional prison term the court imposes, the court also may 1463
impose a community control sanction on the offender, but the 1464
offender shall serve all of the prison terms so imposed prior to 1465
serving the community control sanction. 1466

(D) The sentencing court, pursuant to division (K) of section 1467
2929.14 of the Revised Code, may recommend placement of the 1468
offender in a program of shock incarceration under section 1469
5120.031 of the Revised Code or an intensive program prison under 1470
section 5120.032 of the Revised Code, disapprove placement of the 1471
offender in a program or prison of that nature, or make no 1472
recommendation. If the court recommends or disapproves placement, 1473
it shall make a finding that gives its reasons for its 1474
recommendation or disapproval. 1475

Sec. 2929.191. (A)(1) If, prior to the effective date of this 1476
section, a court imposed a sentence including a prison term of a 1477
type described in division (B)(3)(c) of section 2929.19 of the 1478
Revised Code and failed to notify the offender pursuant to that 1479
division that the offender will be supervised under section 1480
2967.28 of the Revised Code after the offender leaves prison or to 1481
include a statement to that effect in the judgment of conviction 1482
entered on the journal or in the sentence pursuant to division 1483
(F)(1) of section 2929.14 of the Revised Code, at any time before 1484

the offender is released from imprisonment under that term and at 1485
a hearing conducted in accordance with division (C) of this 1486
section, the court may prepare and issue a correction to the 1487
judgment of conviction that includes in the judgment of conviction 1488
the statement that the offender will be supervised under section 1489
2967.28 of the Revised Code after the offender leaves prison. 1490

If, prior to the effective date of this section, a court 1491
imposed a sentence including a prison term of a type described in 1492
division (B)(3)(d) of section 2929.19 of the Revised Code and 1493
failed to notify the offender pursuant to that division that the 1494
offender may be supervised under section 2967.28 of the Revised 1495
Code after the offender leaves prison or to include a statement to 1496
that effect in the judgment of conviction entered on the journal 1497
or in the sentence pursuant to division (F)(2) of section 2929.14 1498
of the Revised Code, at any time before the offender is released 1499
from imprisonment under that term and at a hearing conducted in 1500
accordance with division (C) of this section, the court may 1501
prepare and issue a correction to the judgment of conviction that 1502
includes in the judgment of conviction the statement that the 1503
offender may be supervised under section 2967.28 of the Revised 1504
Code after the offender leaves prison. 1505

(2) If a court prepares and issues a correction to a judgment 1506
of conviction as described in division (A)(1) of this section 1507
before the offender is released from imprisonment under the prison 1508
term the court imposed prior to the effective date of this 1509
section, the court shall place upon the journal of the court an 1510
entry nunc pro tunc to record the correction to the judgment of 1511
conviction and shall provide a copy of the entry to the offender 1512
or, if the offender is not physically present at the hearing, 1513
shall send a copy of the entry to the department of rehabilitation 1514
and correction for delivery to the offender. If the court sends a 1515

copy of the entry to the department, the department promptly shall 1516
deliver a copy of the entry to the offender. The court's placement 1517
upon the journal of the entry nunc pro tunc before the offender is 1518
released from imprisonment under the term shall be considered, and 1519
shall have the same effect, as if the court at the time of 1520
original sentencing had included the statement in the sentence and 1521
the judgment of conviction entered on the journal and had notified 1522
the offender that the offender will be so supervised regarding a 1523
sentence including a prison term of a type described in division 1524
(B)(3)(c) of section 2929.19 of the Revised Code or that the 1525
offender may be so supervised regarding a sentence including a 1526
prison term of a type described in division (B)(3)(d) of that 1527
section. 1528

(B)(1) If, prior to the effective date of this section, a 1529
court imposed a sentence including a prison term and failed to 1530
notify the offender pursuant to division (B)(3)(e) of section 1531
2929.19 of the Revised Code regarding the possibility of the 1532
parole board imposing a prison term for a violation of supervision 1533
or a condition of post-release control or to include in the 1534
judgment of conviction entered on the journal a statement to that 1535
effect, at any time before the offender is released from 1536
imprisonment under that term and at a hearing conducted in 1537
accordance with division (C) of this section, the court may 1538
prepare and issue a correction to the judgment of conviction that 1539
includes in the judgment of conviction the statement that if a 1540
period of supervision is imposed following the offender's release 1541
from prison, as described in division (B)(3)(c) or (d) of section 1542
2929.19 of the Revised Code, and if the offender violates that 1543
supervision or a condition of post-release control imposed under 1544
division (B) of section 2967.131 of the Revised Code the parole 1545
board may impose as part of the sentence a prison term of up to 1546
one-half of the stated prison term originally imposed upon the 1547

offender. 1548

(2) If the court prepares and issues a correction to a 1549
judgment of conviction as described in division (B)(1) of this 1550
section before the offender is released from imprisonment under 1551
the term, the court shall place upon the journal of the court an 1552
entry nunc pro tunc to record the correction to the judgment of 1553
conviction and shall provide a copy of the entry to the offender 1554
or, if the offender is not physically present at the hearing, 1555
shall send a copy of the entry to the department of rehabilitation 1556
and correction for delivery to the offender. If the court sends a 1557
copy of the entry to the department, the department promptly shall 1558
deliver a copy of the entry to the offender. The court's placement 1559
upon the journal of the entry nunc pro tunc before the offender is 1560
released from imprisonment under the term shall be considered, and 1561
shall have the same effect, as if the court at the time of 1562
original sentencing had included the statement in the judgment of 1563
conviction entered on the journal and had notified the offender 1564
pursuant to division (B)(3)(e) of section 2929.19 of the Revised 1565
Code regarding the possibility of the parole board imposing a 1566
prison term for a violation of supervision or a condition of 1567
post-release control. 1568

(C) On and after the effective date of this section, a court 1569
that wishes to prepare and issue a correction to a judgment of 1570
conviction of a type described in division (A)(1) or (B)(1) of 1571
this section shall not issue the correction until after the court 1572
has conducted a hearing in accordance with this division. Before a 1573
court holds a hearing pursuant to this division, the court shall 1574
provide notice of the date, time, place, and purpose of the 1575
hearing to the offender who is the subject of the hearing, the 1576
prosecuting attorney of the county, and the department of 1577
rehabilitation and correction. The offender has the right to be 1578
physically present at the hearing, except that, upon the court's 1579

own motion or the motion of the offender or the prosecuting attorney, the court may permit the offender to appear at the hearing by video conferencing equipment if available and compatible. An appearance by video conferencing equipment pursuant to this division has the same force and effect as if the offender were physically present at the hearing. At the hearing, the offender and the prosecuting attorney may make a statement as to whether the court should issue a correction to the judgment of conviction.

Sec. 2967.28. (A) As used in this section:

(1) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.

(B) Each sentence to a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. If a court imposes a sentence including a prison term of a type described in this division on or after the effective date of this amendment, the failure of a sentencing court to notify the offender pursuant to division (B)(3)(c) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this

requirement does not negate, limit, or otherwise affect the 1610
mandatory period of supervision that is required for the offender 1611
under this division. Section 2929.191 of the Revised Code applies 1612
if, prior to the effective date of this amendment, a court imposed 1613
a sentence including a prison term of a type described in this 1614
division and failed to notify the offender pursuant to division 1615
(B)(3)(c) of section 2929.19 of the Revised Code regarding 1616
post-release control or to include in the judgment of conviction 1617
entered on the journal or in the sentence pursuant to division 1618
(F)(1) of section 2929.14 of the Revised Code a statement 1619
regarding post-release control. Unless reduced by the parole board 1620
pursuant to division (D) of this section when authorized under 1621
that division, a period of post-release control required by this 1622
division for an offender shall be of one of the following periods: 1623

(1) For a felony of the first degree or for a felony sex 1624
offense, five years; 1625

(2) For a felony of the second degree that is not a felony 1626
sex offense, three years; 1627

(3) For a felony of the third degree that is not a felony sex 1628
offense and in the commission of which the offender caused or 1629
threatened physical harm to a person, three years. 1630

(C) Any sentence to a prison term for a felony of the third, 1631
fourth, or fifth degree that is not subject to division (B)(1) or 1632
(3) of this section shall include a requirement that the offender 1633
be subject to a period of post-release control of up to three 1634
years after the offender's release from imprisonment, if the 1635
parole board, in accordance with division (D) of this section, 1636
determines that a period of post-release control is necessary for 1637
that offender. Section 2929.191 of the Revised Code applies if, 1638
prior to the effective date of this amendment, a court imposed a 1639
sentence including a prison term of a type described in this 1640
division and failed to notify the offender pursuant to division 1641

(B)(3)(d) of section 2929.19 of the Revised Code regarding 1642
post-release control or to include in the judgment of conviction 1643
entered on the journal or in the sentence pursuant to division 1644
(F)(2) of section 2929.14 of the Revised Code a statement 1645
regarding post-release control. 1646

(D)(1) Before the prisoner is released from imprisonment, the 1647
parole board shall impose upon a prisoner described in division 1648
(B) of this section, may impose upon a prisoner described in 1649
division (C) of this section, and shall impose upon a prisoner 1650
described in division (B)(2)(b) of section 5120.031 or in division 1651
(B)(1) of section 5120.032 of the Revised Code, one or more 1652
post-release control sanctions to apply during the prisoner's 1653
period of post-release control. Whenever the board imposes one or 1654
more post-release control sanctions upon a prisoner, the board, in 1655
addition to imposing the sanctions, also shall include as a 1656
condition of the post-release control that the individual or felon 1657
not leave the state without permission of the court or the 1658
individual's or felon's parole or probation officer and that the 1659
individual or felon abide by the law. The board may impose any 1660
other conditions of release under a post-release control sanction 1661
that the board considers appropriate, and the conditions of 1662
release may include any community residential sanction, community 1663
nonresidential sanction, or financial sanction that the sentencing 1664
court was authorized to impose pursuant to sections 2929.16, 1665
2929.17, and 2929.18 of the Revised Code. Prior to the release of 1666
a prisoner for whom it will impose one or more post-release 1667
control sanctions under this division, the parole board shall 1668
review the prisoner's criminal history, all juvenile court 1669
adjudications finding the prisoner, while a juvenile, to be a 1670
delinquent child, and the record of the prisoner's conduct while 1671
imprisoned. The parole board shall consider any recommendation 1672
regarding post-release control sanctions for the prisoner made by 1673
the office of victims' services. After considering those 1674

materials, the board shall determine, for a prisoner described in 1675
division (B) of this section, division (B)(2)(b) of section 1676
5120.031, or division (B)(1) of section 5120.032 of the Revised 1677
Code, which post-release control sanction or combination of 1678
post-release control sanctions is reasonable under the 1679
circumstances or, for a prisoner described in division (C) of this 1680
section, whether a post-release control sanction is necessary and, 1681
if so, which post-release control sanction or combination of 1682
post-release control sanctions is reasonable under the 1683
circumstances. In the case of a prisoner convicted of a felony of 1684
the fourth or fifth degree other than a felony sex offense, the 1685
board shall presume that monitored time is the appropriate 1686
post-release control sanction unless the board determines that a 1687
more restrictive sanction is warranted. A post-release control 1688
sanction imposed under this division takes effect upon the 1689
prisoner's release from imprisonment. 1690

Regardless of whether the prisoner was sentenced to the 1691
prison term prior to, on, or after the effective date of this 1692
amendment, prior to the release of a prisoner for whom it will 1693
impose one or more post-release control sanctions under this 1694
division, the parole board shall notify the prisoner that, if the 1695
prisoner violates any sanction so imposed or any condition of 1696
post-release control described in division (B) of section 2967.131 1697
of the Revised Code that is imposed on the prisoner, the parole 1698
board may impose a prison term of up to one-half of the stated 1699
prison term originally imposed upon the prisoner. 1700

(2) At any time after a prisoner is released from 1701
imprisonment and during the period of post-release control 1702
applicable to the releasee, the adult parole authority may review 1703
the releasee's behavior under the post-release control sanctions 1704
imposed upon the releasee under this section. The authority may 1705
determine, based upon the review and in accordance with the 1706

standards established under division (E) of this section, that a
more restrictive or a less restrictive sanction is appropriate and
may impose a different sanction. Unless the period of post-release
control was imposed for an offense described in division (B)(1) of
this section, the authority also may recommend that the parole
board reduce the duration of the period of post-release control
imposed by the court. If the authority recommends that the board
reduce the duration of control for an offense described in
division (B)(2), (B)(3), or (C) of this section, the board shall
review the releasee's behavior and may reduce the duration of the
period of control imposed by the court. In no case shall the board
reduce the duration of the period of control imposed by the court
for an offense described in division (B)(1) of this section, and
in no case shall the board permit the releasee to leave the state
without permission of the court or the releasee's parole or
probation officer.

(E) The department of rehabilitation and correction, in
accordance with Chapter 119. of the Revised Code, shall adopt
rules that do all of the following:

(1) Establish standards for the imposition by the parole
board of post-release control sanctions under this section that
are consistent with the overriding purposes and sentencing
principles set forth in section 2929.11 of the Revised Code and
that are appropriate to the needs of releasees;

(2) Establish standards by which the parole board can
determine which prisoners described in division (C) of this
section should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in
reducing the duration of the period of post-release control
imposed by the court when authorized under division (D) of this
section, in imposing a more restrictive post-release control

sanction than monitored time upon a prisoner convicted of a felony 1738
of the fourth or fifth degree other than a felony sex offense, or 1739
in imposing a less restrictive control sanction upon a releasee 1740
based on the releasee's activities including, but not limited to, 1741
remaining free from criminal activity and from the abuse of 1742
alcohol or other drugs, successfully participating in approved 1743
rehabilitation programs, maintaining employment, and paying 1744
restitution to the victim or meeting the terms of other financial 1745
sanctions; 1746

(4) Establish standards to be used by the adult parole 1747
authority in modifying a releasee's post-release control sanctions 1748
pursuant to division (D)(2) of this section; 1749

(5) Establish standards to be used by the adult parole 1750
authority or parole board in imposing further sanctions under 1751
division (F) of this section on releasees who violate post-release 1752
control sanctions, including standards that do the following: 1753

(a) Classify violations according to the degree of 1754
seriousness; 1755

(b) Define the circumstances under which formal action by the 1756
parole board is warranted; 1757

(c) Govern the use of evidence at violation hearings; 1758

(d) Ensure procedural due process to an alleged violator; 1759

(e) Prescribe nonresidential community control sanctions for 1760
most misdemeanor and technical violations; 1761

(f) Provide procedures for the return of a releasee to 1762
imprisonment for violations of post-release control. 1763

(F)(1) ~~If a post release control sanction is imposed~~ Whenever 1764
the parole board imposes one or more post-release control 1765
sanctions upon an offender under this section, the offender upon 1766
release from imprisonment shall be under the general jurisdiction 1767

of the adult parole authority and generally shall be supervised by 1768
the field services section through its staff of parole and field 1769
officers as described in section 5149.04 of the Revised Code, as 1770
if the offender had been placed on parole. If the offender upon 1771
release from imprisonment violates the post-release control 1772
sanction or any conditions described in division (A) of section 1773
2967.131 of the Revised Code that are imposed on the offender, the 1774
public or private person or entity that operates or administers 1775
the sanction or the program or activity that comprises the 1776
sanction shall report the violation directly to the adult parole 1777
authority or to the officer of the authority who supervises the 1778
offender. The authority's officers may treat the offender as if 1779
the offender were on parole and in violation of the parole, and 1780
otherwise shall comply with this section. 1781

(2) If the adult parole authority determines that a releasee 1782
has violated a post-release control sanction or any conditions 1783
described in division (A) of section 2967.131 of the Revised Code 1784
imposed upon the releasee and that a more restrictive sanction is 1785
appropriate, the authority may impose a more restrictive sanction 1786
upon the releasee, in accordance with the standards established 1787
under division (E) of this section, or may report the violation to 1788
the parole board for a hearing pursuant to division (F)(3) of this 1789
section. The authority may not, pursuant to this division, 1790
increase the duration of the releasee's post-release control or 1791
impose as a post-release control sanction a residential sanction 1792
that includes a prison term, but the authority may impose on the 1793
releasee any other residential sanction, nonresidential sanction, 1794
or financial sanction that the sentencing court was authorized to 1795
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1796
Revised Code. 1797

(3) The parole board may hold a hearing on any alleged 1798
violation by a releasee of a post-release control sanction or any 1799

conditions described in division (A) of section 2967.131 of the
Revised Code that are imposed upon the releasee. If after the
hearing the board finds that the releasee violated the sanction or
condition, the board may increase the duration of the releasee's
post-release control up to the maximum duration authorized by
division (B) or (C) of this section or impose a more restrictive
post-release control sanction. When appropriate, the board may
impose as a post-release control sanction a residential sanction
that includes a prison term. The board shall consider a prison
term as a post-release control sanction imposed for a violation of
post-release control when the violation involves a deadly weapon
or dangerous ordnance, physical harm or attempted serious physical
harm to a person, or sexual misconduct, or when the releasee
committed repeated violations of post-release control sanctions.
The period of a prison term that is imposed as a post-release
control sanction under this division shall not exceed nine months,
and the maximum cumulative prison term for all violations under
this division shall not exceed one-half of the stated prison term
originally imposed upon the offender as part of this sentence. The
period of a prison term that is imposed as a post-release control
sanction under this division shall not count as, or be credited
toward, the remaining period of post-release control.

If an offender is imprisoned for a felony committed while
under post-release control supervision and is again released on
post-release control for a period of time determined by division
(F)(4)(d) of this section, the maximum cumulative prison term for
all violations under this division shall not exceed one-half of
the total stated prison terms of the earlier felony, reduced by
any prison term administratively imposed by the parole board, plus
one-half of the total stated prison term of the new felony.

(4) Any period of post-release control shall commence upon an
offender's actual release from prison. If an offender is serving

an indefinite prison term or a life sentence in addition to a 1832
stated prison term, the offender shall serve the period of 1833
post-release control in the following manner: 1834

(a) If a period of post-release control is imposed upon the 1835
offender and if the offender also is subject to a period of parole 1836
under a life sentence or an indefinite sentence, and if the period 1837
of post-release control ends prior to the period of parole, the 1838
offender shall be supervised on parole. The offender shall receive 1839
credit for post-release control supervision during the period of 1840
parole. The offender is not eligible for final release under 1841
section 2967.16 of the Revised Code until the post-release control 1842
period otherwise would have ended. 1843

(b) If a period of post-release control is imposed upon the 1844
offender and if the offender also is subject to a period of parole 1845
under an indefinite sentence, and if the period of parole ends 1846
prior to the period of post-release control, the offender shall be 1847
supervised on post-release control. The requirements of parole 1848
supervision shall be satisfied during the post-release control 1849
period. 1850

(c) If an offender is subject to more than one period of 1851
post-release control, the period of post-release control for all 1852
of the sentences shall be the period of post-release control that 1853
expires last, as determined by the parole board. Periods of 1854
post-release control shall be served concurrently and shall not be 1855
imposed consecutively to each other. 1856

(d) The period of post-release control for a releasee who 1857
commits a felony while under post-release control for an earlier 1858
felony shall be the longer of the period of post-release control 1859
specified for the new felony under division (B) or (C) of this 1860
section or the time remaining under the period of post-release 1861
control imposed for the earlier felony as determined by the parole 1862

board.

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Sec. 4510.07. (A) The court imposing a sentence upon an offender for any violation of a municipal ordinance that is substantially equivalent to a violation of section 2903.06 or 2907.24 of the Revised Code or for any violation of a municipal OVI ordinance also shall impose a 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 ~~(B)~~(A) of section 4510.02 of the Revised Code that is equivalent in length to the suspension required for a violation of section 2903.06 or 2907.24 or division (A) or (B) of section 4511.19 of the Revised Code under similar circumstances.

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(B)(1) As used in division (B)(2) of this section, "equivalent state OVI offender" means a person who is convicted of or pleads guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances similar to the circumstances of the offender who is convicted of or pleads guilty to a violation of a municipal OVI ordinance and to whom division (B)(2) of this section is being applied.

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(2) If an offender is convicted of or pleads guilty to a violation of a municipal OVI ordinance that is substantially equivalent to division (A) of section 4511.19 of the Revised Code and the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege was suspended under division (B) or (C) of section 4511.191 of the Revised Code as a result of the same incident or the same set of facts and circumstances that resulted in the conviction or guilty plea, when the court suspends the offender's license, permit, or privilege pursuant to division (A) of this section for the violation of the municipal OVI ordinance,

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the period of suspension the court imposes upon the offender shall 1894
not be less than the greater of either the minimum suspension 1895
period specified in division (A)(2), (3), (4), or (5) of section 1896
4510.02 of the Revised Code for an equivalent state OVI offender 1897
or the period of time remaining in the suspension imposed upon the 1898
offender under division (B) or (C) of section 4511.191 of the 1899
Revised Code on the date the court imposes sentence upon the 1900
offender. The period of suspension the court imposes upon the 1901
offender shall not exceed the maximum period specified in division 1902
(A)(2), (3), (4), or (5) of section 4510.02 of the Revised Code, 1903
as applicable. 1904

Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 1905
apply to a judge or mayor regarding the suspension of, or the 1906
grant of limited driving privileges during a suspension of, an 1907
offender's driver's or commercial driver's license or permit or 1908
nonresident operating privilege imposed under division (G) or (H) 1909
of section 4511.19 of the Revised Code, under division (B) or (C) 1910
of section 4511.191 of the Revised Code, or under section 4510.07 1911
of the Revised Code for a conviction of a violation of a municipal 1912
OVI ordinance. 1913

(2) No judge or mayor shall suspend the following portions of 1914
the suspension of an offender's driver's or commercial driver's 1915
license or permit or nonresident operating privilege imposed under 1916
division (G) or (H) of section 4511.19 of the Revised Code or 1917
under section 4510.07 of the Revised Code for a conviction of a 1918
violation of a municipal OVI ordinance, provided that division 1919
(A)(2) of this section does not limit a court or mayor in 1920
crediting any period of suspension imposed pursuant to division 1921
(B) or (C) of section 4511.191 of the Revised Code against any 1922
time of judicial suspension imposed pursuant to section 4511.19 or 1923
4510.07 of the Revised Code, as described in divisions (B)(2) and 1924

(C)(2) of section 4511.191 of the Revised Code:	1925
(a) The first six months of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;	1926 1927 1928 1929
(b) The first year of a suspension imposed under division (G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;	1930 1931 1932 1933
(c) The first three years of a suspension imposed under division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;	1934 1935 1936 1937
(d) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code.	1938 1939 1940 1941
(3) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a municipal OVI conviction if the offender, within the preceding six <u>twenty</u> years, has been convicted of or pleaded guilty to three <u>four</u> or more violations of one or more of the Revised Code sections, municipal ordinances, statutes of the United States or another state, or municipal ordinances of a municipal corporation of another state that are identified in divisions <u>division</u> (G)(2)(b) to (h) of section 2919.22 of the Revised Code.	1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954
Additionally, no judge or mayor shall grant limited driving	1955

privileges to ~~an offender~~ a person whose driver's or commercial 1956
driver's license or permit or nonresident operating privilege has 1957
been suspended under division (B) of section 4511.191 of the 1958
Revised Code if the ~~offender~~ person, within ~~the preceding six~~ 1959
twenty years of the date on which the person refused the request 1960
to consent to the chemical test that resulted in the suspension, 1961
~~has had~~ refused three four or more previous requests to consent to 1962
a chemical test of the person's whole blood, blood serum or 1963
plasma, breath, or urine to determine its alcohol content, had 1964
been convicted of or pleaded guilty to four or more violations of 1965
division (A) or (B) of section 4511.19 of the Revised Code or 1966
other equivalent offenses, or had refused a number of previous 1967
requests to consent to a chemical test and also had been convicted 1968
of or pleaded guilty to a number of violations of division (A) or 1969
(B) of section 4511.19 of the Revised Code or of other equivalent 1970
offenses, each of which violations or offenses arose from an 1971
incident other than an incident that led to any of the refusals, 1972
that in combination consist of a total of four or more such 1973
refusals, convictions, and guilty pleas. 1974

(4) No judge or mayor shall grant limited driving privileges 1975
for employment as a driver of commercial motor vehicles to an 1976
offender whose driver's or commercial driver's license or permit 1977
or nonresident operating privilege has been suspended under 1978
division (G) or (H) of section 4511.19 of the Revised Code, under 1979
division (B) or (C) of section 4511.191 of the Revised Code, or 1980
under section 4510.07 of the Revised Code for a municipal OVI 1981
conviction if the offender is disqualified from operating a 1982
commercial motor vehicle, or whose license or permit has been 1983
suspended, under section 3123.58 or 4506.16 of the Revised Code. 1984

(5) No judge or mayor shall grant limited driving privileges 1985
to an offender whose driver's or commercial driver's license or 1986
permit or nonresident operating privilege has been suspended under 1987

division (G) or (H) of section 4511.19 of the Revised Code, under 1988
division (C) of section 4511.191 of the Revised Code, or under 1989
section 4510.07 of the Revised Code for a conviction of a 1990
violation of a municipal OVI ordinance during any of the following 1991
periods of time: 1992

(a) The first fifteen days of a suspension imposed under 1993
division (G)(1)(a) of section 4511.19 of the Revised Code or a 1994
comparable length suspension imposed under section 4510.07 of the 1995
Revised Code, or of a suspension imposed under division (C)(1)(a) 1996
of section 4511.191 of the Revised Code. On or after the sixteenth 1997
day of the suspension, the court may grant limited driving 1998
privileges, but the court may require that the offender shall not 1999
exercise the privileges unless the vehicles the offender operates 2000
are equipped with immobilizing or disabling devices that monitor 2001
the offender's alcohol consumption or any other type of 2002
immobilizing or disabling devices, except as provided in division 2003
(C) of section 4510.43 of the Revised Code. 2004

(b) The first thirty days of a suspension imposed under 2005
division (G)(1)(b) of section 4511.19 of the Revised Code or a 2006
comparable length suspension imposed under section 4510.07 of the 2007
Revised Code, or of a suspension imposed under division (C)(1)(b) 2008
of section 4511.191 of the Revised Code. On or after the 2009
thirty-first day of suspension, the court may grant limited 2010
driving privileges, but the court may require that the offender 2011
shall not exercise the privileges unless the vehicles the offender 2012
operates are equipped with immobilizing or disabling devices that 2013
monitor the offender's alcohol consumption or any other type of 2014
immobilizing or disabling devices, except as provided in division 2015
(C) of section 4510.43 of the Revised Code. 2016

(c) The first sixty days of a suspension imposed under 2017
division (H) of section 4511.19 of the Revised Code or a 2018
comparable length suspension imposed under section 4510.07 of the 2019

Revised Code. 2020

(d) The first one hundred eighty days of a suspension imposed 2021
under division (G)(1)(c) of section 4511.19 of the Revised Code or 2022
a comparable length suspension imposed under section 4510.07 of 2023
the Revised Code, or of a suspension imposed under division 2024
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 2025
grant limited driving privileges on or after the one hundred 2026
eighty-first day of the suspension only if the judge, at the time 2027
of granting the privileges, also issues an order prohibiting the 2028
offender, while exercising the privileges during the period 2029
commencing with the one hundred eighty-first day of suspension and 2030
ending with the first year of suspension, from operating any motor 2031
vehicle unless it is equipped with an immobilizing or disabling 2032
device that monitors the offender's alcohol consumption. After the 2033
first year of the suspension, the court may authorize the offender 2034
to continue exercising the privileges in vehicles that are not 2035
equipped with immobilizing or disabling devices that monitor the 2036
offender's alcohol consumption, except as provided in division (C) 2037
of section 4510.43 of the Revised Code. If the offender does not 2038
petition for limited driving privileges until after the first year 2039
of suspension, the judge may grant limited driving privileges 2040
without requiring the use of an immobilizing or disabling device 2041
that monitors the offender's alcohol consumption. 2042

(e) The Subject to division (A)(3) of this section, the first 2043
three years of a suspension imposed under division (G)(1)(d) or 2044
(e) of section 4511.19 of the Revised Code or a comparable length 2045
suspension imposed under section 4510.07 of the Revised Code, or 2046
of a suspension imposed under division (C)(1)(d) of section 2047
4511.191 of the Revised Code. The Subject to division (A)(3) of 2048
this section, the judge may grant limited driving privileges after 2049
the first three years of suspension only if the judge, at the time 2050
of granting the privileges, also issues an order prohibiting the 2051

offender from operating any motor vehicle, for the period of 2052
suspension following the first three years of suspension, unless 2053
the motor vehicle is equipped with an immobilizing or disabling 2054
device that monitors the offender's alcohol consumption, except as 2055
provided in division (C) of section 4510.43 of the Revised Code. 2056

(6) No judge or mayor shall grant limited driving privileges 2057
to an offender whose driver's or commercial driver's license or 2058
permit or nonresident operating privilege has been suspended under 2059
division (B) of section 4511.191 of the Revised Code during any of 2060
the following periods of time: 2061

(a) The first ~~thirty~~ sixty days of suspension imposed under 2062
division (B)(1)(a) of section 4511.191 of the Revised Code; 2063

(b) The first ~~ninety~~ one hundred eighty days of suspension 2064
imposed under division (B)(1)(b) of section 4511.191 of the 2065
Revised Code; 2066

(c) The first year of suspension imposed under division 2067
(B)(1)(c) of section 4511.191 of the Revised Code; 2068

(d) ~~The~~ Subject to division (A)(3) of this section, the first 2069
three years of suspension imposed under division (B)(1)(d) of 2070
section 4511.191 of the Revised Code. 2071

(7) In any case in which a judge or mayor grants limited 2072
driving privileges to an offender whose driver's or commercial 2073
driver's license or permit or nonresident operating privilege has 2074
been suspended under division (G)(1)(b), (c), (d), or (e) of 2075
section 4511.19 of the Revised Code, under division (G)(1)(a) of 2076
section 4511.19 of the Revised Code for a violation of division 2077
(A)(1)(f), (g), (h), or (i) of that section, or under section 2078
4510.07 of the Revised Code for a municipal OVI conviction for 2079
which sentence would have been imposed under division 2080
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 2081
the Revised Code had the offender been charged with and convicted 2082

of a violation of section 4511.19 of the Revised Code instead of a 2083
violation of the municipal OVI ordinance, the judge or mayor shall 2084
impose as a condition of the privileges that the offender must 2085
display on the vehicle that is driven subject to the privileges 2086
restricted license plates that are issued under section 4503.231 2087
of the Revised Code, except as provided in division (B) of that 2088
section. 2089

(B) Any person whose driver's or commercial driver's license 2090
or permit or nonresident operating privilege has been suspended 2091
pursuant to section 4511.19 or 4511.191 of the Revised Code or 2092
under section 4510.07 of the Revised Code for a violation of a 2093
municipal OVI ordinance may file a petition for limited driving 2094
privileges during the suspension. The person shall file the 2095
petition in the court that has jurisdiction over the place of 2096
arrest. Subject to division (A) of this section, the court may 2097
grant the person limited driving privileges during the period 2098
during which the suspension otherwise would be imposed. However, 2099
the court shall not grant the privileges for employment as a 2100
driver of a commercial motor vehicle to any person who is 2101
disqualified from operating a commercial motor vehicle under 2102
section 4506.16 of the Revised Code or during any of the periods 2103
prescribed by division (A) of this section. 2104

(C)(1) After a driver's or commercial driver's license or 2105
permit or nonresident operating privilege has been suspended 2106
pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4511.19, 2107
4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any 2108
provision of Chapter 2925. of the Revised Code, or section 4510.07 2109
of the Revised Code for a violation of a municipal OVI ordinance, 2110
the judge of the court or mayor of the mayor's court that 2111
suspended the license, permit, or privilege shall cause the 2112
offender to deliver to the court the license or permit. The judge, 2113
mayor, or clerk of the court or mayor's court shall forward to the 2114

registrar the license or permit together with notice of the action 2115
of the court. 2116

(2) A suspension of a commercial driver's license under any 2117
section or chapter identified in division (C)(1) of this section 2118
shall be concurrent with any period of suspension or 2119
disqualification under section 3123.58 or 4506.16 of the Revised 2120
Code. No person who is disqualified for life from holding a 2121
commercial driver's license under section 4506.16 of the Revised 2122
Code shall be issued a driver's license under this chapter during 2123
the period for which the commercial driver's license was suspended 2124
under this section, and no person whose commercial driver's 2125
license is suspended under any section or chapter identified in 2126
division (C)(1) of this section shall be issued a driver's license 2127
under Chapter 4507. of the Revised Code during the period of the 2128
suspension. 2129

(3) No judge or mayor shall suspend any class one suspension, 2130
or any portion of any class one suspension, required by section 2131
2903.04 or 2903.06 of the Revised Code. No judge or mayor shall 2132
suspend the first thirty days of any class two, class three, class 2133
four, class five, or class six suspension imposed under section 2134
2903.06 or 2903.08 of the Revised Code. 2135

(D) The judge of the court or mayor of the mayor's court 2136
shall credit any time during which an offender was subject to an 2137
administrative suspension of the offender's driver's or commercial 2138
driver's license or permit or nonresident operating privilege 2139
imposed pursuant to section 4511.191 or 4511.192 of the Revised 2140
Code or a suspension imposed by a judge, referee, or mayor 2141
pursuant to division (B)(1) or (2) of section 4511.196 of the 2142
Revised Code against the time to be served under a related 2143
suspension imposed pursuant to any section or chapter identified 2144
in division (C)(1) of this ~~chapter~~ section. 2145

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

(F)(1) If a court issues an immobilizing or disabling device order under section 4510.43 of the Revised Code, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with an immobilizing or disabling device, except as provided in division (C) of that section. The court shall provide the offender with a copy of an immobilizing or disabling device order issued under section 4510.43 of the Revised Code, and the offender shall use the copy of the order in lieu of an Ohio driver's or commercial driver's license or permit until the registrar or a deputy registrar issues the offender a restricted license.

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

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

Sec. 4510.14. (A) No person whose driver's or commercial 2178
driver's license or permit or nonresident operating privilege has 2179
been suspended under section 4511.19, 4511.191, or 4511.196 of the 2180
Revised Code or under section 4510.07 of the Revised Code for a 2181
conviction of a violation of a municipal OVI ordinance shall 2182
operate any motor vehicle upon the public roads or highways within 2183
this state during the period of the suspension. 2184

(B) Whoever violates this section is guilty of driving under 2185
OVI suspension. The court shall sentence the offender under 2186
Chapter 2929. of the Revised Code, subject to the differences 2187
authorized or required by this section. 2188

(1) Except as otherwise provided in division (B)(2) or (3) of 2189
this section, driving under OVI suspension is a misdemeanor of the 2190
first degree. The court shall sentence the offender to all of the 2191
following: 2192

(a) A mandatory jail term of three consecutive days. The 2193
three-day term shall be imposed, unless, subject to division (C) 2194
of this section, the court instead imposes a sentence of not less 2195
than thirty consecutive days of house arrest with electronic 2196
monitoring. A period of house arrest with electronic monitoring 2197
imposed under this division shall not exceed six months. If the 2198
court imposes a mandatory three-day jail term under this division, 2199
the court may impose a jail term in addition to that term, 2200
provided that in no case shall the cumulative jail term imposed 2201
for the offense exceed six months. 2202

(b) A fine of not less than two hundred fifty and not more 2203
than one thousand dollars; 2204

(c) A license suspension under division (E) of this section; 2205

(d) If the vehicle the offender was operating at the time of 2206
the offense is registered in the offender's name, immobilization 2207

for thirty days of the offender's vehicle and impoundment for 2208
thirty days of the identification license plates of that vehicle. 2209
The order for immobilization and impoundment shall be issued and 2210
enforced in accordance with section 4503.233 of the Revised Code. 2211

(2) If, within ~~six~~ twenty years of the offense, the offender 2212
previously has been convicted of or pleaded guilty to one 2213
violation of this section or one equivalent offense, driving under 2214
OVI suspension is a misdemeanor of the first degree. The court 2215
shall sentence the offender to all of the following: 2216

(a) A mandatory jail term of ten consecutive days. 2217
Notwithstanding the jail terms provided in sections 2929.21 to 2218
2929.28 of the Revised Code, the court may sentence the offender 2219
to a longer jail term of not more than one year. The ten-day 2220
mandatory jail term shall be imposed unless, subject to division 2221
(C) of this section, the court instead imposes a sentence of not 2222
less than ninety consecutive days of house arrest with electronic 2223
monitoring. The period of house arrest with electronic monitoring 2224
shall not exceed one year. 2225

(b) Notwithstanding the fines provided for in Chapter 2929. 2226
of the Revised Code, a fine of not less than five hundred and not 2227
more than two thousand five hundred dollars; 2228

(c) A license suspension under division (E) of this section; 2229

(d) If the vehicle the offender was operating at the time of 2230
the offense is registered in the offender's name, immobilization 2231
of the offender's vehicle for sixty days and the impoundment for 2232
sixty days of the identification license plates of that vehicle. 2233
The order for immobilization and impoundment shall be issued and 2234
enforced in accordance with section 4503.233 of the Revised Code. 2235

(3) If, within ~~six~~ twenty years of the offense, the offender 2236
previously has been convicted of or pleaded guilty to two or more 2237
violations of this section or two or more equivalent offenses, 2238

driving under OVI suspension is a misdemeanor. The court shall 2239
sentence the offender to all of the following: 2240

(a) A mandatory jail term of thirty consecutive days. 2241
Notwithstanding the jail terms provided in sections 2929.21 to 2242
2929.28 of the Revised Code, the court may sentence the offender 2243
to a longer jail term of not more than one year. The court shall 2244
not sentence the offender to a term of house arrest with 2245
electronic monitoring in lieu of the mandatory portion of the jail 2246
term. 2247

(b) Notwithstanding the fines set forth in Chapter 2929. of 2248
the Revised Code, a fine of not less than five hundred and not 2249
more than two thousand five hundred dollars; 2250

(c) A license suspension under division (E) of this section; 2251

(d) If the vehicle the offender was operating at the time of 2252
the offense is registered in the offender's name, criminal 2253
forfeiture to the state of the offender's vehicle. The order of 2254
criminal forfeiture shall be issued and enforced in accordance 2255
with section 4503.234 of the Revised Code. If title to a motor 2256
vehicle that is subject to an order for criminal forfeiture under 2257
this division is assigned or transferred and division (B)(2) or 2258
(3) of section 4503.234 of the Revised Code applies, the court may 2259
fine the offender the value of the vehicle as determined by 2260
publications of the national auto dealer's association. The 2261
proceeds from any fine so imposed shall be distributed in 2262
accordance with division (C)(2) of section 4503.234 of the Revised 2263
Code. 2264

(C) No court shall impose an alternative sentence of house 2265
arrest with electronic monitoring under division (B)(1) or (2) of 2266
this section unless, within sixty days of the date of sentencing, 2267
the court issues a written finding on the record that, due to the 2268
unavailability of space at the jail where the offender is required 2269

to serve the jail term imposed, the offender will not be able to 2270
begin serving that term within the sixty-day period following the 2271
date of sentencing. 2272

An offender sentenced under this section to a period of house 2273
arrest with electronic monitoring shall be permitted work release 2274
during that period. 2275

(D) Fifty per cent of any fine imposed by a court under 2276
division (B)(1), (2), or (3) of this section shall be deposited 2277
into the county indigent drivers alcohol treatment fund or 2278
municipal indigent drivers alcohol treatment fund under the 2279
control of that court, as created by the county or municipal 2280
corporation pursuant to division (H) of section 4511.191 of the 2281
Revised Code. 2282

(E) In addition to or independent of all other penalties 2283
provided by law or ordinance, the trial judge of any court of 2284
record or the mayor of a mayor's court shall impose on an offender 2285
who is convicted of or pleads guilty to a violation of this 2286
section a class seven suspension of the offender's driver's or 2287
commercial driver's license or permit or nonresident operating 2288
privilege from the range specified in division (A)(7) of section 2289
4510.02 of the Revised Code. 2290

When permitted as specified in section 4510.021 of the 2291
Revised Code, if the court grants limited driving privileges 2292
during a suspension imposed under this section, the privileges 2293
shall be granted on the additional condition that the offender 2294
must display restricted license plates, issued under section 2295
4503.231 of the Revised Code, on the vehicle driven subject to the 2296
privileges, except as provided in division (B) of that section. 2297

A suspension of a commercial driver's license under this 2298
section shall be concurrent with any period of suspension or 2299
disqualification under section 3123.58 or 4506.16 of the Revised 2300

Code. No person who is disqualified for life from holding a 2301
commercial driver's license under section 4506.16 of the Revised 2302
Code shall be issued a driver's license under Chapter 4507. of the 2303
Revised Code during the period for which the commercial driver's 2304
license was suspended under this section, and no person whose 2305
commercial driver's license is suspended under this section shall 2306
be issued a driver's license under Chapter 4507. of the Revised 2307
Code during the period of the suspension. 2308

(F) As used in this section: 2309

(1) "Electronic monitoring" has the same meaning as in 2310
section 2929.01 of the Revised Code. 2311

(2) "Equivalent offense" means any of the following: 2312

(a) A violation of a municipal ordinance, law of another 2313
state, or law of the United States that is substantially 2314
equivalent to division (A) of this section; 2315

(b) A violation of a former law of this state that was 2316
substantially equivalent to division (A) of this section. 2317

(3) "Jail" has the same meaning as in section 2929.01 of the 2318
Revised Code. 2319

(4) "Mandatory jail term" means the mandatory term in jail of 2320
three, ten, or thirty consecutive days that must be imposed under 2321
division (B)(1), (2), or (3) of this section upon an offender 2322
convicted of a violation of division (A) of this section and in 2323
relation to which all of the following apply: 2324

(a) Except as specifically authorized under this section, the 2325
term must be served in a jail. 2326

(b) Except as specifically authorized under this section, the 2327
term cannot be suspended, reduced, or otherwise modified pursuant 2328
to any provision of the Revised Code. 2329

Sec. 4510.17. (A) The registrar of motor vehicles shall 2330
impose a class D suspension of the person's driver's license, 2331
commercial driver's license, temporary instruction permit, 2332
probationary license, or nonresident operating privilege for the 2333
period of time specified in division (B)(4) of section 4510.02 of 2334
the Revised Code on any person who is a resident of this state and 2335
is convicted of or pleads guilty to a violation of a statute of 2336
any other state or any federal statute that is substantially 2337
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2338
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2339
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 2340
receipt of a report from a court, court clerk, or other official 2341
of any other state or from any federal authority that a resident 2342
of this state was convicted of or pleaded guilty to an offense 2343
described in this division, the registrar shall send a notice by 2344
regular first class mail to the person, at the person's last known 2345
address as shown in the records of the bureau of motor vehicles, 2346
informing the person of the suspension, that the suspension will 2347
take effect twenty-one days from the date of the notice, and that, 2348
if the person wishes to appeal the suspension or denial, the 2349
person must file a notice of appeal within twenty-one days of the 2350
date of the notice requesting a hearing on the matter. If the 2351
person requests a hearing, the registrar shall hold the hearing 2352
not more than forty days after receipt by the registrar of the 2353
notice of appeal. The filing of a notice of appeal does not stay 2354
the operation of the suspension that must be imposed pursuant to 2355
this division. The scope of the hearing shall be limited to 2356
whether the person actually was convicted of or pleaded guilty to 2357
the offense for which the suspension is to be imposed. 2358

The suspension the registrar is required to impose under this 2359
division shall end either on the last day of the class D 2360
suspension period or of the suspension of the person's nonresident 2361

operating privilege imposed by the state or federal court, 2362
whichever is earlier. 2363

The registrar shall subscribe to or otherwise participate in 2364
any information system or register, or enter into reciprocal and 2365
mutual agreements with other states and federal authorities, in 2366
order to facilitate the exchange of information with other states 2367
and the United States government regarding persons who plead 2368
guilty to or are convicted of offenses described in this division 2369
and therefore are subject to the suspension or denial described in 2370
this division. 2371

(B) The registrar shall impose a class D suspension of the 2372
person's driver's license, commercial driver's license, temporary 2373
instruction permit, probationary license, or nonresident operating 2374
privilege for the period of time specified in division (B)(4) of 2375
section 4510.02 of the Revised Code on any person who is a 2376
resident of this state and is convicted of or pleads guilty to a 2377
violation of a statute of any other state or a municipal ordinance 2378
of a municipal corporation located in any other state that is 2379
substantially similar to section 4511.19 of the Revised Code. Upon 2380
receipt of a report from another state made pursuant to section 2381
4510.61 of the Revised Code indicating that a resident of this 2382
state was convicted of or pleaded guilty to an offense described 2383
in this division, the registrar shall send a notice by regular 2384
first class mail to the person, at the person's last known address 2385
as shown in the records of the bureau of motor vehicles, informing 2386
the person of the suspension, that the suspension or denial will 2387
take effect twenty-one days from the date of the notice, and that, 2388
if the person wishes to appeal the suspension, the person must 2389
file a notice of appeal within twenty-one days of the date of the 2390
notice requesting a hearing on the matter. If the person requests 2391
a hearing, the registrar shall hold the hearing not more than 2392
forty days after receipt by the registrar of the notice of appeal. 2393

The filing of a notice of appeal does not stay the operation of
the suspension that must be imposed pursuant to this division. The
scope of the hearing shall be limited to whether the person
actually was convicted of or pleaded guilty to the offense for
which the suspension is to be imposed.

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

(C) The registrar shall impose a class D suspension of the
child's driver's license, commercial driver's license, temporary
instruction permit, or nonresident operating privilege for the
period of time specified in division (B)(4) of section 4510.02 of
the Revised Code on any child who is a resident of this state and
is convicted of or pleads guilty to a violation of a statute of
any other state or any federal statute that is substantially
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23,
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon
receipt of a report from a court, court clerk, or other official
of any other state or from any federal authority that a child who
is a resident of this state was convicted of or pleaded guilty to
an offense described in this division, the registrar shall send a
notice by regular first class mail to the child, at the child's
last known address as shown in the records of the bureau of motor
vehicles, informing the child of the suspension, that the
suspension or denial will take effect twenty-one days from the
date of the notice, and that, if the child wishes to appeal the
suspension, the child must file a notice of appeal within
twenty-one days of the date of the notice requesting a hearing on
the matter. If the child requests a hearing, the registrar shall

hold the hearing not more than forty days after receipt by the 2426
registrar of the notice of appeal. The filing of a notice of 2427
appeal does not stay the operation of the suspension that must be 2428
imposed pursuant to this division. The scope of the hearing shall 2429
be limited to whether the child actually was convicted of or 2430
pleaded guilty to the offense for which the suspension is to be 2431
imposed. 2432

The suspension the registrar is required to impose under this 2433
division shall end either on the last day of the class D 2434
suspension period or of the suspension of the child's nonresident 2435
operating privilege imposed by the state or federal court, 2436
whichever is earlier. If the child is a resident of this state who 2437
is sixteen years of age or older and does not have a current, 2438
valid Ohio driver's or commercial driver's license or permit, the 2439
notice shall inform the child that the child will be denied 2440
issuance of a driver's or commercial driver's license or permit 2441
for six months beginning on the date of the notice. If the child 2442
has not attained the age of sixteen years on the date of the 2443
notice, the notice shall inform the child that the period of 2444
denial of six months shall commence on the date the child attains 2445
the age of sixteen years. 2446

The registrar shall subscribe to or otherwise participate in 2447
any information system or register, or enter into reciprocal and 2448
mutual agreements with other states and federal authorities, in 2449
order to facilitate the exchange of information with other states 2450
and the United States government regarding children who are 2451
residents of this state and plead guilty to or are convicted of 2452
offenses described in this division and therefore are subject to 2453
the suspension or denial described in this division. 2454

(D) The registrar shall impose a class D suspension of the 2455
child's driver's license, commercial driver's license, temporary 2456
instruction permit, probationary license, or nonresident operating 2457

privilege for the period of time specified in division (B)(4) of 2458
section 4510.02 of the Revised Code on any child who is a resident 2459
of this state and is convicted of or pleads guilty to a violation 2460
of a statute of any other state or a municipal ordinance of a 2461
municipal corporation located in any other state that is 2462
substantially similar to section 4511.19 of the Revised Code. Upon 2463
receipt of a report from another state made pursuant to section 2464
4510.61 of the Revised Code indicating that a child who is a 2465
resident of this state was convicted of or pleaded guilty to an 2466
offense described in this division, the registrar shall send a 2467
notice by regular first class mail to the child, at the child's 2468
last known address as shown in the records of the bureau of motor 2469
vehicles, informing the child of the suspension, that the 2470
suspension will take effect twenty-one days from the date of the 2471
notice, and that, if the child wishes to appeal the suspension, 2472
the child must file a notice of appeal within twenty-one days of 2473
the date of the notice requesting a hearing on the matter. If the 2474
child requests a hearing, the registrar shall hold the hearing not 2475
more than forty days after receipt by the registrar of the notice 2476
of appeal. The filing of a notice of appeal does not stay the 2477
operation of the suspension that must be imposed pursuant to this 2478
division. The scope of the hearing shall be limited to whether the 2479
child actually was convicted of or pleaded guilty to the offense 2480
for which the suspension is to be imposed. 2481

The suspension the registrar is required to impose under this 2482
division shall end either on the last day of the class D 2483
suspension period or of the suspension of the child's nonresident 2484
operating privilege imposed by the state or federal court, 2485
whichever is earlier. If the child is a resident of this state who 2486
is sixteen years of age or older and does not have a current, 2487
valid Ohio driver's or commercial driver's license or permit, the 2488
notice shall inform the child that the child will be denied 2489

issuance of a driver's or commercial driver's license or permit 2490
for six months beginning on the date of the notice. If the child 2491
has not attained the age of sixteen years on the date of the 2492
notice, the notice shall inform the child that the period of 2493
denial of six months shall commence on the date the child attains 2494
the age of sixteen years. 2495

(E) Any person whose license or permit has been suspended 2496
pursuant to this section may file a petition in the municipal or 2497
county court, or in case the person is under eighteen years of 2498
age, the juvenile court, in whose jurisdiction the person resides, 2499
agreeing to pay the cost of the proceedings and alleging that the 2500
suspension would seriously affect the person's ability to continue 2501
the person's employment. Upon satisfactory proof that there is 2502
reasonable cause to believe that the suspension would seriously 2503
affect the person's ability to continue the person's employment, 2504
the judge may grant the person limited driving privileges during 2505
the period during which the suspension otherwise would be imposed, 2506
except that the judge shall not grant limited driving privileges 2507
for employment as a driver of a commercial motor vehicle to any 2508
person who would be disqualified from operating a commercial motor 2509
vehicle under section 4506.16 of the Revised Code if the violation 2510
had occurred in this state, or during any of the following periods 2511
of time: 2512

(1) The first fifteen days of a suspension under division (B) 2513
or (D) of this section, if the person has not been convicted 2514
within ~~six~~ twenty years of the date of the offense giving rise to 2515
the suspension under this section of a violation of any of the 2516
following: 2517

(a) Section 4511.19 of the Revised Code, or a municipal 2518
ordinance relating to operating a vehicle while under the 2519
influence of alcohol, a drug of abuse, or alcohol and a drug of 2520
abuse; 2521

(b) A municipal ordinance relating to operating a motor 2522
vehicle with a prohibited concentration of alcohol in the blood, 2523
breath, or urine; 2524

(c) Section 2903.04 of the Revised Code in a case in which 2525
the person was subject to the sanctions described in division (D) 2526
of that section; 2527

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 2528
section 2903.08 of the Revised Code or a municipal ordinance that 2529
is substantially similar to either of those divisions; 2530

(e) Division (A)(2), (3), or (4) of section 2903.06, division 2531
(A)(2) of section 2903.08, or as it existed prior to March 23, 2532
2000, section 2903.07 of the Revised Code, or a municipal 2533
ordinance that is substantially similar to any of those divisions 2534
or that former section, in a case in which the jury or judge found 2535
that the person was under the influence of alcohol, a drug of 2536
abuse, or alcohol and a drug of abuse. 2537

(2) The first thirty days of a suspension under division (B) 2538
or (D) of this section, if the person has been convicted one time 2539
within ~~six~~ twenty years of the date of the offense giving rise to 2540
the suspension under this section of any violation identified in 2541
division (E)(1) of this section. 2542

(3) The first one hundred eighty days of a suspension under 2543
division (B) or (D) of this section, if the person has been 2544
convicted two times within ~~six~~ twenty years of the date of the 2545
offense giving rise to the suspension under this section of any 2546
violation identified in division (E)(1) of this section. 2547

(4) No limited driving privileges may be granted if the 2548
person has been convicted three or more times within ~~five~~ twenty 2549
years of the date of the offense giving rise to a suspension under 2550
division (B) or (D) of this section of any violation identified in 2551
division (E)(1) of this section. 2552

If a person petitions for limited driving privileges under 2553
division (E) of this section, the registrar shall be represented 2554
by the county prosecutor of the county in which the person resides 2555
if the petition is filed in a juvenile court or county court, 2556
except that if the person resides within a city or village that is 2557
located within the jurisdiction of the county in which the 2558
petition is filed, the city director of law or village solicitor 2559
of that city or village shall represent the registrar. If the 2560
petition is filed in a municipal court, the registrar shall be 2561
represented as provided in section 1901.34 of the Revised Code. 2562

In granting limited driving privileges under division (E) of 2563
this section, the court may impose any condition it considers 2564
reasonable and necessary to limit the use of a vehicle by the 2565
person. The court shall deliver to the person a permit card, in a 2566
form to be prescribed by the court, setting forth the time, place, 2567
and other conditions limiting the person's use of a motor vehicle. 2568
The grant of limited driving privileges shall be conditioned upon 2569
the person's having the permit in the person's possession at all 2570
times during which the person is operating a vehicle. 2571

A person granted limited driving privileges who operates a 2572
vehicle for other than limited purposes, in violation of any 2573
condition imposed by the court or without having the permit in the 2574
person's possession, is guilty of a violation of section 4510.11 2575
of the Revised Code. 2576

(F) As used in divisions (C) and (D) of this section: 2577

(1) "Child" means a person who is under the age of eighteen 2578
years, except that any person who violates a statute or ordinance 2579
described in division (C) or (D) of this section prior to 2580
attaining eighteen years of age shall be deemed a "child" 2581
irrespective of the person's age at the time the complaint or 2582
other equivalent document is filed in the other state or a 2583

hearing, trial, or other proceeding is held in the other state on 2584
the complaint or other equivalent document, and irrespective of 2585
the person's age when the period of license suspension or denial 2586
prescribed in division (C) or (D) of this section is imposed. 2587

(2) "Is convicted of or pleads guilty to" means, as it 2588
relates to a child who is a resident of this state, that in a 2589
proceeding conducted in a state or federal court located in 2590
another state for a violation of a statute or ordinance described 2591
in division (C) or (D) of this section, the result of the 2592
proceeding is any of the following: 2593

(a) Under the laws that govern the proceedings of the court, 2594
the child is adjudicated to be or admits to being a delinquent 2595
child or a juvenile traffic offender for a violation described in 2596
division (C) or (D) of this section that would be a crime if 2597
committed by an adult; 2598

(b) Under the laws that govern the proceedings of the court, 2599
the child is convicted of or pleads guilty to a violation 2600
described in division (C) or (D) of this section; 2601

(c) Under the laws that govern the proceedings of the court, 2602
irrespective of the terminology utilized in those laws, the result 2603
of the court's proceedings is the functional equivalent of 2604
division (F)(2)(a) or (b) of this section. 2605

Sec. 4510.31. (A)(1) Except as provided in division (C) of 2606
this section, the registrar of motor vehicles shall suspend the 2607
probationary driver's license, restricted license, or temporary 2608
instruction permit issued to any person when the person has been 2609
convicted of, pleaded guilty to, or been adjudicated in juvenile 2610
court of having committed, prior to the person's eighteenth 2611
birthday, any of the following: 2612

(a) Three separate violations of section 2903.06, 2903.08, 2613

2921.331, 4511.12, 4511.13, 4511.15, 4511.191, 4511.20, 4511.201, 2614
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 2615
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised 2616
Code, section 4510.14 of the Revised Code involving a suspension 2617
imposed under section 4511.191 or 4511.196 of the Revised Code, 2618
section 2903.04 of the Revised Code in a case in which the person 2619
would have been subject to the sanctions described in division (D) 2620
of that section had the person been convicted of the violation of 2621
that section, former section 2903.07 of the Revised Code, or any 2622
municipal ordinances similarly relating to the offenses referred 2623
to in those sections; 2624

(b) One violation of section 4511.19 of the Revised Code or a 2625
substantially similar municipal ordinance; 2626

(c) Two separate violations of any of the Revised Code 2627
sections referred to in division (A)(1)(a) of this section, or any 2628
municipal ordinance that is substantially similar to any of those 2629
sections. 2630

(2) Any person whose license or permit is suspended under 2631
division (A)(1)(a), (b), or (c) of this section shall mail or 2632
deliver the person's probationary driver's license, restricted 2633
license, or temporary instruction permit to the registrar within 2634
fourteen days of notification of the suspension. The registrar 2635
shall retain the license or permit during the period of the 2636
suspension. A suspension pursuant to division (A)(1)(a) of this 2637
section shall be a class C suspension, a suspension pursuant to 2638
division (A)(1)(b) of this section shall be a class D suspension, 2639
and a suspension pursuant to division (A)(1)(c) of this section 2640
shall be a class E suspension, all for the periods of time 2641
specified in division (B) of section 4510.02 of the Revised Code. 2642
If the person's probationary driver's license, restricted license, 2643
or temporary instruction permit is under suspension on the date 2644
the court imposes sentence upon the person for a violation 2645

described in division (A)(1)(b) of this section, the suspension 2646
shall take effect on the next day immediately following the end of 2647
that period of suspension. If the person is sixteen years of age 2648
or older and pleads guilty to or is convicted of a violation 2649
described in division (A)(1)(b) of this section and the person 2650
does not have a current, valid probationary driver's license, 2651
restricted license, or temporary instruction permit, the registrar 2652
shall deny the issuance to the person of a probationary driver's 2653
license, restricted license, driver's license, commercial driver's 2654
license, or temporary instruction permit, as the case may be, for 2655
six months beginning on the date the court imposes sentence upon 2656
the person for the violation. If the person has not attained the 2657
age of sixteen years on the date the court imposes sentence upon 2658
the person for the violation, the period of denial shall commence 2659
on the date the person attains the age of sixteen years. 2660

(3) The registrar shall suspend the person's license or 2661
permit under division (A) of this section regardless of whether 2662
the disposition of the case in juvenile court occurred after the 2663
person's eighteenth birthday. 2664

(B) The registrar also shall impose a class D suspension for 2665
the period of time specified in division (B)(4) of section 4510.02 2666
of the Revised Code of the temporary instruction permit or 2667
probationary driver's license of any person under the age of 2668
eighteen who has been adjudicated an unruly child, delinquent 2669
child, or juvenile traffic offender for having committed any act 2670
that if committed by an adult would be a drug abuse offense or a 2671
violation of division (B) of section 2917.11 of the Revised Code. 2672
The registrar, in the registrar's discretion, may terminate the 2673
suspension if the child, at the discretion of the court, attends 2674
and satisfactorily completes a drug abuse or alcohol abuse 2675
education, intervention, or treatment program specified by the 2676
court. Any person whose temporary instruction permit or 2677

probationary driver's license is suspended under this division 2678
shall mail or deliver the person's permit or license to the 2679
registrar within fourteen days of notification of the suspension. 2680
The registrar shall retain the permit or license during the period 2681
of the suspension. 2682

(C)(1) Except as provided in division (C)(3) of this section, 2683
for any person who is convicted of, pleads guilty to, or is 2684
adjudicated in juvenile court of having committed a second or 2685
third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 2686
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 2687
4511.75 of the Revised Code or any similar municipal ordinances 2688
and whose license or permit is suspended under division (A)(1)(a) 2689
or (c) of this section, the court in which the second or third 2690
conviction, finding, plea, or adjudication resulting in the 2691
suspension was made, upon petition of the person, may grant the 2692
person limited driving privileges during the period during which 2693
the suspension otherwise would be imposed under division (A)(1)(a) 2694
or (c) of this section if the court finds reasonable cause to 2695
believe that the suspension will seriously affect the person's 2696
ability to continue in employment, educational training, 2697
vocational training, or treatment. In granting the limited driving 2698
privileges, the court shall specify the purposes, times, and 2699
places of the privileges and may impose any other conditions upon 2700
the person's driving a motor vehicle that the court considers 2701
reasonable and necessary. 2702

A court that grants limited driving privileges to a person 2703
under this division shall retain the person's probationary 2704
driver's license, restricted license, or temporary instruction 2705
permit during the period the license or permit is suspended and 2706
also during the period for which limited driving privileges are 2707
granted, and shall deliver to the person a permit card, in a form 2708
to be prescribed by the court, setting forth the date on which the 2709

limited driving privileges will become effective, the purposes for 2710
which the person may drive, the times and places at which the 2711
person may drive, and any other conditions imposed upon the 2712
person's use of a motor vehicle. 2713

The court immediately shall notify the registrar, in writing, 2714
of a grant of limited driving privileges under this division. The 2715
notification shall specify the date on which the limited driving 2716
privileges will become effective, the purposes for which the 2717
person may drive, the times and places at which the person may 2718
drive, and any other conditions imposed upon the person's use of a 2719
motor vehicle. The registrar shall not suspend the probationary 2720
driver's license, restricted license, or temporary instruction 2721
permit of any person pursuant to division (A) of this section 2722
during any period for which the person has been granted limited 2723
driving privileges as provided in this division, if the registrar 2724
has received the notification described in this division from the 2725
court. 2726

(2) Except as provided in division (C)(3) of this section, in 2727
any case in which the temporary instruction permit or probationary 2728
driver's license of a person under eighteen years of age has been 2729
suspended under division (A) or (B) of this section or any other 2730
provision of law, the court may grant the person limited driving 2731
privileges for the purpose of the person's practicing of driving 2732
with the person's parent, guardian, or other custodian during the 2733
period of the suspension. Any grant of limited driving privileges 2734
under this division shall comply with division (D) of section 2735
4510.021 of the Revised Code. 2736

(3) A court shall not grant limited driving privileges to a 2737
person identified in division (C)(1) or (2) of this section if the 2738
person, ~~within the preceding six years,~~ previously has been 2739
convicted of, pleaded guilty to, or adjudicated in juvenile court 2740
of having committed three or more violations of one or more of the 2741

divisions or sections set forth in ~~divisions~~ division (G)(2)(b) ~~to~~ 2742
(g) of section 2919.22 of the Revised Code. 2743

(D) If a person who has been granted limited driving 2744
privileges under division (C) of this section is convicted of, 2745
pleads guilty to, or is adjudicated in juvenile court of having 2746
committed, a violation of Chapter 4510. of the Revised Code, or a 2747
subsequent violation of any of the sections of the Revised Code 2748
listed in division (A)(1)(a) of this section or any similar 2749
municipal ordinance during the period for which the person was 2750
granted limited driving privileges, the court that granted the 2751
limited driving privileges shall suspend the person's permit card. 2752
The court or the clerk of the court immediately shall forward the 2753
person's probationary driver's license, restricted license, or 2754
temporary instruction permit together with written notification of 2755
the court's action to the registrar. Upon receipt of the license 2756
or permit and notification, the registrar shall impose a class C 2757
suspension of the person's probationary driver's license, 2758
restricted license, or temporary instruction permit for the period 2759
of time specified in division (B)(3) of section 4510.02 of the 2760
Revised Code. The registrar shall retain the license or permit 2761
during the period of suspension, and no further limited driving 2762
privileges shall be granted during that period. 2763

(E) No application for a driver's or commercial driver's 2764
license shall be received from any person whose probationary 2765
driver's license, restricted license, or temporary instruction 2766
permit has been suspended under this section until each of the 2767
following has occurred: 2768

(1) The suspension period has expired; 2769

(2) A temporary instruction permit or commercial driver's 2770
license temporary instruction permit has been issued; 2771

(3) The person successfully completes a juvenile driver 2772

improvement program approved by the registrar under section 2773
4510.311 of the Revised Code; 2774

(4) The applicant has submitted to the examination for a 2775
driver's license as provided for in section 4507.11 or a 2776
commercial driver's license as provided in Chapter 4506. of the 2777
Revised Code. 2778

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 2779
streetcar, or trackless trolley within this state, if, at the time 2780
of the operation, any of the following apply: 2781

(a) The person is under the influence of alcohol, a drug of 2782
abuse, or a combination of them. 2783

(b) The person has a concentration of eight-hundredths of one 2784
per cent or more but less than seventeen-hundredths of one per 2785
cent by weight per unit volume of alcohol in the person's whole 2786
blood. 2787

(c) The person has a concentration of ninety-six-thousandths 2788
of one per cent or more but less than two hundred four-thousandths 2789
of one per cent by weight per unit volume of alcohol in the 2790
person's blood serum or plasma. 2791

(d) The person has a concentration of eight-hundredths of one 2792
gram or more but less than seventeen-hundredths of one gram by 2793
weight of alcohol per two hundred ten liters of the person's 2794
breath. 2795

(e) The person has a concentration of eleven-hundredths of 2796
one gram or more but less than two hundred 2797
thirty-eight-thousandths of one gram by weight of alcohol per one 2798
hundred milliliters of the person's urine. 2799

(f) The person has a concentration of seventeen-hundredths of 2800
one per cent or more by weight per unit volume of alcohol in the 2801
person's whole blood. 2802

(g) The person has a concentration of two hundred 2803
four-thousandths of one per cent or more by weight per unit volume 2804
of alcohol in the person's blood serum or plasma. 2805

(h) The person has a concentration of seventeen-hundredths of 2806
one gram or more by weight of alcohol per two hundred ten liters 2807
of the person's breath. 2808

(i) The person has a concentration of two hundred 2809
thirty-eight-thousandths of one gram or more by weight of alcohol 2810
per one hundred milliliters of the person's urine. 2811

(2) No person who, within twenty years of the conduct 2812
described in division (A)(2)(a) of this section, previously has 2813
been convicted of or pleaded guilty to a violation of this 2814
division, division (A)(1) or (B) of this section, or a municipal 2815
OVI offense shall do both of the following: 2816

(a) Operate any vehicle, streetcar, or trackless trolley 2817
within this state while under the influence of alcohol, a drug of 2818
abuse, or a combination of them; 2819

(b) Subsequent to being arrested for operating the vehicle, 2820
streetcar, or trackless trolley as described in division (A)(2)(a) 2821
of this section, being asked by a law enforcement officer to 2822
submit to a chemical test or tests under section 4511.191 of the 2823
Revised Code, and being advised by the officer in accordance with 2824
section 4511.192 of the Revised Code of the consequences of the 2825
person's refusal or submission to the test or tests, refuse to 2826
submit to the test or tests. 2827

(B) No person under twenty-one years of age shall operate any 2828
vehicle, streetcar, or trackless trolley within this state, if, at 2829
the time of the operation, any of the following apply: 2830

(1) The person has a concentration of at least two-hundredths 2831
of one per cent but less than eight-hundredths of one per cent by 2832

weight per unit volume of alcohol in the person's whole blood. 2833

(2) The person has a concentration of at least 2834
three-hundredths of one per cent but less than 2835
ninety-six-thousandths of one per cent by weight per unit volume 2836
of alcohol in the person's blood serum or plasma. 2837

(3) The person has a concentration of at least two-hundredths 2838
of one gram but less than eight-hundredths of one gram by weight 2839
of alcohol per two hundred ten liters of the person's breath. 2840

(4) The person has a concentration of at least twenty-eight 2841
one-thousandths of one gram but less than eleven-hundredths of one 2842
gram by weight of alcohol per one hundred milliliters of the 2843
person's urine. 2844

(C) In any proceeding arising out of one incident, a person 2845
may be charged with a violation of division (A)(1)(a) or (A)(2) 2846
and a violation of division (B)(1), (2), or (3) of this section, 2847
but the person may not be convicted of more than one violation of 2848
these divisions. 2849

(D)(1) In any criminal prosecution or juvenile court 2850
proceeding for a violation of division (A) or (B) of this section 2851
or for an equivalent offense, the court may admit evidence on the 2852
concentration of alcohol, drugs of abuse, or a combination of them 2853
in the defendant's whole blood, blood serum or plasma, breath, 2854
urine, or other bodily substance at the time of the alleged 2855
violation as shown by chemical analysis of the substance withdrawn 2856
within two hours of the time of the alleged violation. 2857

When a person submits to a blood test at the request of a law 2858
enforcement officer under section 4511.191 of the Revised Code, 2859
only a physician, a registered nurse, or a qualified technician, 2860
chemist, or phlebotomist shall withdraw blood for the purpose of 2861
determining the alcohol, drug, or alcohol and drug content of the 2862
whole blood, blood serum, or blood plasma. This limitation does 2863

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

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

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

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

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

at the person's expense. The failure or inability to obtain an
additional chemical test by a person shall not preclude the
admission of evidence relating to the chemical test or tests taken
at the request of a law enforcement officer.

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

(b) In any criminal prosecution or juvenile court proceeding
for a violation of division (A) or (B) of this section, of a
municipal ordinance relating to operating a vehicle while under
the influence of alcohol, a drug of abuse, or alcohol and a drug
of abuse, or of a municipal ordinance relating to operating a
vehicle with a prohibited concentration of alcohol in the blood,
breath, or urine, if a law enforcement officer has administered a
field sobriety test to the operator of the vehicle involved in the
violation and if it is shown by clear and convincing evidence that
the officer administered the test in substantial compliance with
the testing standards for any reliable, credible, and generally
accepted field sobriety tests that were in effect at the time the
tests were administered, including, but not limited to, any
testing standards then in effect that were set by the national
highway traffic safety administration, all of the following apply:

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

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

(iii) If testimony is presented or evidence is introduced
under division (D)(4)(b)(i) or (ii) of this section and if the

testimony or evidence is admissible under the Rules of Evidence, 2926
the court shall admit the testimony or evidence and the trier of 2927
fact shall give it whatever weight the trier of fact considers to 2928
be appropriate. 2929

(c) Division (D)(4)(b) of this section does not limit or 2930
preclude a court, in its determination of whether the arrest of a 2931
person was supported by probable cause or its determination of any 2932
other matter in a criminal prosecution or juvenile court 2933
proceeding of a type described in that division, from considering 2934
evidence or testimony that is not otherwise disallowed by division 2935
(D)(4)(b) of this section. 2936

(E)(1) Subject to division (E)(3) of this section, in any 2937
criminal prosecution or juvenile court proceeding for a violation 2938
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), or (i) or 2939
(B)(1), (2), (3), or (4) of this section or for an equivalent 2940
offense that is substantially equivalent to any of those 2941
divisions, a laboratory report from any forensic laboratory 2942
certified by the department of health that contains an analysis of 2943
the whole blood, blood serum or plasma, breath, urine, or other 2944
bodily substance tested and that contains all of the information 2945
specified in this division shall be admitted as prima-facie 2946
evidence of the information and statements that the report 2947
contains. The laboratory report shall contain all of the 2948
following: 2949

(a) The signature, under oath, of any person who performed 2950
the analysis; 2951

(b) Any findings as to the identity and quantity of alcohol, 2952
a drug of abuse, or a combination of them that was found; 2953

(c) A copy of a notarized statement by the laboratory 2954
director or a designee of the director that contains the name of 2955
each certified analyst or test performer involved with the report, 2956

the analyst's or test performer's employment relationship with the 2957
laboratory that issued the report, and a notation that performing 2958
an analysis of the type involved is part of the analyst's or test 2959
performer's regular duties; 2960

(d) An outline of the analyst's or test performer's 2961
education, training, and experience in performing the type of 2962
analysis involved and a certification that the laboratory 2963
satisfies appropriate quality control standards in general and, in 2964
this particular analysis, under rules of the department of health. 2965

(2) Notwithstanding any other provision of law regarding the 2966
admission of evidence, a report of the type described in division 2967
(E)(1) of this section is not admissible against the defendant to 2968
whom it pertains in any proceeding, other than a preliminary 2969
hearing or a grand jury proceeding, unless the prosecutor has 2970
served a copy of the report on the defendant's attorney or, if the 2971
defendant has no attorney, on the defendant. 2972

(3) A report of the type described in division (E)(1) of this 2973
section shall not be prima-facie evidence of the contents, 2974
identity, or amount of any substance if, within seven days after 2975
the defendant to whom the report pertains or the defendant's 2976
attorney receives a copy of the report, the defendant or the 2977
defendant's attorney demands the testimony of the person who 2978
signed the report. The judge in the case may extend the seven-day 2979
time limit in the interest of justice. 2980

(F) Except as otherwise provided in this division, any 2981
physician, registered nurse, or qualified technician, chemist, or 2982
phlebotomist who withdraws blood from a person pursuant to this 2983
section, and any hospital, first-aid station, or clinic at which 2984
blood is withdrawn from a person pursuant to this section, is 2985
immune from criminal liability and civil liability based upon a 2986
claim of assault and battery or any other claim that is not a 2987

claim of malpractice, for any act performed in withdrawing blood 2988
from the person. The immunity provided in this division is not 2989
available to a person who withdraws blood if the person engages in 2990
willful or wanton misconduct. 2991

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 2992
to (i) or (A)(2) of this section is guilty of operating a vehicle 2993
under the influence of alcohol, a drug of abuse, or a combination 2994
of them. The court shall sentence the offender under Chapter 2929. 2995
of the Revised Code, except as otherwise authorized or required by 2996
divisions (G)(1)(a) to (e) of this section: 2997

(a) Except as otherwise provided in division (G)(1)(b), (c), 2998
(d), or (e) of this section, the offender is guilty of a 2999
misdemeanor of the first degree, and the court shall sentence the 3000
offender to all of the following: 3001

(i) If the sentence is being imposed for a violation of 3002
division (A)(1)(a), (b), (c), (d), or (e) of this section, a 3003
mandatory jail term of three consecutive days. As used in this 3004
division, three consecutive days means seventy-two consecutive 3005
hours. The court may sentence an offender to both an intervention 3006
program and a jail term. The court may impose a jail term in 3007
addition to the three-day mandatory jail term or intervention 3008
program. However, in no case shall the cumulative jail term 3009
imposed for the offense exceed six months. 3010

The court may suspend the execution of the three-day jail 3011
term under this division if the court, in lieu of that suspended 3012
term, places the offender under a community control sanction 3013
pursuant to section 2929.25 of the Revised Code and requires the 3014
offender to attend, for three consecutive days, a drivers' 3015
intervention program certified under section 3793.10 of the 3016
Revised Code. The court also may suspend the execution of any part 3017
of the three-day jail term under this division if it places the 3018

offender under a community control sanction pursuant to section 3019
2929.25 of the Revised Code for part of the three days, requires 3020
the offender to attend for the suspended part of the term a 3021
drivers' intervention program so certified, and sentences the 3022
offender to a jail term equal to the remainder of the three 3023
consecutive days that the offender does not spend attending the 3024
program. The court may require the offender, as a condition of 3025
community control and in addition to the required attendance at a 3026
drivers' intervention program, to attend and satisfactorily 3027
complete any treatment or education programs that comply with the 3028
minimum standards adopted pursuant to Chapter 3793. of the Revised 3029
Code by the director of alcohol and drug addiction services that 3030
the operators of the drivers' intervention program determine that 3031
the offender should attend and to report periodically to the court 3032
on the offender's progress in the programs. The court also may 3033
impose on the offender any other conditions of community control 3034
that it considers necessary. 3035

(ii) If the sentence is being imposed for a violation of 3036
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3037
section, except as otherwise provided in this division, a 3038
mandatory jail term of at least three consecutive days and a 3039
requirement that the offender attend, for three consecutive days, 3040
a drivers' intervention program that is certified pursuant to 3041
section 3793.10 of the Revised Code. As used in this division, 3042
three consecutive days means seventy-two consecutive hours. If the 3043
court determines that the offender is not conducive to treatment 3044
in a drivers' intervention program, if the offender refuses to 3045
attend a drivers' intervention program, or if the jail at which 3046
the offender is to serve the jail term imposed can provide a 3047
driver's intervention program, the court shall sentence the 3048
offender to a mandatory jail term of at least six consecutive 3049
days. 3050

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

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

(iv) In all cases, a class five license suspension of the offender's driver's ~~or~~ license, commercial driver's license ~~or~~, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code or as otherwise specified in division (G)(1)(a)(iv) of this section. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

If an offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege was suspended under division (B) or (C) of section 4511.191 of the Revised Code as a result of the same incident or the same set of facts and circumstances that resulted in the conviction or guilty plea for which the offender is being sentenced under division (G)(1)(a) of this section, the period of suspension the court imposes upon the offender shall not be less than the greater of either the minimum suspension period specified in division (A)(5) of section 4510.02 of the Revised

Code or the period of time remaining in the suspension imposed 3083
upon the offender under division (B) or (C) of section 4511.191 of 3084
the Revised Code on the date the court imposes sentence under 3085
division (G)(1)(a) of this section. The period of suspension the 3086
court imposes upon the offender shall not exceed the maximum 3087
period specified in division (A)(5) of section 4510.02 of the 3088
Revised Code. 3089

(b) Except as otherwise provided in division (G)(1)(e) of 3090
this section, an offender who, within ~~six~~ twenty years of the 3091
offense, previously has been convicted of or pleaded guilty to one 3092
violation of division (A) or (B) of this section or one other 3093
equivalent offense is guilty of a misdemeanor of the first degree. 3094
The court shall sentence the offender to all of the following: 3095

(i) If the sentence is being imposed for a violation of 3096
division (A)(1)(a), (b), (c), (d), or (e) of this section, a 3097
mandatory jail term of ten consecutive days. The court shall 3098
impose the ten-day mandatory jail term under this division unless, 3099
subject to division (G)(3) of this section, it instead imposes a 3100
sentence under that division consisting of both a jail term and a 3101
term of house arrest with electronic monitoring, with continuous 3102
alcohol monitoring, or with both electronic monitoring and 3103
continuous alcohol monitoring. The court may impose a jail term in 3104
addition to the ten-day mandatory jail term. The cumulative jail 3105
term imposed for the offense shall not exceed six months. 3106

In addition to the jail term or the term of house arrest with 3107
electronic monitoring or continuous alcohol monitoring or both 3108
types of monitoring and jail term, the court may require the 3109
offender to attend a drivers' intervention program that is 3110
certified pursuant to section 3793.10 of the Revised Code. If the 3111
operator of the program determines that the offender is alcohol 3112
dependent, the program shall notify the court, and, subject to 3113
division (I) of this section, the court shall order the offender 3114

to obtain treatment through an alcohol and drug addiction program 3115
authorized by section 3793.02 of the Revised Code. 3116

(ii) If the sentence is being imposed for a violation of 3117
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3118
section, except as otherwise provided in this division, a 3119
mandatory jail term of twenty consecutive days. The court shall 3120
impose the twenty-day mandatory jail term under this division 3121
unless, subject to division (G)(3) of this section, it instead 3122
imposes a sentence under that division consisting of both a jail 3123
term and a term of house arrest with electronic monitoring, with 3124
continuous alcohol monitoring, or with both electronic monitoring 3125
and continuous alcohol monitoring. The court may impose a jail 3126
term in addition to the twenty-day mandatory jail term. The 3127
cumulative jail term imposed for the offense shall not exceed six 3128
months. 3129

In addition to the jail term or the term of house arrest with 3130
electronic monitoring or continuous alcohol monitoring or both 3131
types of monitoring and jail term, the court may require the 3132
offender to attend a driver's intervention program that is 3133
certified pursuant to section 3793.10 of the Revised Code. If the 3134
operator of the program determines that the offender is alcohol 3135
dependent, the program shall notify the court, and, subject to 3136
division (I) of this section, the court shall order the offender 3137
to obtain treatment through an alcohol and drug addiction program 3138
authorized by section 3793.02 of the Revised Code. 3139

(iii) In all cases, notwithstanding the fines set forth in 3140
Chapter 2929. of the Revised Code, a fine of not less than three 3141
hundred fifty and not more than one thousand five hundred dollars; 3142

(iv) In all cases, a class four license suspension of the 3143
offender's driver's license, commercial driver's license, 3144
temporary instruction permit, probationary license, or nonresident 3145

operating privilege from the range specified in division (A)(4) of 3146
section 4510.02 of the Revised Code or as otherwise specified in 3147
division (G)(1)(b)(iv) of this section. The court may grant 3148
limited driving privileges relative to the suspension under 3149
sections 4510.021 and 4510.13 of the Revised Code. 3150

If an offender's driver's license, commercial driver's 3151
license, temporary instruction permit, probationary license, or 3152
nonresident operating privilege was suspended under division (B) 3153
or (C) of section 4511.191 of the Revised Code as a result of the 3154
same incident or the same set of facts and circumstances that 3155
resulted in the conviction or guilty plea for which the offender 3156
is being sentenced under division (G)(1)(b) of this section, the 3157
period of suspension the court imposes upon the offender shall not 3158
be less than the greater of either the minimum suspension period 3159
specified in division (A)(4) of section 4510.02 of the Revised 3160
Code or the period of time remaining in the suspension imposed 3161
upon the offender under division (B) or (C) of section 4511.191 of 3162
the Revised Code on the date the court imposes sentence under 3163
division (G)(1)(b) of this section. The period of suspension the 3164
court imposes upon the offender not exceed the maximum period 3165
specified in division (A)(4) of section 4510.02 of the Revised 3166
Code. 3167

(v) In all cases, if the vehicle is registered in the 3168
offender's name, immobilization of the vehicle involved in the 3169
offense for ninety days in accordance with section 4503.233 of the 3170
Revised Code and impoundment of the license plates of that vehicle 3171
for ninety days. 3172

(c) Except as otherwise provided in division (G)(1)(e) of 3173
this section, an offender who, within ~~six~~ twenty years of the 3174
offense, previously has been convicted of or pleaded guilty to two 3175
violations of division (A) or (B) of this section or other 3176
equivalent offenses is guilty of a misdemeanor. The court shall 3177

sentence the offender to all of the following: 3178

(i) If the sentence is being imposed for a violation of 3179
division (A)(1)(a), (b), (c), (d), or (e) of this section, a 3180
mandatory jail term of thirty consecutive days. The court shall 3181
impose the thirty-day mandatory jail term under this division 3182
unless, subject to division (G)(3) of this section, it instead 3183
imposes a sentence under that division consisting of both a jail 3184
term and a term of house arrest with electronic monitoring, with 3185
continuous alcohol monitoring, or with both electronic monitoring 3186
and continuous alcohol monitoring. The court may impose a jail 3187
term in addition to the thirty-day mandatory jail term. 3188
Notwithstanding the jail terms set forth in sections 2929.21 to 3189
2929.28 of the Revised Code, the additional jail term shall not 3190
exceed one year, and the cumulative jail term imposed for the 3191
offense shall not exceed one year. 3192

(ii) If the sentence is being imposed for a violation of 3193
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3194
section, a mandatory jail term of sixty consecutive days. The 3195
court shall impose the sixty-day mandatory jail term under this 3196
division unless, subject to division (G)(3) of this section, it 3197
instead imposes a sentence under that division consisting of both 3198
a jail term and a term of house arrest with electronic monitoring, 3199
with continuous alcohol monitoring, or with both electronic 3200
monitoring and continuous alcohol monitoring. The court may impose 3201
a jail term in addition to the sixty-day mandatory jail term. 3202
Notwithstanding the jail terms set forth in sections 2929.21 to 3203
2929.28 of the Revised Code, the additional jail term shall not 3204
exceed one year, and the cumulative jail term imposed for the 3205
offense shall not exceed one year. 3206

(iii) In all cases, notwithstanding the fines set forth in 3207
Chapter 2929. of the Revised Code, a fine of not less than five 3208
hundred fifty and not more than two thousand five hundred dollars; 3209

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code or as otherwise specified in division (G)(1)(c)(iv) of this section. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

If an offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege was suspended under division (B) or (C) of section 4511.191 of the Revised Code as a result of the same incident or the same set of facts and circumstances that resulted in the conviction or guilty plea for which the offender is being sentenced under division (G)(1)(c) of this section, the period of suspension the court imposes upon the offender shall not be less than the greater of either the minimum suspension period specified in division (A)(3) of section 4510.02 of the Revised Code or the period of time remaining in the suspension imposed upon the offender under division (B) or (C) of section 4511.191 of the Revised Code on the date the court imposes sentence under division (G)(1)(c) of this section. The period of suspension the court imposes upon the offender shall not exceed the maximum period specified in division (A)(3) of section 4510.02 of the Revised Code.

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

(vi) In all cases, participation in an alcohol and drug

addiction program authorized by section 3793.02 of the Revised
Code, subject to division (I) of this section.

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

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(i) If the sentence is being imposed for a violation of
division (A)(1)(a), (b), (c), (d), or (e) of this section, a
mandatory prison term of one, two, three, four, or five years as
required by and in accordance with division (G)(2) of section
2929.13 of the Revised Code if the offender also is convicted of
or also pleads guilty to a specification of the type described in
section 2941.1413 of the Revised Code or, in the discretion of the
court, either a mandatory term of local incarceration of sixty
consecutive days in accordance with division (G)(1) of section
2929.13 of the Revised Code or a mandatory prison term of sixty
consecutive days in accordance with division (G)(2) of that
section if the offender is not convicted of and does not plead
guilty to a specification of that type. If the court imposes a
mandatory term of local incarceration, it may impose a jail term
in addition to the sixty-day mandatory term, the cumulative total
of the mandatory term and the jail term for the offense shall not
exceed one year, and, except as provided in division (A)(1) of
section 2929.13 of the Revised Code, no prison term is authorized
for the offense. If the court imposes a mandatory prison term,
notwithstanding division (A)(4) of section 2929.14 of the Revised
Code, it also may sentence the offender to a definite prison term

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that shall be not less than six months and not more than thirty 3274
months and the prison terms shall be imposed as described in 3275
division (G)(2) of section 2929.13 of the Revised Code. If the 3276
court imposes a mandatory prison term or mandatory prison term and 3277
additional prison term, in addition to the term or terms so 3278
imposed, the court also may sentence the offender to a community 3279
control sanction for the offense, but the offender shall serve all 3280
of the prison terms so imposed prior to serving the community 3281
control sanction. 3282

(ii) If the sentence is being imposed for a violation of 3283
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3284
section, a mandatory prison term of one, two, three, four, or five 3285
years as required by and in accordance with division (G)(2) of 3286
section 2929.13 of the Revised Code if the offender also is 3287
convicted of or also pleads guilty to a specification of the type 3288
described in section 2941.1413 of the Revised Code or, in the 3289
discretion of the court, either a mandatory term of local 3290
incarceration of one hundred twenty consecutive days in accordance 3291
with division (G)(1) of section 2929.13 of the Revised Code or a 3292
mandatory prison term of one hundred twenty consecutive days in 3293
accordance with division (G)(2) of that section if the offender is 3294
not convicted of and does not plead guilty to a specification of 3295
that type. If the court imposes a mandatory term of local 3296
incarceration, it may impose a jail term in addition to the one 3297
hundred twenty-day mandatory term, the cumulative total of the 3298
mandatory term and the jail term for the offense shall not exceed 3299
one year, and, except as provided in division (A)(1) of section 3300
2929.13 of the Revised Code, no prison term is authorized for the 3301
offense. If the court imposes a mandatory prison term, 3302
notwithstanding division (A)(4) of section 2929.14 of the Revised 3303
Code, it also may sentence the offender to a definite prison term 3304
that shall be not less than six months and not more than thirty 3305

months and the prison terms shall be imposed as described in 3306
division (G)(2) of section 2929.13 of the Revised Code. If the 3307
court imposes a mandatory prison term or mandatory prison term and 3308
additional prison term, in addition to the term or terms so 3309
imposed, the court also may sentence the offender to a community 3310
control sanction for the offense, but the offender shall serve all 3311
of the prison terms so imposed prior to serving the community 3312
control sanction. 3313

(iii) In all cases, notwithstanding section 2929.18 of the 3314
Revised Code, a fine of not less than eight hundred nor more than 3315
ten thousand dollars; 3316

(iv) In all cases, a class two license suspension of the 3317
offender's driver's license, commercial driver's license, 3318
temporary instruction permit, probationary license, or nonresident 3319
operating privilege from the range specified in division (A)(2) of 3320
section 4510.02 of the Revised Code or as otherwise specified in 3321
division (G)(1)(d)(iv) of this section. The court may grant 3322
limited driving privileges relative to the suspension under 3323
sections 4510.021 and 4510.13 of the Revised Code. 3324

If an offender's driver's license, commercial driver's 3325
license, temporary instruction permit, probationary license, or 3326
nonresident operating privilege was suspended under division (B) 3327
or (C) of section 4511.191 of the Revised Code as a result of the 3328
same incident or the same set of facts and circumstances that 3329
resulted in the conviction or guilty plea for which the offender 3330
is being sentenced under division (G)(1)(d) of this section, the 3331
period of suspension the court imposes upon the offender shall not 3332
be less than the greater of either the minimum suspension period 3333
specified in division (A)(2) of section 4510.02 of the Revised 3334
Code or the period of time remaining in the suspension imposed 3335
upon the offender under division (B) or (C) of section 4511.191 of 3336
the Revised Code on the date the court imposes sentence under 3337

division (G)(1)(d) of this section. The period of suspension the 3338
court imposes upon the offender shall not exceed the maximum 3339
period specified in division (A)(2) of section 4510.02 of the 3340
Revised Code. 3341

(v) In all cases, if the vehicle is registered in the 3342
offender's name, criminal forfeiture of the vehicle involved in 3343
the offense in accordance with section 4503.234 of the Revised 3344
Code. Division (G)(6) of this section applies regarding any 3345
vehicle that is subject to an order of criminal forfeiture under 3346
this division. 3347

(vi) In all cases, participation in an alcohol and drug 3348
addiction program authorized by section 3793.02 of the Revised 3349
Code, subject to division (I) of this section. 3350

(vii) In all cases, if the court sentences the offender to a 3351
mandatory term of local incarceration, in addition to the 3352
mandatory term, the court, pursuant to section 2929.17 of the 3353
Revised Code, may impose a term of house arrest with electronic 3354
monitoring. The term shall not commence until after the offender 3355
has served the mandatory term of local incarceration. 3356

(e) An offender who previously has been convicted of or 3357
pleaded guilty to a violation of division (A) of this section that 3358
was a felony, regardless of when the violation and the conviction 3359
or guilty plea occurred, is guilty of a felony of the third 3360
degree. The court shall sentence the offender to all of the 3361
following: 3362

(i) If the offender is being sentenced for a violation of 3363
division (A)(1)(a), (b), (c), (d), or (e) of this section, a 3364
mandatory prison term of one, two, three, four, or five years as 3365
required by and in accordance with division (G)(2) of section 3366
2929.13 of the Revised Code if the offender also is convicted of 3367
or also pleads guilty to a specification of the type described in 3368

section 2941.1413 of the Revised Code or a mandatory prison term 3369
of sixty consecutive days in accordance with division (G)(2) of 3370
section 2929.13 of the Revised Code if the offender is not 3371
convicted of and does not plead guilty to a specification of that 3372
type. The court may impose a prison term in addition to the 3373
mandatory prison term. The cumulative total of a sixty-day 3374
mandatory prison term and the additional prison term for the 3375
offense shall not exceed five years. In addition to the mandatory 3376
prison term or mandatory prison term and additional prison term 3377
the court imposes, the court also may sentence the offender to a 3378
community control sanction for the offense, but the offender shall 3379
serve all of the prison terms so imposed prior to serving the 3380
community control sanction. 3381

(ii) If the sentence is being imposed for a violation of 3382
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3383
section, a mandatory prison term of one, two, three, four, or five 3384
years as required by and in accordance with division (G)(2) of 3385
section 2929.13 of the Revised Code if the offender also is 3386
convicted of or also pleads guilty to a specification of the type 3387
described in section 2941.1413 of the Revised Code or a mandatory 3388
prison term of one hundred twenty consecutive days in accordance 3389
with division (G)(2) of section 2929.13 of the Revised Code if the 3390
offender is not convicted of and does not plead guilty to a 3391
specification of that type. The court may impose a prison term in 3392
addition to the mandatory prison term. The cumulative total of a 3393
one hundred twenty-day mandatory prison term and the additional 3394
prison term for the offense shall not exceed five years. In 3395
addition to the mandatory prison term or mandatory prison term and 3396
additional prison term the court imposes, the court also may 3397
sentence the offender to a community control sanction for the 3398
offense, but the offender shall serve all of the prison terms so 3399
imposed prior to serving the community control sanction. 3400

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

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code or as otherwise specified in division (G)(1)(e)(iv) of this section. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

If an offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege was suspended under division (B) or (C) of section 4511.191 of the Revised Code as a result of the same incident or the same set of facts and circumstances that resulted in the conviction or guilty plea for which the offender is being sentenced under division (G)(1)(e) of this section, the period of suspension the court imposes upon the offender shall not be less than the greater of either the minimum suspension period specified in division (A)(2) of section 4510.02 of the Revised Code or the period of time remaining in the suspension imposed upon the offender under division (B) or (C) of section 4511.191 of the Revised Code on the date the court imposes sentence under division (G)(1)(e) of this section. The period of suspension the court imposes upon the offender shall not exceed the maximum period specified in division (A)(2) of section 4510.02 of the Revised Code.

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

vehicle that is subject to an order of criminal forfeiture under 3433
this division. 3434

(vi) In all cases, participation in an alcohol and drug 3435
addiction program authorized by section 3793.02 of the Revised 3436
Code, subject to division (I) of this section. 3437

(2) An offender who is convicted of or pleads guilty to a 3438
violation of division (A) of this section and who subsequently 3439
seeks reinstatement of the driver's or occupational driver's 3440
license or permit or nonresident operating privilege suspended 3441
under this section as a result of the conviction or guilty plea 3442
shall pay a reinstatement fee as provided in division (F)(2) of 3443
section 4511.191 of the Revised Code. 3444

(3) If an offender is sentenced to a jail term under division 3445
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 3446
if, within sixty days of sentencing of the offender, the court 3447
issues a written finding on the record that, due to the 3448
unavailability of space at the jail where the offender is required 3449
to serve the term, the offender will not be able to begin serving 3450
that term within the sixty-day period following the date of 3451
sentencing, the court may impose an alternative sentence under 3452
this division that includes a term of house arrest with electronic 3453
monitoring, with continuous alcohol monitoring, or with both 3454
electronic monitoring and continuous alcohol monitoring. 3455

As an alternative to a mandatory jail term of ten consecutive 3456
days required by division (G)(1)(b)(i) of this section, the court, 3457
under this division, may sentence the offender to five consecutive 3458
days in jail and not less than eighteen consecutive days of house 3459
arrest with electronic monitoring, with continuous alcohol 3460
monitoring, or with both electronic monitoring and continuous 3461
alcohol monitoring. The cumulative total of the five consecutive 3462
days in jail and the period of house arrest with electronic 3463

monitoring, continuous alcohol monitoring, or both types of 3464
monitoring shall not exceed six months. The five consecutive days 3465
in jail do not have to be served prior to or consecutively to the 3466
period of house arrest. 3467

As an alternative to the mandatory jail term of twenty 3468
consecutive days required by division (G)(1)(b)(ii) of this 3469
section, the court, under this division, may sentence the offender 3470
to ten consecutive days in jail and not less than thirty-six 3471
consecutive days of house arrest with electronic monitoring, with 3472
continuous alcohol monitoring, or with both electronic monitoring 3473
and continuous alcohol monitoring. The cumulative total of the ten 3474
consecutive days in jail and the period of house arrest with 3475
electronic monitoring, continuous alcohol monitoring, or both 3476
types of monitoring shall not exceed six months. The ten 3477
consecutive days in jail do not have to be served prior to or 3478
consecutively to the period of house arrest. 3479

As an alternative to a mandatory jail term of thirty 3480
consecutive days required by division (G)(1)(c)(i) of this 3481
section, the court, under this division, may sentence the offender 3482
to fifteen consecutive days in jail and not less than fifty-five 3483
consecutive days of house arrest with electronic monitoring, with 3484
continuous alcohol monitoring, or with both electronic monitoring 3485
and continuous alcohol monitoring. The cumulative total of the 3486
fifteen consecutive days in jail and the period of house arrest 3487
with electronic monitoring, continuous alcohol monitoring, or both 3488
types of monitoring shall not exceed one year. The fifteen 3489
consecutive days in jail do not have to be served prior to or 3490
consecutively to the period of house arrest. 3491

As an alternative to the mandatory jail term of sixty 3492
consecutive days required by division (G)(1)(c)(ii) of this 3493
section, the court, under this division, may sentence the offender 3494
to thirty consecutive days in jail and not less than one hundred 3495

ten consecutive days of house arrest with electronic monitoring, 3496
with continuous ~~electronic~~ alcohol monitoring, or with both 3497
electronic monitoring and continuous alcohol monitoring. The 3498
cumulative total of the thirty consecutive days in jail and the 3499
period of house arrest with electronic monitoring, continuous 3500
alcohol monitoring, or both types of monitoring shall not exceed 3501
one year. The thirty consecutive days in jail do not have to be 3502
served prior to or consecutively to the period of house arrest. 3503

(4) If an offender's driver's or occupational driver's 3504
license or permit or nonresident operating privilege is suspended 3505
under division (G) of this section and if section 4510.13 of the 3506
Revised Code permits the court to grant limited driving 3507
privileges, the court may grant the limited driving privileges in 3508
accordance with that section. If division (A)(7) of that section 3509
requires that the court impose as a condition of the privileges 3510
that the offender must display on the vehicle that is driven 3511
subject to the privileges restricted license plates that are 3512
issued under section 4503.231 of the Revised Code, except as 3513
provided in division (B) of that section, the court shall impose 3514
that condition as one of the conditions of the limited driving 3515
privileges granted to the offender, except as provided in division 3516
(B) of section 4503.231 of the Revised Code. 3517

(5) Fines imposed under this section for a violation of 3518
division (A) of this section shall be distributed as follows: 3519

(a) Twenty-five dollars of the fine imposed under division 3520
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3521
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3522
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3523
dollars of the fine imposed under division (G)(1)(d)(iii) or 3524
(e)(iii) of this section shall be paid to an enforcement and 3525
education fund established by the legislative authority of the law 3526
enforcement agency in this state that primarily was responsible 3527

for the arrest of the offender, as determined by the court that
imposes the fine. The agency shall use this share to pay only
those costs it incurs in enforcing this section or a municipal OVI
ordinance and in informing the public of the laws governing the
operation of a vehicle while under the influence of alcohol, the
dangers of the operation of a vehicle under the influence of
alcohol, and other information relating to the operation of a
vehicle under the influence of alcohol and the consumption of
alcoholic beverages.

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

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

the Revised Code. 3560

(d) One hundred fifteen dollars of the fine imposed under 3561
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3562
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3563
dollars of the fine imposed under division (G)(1)(d)(iii) or 3564
(e)(iii) of this section shall be paid to the political 3565
subdivision that pays the cost of housing the offender during the 3566
offender's term of incarceration. The political subdivision shall 3567
use this share to pay or reimburse incarceration or treatment 3568
costs it incurs in housing or providing drug and alcohol treatment 3569
to persons who violate this section or a municipal OVI ordinance, 3570
costs for any immobilizing or disabling device used on the 3571
offender's vehicle, and costs of electronic house arrest equipment 3572
needed for persons who violate this section. 3573

(e) The balance of the fine imposed under division 3574
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3575
section shall be disbursed as otherwise provided by law. 3576

(6) If title to a motor vehicle that is subject to an order 3577
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3578
this section is assigned or transferred and division (B)(2) or (3) 3579
of section 4503.234 of the Revised Code applies, in addition to or 3580
independent of any other penalty established by law, the court may 3581
fine the offender the value of the vehicle as determined by 3582
publications of the national auto dealers association. The 3583
proceeds of any fine so imposed shall be distributed in accordance 3584
with division (C)(2) of that section. 3585

(7) As used in division (G) of this section, "electronic 3586
monitoring," "mandatory prison term," and "mandatory term of local 3587
incarceration" have the same meanings as in section 2929.01 of the 3588
Revised Code. 3589

(H) Whoever violates division (B) of this section is guilty 3590

of operating a vehicle after underage alcohol consumption and 3591
shall be punished as follows: 3592

(1) Except as otherwise provided in division (H)(2) of this 3593
section, the offender is guilty of a misdemeanor of the fourth 3594
degree. In addition to any other sanction imposed for the offense, 3595
the court shall impose a class six suspension of the offender's 3596
driver's license, commercial driver's license, temporary 3597
instruction permit, probationary license, or nonresident operating 3598
privilege from the range specified in division (A)(6) of section 3599
4510.02 of the Revised Code. 3600

(2) If, within one year of the offense, the offender 3601
previously has been convicted of or pleaded guilty to one or more 3602
violations of division (A) or (B) of this section or other 3603
equivalent ~~offense~~ offenses, the offender is guilty of a 3604
misdemeanor of the third degree. In addition to any other sanction 3605
imposed for the offense, the court shall impose a class four 3606
suspension of the offender's driver's license, commercial driver's 3607
license, temporary instruction permit, probationary license, or 3608
nonresident operating privilege from the range specified in 3609
division (A)(4) of section 4510.02 of the Revised Code. 3610

(3) If the offender also is convicted of or also pleads 3611
guilty to a specification of the type described in section 3612
2941.1416 of the Revised Code and if the court imposes a jail term 3613
for the violation of division (B) of this section, the court shall 3614
impose upon the offender an additional definite jail term pursuant 3615
to division (E) of section 2929.24 of the Revised Code. 3616

(I)(1) No court shall sentence an offender to an alcohol 3617
treatment program under this section unless the treatment program 3618
complies with the minimum standards for alcohol treatment programs 3619
adopted under Chapter 3793. of the Revised Code by the director of 3620
alcohol and drug addiction services. 3621

(2) An offender who stays in a drivers' intervention program 3622
or in an alcohol treatment program under an order issued under 3623
this section shall pay the cost of the stay in the program. 3624
However, if the court determines that an offender who stays in an 3625
alcohol treatment program under an order issued under this section 3626
is unable to pay the cost of the stay in the program, the court 3627
may order that the cost be paid from the court's indigent drivers' 3628
alcohol treatment fund. 3629

(J) If a person whose driver's or commercial driver's license 3630
or permit or nonresident operating privilege is suspended under 3631
this section files an appeal regarding any aspect of the person's 3632
trial or sentence, the appeal itself does not stay the operation 3633
of the suspension. 3634

(K) All terms defined in section 4510.01 of the Revised Code 3635
apply to this section. If the meaning of a term defined in section 3636
4510.01 of the Revised Code conflicts with the meaning of the same 3637
term as defined in section 4501.01 or 4511.01 of the Revised Code, 3638
the term as defined in section 4510.01 of the Revised Code applies 3639
to this section. 3640

(L)(1) The Ohio Traffic Rules in effect on January 1, 2004, 3641
as adopted by the supreme court under authority of section 2937.46 3642
of the Revised Code, do not apply to felony violations of this 3643
section. Subject to division (L)(2) of this section, the Rules of 3644
Criminal Procedure apply to felony violations of this section. 3645

(2) If, on or after January 1, 2004, the supreme court 3646
modifies the Ohio Traffic Rules to provide procedures to govern 3647
felony violations of this section, the modified rules shall apply 3648
to felony violations of this section. 3649

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 3650
as in section 4511.194 of the Revised Code. 3651

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug, or alcohol and drug content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

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

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

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the

designated chemical test, the registrar shall enter into the
registrar's records the fact that the person's driver's or
commercial driver's license or permit or nonresident operating
privilege was suspended by the arresting officer under this
division and that section and the period of the suspension, as
determined under this section. The suspension shall be subject to
appeal as provided in section 4511.197 of the Revised Code. The
suspension shall be for whichever of the following periods
applies:

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

(b) If the arrested person, within ~~six~~ twenty years of the
date on which the person refused the request to consent to the
chemical test, had refused one previous request to consent to a
chemical test or had been convicted of or pleaded guilty to one
violation of division (A) or (B) of section 4511.19 of the Revised
Code or one other equivalent offense, the suspension shall be a
class ~~B~~ A suspension imposed for the period of time specified in
division (B)~~(2)~~(1) of section 4510.02 of the Revised Code.

(c) If the arrested person, within ~~six~~ twenty years of the
date on which the person refused the request to consent to the
chemical test, had refused two previous requests to consent to a
chemical test, had been convicted of or pleaded guilty to two
violations of division (A) or (B) of section 4511.19 of the
Revised Code or other equivalent offenses, or had refused one
previous request to consent to a chemical test and also had been
convicted of or pleaded guilty to one violation of division (A) or
(B) of section 4511.19 of the Revised Code or one other equivalent
offense, which violation or offense arose from an incident other

than the incident that led to the refusal, the suspension period 3716
shall be a class A suspension imposed for the period of time 3717
specified in division (B)(1) of section 4510.02 of the Revised 3718
Code seven years. 3719

(d) If the arrested person, within ~~six~~ twenty years of the 3720
date on which the person refused the request to consent to the 3721
chemical test, had refused ~~three or more~~ a number of previous 3722
requests to consent to a chemical test that is in excess of the 3723
number of times specified in division (B)(1)(c) of this section, 3724
had been convicted of or pleaded guilty to a number of violations 3725
of division (A) or (B) of section 4511.19 of the Revised Code or 3726
other equivalent offenses that is in excess of the number of times 3727
specified in division (B)(1)(c) of this section, or had refused a 3728
number of previous requests to consent to a chemical test and also 3729
had been convicted of or pleaded guilty to a number of violations 3730
of division (A) or (B) of section 4511.19 of the Revised Code or 3731
of other equivalent offenses, each of which violations or offenses 3732
arose from an incident other than an incident that led to any of 3733
the refusals, that in combination are in excess of the number of 3734
times specified in division (B)(1)(c) of this section, the 3735
suspension period shall be for ~~five years~~ seven years plus three 3736
years for each such refusal, conviction, or guilty plea in excess 3737
of the number of times specified in division (B)(1)(c) of this 3738
section. 3739

(2) The registrar shall terminate a suspension of the 3740
driver's or commercial driver's license or permit of a resident or 3741
of the operating privilege of a nonresident, or a denial of a 3742
driver's or commercial driver's license or permit, imposed 3743
pursuant to division (B)(1) of this section upon receipt of notice 3744
that the person has entered a plea of guilty to, or that the 3745
person has been convicted after entering a plea of no contest to, 3746
operating a vehicle in violation of section 4511.19 of the Revised 3747

Code or in violation of a municipal OVI ordinance, if the offense 3748
for which the conviction is had or the plea is entered arose from 3749
the same incident that led to the suspension or denial. 3750

The registrar shall credit against any judicial suspension of 3751
a person's driver's or commercial driver's license or permit or 3752
nonresident operating privilege imposed pursuant to section 3753
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3754
Revised Code for a violation of a municipal OVI ordinance, any 3755
time during which the person serves a related suspension imposed 3756
pursuant to division (B)(1) of this section. 3757

(C)(1) Upon receipt of the sworn report of the law 3758
enforcement officer who arrested a person for a violation of 3759
division (A) or (B) of section 4511.19 of the Revised Code or a 3760
municipal OVI ordinance that was completed and sent to the 3761
registrar and a court pursuant to section 4511.192 of the Revised 3762
Code in regard to a person whose test results indicate that the 3763
person's whole blood, blood serum or plasma, breath, or urine 3764
contained at least the concentration of alcohol specified in 3765
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 3766
Revised Code, the registrar shall enter into the registrar's 3767
records the fact that the person's driver's or commercial driver's 3768
license or permit or nonresident operating privilege was suspended 3769
by the arresting officer under this division and section 4511.192 3770
of the Revised Code and the period of the suspension, as 3771
determined under divisions (F)(1) to (4) of this section. The 3772
suspension shall be subject to appeal as provided in section 3773
4511.197 of the Revised Code. The suspension described in this 3774
division does not apply to, and shall not be imposed upon, a 3775
person arrested for a violation of section 4511.194 of the Revised 3776
Code or a substantially equivalent municipal ordinance who submits 3777
to a designated chemical test. The suspension shall be for 3778
whichever of the following periods applies: 3779

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

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

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

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

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised

Code or in violation of a municipal OVI ordinance, if the offense 3811
for which the conviction is had or the plea is entered arose from 3812
the same incident that led to the suspension or denial. 3813

The registrar shall credit against any judicial suspension of 3814
a person's driver's or commercial driver's license or permit or 3815
nonresident operating privilege imposed pursuant to section 3816
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3817
Revised Code for a violation of a municipal OVI ordinance, any 3818
time during which the person serves a related suspension imposed 3819
pursuant to division (C)(1) of this section. 3820

(D)(1) A suspension of a person's driver's or commercial 3821
driver's license or permit or nonresident operating privilege 3822
under this section for the time described in division (B) or (C) 3823
of this section is effective immediately from the time at which 3824
the arresting officer serves the notice of suspension upon the 3825
arrested person. Any subsequent finding that the person is not 3826
guilty of the charge that resulted in the person being requested 3827
to take the chemical test or tests under division (A) of this 3828
section does not affect the suspension. 3829

(2) If a person is arrested for operating a vehicle, 3830
streetcar, or trackless trolley in violation of division (A) or 3831
(B) of section 4511.19 of the Revised Code or a municipal OVI 3832
ordinance, or for being in physical control of a vehicle, 3833
streetcar, or trackless trolley in violation of section 4511.194 3834
of the Revised Code or a substantially equivalent municipal 3835
ordinance, regardless of whether the person's driver's or 3836
commercial driver's license or permit or nonresident operating 3837
privilege is or is not suspended under division (B) or (C) of this 3838
section or Chapter 4510. of the Revised Code, the person's initial 3839
appearance on the charge resulting from the arrest shall be held 3840
within five days of the person's arrest or the issuance of the 3841
citation to the person, subject to any continuance granted by the 3842

court pursuant to section 4511.197 of the Revised Code regarding 3843
the issues specified in that division. 3844

(E) When it finally has been determined under the procedures 3845
of this section and sections 4511.192 to 4511.197 of the Revised 3846
Code that a nonresident's privilege to operate a vehicle within 3847
this state has been suspended, the registrar shall give 3848
information in writing of the action taken to the motor vehicle 3849
administrator of the state of the person's residence and of any 3850
state in which the person has a license. 3851

(F) At the end of a suspension period under this section, 3852
under section 4511.194, section 4511.196, or division (G) of 3853
section 4511.19 of the Revised Code, or under section 4510.07 of 3854
the Revised Code for a violation of a municipal OVI ordinance and 3855
upon the request of the person whose driver's or commercial 3856
driver's license or permit was suspended and who is not otherwise 3857
subject to suspension, cancellation, or disqualification, the 3858
registrar shall return the driver's or commercial driver's license 3859
or permit to the person upon the occurrence of all of the 3860
conditions specified in divisions (F)(1) and (2) of this section: 3861

(1) A showing that the person has proof of financial 3862
responsibility, a policy of liability insurance in effect that 3863
meets the minimum standards set forth in section 4509.51 of the 3864
Revised Code, or proof, to the satisfaction of the registrar, that 3865
the person is able to respond in damages in an amount at least 3866
equal to the minimum amounts specified in section 4509.51 of the 3867
Revised Code. 3868

(2) Subject to the limitation contained in division (F)(3) of 3869
this section, payment by the person to the bureau of motor 3870
vehicles of a license reinstatement fee of four hundred 3871
twenty-five dollars, which fee shall be deposited in the state 3872
treasury and credited as follows: 3873

(a) One hundred twelve dollars and fifty cents shall be 3874
credited to the statewide treatment and prevention fund created by 3875
section 4301.30 of the Revised Code. The fund shall be used to pay 3876
the costs of driver treatment and intervention programs operated 3877
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 3878
director of alcohol and drug addiction services shall determine 3879
the share of the fund that is to be allocated to alcohol and drug 3880
addiction programs authorized by section 3793.02 of the Revised 3881
Code, and the share of the fund that is to be allocated to 3882
drivers' intervention programs authorized by section 3793.10 of 3883
the Revised Code. 3884

(b) Seventy-five dollars shall be credited to the reparations 3885
fund created by section 2743.191 of the Revised Code. 3886

(c) Thirty-seven dollars and fifty cents shall be credited to 3887
the indigent drivers alcohol treatment fund, which is hereby 3888
established. Except as otherwise provided in division (F)(2)(c) of 3889
this section, moneys in the fund shall be distributed by the 3890
department of alcohol and drug addiction services to the county 3891
indigent drivers alcohol treatment funds, the county juvenile 3892
indigent drivers alcohol treatment funds, and the municipal 3893
indigent drivers alcohol treatment funds that are required to be 3894
established by counties and municipal corporations pursuant to 3895
this section, and shall be used only to pay the cost of an alcohol 3896
and drug addiction treatment program attended by an offender or 3897
juvenile traffic offender who is ordered to attend an alcohol and 3898
drug addiction treatment program by a county, juvenile, or 3899
municipal court judge and who is determined by the county, 3900
juvenile, or municipal court judge not to have the means to pay 3901
for the person's attendance at the program or to pay the costs 3902
specified in division (H)(4) of this section in accordance with 3903
that division. In addition, a county, juvenile, or municipal court 3904
judge may use moneys in the county indigent drivers alcohol 3905

treatment fund, county juvenile indigent drivers alcohol treatment 3906
fund, or municipal indigent drivers alcohol treatment fund to pay 3907
for the cost of the continued use of an electronic continuous 3908
alcohol monitoring device as described in divisions (H)(3) and (4) 3909
of this section. Moneys in the fund that are not distributed to a 3910
county indigent drivers alcohol treatment fund, a county juvenile 3911
indigent drivers alcohol treatment fund, or a municipal indigent 3912
drivers alcohol treatment fund under division (H) of this section 3913
because the director of alcohol and drug addiction services does 3914
not have the information necessary to identify the county or 3915
municipal corporation where the offender or juvenile offender was 3916
arrested may be transferred by the director of budget and 3917
management to the statewide treatment and prevention fund created 3918
by section 4301.30 of the Revised Code, upon certification of the 3919
amount by the director of alcohol and drug addiction services. 3920

(d) Seventy-five dollars shall be credited to the Ohio 3921
rehabilitation services commission established by section 3304.12 3922
of the Revised Code, to the services for rehabilitation fund, 3923
which is hereby established. The fund shall be used to match 3924
available federal matching funds where appropriate, and for any 3925
other purpose or program of the commission to rehabilitate people 3926
with disabilities to help them become employed and independent. 3927

(e) Seventy-five dollars shall be deposited into the state 3928
treasury and credited to the drug abuse resistance education 3929
programs fund, which is hereby established, to be used by the 3930
attorney general for the purposes specified in division (F)(4) of 3931
this section. 3932

(f) Thirty dollars shall be credited to the state bureau of 3933
motor vehicles fund created by section 4501.25 of the Revised 3934
Code. 3935

(g) Twenty dollars shall be credited to the trauma and 3936

emergency medical services grants fund created by section 4513.263 3937
of the Revised Code. 3938

(3) If a person's driver's or commercial driver's license or 3939
permit is suspended under this section, under section 4511.196 or 3940
division (G) of section 4511.19 of the Revised Code, under section 3941
4510.07 of the Revised Code for a violation of a municipal OVI 3942
ordinance or under any combination of the suspensions described in 3943
division (F)(3) of this section, and if the suspensions arise from 3944
a single incident or a single set of facts and circumstances, the 3945
person is liable for payment of, and shall be required to pay to 3946
the bureau, only one reinstatement fee of four hundred twenty-five 3947
dollars. The reinstatement fee shall be distributed by the bureau 3948
in accordance with division (F)(2) of this section. 3949

(4) The attorney general shall use amounts in the drug abuse 3950
resistance education programs fund to award grants to law 3951
enforcement agencies to establish and implement drug abuse 3952
resistance education programs in public schools. Grants awarded to 3953
a law enforcement agency under this section shall be used by the 3954
agency to pay for not more than fifty per cent of the amount of 3955
the salaries of law enforcement officers who conduct drug abuse 3956
resistance education programs in public schools. The attorney 3957
general shall not use more than six per cent of the amounts the 3958
attorney general's office receives under division (F)(2)(e) of 3959
this section to pay the costs it incurs in administering the grant 3960
program established by division (F)(2)(e) of this section and in 3961
providing training and materials relating to drug abuse resistance 3962
education programs. 3963

The attorney general shall report to the governor and the 3964
general assembly each fiscal year on the progress made in 3965
establishing and implementing drug abuse resistance education 3966
programs. These reports shall include an evaluation of the 3967
effectiveness of these programs. 3968

(G) Suspension of a commercial driver's license under 3969
division (B) or (C) of this section shall be concurrent with any 3970
period of disqualification under section 3123.611 or 4506.16 of 3971
the Revised Code or any period of suspension under section 3123.58 3972
of the Revised Code. No person who is disqualified for life from 3973
holding a commercial driver's license under section 4506.16 of the 3974
Revised Code shall be issued a driver's license under Chapter 3975
4507. of the Revised Code during the period for which the 3976
commercial driver's license was suspended under division (B) or 3977
(C) of this section. No person whose commercial driver's license 3978
is suspended under division (B) or (C) of this section shall be 3979
issued a driver's license under Chapter 4507. of the Revised Code 3980
during the period of the suspension. 3981

(H)(1) Each county shall establish an indigent drivers 3982
alcohol treatment fund, each county shall establish a juvenile 3983
indigent drivers alcohol treatment fund, and each municipal 3984
corporation in which there is a municipal court shall establish an 3985
indigent drivers alcohol treatment fund. All revenue that the 3986
general assembly appropriates to the indigent drivers alcohol 3987
treatment fund for transfer to a county indigent drivers alcohol 3988
treatment fund, a county juvenile indigent drivers alcohol 3989
treatment fund, or a municipal indigent drivers alcohol treatment 3990
fund, all portions of fees that are paid under division (F) of 3991
this section and that are credited under that division to the 3992
indigent drivers alcohol treatment fund in the state treasury for 3993
a county indigent drivers alcohol treatment fund, a county 3994
juvenile indigent drivers alcohol treatment fund, or a municipal 3995
indigent drivers alcohol treatment fund, and all portions of fines 3996
that are specified for deposit into a county or municipal indigent 3997
drivers alcohol treatment fund by section 4511.193 of the Revised 3998
Code shall be deposited into that county indigent drivers alcohol 3999
treatment fund, county juvenile indigent drivers alcohol treatment 4000

fund, or municipal indigent drivers alcohol treatment fund in 4001
accordance with division (H)(2) of this section. Additionally, all 4002
portions of fines that are paid for a violation of section 4511.19 4003
of the Revised Code or of any prohibition contained in Chapter 4004
4510. of the Revised Code, and that are required under section 4005
4511.19 or any provision of Chapter 4510. of the Revised Code to 4006
be deposited into a county indigent drivers alcohol treatment fund 4007
or municipal indigent drivers alcohol treatment fund shall be 4008
deposited into the appropriate fund in accordance with the 4009
applicable division. 4010

(2) That portion of the license reinstatement fee that is 4011
paid under division (F) of this section and that is credited under 4012
that division to the indigent drivers alcohol treatment fund shall 4013
be deposited into a county indigent drivers alcohol treatment 4014
fund, a county juvenile indigent drivers alcohol treatment fund, 4015
or a municipal indigent drivers alcohol treatment fund as follows: 4016

(a) If the suspension in question was imposed under this 4017
section, that portion of the fee shall be deposited as follows: 4018

(i) If the fee is paid by a person who was charged in a 4019
county court with the violation that resulted in the suspension, 4020
the portion shall be deposited into the county indigent drivers 4021
alcohol treatment fund under the control of that court; 4022

(ii) If the fee is paid by a person who was charged in a 4023
juvenile court with the violation that resulted in the suspension, 4024
the portion shall be deposited into the county juvenile indigent 4025
drivers alcohol treatment fund established in the county served by 4026
the court; 4027

(iii) If the fee is paid by a person who was charged in a 4028
municipal court with the violation that resulted in the 4029
suspension, the portion shall be deposited into the municipal 4030
indigent drivers alcohol treatment fund under the control of that 4031

court. 4032

(b) If the suspension in question was imposed under section 4033
4511.19 of the Revised Code or under section 4510.07 of the 4034
Revised Code for a violation of a municipal OVI ordinance, that 4035
portion of the fee shall be deposited as follows: 4036

(i) If the fee is paid by a person whose license or permit 4037
was suspended by a county court, the portion shall be deposited 4038
into the county indigent drivers alcohol treatment fund under the 4039
control of that court; 4040

(ii) If the fee is paid by a person whose license or permit 4041
was suspended by a municipal court, the portion shall be deposited 4042
into the municipal indigent drivers alcohol treatment fund under 4043
the control of that court. 4044

(3) Expenditures from a county indigent drivers alcohol 4045
treatment fund, a county juvenile indigent drivers alcohol 4046
treatment fund, or a municipal indigent drivers alcohol treatment 4047
fund shall be made only upon the order of a county, juvenile, or 4048
municipal court judge and only for payment of the cost of the 4049
attendance at an alcohol and drug addiction treatment program of a 4050
person who is convicted of, or found to be a juvenile traffic 4051
offender by reason of, a violation of division (A) of section 4052
4511.19 of the Revised Code or a substantially similar municipal 4053
ordinance, who is ordered by the court to attend the alcohol and 4054
drug addiction treatment program, and who is determined by the 4055
court to be unable to pay the cost of attendance at the treatment 4056
program or for payment of the costs specified in division (H)(4) 4057
of this section in accordance with that division. The alcohol and 4058
drug addiction services board or the board of alcohol, drug 4059
addiction, and mental health services established pursuant to 4060
section 340.02 or 340.021 of the Revised Code and serving the 4061
alcohol, drug addiction, and mental health service district in 4062

which the court is located shall administer the indigent drivers 4063
alcohol treatment program of the court. When a court orders an 4064
offender or juvenile traffic offender to attend an alcohol and 4065
drug addiction treatment program, the board shall determine which 4066
program is suitable to meet the needs of the offender or juvenile 4067
traffic offender, and when a suitable program is located and space 4068
is available at the program, the offender or juvenile traffic 4069
offender shall attend the program designated by the board. A 4070
reasonable amount not to exceed five per cent of the amounts 4071
credited to and deposited into the county indigent drivers alcohol 4072
treatment fund, the county juvenile indigent drivers alcohol 4073
treatment fund, or the municipal indigent drivers alcohol 4074
treatment fund serving every court whose program is administered 4075
by that board shall be paid to the board to cover the costs it 4076
incurs in administering those indigent drivers alcohol treatment 4077
programs. 4078

In addition, a county, juvenile, or municipal court judge may 4079
use moneys in the county indigent drivers alcohol treatment fund, 4080
county juvenile indigent drivers alcohol treatment fund, or 4081
municipal indigent drivers alcohol treatment fund to pay for the 4082
continued use of an electronic continuous alcohol monitoring 4083
device by an offender or juvenile traffic offender, in conjunction 4084
with a treatment program approved by the department of alcohol and 4085
drug addiction services, when such use is determined clinically 4086
necessary by the treatment program and when the court determines 4087
that the offender or juvenile traffic offender is unable to pay 4088
all or part of the daily monitoring of the device. 4089

(4) If a county, juvenile, or municipal court determines, in 4090
consultation with the alcohol and drug addiction services board or 4091
the board of alcohol, drug addiction, and mental health services 4092
established pursuant to section 340.02 or 340.021 of the Revised 4093
Code and serving the alcohol, drug addiction, and mental health 4094

district in which the court is located, that the funds in the
county indigent drivers alcohol treatment fund, the county
juvenile indigent drivers alcohol treatment fund, or the municipal
indigent drivers alcohol treatment fund under the control of the
court are more than sufficient to satisfy the purpose for which
the fund was established, as specified in divisions (H)(1) to (3)
of this section, the court may declare a surplus in the fund. If
the court declares a surplus in the fund, the court may expend the
amount of the surplus in the fund for:

(a) Alcohol and drug abuse assessment and treatment of
persons who are charged in the court with committing a criminal
offense or with being a delinquent child or juvenile traffic
offender and in relation to whom both of the following apply:

(i) The court determines that substance abuse was a
contributing factor leading to the criminal or delinquent activity
or the juvenile traffic offense with which the person is charged.

(ii) The court determines that the person is unable to pay
the cost of the alcohol and drug abuse assessment and treatment
for which the surplus money will be used.

(b) All or part of the cost of purchasing electronic
continuous alcohol monitoring devices to be used in conjunction
with division (H)(3) of this section.

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed
for a violation of a municipal OVI ordinance shall be deposited
into the municipal or county indigent drivers alcohol treatment
fund created pursuant to division (H) of section 4511.191 of the
Revised Code in accordance with this section and section 733.40,
divisions (A) and (B) of section 1901.024, division (F) of section
1901.31, or division (C) of section 1907.20 of the Revised Code.
Regardless of whether the fine is imposed by a municipal court, a

mayor's court, or a juvenile court, if the fine was imposed for a 4125
violation of an ordinance of a municipal corporation that is 4126
within the jurisdiction of a municipal court, the twenty-five 4127
dollars that is subject to this section shall be deposited into 4128
the indigent drivers alcohol treatment fund of the municipal 4129
corporation in which is located the municipal court that has 4130
jurisdiction over that municipal corporation. Regardless of 4131
whether the fine is imposed by a county court, a mayor's court, or 4132
a juvenile court, if the fine was imposed for a violation of an 4133
ordinance of a municipal corporation that is within the 4134
jurisdiction of a county court, the twenty-five dollars that is 4135
subject to this section shall be deposited into the indigent 4136
drivers alcohol treatment fund of the county in which is located 4137
the county court that has jurisdiction over that municipal 4138
corporation. The deposit shall be made in accordance with section 4139
733.40, divisions (A) and (B) of section 1901.024, division (F) of 4140
section 1901.31, or division (C) of section 1907.20 of the Revised 4141
Code. 4142

(B)(1) The requirements and sanctions imposed by divisions 4143
(B)(1) and (2) of this section are an adjunct to and derive from 4144
the state's exclusive authority over the registration and titling 4145
of motor vehicles and do not comprise a part of the criminal 4146
sentence to be imposed upon a person who violates a municipal OVI 4147
ordinance. 4148

(2) If a person is convicted of or pleads guilty to a 4149
violation of a municipal OVI ordinance, if the vehicle the 4150
offender was operating at the time of the offense is registered in 4151
the offender's name, and if, within ~~six~~ twenty years of the 4152
current offense, the offender has been convicted of or pleaded 4153
guilty to one or more violations of division (A) or (B) of section 4154
4511.19 of the Revised Code or one or more other equivalent 4155
offenses, the court, in addition to and independent of any 4156

sentence that it imposes upon the offender for the offense, shall 4157
do whichever of the following is applicable: 4158

(a) Except as otherwise provided in division (B)(2)(b) of 4159
this section, if, within ~~six~~ twenty years of the current offense, 4160
the offender has been convicted of or pleaded guilty to one 4161
violation described in division (B)(2) of this section, the court 4162
shall order the immobilization for ninety days of that vehicle and 4163
the impoundment for ninety days of the license plates of that 4164
vehicle. The order for the immobilization and impoundment shall be 4165
issued and enforced in accordance with section 4503.233 of the 4166
Revised Code. 4167

(b) If, within ~~six~~ twenty years of the current offense, the 4168
offender has been convicted of or pleaded guilty to two or more 4169
violations described in division (B)(2) of this section, or if the 4170
offender previously has been convicted of or pleaded guilty to a 4171
violation of division (A) of section 4511.19 of the Revised Code 4172
under circumstances in which the violation was a felony and 4173
regardless of when the violation and the conviction or guilty plea 4174
occurred, the court shall order the criminal forfeiture to the 4175
state of that vehicle. The order of criminal forfeiture shall be 4176
issued and enforced in accordance with section 4503.234 of the 4177
Revised Code. 4178

Sec. 4511.195. (A) As used in this section: 4179

(1) "Arrested person" means a person who is arrested for a 4180
violation of division (A) of section 4511.19 of the Revised Code 4181
or a municipal OVI ordinance and whose arrest results in a vehicle 4182
being seized under division (B) of this section. 4183

(2) "Vehicle owner" means either of the following: 4184

(a) The person in whose name is registered, at the time of 4185
the seizure, a vehicle that is seized under division (B) of this 4186

section; 4187

(b) A person to whom the certificate of title to a vehicle 4188
that is seized under division (B) of this section has been 4189
assigned and who has not obtained a certificate of title to the 4190
vehicle in that person's name, but who is deemed by the court as 4191
being the owner of the vehicle at the time the vehicle was seized 4192
under division (B) of this section. 4193

(3) "Interested party" includes the owner of a vehicle seized 4194
under this section, all lienholders, the arrested person, the 4195
owner of the place of storage at which a vehicle seized under this 4196
section is stored, and the person or entity that caused the 4197
vehicle to be removed. 4198

(B)(1) The arresting officer or another officer of the law 4199
enforcement agency that employs the arresting officer, in addition 4200
to any action that the arresting officer is required or authorized 4201
to take by section 4511.19 or 4511.191 of the Revised Code or by 4202
any other provision of law, shall seize the vehicle that a person 4203
was operating at the time of the alleged offense and its license 4204
plates if the vehicle is registered in the arrested person's name 4205
and if either of the following applies: 4206

(a) The person is arrested for a violation of division (A) of 4207
section 4511.19 of the Revised Code or of a municipal OVI 4208
ordinance and, within ~~six~~ twenty years of the alleged violation, 4209
the person previously has been convicted of or pleaded guilty to 4210
one or more violations of division (A) or (B) of section 4511.19 4211
of the Revised Code or one or more other equivalent offenses. 4212

(b) The person is arrested for a violation of division (A) of 4213
section 4511.19 of the Revised Code or of a municipal OVI 4214
ordinance and the person previously has been convicted of or 4215
pleaded guilty to a violation of division (A) of section 4511.19 4216
of the Revised Code under circumstances in which the violation was 4217

a felony, regardless of when the prior felony violation of 4218
division (A) of section 4511.19 of the Revised Code and the 4219
conviction or guilty plea occurred. 4220

(2) A law enforcement agency that employs a law enforcement 4221
officer who makes an arrest of a type that is described in 4222
division (B)(1) of this section and that involves a rented or 4223
leased vehicle that is being rented or leased for a period of 4224
thirty days or less shall notify, within twenty-four hours after 4225
the officer makes the arrest, the lessor or owner of the vehicle 4226
regarding the circumstances of the arrest and the location at 4227
which the vehicle may be picked up. At the time of the seizure of 4228
the vehicle, the law enforcement officer who made the arrest shall 4229
give the arrested person written notice that the vehicle and its 4230
license plates have been seized; that the vehicle either will be 4231
kept by the officer's law enforcement agency or will be 4232
immobilized at least until the operator's initial appearance on 4233
the charge of the offense for which the arrest was made; that, at 4234
the initial appearance, the court in certain circumstances may 4235
order that the vehicle and license plates be released to the 4236
arrested person until the disposition of that charge; and that, if 4237
the arrested person is convicted of that charge, the court 4238
generally must order the immobilization of the vehicle and the 4239
impoundment of its license plates, or the forfeiture of the 4240
vehicle. 4241

(3) The arresting officer or a law enforcement officer of the 4242
agency that employs the arresting officer shall give written 4243
notice of the seizure to the court that will conduct the initial 4244
appearance of the arrested person on the charges arising out of 4245
the arrest. Upon receipt of the notice, the court promptly shall 4246
determine whether the arrested person is the vehicle owner. If the 4247
court determines that the arrested person is not the vehicle 4248
owner, it promptly shall send by regular mail written notice of 4249

the seizure to the vehicle's registered owner. The written notice 4250
shall contain all of the information required by division (B)(2) 4251
of this section to be in a notice to be given to the arrested 4252
person and also shall specify the date, time, and place of the 4253
arrested person's initial appearance. The notice also shall inform 4254
the vehicle owner that if title to a motor vehicle that is subject 4255
to an order for criminal forfeiture under this section is assigned 4256
or transferred and division (B)(2) or (3) of section 4503.234 of 4257
the Revised Code applies, the court may fine the arrested person 4258
the value of the vehicle. The notice also shall state that if the 4259
vehicle is immobilized under division (A) of section 4503.233 of 4260
the Revised Code, seven days after the end of the period of 4261
immobilization a law enforcement agency will send the vehicle 4262
owner a notice, informing the owner that if the release of the 4263
vehicle is not obtained in accordance with division (D)(3) of 4264
section 4503.233 of the Revised Code, the vehicle shall be 4265
forfeited. The notice also shall inform the vehicle owner that the 4266
vehicle owner may be charged expenses or charges incurred under 4267
this section and section 4503.233 of the Revised Code for the 4268
removal and storage of the vehicle. 4269

The written notice that is given to the arrested person also 4270
shall state that if the person is convicted of or pleads guilty to 4271
the offense and the court issues an immobilization and impoundment 4272
order relative to that vehicle, division (D)(4) of section 4273
4503.233 of the Revised Code prohibits the vehicle from being sold 4274
during the period of immobilization without the prior approval of 4275
the court. 4276

(4) At or before the initial appearance, the vehicle owner 4277
may file a motion requesting the court to order that the vehicle 4278
and its license plates be released to the vehicle owner. Except as 4279
provided in this division and subject to the payment of expenses 4280
or charges incurred in the removal and storage of the vehicle, the 4281

court, in its discretion, then may issue an order releasing the
vehicle and its license plates to the vehicle owner. Such an order
may be conditioned upon such terms as the court determines
appropriate, including the posting of a bond in an amount
determined by the court. If the arrested person is not the vehicle
owner and if the vehicle owner is not present at the arrested
person's initial appearance, and if the court believes that the
vehicle owner was not provided with adequate notice of the initial
appearance, the court, in its discretion, may allow the vehicle
owner to file a motion within seven days of the initial
appearance. If the court allows the vehicle owner to file such a
motion after the initial appearance, the extension of time granted
by the court does not extend the time within which the initial
appearance is to be conducted. If the court issues an order for
the release of the vehicle and its license plates, a copy of the
order shall be made available to the vehicle owner. If the vehicle
owner presents a copy of the order to the law enforcement agency
that employs the law enforcement officer who arrested the arrested
person, the law enforcement agency promptly shall release the
vehicle and its license plates to the vehicle owner upon payment
by the vehicle owner of any expenses or charges incurred in the
removal and storage of the vehicle.

(5) A vehicle seized under division (B)(1) of this section
either shall be towed to a place specified by the law enforcement
agency that employs the arresting officer to be safely kept by the
agency at that place for the time and in the manner specified in
this section or shall be otherwise immobilized for the time and in
the manner specified in this section. A law enforcement officer of
that agency shall remove the identification license plates of the
vehicle, and they shall be safely kept by the agency for the time
and in the manner specified in this section. No vehicle that is
seized and either towed or immobilized pursuant to this division

shall be considered contraband for purposes of section 2933.41, 4314
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be 4315
immobilized at any place other than a commercially operated 4316
private storage lot, a place owned by a law enforcement agency or 4317
other government agency, or a place to which one of the following 4318
applies: 4319

(a) The place is leased by or otherwise under the control of 4320
a law enforcement agency or other government agency. 4321

(b) The place is owned by the vehicle operator, the vehicle 4322
operator's spouse, or a parent or child of the vehicle operator. 4323

(c) The place is owned by a private person or entity, and, 4324
prior to the immobilization, the private entity or person that 4325
owns the place, or the authorized agent of that private entity or 4326
person, has given express written consent for the immobilization 4327
to be carried out at that place. 4328

(d) The place is a street or highway on which the vehicle is 4329
parked in accordance with the law. 4330

(C)(1) A vehicle seized under division (B) of this section 4331
shall be safely kept at the place to which it is towed or 4332
otherwise moved by the law enforcement agency that employs the 4333
arresting officer until the initial appearance of the arrested 4334
person relative to the charge in question. The license plates of 4335
the vehicle that are removed pursuant to division (B) of this 4336
section shall be safely kept by the law enforcement agency that 4337
employs the arresting officer until the initial appearance of the 4338
arrested person relative to the charge in question. 4339

(2)(a) At the initial appearance or not less than seven days 4340
prior to the date of final disposition, the court shall notify the 4341
arrested person that, if title to a motor vehicle that is subject 4342
to an order for criminal forfeiture under this section is assigned 4343
or transferred and division (B)(2) or (3) of section 4503.234 of 4344

the Revised Code applies, the court may fine the arrested person 4345
the value of the vehicle. If, at the initial appearance, the 4346
arrested person pleads guilty to the violation of division (A) of 4347
section 4511.19 of the Revised Code or of the municipal OVI 4348
ordinance or pleads no contest to and is convicted of the 4349
violation, the court shall impose sentence upon the person as 4350
provided by law or ordinance; the court shall order the 4351
immobilization of the vehicle the arrested person was operating at 4352
the time of the offense if registered in the arrested person's 4353
name and the impoundment of its license plates under section 4354
4503.233 and section 4511.19 or 4511.193 of the Revised Code or 4355
the criminal forfeiture to the state of the vehicle if registered 4356
in the arrested person's name under section 4503.234 and section 4357
4511.19 or 4511.193 of the Revised Code, whichever is applicable; 4358
and the vehicle and its license plates shall not be returned or 4359
released to the arrested person. 4360

(b) If, at any time, the charge that the arrested person 4361
violated division (A) of section 4511.19 of the Revised Code or 4362
the municipal OVI ordinance is dismissed for any reason, the court 4363
shall order that the vehicle seized at the time of the arrest and 4364
its license plates immediately be released to the person. 4365

(D) If a vehicle and its license plates are seized under 4366
division (B) of this section and are not returned or released to 4367
the arrested person pursuant to division (C) of this section, the 4368
vehicle and its license plates shall be retained until the final 4369
disposition of the charge in question. Upon the final disposition 4370
of that charge, the court shall do whichever of the following is 4371
applicable: 4372

(1) If the arrested person is convicted of or pleads guilty 4373
to the violation of division (A) of section 4511.19 of the Revised 4374
Code or of the municipal OVI ordinance, the court shall impose 4375
sentence upon the person as provided by law or ordinance and shall 4376

order the immobilization of the vehicle the person was operating 4377
at the time of the offense if it is registered in the arrested 4378
person's name and the impoundment of its license plates under 4379
section 4503.233 and section 4511.19 or 4511.193 of the Revised 4380
Code, or the criminal forfeiture of the vehicle if it is 4381
registered in the arrested person's name under section 4503.234 4382
and section 4511.19 or 4511.193 of the Revised Code, whichever is 4383
applicable. 4384

(2) If the arrested person is found not guilty of the 4385
violation of division (A) of section 4511.19 of the Revised Code 4386
or of the municipal OVI ordinance, the court shall order that the 4387
vehicle and its license plates immediately be released to the 4388
arrested person. 4389

(3) If the charge that the arrested person violated division 4390
(A) of section 4511.19 of the Revised Code or the municipal OVI 4391
ordinance is dismissed for any reason, the court shall order that 4392
the vehicle and its license plates immediately be released to the 4393
arrested person. 4394

(4) If the impoundment of the vehicle was not authorized 4395
under this section, the court shall order that the vehicle and its 4396
license plates be returned immediately to the arrested person or, 4397
if the arrested person is not the vehicle owner, to the vehicle 4398
owner, and shall order that the state or political subdivision of 4399
the law enforcement agency served by the law enforcement officer 4400
who seized the vehicle pay all expenses and charges incurred in 4401
its removal and storage. 4402

(E) If a vehicle is seized under division (B) of this 4403
section, the time between the seizure of the vehicle and either 4404
its release to the arrested person under division (C) of this 4405
section or the issuance of an order of immobilization of the 4406
vehicle under section 4503.233 of the Revised Code shall be 4407

credited against the period of immobilization ordered by the 4408
court. 4409

(F)(1) Except as provided in division (D)(4) of this section, 4410
the arrested person may be charged expenses or charges incurred in 4411
the removal and storage of the immobilized vehicle. The court with 4412
jurisdiction over the case, after notice to all interested 4413
parties, including lienholders, and after an opportunity for them 4414
to be heard, if the court finds that the arrested person does not 4415
intend to seek release of the vehicle at the end of the period of 4416
immobilization under section 4503.233 of the Revised Code or that 4417
the arrested person is not or will not be able to pay the expenses 4418
and charges incurred in its removal and storage, may order that 4419
title to the vehicle be transferred, in order of priority, first 4420
into the name of the person or entity that removed it, next into 4421
the name of a lienholder, or lastly into the name of the owner of 4422
the place of storage. 4423

Any lienholder that receives title under a court order shall 4424
do so on the condition that it pay any expenses or charges 4425
incurred in the vehicle's removal and storage. If the person or 4426
entity that receives title to the vehicle is the person or entity 4427
that removed it, the person or entity shall receive title on the 4428
condition that it pay any lien on the vehicle. The court shall not 4429
order that title be transferred to any person or entity other than 4430
the owner of the place of storage if the person or entity refuses 4431
to receive the title. Any person or entity that receives title 4432
either may keep title to the vehicle or may dispose of the vehicle 4433
in any legal manner that it considers appropriate, including 4434
assignment of the certificate of title to the motor vehicle to a 4435
salvage dealer or a scrap metal processing facility. The person or 4436
entity shall not transfer the vehicle to the person who is the 4437
vehicle's immediate previous owner. 4438

If the person or entity that receives title assigns the motor 4439

vehicle to a salvage dealer or scrap metal processing facility, 4440
the person or entity shall send the assigned certificate of title 4441
to the motor vehicle to the clerk of the court of common pleas of 4442
the county in which the salvage dealer or scrap metal processing 4443
facility is located. The person or entity shall mark the face of 4444
the certificate of title with the words "FOR DESTRUCTION" and 4445
shall deliver a photocopy of the certificate of title to the 4446
salvage dealer or scrap metal processing facility for its records. 4447

(2) Whenever a court issues an order under division (F)(1) of 4448
this section, the court also shall order removal of the license 4449
plates from the vehicle and cause them to be sent to the registrar 4450
of motor vehicles if they have not already been sent to the 4451
registrar. Thereafter, no further proceedings shall take place 4452
under this section or under section 4503.233 of the Revised Code. 4453

(3) Prior to initiating a proceeding under division (F)(1) of 4454
this section, and upon payment of the fee under division (B) of 4455
section 4505.14 of the Revised Code, any interested party may 4456
cause a search to be made of the public records of the bureau of 4457
motor vehicles or the clerk of the court of common pleas, to 4458
ascertain the identity of any lienholder of the vehicle. The 4459
initiating party shall furnish this information to the clerk of 4460
the court with jurisdiction over the case, and the clerk shall 4461
provide notice to the arrested person, any lienholder, and any 4462
other interested parties listed by the initiating party, at the 4463
last known address supplied by the initiating party, by certified 4464
mail or, at the option of the initiating party, by personal 4465
service or ordinary mail. 4466

Section 2. That existing sections 2152.02, 2152.19, 2921.38, 4467
2921.51, 2929.14, 2929.19, 2967.28, 4510.07, 4510.13, 4510.14, 4468
4510.17, 4510.31, 4511.19, 4511.191, 4511.193, and 4511.195 of the 4469
Revised Code are hereby repealed. 4470

Section 3. (A) The General Assembly hereby declares that its purpose in amending sections 2929.14, 2929.19, and 2967.28 and enacting section 2929.191 of the Revised Code in Sections 1 and 2 of this act is to reaffirm that, under the amended sections as they existed prior to the effective date of this act: (1) by operation of law and without need for any prior notification or warning, every convicted offender sentenced to a prison term for a felony of the first or second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person always is subject to a period of post-release control after the offender's release from imprisonment pursuant to and for the period of time described in division (B) of section 2967.28 of the Revised Code; (2) by operation of law, every convicted offender sentenced to a prison term for a felony of the third, fourth, or fifth degree that is not subject to the provision described in clause (1) of this sentence is subject to a period of post-release control after the offender's release from imprisonment pursuant to division (C) of section 2967.28 of the Revised Code if the parole board determines in accordance with specified criteria that post-release control is necessary; and (3) by operation of law and without need for any prior notification or warning, every convicted offender sentenced to a prison term and subjected to supervision under a period of post-release control after the offender's release from imprisonment always is subject to having the Parole Board impose in accordance with section 2967.28 of the Revised Code a prison term of up to one-half of the stated prison term originally imposed upon the offender if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code.

(B) The General Assembly hereby declares that it believes

that the amendments made to sections 2929.14, 2929.19, and 2967.28 4503
and the enactment of section 2929.191 of the Revised Code in 4504
Sections 1 and 2 of this act are not substantive in nature and 4505
merely clarify that the amended sections operate as described in 4506
division (A) of this Section, that the convicted offenders 4507
described in clause (1) under division (A) of this Section always 4508
are subject by operation of law and without need for any prior 4509
notification or warning to a period of post-release control after 4510
their release from imprisonment as described in that division, 4511
that the convicted offenders described in clause (2) under 4512
division (A) of this Section are subject by operation of law to 4513
post-release control after their release from imprisonment if the 4514
Parole Board makes certain determinations, that the convicted 4515
offenders described in clause (3) under division (A) of this 4516
Section always are subject by operation of law to having the 4517
Parole Board impose a prison term if they violate their 4518
supervision or a condition of post-release control as described in 4519
that division, and that the amendments made to sections 2929.14, 4520
2929.19, and 2967.28 and the enactment of section 2929.191 of the 4521
Revised Code in Sections 1 and 2 of this act thus are remedial in 4522
nature. The General Assembly declares that it intends that the 4523
clarifying, remedial amendments made to sections 2929.14, 2929.19, 4524
and 2967.28 and the enactment of section 2929.191 of the Revised 4525
Code in Sections 1 and 2 of this act apply to all convicted 4526
offenders described in division (A) of this Section, regardless of 4527
whether they were sentenced prior to, or are sentenced on or 4528
after, the effective date of this act. 4529

Section 4. Section 2921.38 of the Revised Code, as amended by 4530
this act, shall take effect ninety days after the effective date 4531
of this act. 4532

Section 5. This act is hereby declared to be an emergency 4533

measure necessary for the immediate preservation of the public 4534
peace, health, and safety. The reason for such necessity is that 4535
the amendments made in this act are crucially needed to clarify 4536
the law to protect the residents of this state from the 4537
consequences that might result if the state is forced to release 4538
without supervision offenders who have been convicted of serious 4539
offenses and imprisoned, solely because the offenders were not 4540
provided notice of the fact that the law always requires their 4541
supervision upon release from prison. Therefore, this act shall go 4542
into immediate effect. 4543