

As Reported by the Senate Judiciary--Criminal Justice Committee

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Sub. H. B. No. 461

**Representatives Wolpert, Yuko, Ujvagi, Otterman, Healy, Latta, Evans, D.,
Gilb, Hughes, Barrett, Bulp, Cassell, Chandler, Collier, Combs, Core,
Daniels, DeGeeter, Distel, Domenick, Evans, C., Faber, Fende, Fessler,
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McGregor, J., McGregor, R., Oelslager, Patton, T., Raussen, Reidelbach,
Schaffer, Schlichter, Schneider, Smith, G., Stewart, J., Taylor, Wagner,
Wagoner, Webster, White, Widener, Williams
Senators Grendell, Stivers**

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A B I L L

To amend sections 2743.51, 2743.56, 2903.06, 2903.08, 1
2903.11, 2909.32, 2909.33, 2909.34, 2923.02, 2
2929.01, 2929.02, 2929.13, 2929.14, 2929.18, 3
2929.19, 2945.75, 2953.08, 4503.233, 4503.234, 4
4507.02, 4507.08, 4507.164, 4510.10, 4510.13, 5
4510.16, 4510.161, 4510.41, 4510.54, and 4511.19 6
and to enact sections 2929.142 and 4510.18 of the 7
Revised Code, and to amend Section 6 of Am. Sub. 8
S.B. 238 of the 126th General Assembly, to 9
increase the prison term for aggravated vehicular 10
homicide when the offender has at least three 11
prior convictions of OVI, OVUAC, or the OVI-type 12
offense related to vessels or aircraft, of 13
aggravated vehicular homicide or aggravated 14
vehicular assault based on OVI or the OVI-type 15
offense related to vessels or aircraft, or of 16
involuntary manslaughter based on OVI, OVUAC, or 17

an OVI-type offense related to snowmobiles, 18
locomotives, watercraft, or aircraft; to require a 19
court to impose a Class 2 driver's license 20
suspension for aggravated murder, murder, 21
attempted murder, or felonious assault by means of 22
a motor vehicle; to increase the length of the 23
driver's license suspension required for 24
aggravated vehicular homicide or vehicular 25
homicide if the offender previously was convicted 26
of a traffic-related murder, felonious assault, or 27
attempted murder; to permit a court to impose a 28
lifetime driver's license suspension for 29
aggravated vehicular assault if the offender 30
previously was convicted of a traffic-related 31
homicide, manslaughter, or assault offense or a 32
traffic-related murder, felonious assault, or 33
attempted murder; to establish that driving under 34
a lifetime suspension imposed for one of those 35
offenses in those circumstances is a felony of the 36
third degree; to allow a certified copy of a BMV 37
record to be used as proof of a prior conviction; 38
to expand the circumstances in which evidence on 39
the concentration of alcohol, drugs of abuse, or a 40
combination of them in a person's blood, breath, 41
or urine may be admitted as evidence; to allow a 42
person who suffers serious physical harm as a 43
result of a hit-skip accident to file a claim for 44
an award of reparations from the Crime Victims 45
Reparations Fund; to make immobilization of a 46
vehicle and impoundment of its license plates for 47
the offense of "driving under financial 48
responsibility law suspension or cancellation" or 49
a violation of a comparable municipal ordinance 50

discretionary rather than mandatory when the 51
offender has no previous conviction in the 52
preceding five years; to authorize the imposition 53
of a fine equal to the value of the vehicle when 54
title to a vehicle that is subject to an 55
immobilization order is assigned or transferred 56
without court approval; and to revise the 57
procedures pursuant to which a court may order a 58
payment plan or extension of time for payment of 59
reinstatement fees owed by an offender relative to 60
a suspension of driving privileges; to exempt 61
specified federally insured depository 62
institutions from provisions in current law that 63
require a declaration of material 64
assistance/nonassistance to terrorists, designate 65
the Office of Budget and Management as the 66
repository for business precertifications, modify 67
the precertification process, and establish a fine 68
for failure to certify; and to extend the date by 69
which the Task Force on Implementing the Federal 70
Domestic Violence Option in Ohio must submit its 71
report to the General Assembly and the Governor. 72

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

Section 1. That sections 2743.51, 2743.56, 2903.06, 2903.08, 73
2903.11, 2909.32, 2909.33, 2909.34, 2923.02, 2929.01, 2929.02, 74
2929.13, 2929.14, 2929.18, 2929.19, 2945.75, 2953.08, 4503.233, 75
4503.234, 4507.02, 4507.08, 4507.164, 4510.10, 4510.13, 4510.16, 76
4510.161, 4510.41, 4510.54, and 4511.19 be amended and sections 77
2929.142 and 4510.18 of the Revised Code be enacted to read as 78
follows: 79

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the	80
Revised Code:	81
(A) "Claimant" means both of the following categories of	82
persons:	83
(1) Any of the following persons who claim an award of	84
reparations under sections 2743.51 to 2743.72 of the Revised Code:	85
(a) A victim who was one of the following at the time of the	86
criminally injurious conduct:	87
(i) A resident of the United States;	88
(ii) A resident of a foreign country the laws of which permit	89
residents of this state to recover compensation as victims of	90
offenses committed in that country.	91
(b) A dependent of a deceased victim who is described in	92
division (A)(1)(a) of this section;	93
(c) A third person, other than a collateral source, who	94
legally assumes or voluntarily pays the obligations of a victim,	95
or of a dependent of a victim, who is described in division	96
(A)(1)(a) of this section, which obligations are incurred as a	97
result of the criminally injurious conduct that is the subject of	98
the claim and may include, but are not limited to, medical or	99
burial expenses;	100
(d) A person who is authorized to act on behalf of any person	101
who is described in division (A)(1)(a), (b), or (c) of this	102
section;	103
(e) The estate of a deceased victim who is described in	104
division (A)(1)(a) of this section.	105
(2) Any of the following persons who claim an award of	106
reparations under sections 2743.51 to 2743.72 of the Revised Code:	107
(a) A victim who had a permanent place of residence within	108

this state at the time of the criminally injurious conduct and 109
who, at the time of the criminally injurious conduct, complied 110
with any one of the following: 111

(i) Had a permanent place of employment in this state; 112

(ii) Was a member of the regular armed forces of the United 113
States or of the United States coast guard or was a full-time 114
member of the Ohio organized militia or of the United States army 115
reserve, naval reserve, or air force reserve; 116

(iii) Was retired and receiving social security or any other 117
retirement income; 118

(iv) Was sixty years of age or older; 119

(v) Was temporarily in another state for the purpose of 120
receiving medical treatment; 121

(vi) Was temporarily in another state for the purpose of 122
performing employment-related duties required by an employer 123
located within this state as an express condition of employment or 124
employee benefits; 125

(vii) Was temporarily in another state for the purpose of 126
receiving occupational, vocational, or other job-related training 127
or instruction required by an employer located within this state 128
as an express condition of employment or employee benefits; 129

(viii) Was a full-time student at an academic institution, 130
college, or university located in another state; 131

(ix) Had not departed the geographical boundaries of this 132
state for a period exceeding thirty days or with the intention of 133
becoming a citizen of another state or establishing a permanent 134
place of residence in another state. 135

(b) A dependent of a deceased victim who is described in 136
division (A)(2)(a) of this section; 137

(c) A third person, other than a collateral source, who	138
legally assumes or voluntarily pays the obligations of a victim,	139
or of a dependent of a victim, who is described in division	140
(A)(2)(a) of this section, which obligations are incurred as a	141
result of the criminally injurious conduct that is the subject of	142
the claim and may include, but are not limited to, medical or	143
burial expenses;	144
(d) A person who is authorized to act on behalf of any person	145
who is described in division (A)(2)(a), (b), or (c) of this	146
section;	147
(e) The estate of a deceased victim who is described in	148
division (A)(2)(a) of this section.	149
(B) "Collateral source" means a source of benefits or	150
advantages for economic loss otherwise reparable that the victim	151
or claimant has received, or that is readily available to the	152
victim or claimant, from any of the following sources:	153
(1) The offender;	154
(2) The government of the United States or any of its	155
agencies, a state or any of its political subdivisions, or an	156
instrumentality of two or more states, unless the law providing	157
for the benefits or advantages makes them excess or secondary to	158
benefits under sections 2743.51 to 2743.72 of the Revised Code;	159
(3) Social security, medicare, and medicaid;	160
(4) State-required, temporary, nonoccupational disability	161
insurance;	162
(5) Workers' compensation;	163
(6) Wage continuation programs of any employer;	164
(7) Proceeds of a contract of insurance payable to the victim	165
for loss that the victim sustained because of the criminally	166
injurious conduct;	167

(8) A contract providing prepaid hospital and other health care services, or benefits for disability; 168
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(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars; 170
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(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country. 173
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"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code. 177
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(C) "Criminally injurious conduct" means one of the following: 182
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(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies: 184
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(a) The person engaging in the conduct intended to cause personal injury or death; 193
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(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in 195
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the conduct lacked the capacity to commit the felony under the laws of this state;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code;

(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.

(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;

(c) The person engaging in the conduct was using the vehicle 228
in a manner that constitutes an OVI violation; 229

(d) The conduct occurred on or after July 25, 1990, the 230
person engaging in the conduct was using the vehicle in a manner 231
that constitutes a violation of any law of the state, district, 232
territory, or foreign country in which the conduct occurred, and 233
that law is substantially similar to a violation of section 234
2903.08 of the Revised Code; 235

(e) The person engaging in the conduct acted in a manner that 236
caused serious physical harm to a person and that constituted a 237
violation of any law of the state, district, territory, or foreign 238
country in which the conduct occurred, and that law is 239
substantially similar to section 4549.02 or 4549.021 of the 240
Revised Code. 241

(3) For the purposes of any person described in division 242
(A)(1) or (2) of this section, terrorism that occurs within or 243
outside the territorial jurisdiction of the United States. 244

(D) "Dependent" means an individual wholly or partially 245
dependent upon the victim for care and support, and includes a 246
child of the victim born after the victim's death. 247

(E) "Economic loss" means economic detriment consisting only 248
of allowable expense, work loss, funeral expense, unemployment 249
benefits loss, replacement services loss, cost of crime scene 250
cleanup, and cost of evidence replacement. If criminally injurious 251
conduct causes death, economic loss includes a dependent's 252
economic loss and a dependent's replacement services loss. 253
Noneconomic detriment is not economic loss; however, economic loss 254
may be caused by pain and suffering or physical impairment. 255

(F)(1) "Allowable expense" means reasonable charges incurred 256
for reasonably needed products, services, and accommodations, 257
including those for medical care, rehabilitation, rehabilitative 258

occupational training, and other remedial treatment and care and 259
including replacement costs for eyeglasses and other corrective 260
lenses. It does not include that portion of a charge for a room in 261
a hospital, clinic, convalescent home, nursing home, or any other 262
institution engaged in providing nursing care and related services 263
in excess of a reasonable and customary charge for semiprivate 264
accommodations, unless accommodations other than semiprivate 265
accommodations are medically required. 266

(2) An immediate family member of a victim of criminally 267
injurious conduct that consists of a homicide, a sexual assault, 268
domestic violence, or a severe and permanent incapacitating injury 269
resulting in paraplegia or a similar life-altering condition, who 270
requires psychiatric care or counseling as a result of the 271
criminally injurious conduct, may be reimbursed for that care or 272
counseling as an allowable expense through the victim's 273
application. The cumulative allowable expense for care or 274
counseling of that nature shall not exceed two thousand five 275
hundred dollars for each immediate family member of a victim of 276
that type and seven thousand five hundred dollars in the aggregate 277
for all immediate family members of a victim of that type. 278

(3) A family member of a victim who died as a proximate 279
result of criminally injurious conduct may be reimbursed as an 280
allowable expense through the victim's application for wages lost 281
and travel expenses incurred in order to attend criminal justice 282
proceedings arising from the criminally injurious conduct. The 283
cumulative allowable expense for wages lost and travel expenses 284
incurred by a family member to attend criminal justice proceedings 285
shall not exceed five hundred dollars for each family member of 286
the victim and two thousand dollars in the aggregate for all 287
family members of the victim. 288

(4) "Allowable expense" includes attorney's fees not 289
exceeding two thousand five hundred dollars, at a rate not 290

exceeding one hundred fifty dollars per hour, incurred to 291
successfully obtain a restraining order, custody order, or other 292
order to physically separate a victim from an offender, if the 293
attorney has not received payment under section 2743.65 of the 294
Revised Code for assisting a claimant with an application for an 295
award of reparations under sections 2743.51 to 2743.72 of the 296
Revised Code. 297

(G) "Work loss" means loss of income from work that the 298
injured person would have performed if the person had not been 299
injured and expenses reasonably incurred by the person to obtain 300
services in lieu of those the person would have performed for 301
income, reduced by any income from substitute work actually 302
performed by the person, or by income the person would have earned 303
in available appropriate substitute work that the person was 304
capable of performing but unreasonably failed to undertake. 305

(H) "Replacement services loss" means expenses reasonably 306
incurred in obtaining ordinary and necessary services in lieu of 307
those the injured person would have performed, not for income, but 308
for the benefit of the person's self or family, if the person had 309
not been injured. 310

(I) "Dependent's economic loss" means loss after a victim's 311
death of contributions of things of economic value to the victim's 312
dependents, not including services they would have received from 313
the victim if the victim had not suffered the fatal injury, less 314
expenses of the dependents avoided by reason of the victim's 315
death. If a minor child of a victim is adopted after the victim's 316
death, the minor child continues after the adoption to incur a 317
dependent's economic loss as a result of the victim's death. If 318
the surviving spouse of a victim remarries, the surviving spouse 319
continues after the remarriage to incur a dependent's economic 320
loss as a result of the victim's death. 321

(J) "Dependent's replacement services loss" means loss 322
reasonably incurred by dependents after a victim's death in 323
obtaining ordinary and necessary services in lieu of those the 324
victim would have performed for their benefit if the victim had 325
not suffered the fatal injury, less expenses of the dependents 326
avoided by reason of the victim's death and not subtracted in 327
calculating the dependent's economic loss. If a minor child of a 328
victim is adopted after the victim's death, the minor child 329
continues after the adoption to incur a dependent's replacement 330
services loss as a result of the victim's death. If the surviving 331
spouse of a victim remarries, the surviving spouse continues after 332
the remarriage to incur a dependent's replacement services loss as 333
a result of the victim's death. 334

(K) "Noneconomic detriment" means pain, suffering, 335
inconvenience, physical impairment, or other nonpecuniary damage. 336

(L) "Victim" means a person who suffers personal injury or 337
death as a result of any of the following: 338

(1) Criminally injurious conduct; 339

(2) The good faith effort of any person to prevent criminally 340
injurious conduct; 341

(3) The good faith effort of any person to apprehend a person 342
suspected of engaging in criminally injurious conduct. 343

(M) "Contributory misconduct" means any conduct of the 344
claimant or of the victim through whom the claimant claims an 345
award of reparations that is unlawful or intentionally tortious 346
and that, without regard to the conduct's proximity in time or 347
space to the criminally injurious conduct, has a causal 348
relationship to the criminally injurious conduct that is the basis 349
of the claim. 350

(N)(1) "Funeral expense" means any reasonable charges that 351

are not in excess of seven thousand five hundred dollars per 352
funeral and that are incurred for expenses directly related to a 353
victim's funeral, cremation, or burial and any wages lost or 354
travel expenses incurred by a family member of a victim in order 355
to attend the victim's funeral, cremation, or burial. 356

(2) An award for funeral expenses shall be applied first to 357
expenses directly related to the victim's funeral, cremation, or 358
burial. An award for wages lost or travel expenses incurred by a 359
family member of the victim shall not exceed five hundred dollars 360
for each family member and shall not exceed in the aggregate the 361
difference between seven thousand five hundred dollars and 362
expenses that are reimbursed by the program and that are directly 363
related to the victim's funeral, cremation, or burial. 364

(O) "Unemployment benefits loss" means a loss of unemployment 365
benefits pursuant to Chapter 4141. of the Revised Code when the 366
loss arises solely from the inability of a victim to meet the able 367
to work, available for suitable work, or the actively seeking 368
suitable work requirements of division (A)(4)(a) of section 369
4141.29 of the Revised Code. 370

(P) "OVI violation" means any of the following: 371

(1) A violation of section 4511.19 of the Revised Code, of 372
any municipal ordinance prohibiting the operation of a vehicle 373
while under the influence of alcohol, a drug of abuse, or a 374
combination of them, or of any municipal ordinance prohibiting the 375
operation of a vehicle with a prohibited concentration of alcohol, 376
a controlled substance, or a metabolite of a controlled substance 377
in the whole blood, blood serum or plasma, breath, or urine; 378

(2) A violation of division (A)(1) of section 2903.06 of the 379
Revised Code; 380

(3) A violation of division (A)(2), (3), or (4) of section 381
2903.06 of the Revised Code or of a municipal ordinance 382

substantially similar to any of those divisions, if the offender 383
was under the influence of alcohol, a drug of abuse, or a 384
combination of them, at the time of the commission of the offense; 385

(4) For purposes of any person described in division (A)(2) 386
of this section, a violation of any law of the state, district, 387
territory, or foreign country in which the criminally injurious 388
conduct occurred, if that law is substantially similar to a 389
violation described in division (P)(1) or (2) of this section or 390
if that law is substantially similar to a violation described in 391
division (P)(3) of this section and the offender was under the 392
influence of alcohol, a drug of abuse, or a combination of them, 393
at the time of the commission of the offense. 394

(Q) "Pendency of the claim" for an original reparations 395
application or supplemental reparations application means the 396
period of time from the date the criminally injurious conduct upon 397
which the application is based occurred until the date a final 398
decision, order, or judgment concerning that original reparations 399
application or supplemental reparations application is issued. 400

(R) "Terrorism" means any activity to which all of the 401
following apply: 402

(1) The activity involves a violent act or an act that is 403
dangerous to human life. 404

(2) The act described in division (R)(1) of this section is 405
committed within the territorial jurisdiction of the United States 406
and is a violation of the criminal laws of the United States, this 407
state, or any other state or the act described in division (R)(1) 408
of this section is committed outside the territorial jurisdiction 409
of the United States and would be a violation of the criminal laws 410
of the United States, this state, or any other state if committed 411
within the territorial jurisdiction of the United States. 412

(3) The activity appears to be intended to do any of the 413

following:	414
(a) Intimidate or coerce a civilian population;	415
(b) Influence the policy of any government by intimidation or coercion;	416 417
(c) Affect the conduct of any government by assassination or kidnapping.	418 419
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.	420 421 422 423 424 425 426
(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.	427 428 429 430
(T) "Cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.	431 432 433 434 435
(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.	436 437 438 439
(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense.	440 441 442
(W) "Immediate family member" means an individual who resided	443

in the same permanent household as a victim at the time of the 444
criminally injurious conduct and who is related to the victim by 445
affinity or consanguinity. 446

(X) "Family member" means an individual who is related to a 447
victim by affinity or consanguinity. 448

Sec. 2743.56. (A) A claim for an award of reparations shall 449
be commenced by filing an application for an award of reparations 450
with the attorney general. The application may be filed by mail. 451
If the application is filed by mail, the post-marked date of the 452
application shall be considered the filing date of the 453
application. The application shall be in a form prescribed by the 454
attorney general and shall include a release authorizing the 455
attorney general and the court of claims to obtain any report, 456
document, or information that relates to the determination of the 457
claim for an award of reparations that is requested in the 458
application. 459

(B) All applications for an award of reparations shall be 460
filed as follows: 461

(1) If the victim of the criminally injurious conduct was a 462
minor, within two years of the victim's eighteenth birthday or 463
within two years from the date a complaint, indictment, or 464
information is filed against the alleged offender, whichever is 465
later. This division does not require that a complaint, 466
indictment, or information be filed against an alleged offender in 467
order for an application for an award of reparations to be filed 468
pertaining to a victim who was a minor if the application is filed 469
within two years of the victim's eighteenth birthday, and does not 470
affect the provisions of section 2743.64 of the Revised Code. 471

(2) If the victim of the criminally injurious conduct was an 472
adult, within two years after the occurrence of the criminally 473

injurious conduct. 474

(3) If the criminally injurious conduct occurred on or after 475
July 1, 2000, in the manner described in division (C)(1)(e) or 476
(2)(e) of section 2743.51 of the Revised Code, within the period 477
set forth in division (B)(1) or (2) of this section, as 478
applicable, or within two years after the effective date of this 479
amendment, whichever is later. 480

Sec. 2903.06. (A) No person, while operating or participating 481
in the operation of a motor vehicle, motorcycle, snowmobile, 482
locomotive, watercraft, or aircraft, shall cause the death of 483
another or the unlawful termination of another's pregnancy in any 484
of the following ways: 485

(1)(a) As the proximate result of committing a violation of 486
division (A) of section 4511.19 of the Revised Code or of a 487
substantially equivalent municipal ordinance; 488

(b) As the proximate result of committing a violation of 489
division (A) of section 1547.11 of the Revised Code or of a 490
substantially equivalent municipal ordinance; 491

(c) As the proximate result of committing a violation of 492
division (A)(3) of section 4561.15 of the Revised Code or of a 493
substantially equivalent municipal ordinance. 494

(2) In one of the following ways: 495

(a) Recklessly; 496

(b) As the proximate result of committing, while operating or 497
participating in the operation of a motor vehicle or motorcycle in 498
a construction zone, a reckless operation offense, provided that 499
this division applies only if the person whose death is caused or 500
whose pregnancy is unlawfully terminated is in the construction 501
zone at the time of the offender's commission of the reckless 502
operation offense in the construction zone and does not apply as 503

described in division (F) of this section. 504

(3) In one of the following ways: 505

(a) Negligently; 506

(b) As the proximate result of committing, while operating or 507
participating in the operation of a motor vehicle or motorcycle in 508
a construction zone, a speeding offense, provided that this 509
division applies only if the person whose death is caused or whose 510
pregnancy is unlawfully terminated is in the construction zone at 511
the time of the offender's commission of the speeding offense in 512
the construction zone and does not apply as described in division 513
(F) of this section. 514

(4) As the proximate result of committing a violation of any 515
provision of any section contained in Title XLV of the Revised 516
Code that is a minor misdemeanor or of a municipal ordinance that, 517
regardless of the penalty set by ordinance for the violation, is 518
substantially equivalent to any provision of any section contained 519
in Title XLV of the Revised Code that is a minor misdemeanor. 520

(B)(1) Whoever violates division (A)(1) or (2) of this 521
section is guilty of aggravated vehicular homicide and shall be 522
punished as provided in divisions (B)(2) and (3) of this section. 523

(2)(a) Except as otherwise provided in ~~this~~ division 524
(B)(2)(b) or (c) of this section, aggravated vehicular homicide 525
committed in violation of division (A)(1) of this section is a 526
felony of the second degree and the court shall impose a mandatory 527
prison term on the offender as described in division (E) of this 528
section. Aggravated 529

(b) Except as otherwise provided in division (B)(2)(c) of 530
this section, aggravated vehicular homicide committed in violation 531
of division (A)(1) of this section is a felony of the first 532
degree, and the court shall impose a mandatory prison term on the 533

offender as described in division (E) of this section, if any of 534
the following apply: 535

(i) At the time of the offense, the offender was driving 536
under a suspension imposed under Chapter 4510. or any other 537
provision of the Revised Code. 538

(ii) The offender previously has been convicted of or pleaded 539
guilty to a violation of this section. 540

(iii) The offender previously has been convicted of or 541
pleaded guilty to any traffic-related homicide, manslaughter, or 542
assault offense. 543

~~(iv)~~(c) Aggravated vehicular homicide committed in violation 544
of division (A)(1) of this section is a felony of the first 545
degree, and the court shall sentence the offender to a mandatory 546
prison term as provided in section 2929.142 of the Revised Code 547
and described in division (E) of this section if any of the 548
following apply: 549

(i) The offender previously has been convicted of or pleaded 550
guilty to three or more prior violations of section 4511.19 of the 551
Revised Code or of a substantially equivalent municipal ordinance 552
within the previous six years. 553

~~(v)~~(ii) The offender previously has been convicted of or 554
pleaded guilty to three or more prior violations of division (A) 555
of section 1547.11 of the Revised Code or of a substantially 556
equivalent municipal ordinance within the previous six years. 557

~~(vi)~~(iii) The offender previously has been convicted of or 558
pleaded guilty to three or more prior violations of division 559
(A)(3) of section 4561.15 of the Revised Code or of a 560
substantially equivalent municipal ordinance within the previous 561
six years. 562

(iv) The offender previously has been convicted of or pleaded 563

guilty to three or more prior violations of division (A)(1) of 564
this section within the previous six years. 565

(v) The offender previously has been convicted of or pleaded 566
guilty to three or more prior violations of division (A)(1) of 567
section 2903.08 of the Revised Code within the previous six years. 568

(vi) The offender previously has been convicted of or pleaded 569
guilty to three or more prior violations of section 2903.04 of the 570
Revised Code within the previous six years in circumstances in 571
which division (D) of that section applied regarding the 572
violations. 573

(vii) The offender previously has been convicted of or 574
pleaded guilty to three or more violations of any combination of 575
the offenses listed in division (B)(2)(a)(iv), (v), or (vi) 576
(c)(i), (ii), (iii), (iv), (v), or (vi) of this section within the 577
previous six years. 578

(viii) The offender previously has been convicted of or 579
pleaded guilty to a second or subsequent felony violation of 580
division (A) of section 4511.19 of the Revised Code. 581

~~(b)~~(d) In addition to any other sanctions imposed pursuant to 582
division (B)(2)(a), (b), or (c) of this section for aggravated 583
vehicular homicide committed in violation of division (A)(1) of 584
this section, the court shall impose upon the offender a class one 585
suspension of the offender's driver's license, commercial driver's 586
license, temporary instruction permit, probationary license, or 587
nonresident operating privilege as specified in division (A)(1) of 588
section 4510.02 of the Revised Code. 589

(3) Except as otherwise provided in this division, aggravated 590
vehicular homicide committed in violation of division (A)(2) of 591
this section is a felony of the third degree. Aggravated vehicular 592
homicide committed in violation of division (A)(2) of this section 593
is a felony of the second degree if, at the time of the offense, 594

the offender was driving under a suspension imposed under Chapter 595
4510. or any other provision of the Revised Code or if the 596
offender previously has been convicted of or pleaded guilty to a 597
violation of this section or any traffic-related homicide, 598
manslaughter, or assault offense. The court shall impose a 599
mandatory prison term on the offender when required by division 600
(E) of this section. 601

In addition to any other sanctions imposed pursuant to this 602
division for a violation of division (A)(2) of this section, the 603
court shall impose upon the offender a class two suspension of the 604
offender's driver's license, commercial driver's license, 605
temporary instruction permit, probationary license, or nonresident 606
operating privilege from the range specified in division (A)(2) of 607
section 4510.02 of the Revised Code or, if the offender previously 608
has been convicted of or pleaded guilty to a traffic-related 609
murder, felonious assault, or attempted murder offense, a class 610
one suspension of the offender's driver's license, commercial 611
driver's license, temporary instruction permit, probationary 612
license, or nonresident operating privilege as specified in 613
division (A)(1) of that section. 614

(C) Whoever violates division (A)(3) of this section is 615
guilty of vehicular homicide. Except as otherwise provided in this 616
division, vehicular homicide is a misdemeanor of the first degree. 617
Vehicular homicide committed in violation of division (A)(3) of 618
this section is a felony of the fourth degree if, at the time of 619
the offense, the offender was driving under a suspension or 620
revocation imposed under Chapter 4507. or any other provision of 621
the Revised Code or if the offender previously has been convicted 622
of or pleaded guilty to a violation of this section or any 623
traffic-related homicide, manslaughter, or assault offense. The 624
court shall impose a mandatory jail term or a mandatory prison 625
term on the offender when required by division (E) of this 626

section. 627

In addition to any other sanctions imposed pursuant to this 628
division, the court shall impose upon the offender a class four 629
suspension of the offender's driver's license, commercial driver's 630
license, temporary instruction permit, probationary license, or 631
nonresident operating privilege from the range specified in 632
division (A)(4) of section 4510.02 of the Revised Code, or, if the 633
offender previously has been convicted of or pleaded guilty to a 634
violation of this section or any traffic-related homicide, 635
manslaughter, or assault offense, a class three suspension of the 636
offender's driver's license, commercial driver's license, 637
temporary instruction permit, probationary license, or nonresident 638
operating privilege from the range specified in division (A)(3) of 639
that section, or, if the offender previously has been convicted of 640
or pleaded guilty to a traffic-related murder, felonious assault, 641
or attempted murder offense, a class two suspension of the 642
offender's driver's license, commercial driver's license, 643
temporary instruction permit, probationary license, or nonresident 644
operating privilege as specified in division (A)(2) of that 645
section. 646

(D) Whoever violates division (A)(4) of this section is 647
guilty of vehicular manslaughter. Except as otherwise provided in 648
this division, vehicular manslaughter is a misdemeanor of the 649
second degree. Vehicular manslaughter is a misdemeanor of the 650
first degree if, at the time of the offense, the offender was 651
driving under a suspension imposed under Chapter 4510. or any 652
other provision of the Revised Code or if the offender previously 653
has been convicted of or pleaded guilty to a violation of this 654
section or any traffic-related homicide, manslaughter, or assault 655
offense. 656

In addition to any other sanctions imposed pursuant to this 657
division, the court shall impose upon the offender a class six 658

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

(E) The court shall impose a mandatory prison term on an
offender who is convicted of or pleads guilty to a violation of
division (A)(1) of this section. If division (B)(2)(c)(i), (ii),
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies
to an offender who is convicted of or pleads guilty to the
violation of division (A)(1) of this section, the court shall
impose the mandatory prison term pursuant to section 2929.142 of
the Revised Code. The court shall impose a mandatory jail term of
at least fifteen days on an offender who is convicted of or pleads
guilty to a misdemeanor violation of division (A)(3)(b) of this
section and may impose upon the offender a longer jail term as
authorized pursuant to section 2929.24 of the Revised Code. The
court shall impose a mandatory prison term on an offender who is
convicted of or pleads guilty to a violation of division (A)(2) or
(3)(a) of this section or a felony violation of division (A)(3)(b)
of this section if either of the following applies:

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

(2) At the time of the offense, the offender was driving

under suspension under Chapter 4510. or any other provision of the Revised Code. 691
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(F) Divisions (A)(2)(b) and (3)(b) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The failure to erect signs of the type described in section 2903.081 of the Revised Code in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A)(1), (A)(2)(a), (A)(3)(a), or (A)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone. 693
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(G)(1) As used in this section: 706

(a) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code. 707
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(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to March 23, 2000. 709
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(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 715
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(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code. 717
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(e) "Speeding offense" means a violation of section 4511.21 720

of the Revised Code or a municipal ordinance pertaining to speed. 721

(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A)(2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder. 722
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(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 733
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(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States. 735
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Sec. 2903.08. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn in any of the following ways: 742
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(1)(a) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance; 747
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(b) As the proximate result of committing a violation of 750

division (A) of section 1547.11 of the Revised Code or of a 751
substantially equivalent municipal ordinance; 752

(c) As the proximate result of committing a violation of 753
division (A)(3) of section 4561.15 of the Revised Code or of a 754
substantially equivalent municipal ordinance. 755

(2) In one of the following ways: 756

(a) As the proximate result of committing, while operating or 757
participating in the operation of a motor vehicle or motorcycle in 758
a construction zone, a reckless operation offense, provided that 759
this division applies only if the person to whom the serious 760
physical harm is caused or to whose unborn the serious physical 761
harm is caused is in the construction zone at the time of the 762
offender's commission of the reckless operation offense in the 763
construction zone and does not apply as described in division (E) 764
of this section; 765

(b) Recklessly. 766

(3) As the proximate result of committing, while operating or 767
participating in the operation of a motor vehicle or motorcycle in 768
a construction zone, a speeding offense, provided that this 769
division applies only if the person to whom the serious physical 770
harm is caused or to whose unborn the serious physical harm is 771
caused is in the construction zone at the time of the offender's 772
commission of the speeding offense in the construction zone and 773
does not apply as described in division (E) of this section. 774

(B)(1) Whoever violates division (A)(1) of this section is 775
guilty of aggravated vehicular assault. Except as otherwise 776
provided in this division, aggravated vehicular assault is a 777
felony of the third degree. Aggravated vehicular assault is a 778
felony of the second degree if any of the following apply: 779

(a) At the time of the offense, the offender was driving 780

under a suspension imposed under Chapter 4510. or any other
provision of the Revised Code. 781
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(b) The offender previously has been convicted of or pleaded
guilty to a violation of this section. 783
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(c) The offender previously has been convicted of or pleaded
guilty to any traffic-related homicide, manslaughter, or assault
offense. 785
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(d) The offender previously has been convicted of or pleaded
guilty to three or more prior violations of section 4511.19 of the
Revised Code or a substantially equivalent municipal ordinance
within the previous six years. 788
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(e) The offender previously has been convicted of or pleaded
guilty to three or more prior violations of division (A) of
section 1547.11 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous six years. 792
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(f) The offender previously has been convicted of or pleaded
guilty to three or more prior violations of division (A)(3) of
section 4561.15 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous six years. 796
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(g) The offender previously has been convicted of or pleaded
guilty to three or more prior violations of any combination of the
offenses listed in division (B)(1)(d), (e), or (f) of this
section. 800
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(h) The offender previously has been convicted of or pleaded
guilty to a second or subsequent felony violation of division (A)
of section 4511.19 of the Revised Code. 804
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(2) In addition to any other sanctions imposed pursuant to
division (B)(1) of this section, except as otherwise provided in
this division, the court shall impose upon the offender a class
three suspension of the offender's driver's license, commercial 807
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driver's license, temporary instruction permit, probationary 811
license, or nonresident operating privilege from the range 812
specified in division (A)(3) of section 4510.02 of the Revised 813
Code ~~or, if.~~ If the offender previously has been convicted of or 814
pleaded guilty to a violation of this section ~~or,~~ any 815
traffic-related homicide, manslaughter, or assault offense, or any 816
traffic-related murder, felonious assault, or attempted murder 817
offense, the court shall impose either a class two suspension of 818
the offender's driver's license, commercial driver's license, 819
temporary instruction permit, probationary license, or nonresident 820
operating privilege from the range specified in division (A)(2) of 821
that section or a class one suspension as specified in division 822
(A)(1) of that section. 823

(C)(1) Whoever violates division (A)(2) or (3) of this 824
section is guilty of vehicular assault and shall be punished as 825
provided in divisions (C)(2) and (3) of this section. 826

(2) Except as otherwise provided in this division, vehicular 827
assault committed in violation of division (A)(2) of this section 828
is a felony of the fourth degree. Vehicular assault committed in 829
violation of division (A)(2) of this section is a felony of the 830
third degree if, at the time of the offense, the offender was 831
driving under a suspension imposed under Chapter 4510. or any 832
other provision of the Revised Code, if the offender previously 833
has been convicted of or pleaded guilty to a violation of this 834
section or any traffic-related homicide, manslaughter, or assault 835
offense, or if, in the same course of conduct that resulted in the 836
violation of division (A)(2) of this section, the offender also 837
violated section 4549.02, 4549.021, or 4549.03 of the Revised 838
Code. 839

In addition to any other sanctions imposed, the court shall 840
impose upon the offender a class four suspension of the offender's 841
driver's license, commercial driver's license, temporary 842

instruction permit, probationary license, or nonresident operating 843
privilege from the range specified in division (A)(4) of section 844
4510.02 of the Revised Code or, if the offender previously has 845
been convicted of or pleaded guilty to a violation of this section 846
~~or~~, any traffic-related homicide, manslaughter, or assault 847
offense, or any traffic-related murder, felonious assault, or 848
attempted murder offense, a class three suspension of the 849
offender's driver's license, commercial driver's license, 850
temporary instruction permit, probationary license, or nonresident 851
operating privilege from the range specified in division (A)(3) of 852
that section. 853

(3) Except as otherwise provided in this division, vehicular 854
assault committed in violation of division (A)(3) of this section 855
is a misdemeanor of the first degree. Vehicular assault committed 856
in violation of division (A)(3) of this section is a felony of the 857
fourth degree if, at the time of the offense, the offender was 858
driving under a suspension imposed under Chapter 4510. or any 859
other provision of the Revised Code or if the offender previously 860
has been convicted of or pleaded guilty to a violation of this 861
section or any traffic-related homicide, manslaughter, or assault 862
offense. 863

In addition to any other sanctions imposed, the court shall 864
impose upon the offender a class four suspension of the offender's 865
driver's license, commercial driver's license, temporary 866
instruction permit, probationary license, or nonresident operating 867
privilege from the range specified in division (A)(4) of section 868
4510.02 of the Revised Code or, if the offender previously has 869
been convicted of or pleaded guilty to a violation of this section 870
~~or~~, any traffic-related homicide, manslaughter, or assault 871
offense, or any traffic-related murder, felonious assault, or 872
attempted murder offense, a class three suspension of the 873
offender's driver's license, commercial driver's license, 874

temporary instruction permit, probationary license, or nonresident 875
operating privilege from the range specified in division (A)(3) of 876
section 4510.02 of the Revised Code. 877

(D)(1) The court shall impose a mandatory prison term on an 878
offender who is convicted of or pleads guilty to a violation of 879
division (A)(1) of this section. 880

(2) The court shall impose a mandatory prison term on an 881
offender who is convicted of or pleads guilty to a violation of 882
division (A)(2) of this section or a felony violation of division 883
(A)(3) of this section if either of the following applies: 884

(a) The offender previously has been convicted of or pleaded 885
guilty to a violation of this section or section 2903.06 of the 886
Revised Code. 887

(b) At the time of the offense, the offender was driving 888
under suspension under Chapter 4510. or any other provision of the 889
Revised Code. 890

(3) The court shall impose a mandatory jail term of at least 891
seven days on an offender who is convicted of or pleads guilty to 892
a misdemeanor violation of division (A)(3) of this section and may 893
impose upon the offender a longer jail term as authorized pursuant 894
to section 2929.24 of the Revised Code. 895

(E) Divisions (A)(2)(a) and (3) of this section do not apply 896
in a particular construction zone unless signs of the type 897
described in section 2903.081 of the Revised Code are erected in 898
that construction zone in accordance with the guidelines and 899
design specifications established by the director of 900
transportation under section 5501.27 of the Revised Code. The 901
failure to erect signs of the type described in section 2903.081 902
of the Revised Code in a particular construction zone in 903
accordance with those guidelines and design specifications does 904
not limit or affect the application of division (A)(1) or (2)(b) 905

of this section in that construction zone or the prosecution of
any person who violates either of those divisions in that
construction zone.

(F) As used in this section:

(1) "Mandatory prison term" and "mandatory jail term" have
the same meanings as in section 2929.01 of the Revised Code.

(2) "Traffic-related homicide, manslaughter, or assault
offense" ~~has~~ and "traffic-related murder, felonious assault, or
attempted murder offense" have the same ~~meaning~~ meanings as in
section 2903.06 of the Revised Code.

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

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

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

Sec. 2903.11. (A) No person shall knowingly do either of the
following:

(1) Cause serious physical harm to another or to another's
unborn;

(2) Cause or attempt to cause physical harm to another or to
another's unborn by means of a deadly weapon or dangerous
ordnance.

(B) No person, with knowledge that the person has tested

positive as a carrier of a virus that causes acquired 935
immunodeficiency syndrome, shall knowingly do any of the 936
following: 937

(1) Engage in sexual conduct with another person without 938
disclosing that knowledge to the other person prior to engaging in 939
the sexual conduct; 940

(2) Engage in sexual conduct with a person whom the offender 941
knows or has reasonable cause to believe lacks the mental capacity 942
to appreciate the significance of the knowledge that the offender 943
has tested positive as a carrier of a virus that causes acquired 944
immunodeficiency syndrome; 945

(3) Engage in sexual conduct with a person under eighteen 946
years of age who is not the spouse of the offender. 947

(C) The prosecution of a person under this section does not 948
preclude prosecution of that person under section 2907.02 of the 949
Revised Code. 950

(D)(1) Whoever violates this section is guilty of felonious 951
assault, a felony of the second degree. If the victim of a 952
violation of division (A) of this section is a peace officer, 953
felonious assault is a felony of the first degree. If the victim 954
of the offense is a peace officer, as defined in section 2935.01 955
of the Revised Code, and if the victim suffered serious physical 956
harm as a result of the commission of the offense, felonious 957
assault is a felony of the first degree, and the court, pursuant 958
to division (F) of section 2929.13 of the Revised Code, shall 959
impose as a mandatory prison term one of the prison terms 960
prescribed for a felony of the first degree. 961

(2) In addition to any other sanctions imposed pursuant to 962
division (D)(1) of this section for felonious assault committed in 963
violation of division (A)(2) of this section, if the deadly weapon 964
used in the commission of the violation is a motor vehicle, the 965

court shall impose upon the offender a class two suspension of the 966
offender's driver's license, commercial driver's license, 967
temporary instruction permit, probationary license, or nonresident 968
operating privilege as specified in division (A)(2) of section 969
4510.02 of the Revised Code. 970

(E) As used in this section: 971

(1) "Deadly weapon" and "dangerous ordnance" have the same 972
meanings as in section 2923.11 of the Revised Code. 973

(2) "Motor vehicle" has the same meaning as in section 974
4501.01 of the Revised Code. 975

(3) "Peace officer" has the same meaning as in section 976
2935.01 of the Revised Code. 977

~~(3)~~(4) "Sexual conduct" has the same meaning as in section 978
2907.01 of the Revised Code, except that, as used in this section, 979
it does not include the insertion of an instrument, apparatus, or 980
other object that is not a part of the body into the vaginal or 981
anal opening of another, unless the offender knew at the time of 982
the insertion that the instrument, apparatus, or other object 983
carried the offender's bodily fluid. 984

Sec. 2909.32. (A)(1) The director of public safety shall 985
adopt rules in accordance with Chapter 119. of the Revised Code to 986
identify licenses the state issues for which a holder with a 987
connection to a terrorist organization would present a potential 988
risk to the residents of this state. The rules shall not identify 989
a renewable driver's license or permit as a license of this nature 990
if the applicant is a resident of this state. 991

(2)(a) The director shall prepare a document to serve as a 992
declaration of material assistance/nonassistance for agencies to 993
use to identify whether an applicant for a license or the renewal 994
of a license has provided material assistance to an organization 995

listed in the United States department of state terrorist 996
exclusion list. The declaration shall be substantially in the form 997
and of the same content as set forth in division (A)(2)(b) of this 998
section. The director shall make the declaration available to each 999
issuing agency of a license the director identifies pursuant to 1000
division (A)(1) of this section, along with a then-current copy of 1001
the United States department of state terrorist exclusion list. 1002
The director may adopt rules governing the preparation of the 1003
declaration and the distribution of the declaration and the list. 1004

(b) The declaration of material assistance/nonassistance this 1005
section requires shall be substantially as follows and shall 1006
include the following questions and the associated spaces for 1007
answering the questions: 1008

"DECLARATION REGARDING MATERIAL ASSISTANCE/NONASSISTANCE 1009
TO TERRORIST ORGANIZATION 1010

(1) Are you a member of an organization on the U.S. 1011
Department of State Terrorist Exclusion List? Yes; No 1012

(2) Have you used any position of prominence you have within 1013
any country to persuade others to support an organization on the 1014
U.S. Department of State Terrorist Exclusion List? Yes; No 1015
..... 1016

(3) Have you knowingly solicited funds or other things of 1017
value for an organization on the U.S. Department of State 1018
Terrorist Exclusion List? Yes; No 1019

(4) Have you solicited any individual for membership in an 1020
organization on the U.S. Department of State Terrorist Exclusion 1021
List? Yes; No 1022

(5) Have you committed an act that you know, or reasonably 1023
should have known, affords "material support or resources" (see 1024
below) to an organization on the U.S. Department of State 1025
Terrorist Exclusion List? Yes; No 1026

(6) Have you hired or compensated a person you knew to be a member of an organization on the U.S. Department of State Terrorist Exclusion List or a person you knew to be engaged in planning, assisting, or carrying out an act of terrorism? Yes; No

For purposes of this declaration of material assistance/nonassistance, "material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds, and financial services that are in excess of one hundred dollars, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials."

(B)(1) Any agency that issues a license the director identifies pursuant to division (A)(1) of this section shall include with the agency's application form a copy of the declaration of material assistance/nonassistance the director prepares pursuant to this section and a then-current copy of the terrorist exclusion list. The agency shall inform applicants that they must truthfully answer each question.

(2) Any person provided a declaration of material assistance/nonassistance pursuant to this section shall answer each question and attach the completed declaration to the application for the license or the license renewal.

(C)(1) Any answer of "yes" to any question, or the failure to answer "no" to any question, on a declaration of material assistance/nonassistance an agency provides pursuant to this section shall serve for purposes of this section as a disclosure that the applicant has provided material assistance to an organization listed on the terrorist exclusion list.

(2) Any person who discloses the provision of material assistance to any organization on the terrorist exclusion list shall be denied the license or the renewal of the license unless the department of public safety reinstates the application pursuant to division (D) of this section.

(3) Any licensing entity that denies a license or a renewal of a license pursuant to this division shall send written notice of that denial to the applicant within three business days of the decision to deny. The notice shall inform the applicant of the right to have the department of public safety review the denial if the applicant requests a review within sixty days after the mailing date of the notice. The licensing entity shall provide the department of public safety with a copy of any notice that it sends to an applicant pursuant to this division.

(D) The department of public safety, ~~upon an applicant's request,~~ shall review any decision to deny an application within thirty days of ~~that~~ receiving an applicant's request ~~an application for any license or renewal that was denied under division (C) of this section~~ for a review. The department shall reinstate the license application for good cause if it determines all of the following pursuant to guidelines the director adopts by rule:

(1) That the provision of material assistance to an organization on the terrorist exclusion list was made more than ten years prior to the time of the application, or the applicant provided material assistance during the ten years prior to the application and the date of the review, but at the time of the assistance, the organization was either not on the list or was not involved in any activity or conduct that would have merited inclusion on the list had it existed at the time, or at the time of the assistance it was not reasonable to know of the organization's activities that would have merited its inclusion on

the list. 1090

(2) That the applicant is unlikely in the future to provide 1091
material assistance to any organization on the terrorist exclusion 1092
list; 1093

(3) That the applicant does not pose a risk to the residents 1094
of this state. 1095

(E) The failure of an applicant for a license to complete and 1096
attach a declaration of material assistance/nonassistance as this 1097
section requires, the failure to disclose material assistance to 1098
an organization on the terrorist exclusion list, or the making of 1099
false statements regarding material assistance to an organization 1100
the applicant knew or should have known was on the terrorist 1101
exclusion list, shall result in the denial of the application and 1102
in the revocation of the license. 1103

(F) The failure of an applicant for a license to disclose, as 1104
this section requires, the provision of material assistance to an 1105
organization on the terrorist exclusion list or knowingly making 1106
false statements regarding material assistance to an organization 1107
on that list is a felony of the fifth degree. 1108

(G) An issuing agency shall notify the department of public 1109
safety if it denies an application for a license or the renewal of 1110
a license because the applicant disclosed the provision of 1111
material assistance to an organization listed on the terrorist 1112
exclusion list. 1113

(H) An agency may revoke a license issued to any person who, 1114
after providing a declaration of material assistance/nonassistance 1115
pursuant to this section, takes an action that would result in 1116
"yes" being the correct answer to any question on the declaration, 1117
had the declaration been readministered after taking that action. 1118
The agency shall conduct a hearing pursuant to Chapter 119. of the 1119
Revised Code prior to revoking any license pursuant to this 1120

division. 1121

(I) This section does not apply to a license issued to either 1122
of the following: 1123

(1) A federally insured depository institution that is 1124
subject to anti-money laundering and antiterrorism requirements 1125
under federal law, any subsidiary of such a depository 1126
institution, or an officer or employee of such a depository 1127
institution or subsidiary when that license is related to the 1128
person's duties as an officer or employee; 1129

(2) Any affiliate of a depository institution described in 1130
division (I)(1) of this section, other than an affiliate that is a 1131
subsidiary of a depository institution, when that affiliate is 1132
subject to anti-money laundering and antiterrorism requirements 1133
under federal law, or an officer or employee of such an affiliate 1134
when that license is related to the person's duties as an officer 1135
or employee. 1136

Sec. 2909.33. (A)(1) The director of public safety shall 1137
prepare a document to serve as a declaration of material 1138
assistance/nonassistance ~~for the state, any instrumentality of the~~ 1139
~~state, and any political subdivision of the state to use to~~ 1140
~~determine whether~~ by which any person, company, affiliated group, 1141
or organization, or person who holds, owns, or otherwise has a 1142
controlling interest in a company, affiliated group, or 1143
organization, ~~has provided~~ when required by this section, shall 1144
certify any provision of material assistance to an organization 1145
listed on the United States department of state terrorist 1146
exclusion list. The declaration shall be substantially in the same 1147
format and of the same content as set forth in division (A)(2)(b) 1148
of section 2909.32 of the Revised Code. 1149

(2) The director of public safety and the director of budget 1150

and management shall make available on their respective department 1151
web sites and by any other means the director of public safety 1152
deems appropriate, the declaration of material 1153
assistance/nonassistance ~~available to the state, instrumentalities~~ 1154
~~of the state, and political subdivisions of the state, along with~~ 1155
and a then-current copy of the terrorist exclusion list. The 1156
director of public safety, in consultation with the director of 1157
budget and management, may adopt rules that govern the preparation 1158
of the declaration and the distribution of the declaration and 1159
terrorist exclusion list. 1160

(3)(a) ~~Any~~ Prior to entering into a contract to conduct 1161
business with or receive funding from any state agency, 1162
instrumentality, or political subdivision of the state, ~~for~~ 1163
~~purposes of business it conducts and funding it provides, may~~ 1164
~~adopt a procedure under which it precertifies any person, company,~~ 1165
~~affiliated group, or organization as not providing, or person who~~ 1166
holds, owns, or otherwise has a controlling interest in a company, 1167
affiliated group, or organization, may precertify that it has not 1168
provided material assistance to an organization on the terrorist 1169
exclusion list. The precertification this division describes shall 1170
be granted to any person, company, affiliated group, or 1171
organization that submits to the director of budget and management 1172
a completed copy of the declaration prepared pursuant to this 1173
section, with an answer of "no" to all questions. A 1174
~~precertification pursuant to this division is effective for one~~ 1175
~~year. No person shall require any person, company, affiliated~~ 1176
~~group, or organization that is precertified to complete any~~ 1177
additional declarations prior to the expiration of a 1178
precertification. All precertifications expire the thirtieth day 1179
of June of the second year of each state biennium period. To be 1180
precertified during the two years subsequent to that expiration 1181
date, an entity shall submit a new declaration to the director of 1182
budget and management pursuant to rules the director adopts. 1183

(b) Any person, company, affiliated group, or organization 1184
that is precertified pursuant to this division and that takes any 1185
action or learns of anything that would result in an answer of 1186
"yes" to any question on the declaration of material 1187
assistance/nonassistance this division requires, shall cease to 1188
represent that it is precertified and, within thirty days of 1189
taking that action or learning the new information, shall notify 1190
~~every state agency, instrumentality, or political subdivision with~~ 1191
~~which it is precertified to~~ the director of budget and management 1192
to request the its precertification be rescinded. 1193

(c) When applying for a contract, falsely representing 1194
precertification, or representing precertification when that 1195
precertification has been rescinded or should have been rescinded 1196
pursuant to this division, is a felony of the fifth degree. 1197

(B) Any person who ~~is provided~~ submits a declaration of 1198
material assistance/nonassistance pursuant to this section shall 1199
complete ~~that~~ the entire declaration. Any answer of "yes" to any 1200
question, or the failure to answer "no" to any question, on the 1201
declaration shall serve for purposes of this section as a 1202
disclosure of the provision of material assistance to an 1203
organization that is listed on the terrorist exclusion list. 1204

(C) ~~Prior~~ (1) Except as otherwise provided in divisions 1205
(C)(2) and (H) of this section, prior to entering into a contract 1206
with any state agency, instrumentality, or political subdivision 1207
to conduct business or receive funding, any person, company, 1208
affiliated group, or organization, and any person who holds, owns, 1209
or otherwise has a controlling interest in a company, affiliated 1210
group, or organization ~~that conducts any business with or receives~~ 1211
~~funding in an aggregate amount greater than one hundred thousand~~ 1212
~~dollars annually from the state, any instrumentality of the state,~~ 1213
~~and any political subdivision of the state, excluding the amount~~ 1214
~~of any personal benefit,~~ shall certify that it does not provide 1215

material assistance to any organization on the United States 1216
department of state terrorist exclusion list. The certification 1217
shall be made by completing and submitting the declaration of 1218
material assistance/nonassistance as described in division (A) of 1219
this section. 1220

(2) Certification pursuant to this division shall not be 1221
required unless the entity entering into a contract for business 1222
or funding has received, or will have received as a result of the 1223
pending contract, an aggregate amount greater than one hundred 1224
thousand dollars in business or funding, excluding the amount of 1225
any personal benefit, from the state, instrumentalities, and 1226
political subdivisions during the current fiscal year, measured 1227
from the first day of July until the thirtieth day of June. 1228

(D)(1) ~~The No state agency, an instrumentality of the state, 1229~~
~~or a political subdivision of the state shall conduct no business 1230~~
~~with or provide any funding to any person, company, affiliated 1231~~
~~group or organization, or any person who has a controlling 1232~~
~~interest in a company, affiliated group, or organization unless 1233~~
~~that person, company, affiliated group, or organization is 1234~~
~~certified as division (C) of this section requires. The state, 1235~~
~~instrumentality, or subdivision shall provide the declaration 1236~~
~~prepared pursuant to division (A) of this section, along with a 1237~~
~~then current copy of the terrorist exclusion list, to any person, 1238~~
~~company, affiliated group, or organization that is not 1239~~
~~precertified and for which certification is required. If a 1240~~
~~contract is entered into pursuant to competitive bidding or 1241~~
~~another competitive process, the state, instrumentality, or 1242~~
~~subdivision need provide the declaration and list only to the 1243~~
~~person selected and only if that person is not precertified. 1244~~

(2) No person, company, affiliated group or organization, or 1245
any person who holds, owns, or otherwise has a controlling 1246
interest in a company, affiliated group, or organization shall 1247

enter into a contract to conduct business with or receive funding 1248
from the state, an agency or instrumentality of the state, or a 1249
political subdivision of the state unless it is certified as 1250
~~division (C) of~~ this section requires. 1251

(E) For the purposes of this section, the office of budget 1252
and management shall be the repository for all declarations 1253
received pursuant to division (A)(3)(a) of this section and the 1254
director of budget and management shall maintain a centralized 1255
database of all such declarations received. If a person, company, 1256
affiliated group, or organization discloses the provision of 1257
material assistance to an organization listed on the terrorist 1258
exclusion list, within three business days of that disclosure, the 1259
director shall send the declarant a written notice of prohibition 1260
against doing business or receiving funding. The notice shall 1261
inform the declarant of the right to a review of the prohibition 1262
by the department of public safety if the declarant requests that 1263
review within sixty days after the notice of prohibition was 1264
mailed. The director shall send copy of any notice sent pursuant 1265
to this division to the department of public safety. 1266

The department of public safety shall review, any prohibition 1267
within thirty days of the receipt of a request ~~from any person,~~ 1268
~~company, affiliated group, or organization that disclosed the~~ 1269
~~provision of material assistance to an organization listed on the~~ 1270
~~terrorist exclusion list, for a review and determine~~ whether the 1271
prohibitions against doing business or receiving funding set forth 1272
in divisions (D)(1) and (D)(2) of this section should apply. The 1273
department of public safety shall order that the prohibitions do 1274
not apply if it determines all of the following pursuant to 1275
guidelines the director adopts by rule: 1276

(1) That the provision of material assistance to an 1277
organization on the terrorist exclusion list was made more than 1278
ten years prior to the time the declaration of material 1279

assistance/nonassistance was filled out, or the material 1280
assistance was provided during the ten years prior to the 1281
application and the date of the review, but at the time of the 1282
assistance, the organization was either not on the list or would 1283
not have merited inclusion had it existed at the time, or at the 1284
time of the assistance it was not reasonable to know of the 1285
organization's activities that would have merited its inclusion on 1286
the list. 1287

(2) That it is unlikely in the future that the person, 1288
company, affiliated group, or organization will provide material 1289
assistance to any organization on the terrorist exclusion list; 1290

(3) The person, company, affiliated group, or organization 1291
does not pose a risk to the residents of this state. 1292

(F) Any person, company, affiliated group, or organization 1293
that had not provided material assistance at the time a 1294
declaration of material assistance/nonassistance was answered, but 1295
starts providing material assistance to an organization on the 1296
terrorist exclusion list during the course of doing business with 1297
or receiving funding from the state, an agency or instrumentality 1298
of the state, or a subdivision of the state, is prohibited from 1299
entering into additional contracts to do business with or receive 1300
funding from the state, any agency or instrumentality, or any 1301
subdivision for a period of ten years after the provision of 1302
material assistance is discovered. 1303

(G)(1) Any person, company, affiliated group, or organization 1304
that knowingly provides a false certification pursuant to this 1305
section is permanently banned from conducting business with or 1306
receiving funding from the state, an agency or instrumentality of 1307
the state, or a political subdivision of the state ~~and~~ is guilty 1308
of a felony of the fifth degree. 1309

(2) Any person, company, affiliated group, or organization 1310

that fails to certify as this section requires is subject to a 1311
fine of one thousand dollars for each day of doing business or 1312
receiving funding, except that any person, company, affiliated 1313
group, or organization that first reaches the threshold of one 1314
hundred thousand dollars in business or funding, due to the 1315
contract that it is entering into, shall not be subject to the 1316
fine for the first thirty days after entering into that contract, 1317
after which it shall be subject to the fine for each day that it 1318
is not certified. 1319

(H) This section does not apply to the following types of 1320
transactions: 1321

(1) An investment in a company that is publicly traded in any 1322
United States market; 1323

(2) An investment that is traded on a foreign market where 1324
United States investors regularly make investments; 1325

(3) An investment that is made through an agent or investment 1326
manager who has a fiduciary responsibility to the investor; 1327

(4) An investment in public agency debt; 1328

(5) An investment in derivatives that are regulated by a 1329
government agency; 1330

(6) Financial services provided by or through either of the 1331
following: 1332

(a) A federally insured depository institution that is 1333
subject to anti-money laundering and antiterrorism requirements 1334
under federal law or any subsidiary of such a depository 1335
institution; 1336

(b) An affiliate of a depository institution described in 1337
division (H)(6)(a) of this section, other than an affiliate that 1338
is a subsidiary of the depository institution, when the affiliate 1339
is subject to anti-money laundering and antiterrorism requirements 1340

under federal law. 1341

"Financial services" include, but are not limited to, 1342
services related to currency, payment instruments, other financial 1343
securities, funds, and transfer of funds; 1344

(7) Any contract to conduct business or receive funding 1345
between state agencies, instrumentalities, or political 1346
subdivisions of the state; 1347

(8) Any person, company, affiliated group, or organization 1348
providing necessary, nonelective healthcare services. 1349

(I) As used in this section, "personal benefit" means all of 1350
the following: 1351

(1) Pensions and disability and survivor benefits; 1352

(2) Money, goods, services, or other things of value provided 1353
by the United States, the state, or a political subdivision of the 1354
state to which the recipient is entitled by reason of age, medical 1355
condition, or a financial need that is established pursuant to an 1356
act of congress or the general assembly; 1357

(3) Salary or compensation a person receives as an employee 1358
of the state or a political subdivision of the state. 1359

Sec. 2909.34. (A)(1) The director of public safety shall 1360
prepare a document to serve as a declaration of material 1361
assistance/nonassistance for the state, instrumentalities of the 1362
state, and political subdivisions of the state to use to determine 1363
whether any person who is under final consideration for employment 1364
has provided material assistance to an organization listed on the 1365
United States department of state terrorist exclusion list. The 1366
declaration shall be substantially in the same format and of the 1367
same content as set forth in division (A)(2)(b) of section 2909.32 1368
of the Revised Code. 1369

(2) The director shall make the declaration of material assistance/nonassistance available to the state, instrumentalities of the state, and political subdivisions of the state, along with a then-current copy of the terrorist exclusion list. The director may adopt rules that govern the preparation and distribution of the declaration and the terrorist exclusion list.

(3) The director may adopt rules that establish categories of employment that are exempt from the disclosure requirements of this section.

(B) Any person under final consideration for employment who is provided a declaration of material assistance/nonassistance pursuant to this section shall complete the declaration prior to being employed. Any answer of "yes" to any question, or the failure to answer "no" to any question, shall serve for purposes of this section as a disclosure of the provision of material assistance to an organization that is listed on the terrorist exclusion list.

(C)(1) The state, a state instrumentality, or a political subdivision of the state shall provide each person who is under final consideration for a category of employment for which this section requires disclosure with a copy of the declaration of material assistance/nonassistance and a then-current copy of the terrorist exclusion list. The state, instrumentality, or subdivision shall not employ any person who discloses the provision of material assistance to an organization that is listed on the terrorist exclusion list.

(2) The state, or any instrumentality or political subdivision of the state that denies employment pursuant to this section, shall send written notice of that denial to the applicant within three business days of the decision to deny, along with notice of the applicant's right to a review of the denial by the

department of public safety if the applicant requests a review 1401
within sixty days of the mailing date of the notice. An entity 1402
that denies employment pursuant to this section shall send a copy 1403
of any notice of denial of employment to the department of public 1404
safety. 1405

(D) The department of public safety, upon ~~the~~ receiving a 1406
request ~~of~~ for a review from any person who has been denied 1407
employment under division (C) of this section, shall review the 1408
request within thirty days to determine if the denial of 1409
employment should be voided. The department shall void that denial 1410
if it determines all of the following pursuant to guidelines the 1411
director adopts by rule: 1412

(1) That the provision of material assistance to an 1413
organization on the terrorist exclusion list was made more than 1414
ten years prior to the time the declaration of material 1415
assistance/nonassistance was filled out, or the material 1416
assistance was provided during the ten years prior to the 1417
application and the date of the review, but at the time of the 1418
assistance, the organization was either not on the list or would 1419
not have merited inclusion on the list had it existed at the time, 1420
or at the time of the assistance it was not reasonable to know of 1421
the organization's activities that would have merited its 1422
inclusion on the list. 1423

(2) That it is unlikely in the future that the person will 1424
provide material assistance to any organization on the terrorist 1425
exclusion list; 1426

(3) The person does not pose a risk to the residents of the 1427
state. 1428

(E) The failure of an applicant for employment to disclose, 1429
as this section requires, the provision of material assistance to 1430
an organization on the terrorist exclusion list, or knowingly 1431

making false statements regarding material assistance to an 1432
organization on that list, is a felony of the fifth degree. 1433

(F)(1) The state, or any instrumentality or political 1434
subdivision of the state, may terminate any employee who, after 1435
providing a declaration of material assistance/nonassistance 1436
pursuant to this section, takes an action that would result in 1437
"yes" being the correct answer to any question on the declaration, 1438
had the declaration been readministered after taking that action. 1439

(2) No employer shall terminate an employee pursuant to this 1440
division unless the employer complies with one of the following 1441
hearing procedures: 1442

(a) If the employee is entitled to termination proceedings 1443
under a collective bargaining agreement, the employer shall comply 1444
with those procedures. 1445

(b) If the employee is entitled to termination proceedings 1446
pursuant to division (C) of section 124.34 of the Revised Code, 1447
the employer shall comply with those procedures. 1448

(c) If the employee does not qualify for the termination 1449
proceedings described in division (F)(2)(a) or (b) of this 1450
section, the employer shall comply with the procedures set forth 1451
in division (B) of section 124.34 of the Revised Code. 1452

Sec. 2923.02. (A) No person, purposely or knowingly, and when 1453
purpose or knowledge is sufficient culpability for the commission 1454
of an offense, shall engage in conduct that, if successful, would 1455
constitute or result in the offense. 1456

(B) It is no defense to a charge under this section that, in 1457
retrospect, commission of the offense that was the object of the 1458
attempt was either factually or legally impossible under the 1459
attendant circumstances, if that offense could have been committed 1460
had the attendant circumstances been as the actor believed them to 1461

be.

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(C) No person who is convicted of committing a specific
offense, of complicity in the commission of an offense, or of
conspiracy to commit an offense shall be convicted of an attempt
to commit the same offense in violation of this section.

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(D) It is an affirmative defense to a charge under this
section that the actor abandoned the actor's effort to commit the
offense or otherwise prevented its commission, under circumstances
manifesting a complete and voluntary renunciation of the actor's
criminal purpose.

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(E)(1) Whoever violates this section is guilty of an attempt
to commit an offense. An attempt to commit aggravated murder,
murder, or an offense for which the maximum penalty is
imprisonment for life is a felony of the first degree. An attempt
to commit a drug abuse offense for which the penalty is determined
by the amount or number of unit doses of the controlled substance
involved in the drug abuse offense is an offense of the same
degree as the drug abuse offense attempted would be if that drug
abuse offense had been committed and had involved an amount or
number of unit doses of the controlled substance that is within
the next lower range of controlled substance amounts than was
involved in the attempt. An attempt to commit any other offense is
an offense of the next lesser degree than the offense attempted.
In the case of an attempt to commit an offense other than a
violation of Chapter 3734. of the Revised Code that is not
specifically classified, an attempt is a misdemeanor of the first
degree if the offense attempted is a felony, and a misdemeanor of
the fourth degree if the offense attempted is a misdemeanor. In
the case of an attempt to commit a violation of any provision of
Chapter 3734. of the Revised Code, other than section 3734.18 of
the Revised Code, that relates to hazardous wastes, an attempt is
a felony punishable by a fine of not more than twenty-five

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thousand dollars or imprisonment for not more than eighteen 1494
months, or both. An attempt to commit a minor misdemeanor, or to 1495
engage in conspiracy, is not an offense under this section. 1496

(2) In addition to any other sanctions imposed pursuant to 1497
division (E)(1) of this section for an attempt to commit 1498
aggravated murder or murder in violation of division (A) of this 1499
section, if the offender used a motor vehicle as the means to 1500
attempt to commit the offense, the court shall impose upon the 1501
offender a class two suspension of the offender's driver's 1502
license, commercial driver's license, temporary instruction 1503
permit, probationary license, or nonresident operating privilege 1504
as specified in division (A)(2) of section 4510.02 of the Revised 1505
Code. 1506

(F) As used in this section, ~~"drug:~~ 1507

(1) "Drug abuse offense" has the same meaning as in section 1508
2925.01 of the Revised Code. 1509

(2) "Motor vehicle" has the same meaning as in section 1510
4501.01 of the Revised Code. 1511

Sec. 2929.01. As used in this chapter: 1512

(A)(1) "Alternative residential facility" means, subject to 1513
division (A)(2) of this section, any facility other than an 1514
offender's home or residence in which an offender is assigned to 1515
live and that satisfies all of the following criteria: 1516

(a) It provides programs through which the offender may seek 1517
or maintain employment or may receive education, training, 1518
treatment, or habilitation. 1519

(b) It has received the appropriate license or certificate 1520
for any specialized education, training, treatment, habilitation, 1521
or other service that it provides from the government agency that 1522
is responsible for licensing or certifying that type of education, 1523

training, treatment, habilitation, or service. 1524

(2) "Alternative residential facility" does not include a 1525
community-based correctional facility, jail, halfway house, or 1526
prison. 1527

(B) "Bad time" means the time by which the parole board 1528
administratively extends an offender's stated prison term or terms 1529
pursuant to section 2967.11 of the Revised Code because the parole 1530
board finds by clear and convincing evidence that the offender, 1531
while serving the prison term or terms, committed an act that is a 1532
criminal offense under the law of this state or the United States, 1533
whether or not the offender is prosecuted for the commission of 1534
that act. 1535

(C) "Basic probation supervision" means a requirement that 1536
the offender maintain contact with a person appointed to supervise 1537
the offender in accordance with sanctions imposed by the court or 1538
imposed by the parole board pursuant to section 2967.28 of the 1539
Revised Code. "Basic probation supervision" includes basic parole 1540
supervision and basic post-release control supervision. 1541

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1542
"unit dose" have the same meanings as in section 2925.01 of the 1543
Revised Code. 1544

(E) "Community-based correctional facility" means a 1545
community-based correctional facility and program or district 1546
community-based correctional facility and program developed 1547
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1548

(F) "Community control sanction" means a sanction that is not 1549
a prison term and that is described in section 2929.15, 2929.16, 1550
2929.17, or 2929.18 of the Revised Code or a sanction that is not 1551
a jail term and that is described in section 2929.26, 2929.27, or 1552
2929.28 of the Revised Code. "Community control sanction" includes 1553
probation if the sentence involved was imposed for a felony that 1554

was committed prior to July 1, 1996, or if the sentence involved 1555
was imposed for a misdemeanor that was committed prior to January 1556
1, 2004. 1557

(G) "Controlled substance," "marihuana," "schedule I," and 1558
"schedule II" have the same meanings as in section 3719.01 of the 1559
Revised Code. 1560

(H) "Curfew" means a requirement that an offender during a 1561
specified period of time be at a designated place. 1562

(I) "Day reporting" means a sanction pursuant to which an 1563
offender is required each day to report to and leave a center or 1564
other approved reporting location at specified times in order to 1565
participate in work, education or training, treatment, and other 1566
approved programs at the center or outside the center. 1567

(J) "Deadly weapon" has the same meaning as in section 1568
2923.11 of the Revised Code. 1569

(K) "Drug and alcohol use monitoring" means a program under 1570
which an offender agrees to submit to random chemical analysis of 1571
the offender's blood, breath, or urine to determine whether the 1572
offender has ingested any alcohol or other drugs. 1573

(L) "Drug treatment program" means any program under which a 1574
person undergoes assessment and treatment designed to reduce or 1575
completely eliminate the person's physical or emotional reliance 1576
upon alcohol, another drug, or alcohol and another drug and under 1577
which the person may be required to receive assessment and 1578
treatment on an outpatient basis or may be required to reside at a 1579
facility other than the person's home or residence while 1580
undergoing assessment and treatment. 1581

(M) "Economic loss" means any economic detriment suffered by 1582
a victim as a direct and proximate result of the commission of an 1583
offense and includes any loss of income due to lost time at work 1584

because of any injury caused to the victim, and any property loss, 1585
medical cost, or funeral expense incurred as a result of the 1586
commission of the offense. "Economic loss" does not include 1587
non-economic loss or any punitive or exemplary damages. 1588

(N) "Education or training" includes study at, or in 1589
conjunction with a program offered by, a university, college, or 1590
technical college or vocational study and also includes the 1591
completion of primary school, secondary school, and literacy 1592
curricula or their equivalent. 1593

(O) "Firearm" has the same meaning as in section 2923.11 of 1594
the Revised Code. 1595

(P) "Halfway house" means a facility licensed by the division 1596
of parole and community services of the department of 1597
rehabilitation and correction pursuant to section 2967.14 of the 1598
Revised Code as a suitable facility for the care and treatment of 1599
adult offenders. 1600

(Q) "House arrest" means a period of confinement of an 1601
offender that is in the offender's home or in other premises 1602
specified by the sentencing court or by the parole board pursuant 1603
to section 2967.28 of the Revised Code and during which all of the 1604
following apply: 1605

(1) The offender is required to remain in the offender's home 1606
or other specified premises for the specified period of 1607
confinement, except for periods of time during which the offender 1608
is at the offender's place of employment or at other premises as 1609
authorized by the sentencing court or by the parole board. 1610

(2) The offender is required to report periodically to a 1611
person designated by the court or parole board. 1612

(3) The offender is subject to any other restrictions and 1613
requirements that may be imposed by the sentencing court or by the 1614

parole board. 1615

(R) "Intensive probation supervision" means a requirement 1616
that an offender maintain frequent contact with a person appointed 1617
by the court, or by the parole board pursuant to section 2967.28 1618
of the Revised Code, to supervise the offender while the offender 1619
is seeking or maintaining necessary employment and participating 1620
in training, education, and treatment programs as required in the 1621
court's or parole board's order. "Intensive probation supervision" 1622
includes intensive parole supervision and intensive post-release 1623
control supervision. 1624

(S) "Jail" means a jail, workhouse, minimum security jail, or 1625
other residential facility used for the confinement of alleged or 1626
convicted offenders that is operated by a political subdivision or 1627
a combination of political subdivisions of this state. 1628

(T) "Jail term" means the term in a jail that a sentencing 1629
court imposes or is authorized to impose pursuant to section 1630
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1631
provision of the Revised Code that authorizes a term in a jail for 1632
a misdemeanor conviction. 1633

(U) "Mandatory jail term" means the term in a jail that a 1634
sentencing court is required to impose pursuant to division (G) of 1635
section 1547.99 of the Revised Code, division (E) of section 1636
2903.06 or division (D) of section 2903.08 of the Revised Code, 1637
division (E) of section 2929.24 of the Revised Code, division (B) 1638
of section 4510.14 of the Revised Code, or division (G) of section 1639
4511.19 of the Revised Code or pursuant to any other provision of 1640
the Revised Code that requires a term in a jail for a misdemeanor 1641
conviction. 1642

(V) "Delinquent child" has the same meaning as in section 1643
2152.02 of the Revised Code. 1644

(W) "License violation report" means a report that is made by 1645

a sentencing court, or by the parole board pursuant to section 1646
2967.28 of the Revised Code, to the regulatory or licensing board 1647
or agency that issued an offender a professional license or a 1648
license or permit to do business in this state and that specifies 1649
that the offender has been convicted of or pleaded guilty to an 1650
offense that may violate the conditions under which the offender's 1651
professional license or license or permit to do business in this 1652
state was granted or an offense for which the offender's 1653
professional license or license or permit to do business in this 1654
state may be revoked or suspended. 1655

(X) "Major drug offender" means an offender who is convicted 1656
of or pleads guilty to the possession of, sale of, or offer to 1657
sell any drug, compound, mixture, preparation, or substance that 1658
consists of or contains at least one thousand grams of hashish; at 1659
least one hundred grams of crack cocaine; at least one thousand 1660
grams of cocaine that is not crack cocaine; at least two thousand 1661
five hundred unit doses or two hundred fifty grams of heroin; at 1662
least five thousand unit doses of L.S.D. or five hundred grams of 1663
L.S.D. in a liquid concentrate, liquid extract, or liquid 1664
distillate form; or at least one hundred times the amount of any 1665
other schedule I or II controlled substance other than marihuana 1666
that is necessary to commit a felony of the third degree pursuant 1667
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1668
Code that is based on the possession of, sale of, or offer to sell 1669
the controlled substance. 1670

(Y) "Mandatory prison term" means any of the following: 1671

(1) Subject to division (Y)(2) of this section, the term in 1672
prison that must be imposed for the offenses or circumstances set 1673
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1674
2929.13 and division (D) of section 2929.14 of the Revised Code. 1675
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1676
and 2925.11 of the Revised Code, unless the maximum or another 1677

specific term is required under section 2929.14 or 2929.142 of the Revised Code, a mandatory prison term described in this division may be any prison term authorized for the level of offense.

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

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

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

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

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

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

(1) A stated prison term;

(2) A term in a prison shortened by, or with the approval of, 1708
the sentencing court pursuant to section 2929.20, 2967.26, 1709
5120.031, 5120.032, or 5120.073 of the Revised Code; 1710

(3) A term in prison extended by bad time imposed pursuant to 1711
section 2967.11 of the Revised Code or imposed for a violation of 1712
post-release control pursuant to section 2967.28 of the Revised 1713
Code. 1714

(DD) "Repeat violent offender" means a person about whom both 1715
of the following apply: 1716

(1) The person is being sentenced for committing or for 1717
complicity in committing any of the following: 1718

(a) Aggravated murder, murder, any felony of the first or 1719
second degree that is an offense of violence, or an attempt to 1720
commit any of these offenses if the attempt is a felony of the 1721
first or second degree; 1722

(b) An offense under an existing or former law of this state, 1723
another state, or the United States that is or was substantially 1724
equivalent to an offense described in division (DD)(1)(a) of this 1725
section. 1726

(2) The person previously was convicted of or pleaded guilty 1727
to an offense described in division (DD)(1)(a) or (b) of this 1728
section. 1729

(EE) "Sanction" means any penalty imposed upon an offender 1730
who is convicted of or pleads guilty to an offense, as punishment 1731
for the offense. "Sanction" includes any sanction imposed pursuant 1732
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1733
2929.28 of the Revised Code. 1734

(FF) "Sentence" means the sanction or combination of 1735
sanctions imposed by the sentencing court on an offender who is 1736
convicted of or pleads guilty to an offense. 1737

(GG) "Stated prison term" means the prison term, mandatory 1738
prison term, or combination of all prison terms and mandatory 1739
prison terms imposed by the sentencing court pursuant to section 1740
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 1741
term" includes any credit received by the offender for time spent 1742
in jail awaiting trial, sentencing, or transfer to prison for the 1743
offense and any time spent under house arrest or house arrest with 1744
electronic monitoring imposed after earning credits pursuant to 1745
section 2967.193 of the Revised Code. 1746

(HH) "Victim-offender mediation" means a reconciliation or 1747
mediation program that involves an offender and the victim of the 1748
offense committed by the offender and that includes a meeting in 1749
which the offender and the victim may discuss the offense, discuss 1750
restitution, and consider other sanctions for the offense. 1751

(II) "Fourth degree felony OVI offense" means a violation of 1752
division (A) of section 4511.19 of the Revised Code that, under 1753
division (G) of that section, is a felony of the fourth degree. 1754

(JJ) "Mandatory term of local incarceration" means the term 1755
of sixty or one hundred twenty days in a jail, a community-based 1756
correctional facility, a halfway house, or an alternative 1757
residential facility that a sentencing court may impose upon a 1758
person who is convicted of or pleads guilty to a fourth degree 1759
felony OVI offense pursuant to division (G)(1) of section 2929.13 1760
of the Revised Code and division (G)(1)(d) or (e) of section 1761
4511.19 of the Revised Code. 1762

(KK) "Designated homicide, assault, or kidnapping offense," 1763
"violent sex offense," "sexual motivation specification," 1764
"sexually violent offense," "sexually violent predator," and 1765
"sexually violent predator specification" have the same meanings 1766
as in section 2971.01 of the Revised Code. 1767

(LL) "Habitual sex offender," "sexually oriented offense," 1768

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

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

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

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

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

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

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

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

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

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

(VV) "Electronic monitoring device" means any of the

following: 1799

(1) Any device that can be operated by electrical or battery 1800
power and that conforms with all of the following: 1801

(a) The device has a transmitter that can be attached to a 1802
person, that will transmit a specified signal to a receiver of the 1803
type described in division (VV)(1)(b) of this section if the 1804
transmitter is removed from the person, turned off, or altered in 1805
any manner without prior court approval in relation to electronic 1806
monitoring or without prior approval of the department of 1807
rehabilitation and correction in relation to the use of an 1808
electronic monitoring device for an inmate on transitional control 1809
or otherwise is tampered with, that can transmit continuously and 1810
periodically a signal to that receiver when the person is within a 1811
specified distance from the receiver, and that can transmit an 1812
appropriate signal to that receiver if the person to whom it is 1813
attached travels a specified distance from that receiver. 1814

(b) The device has a receiver that can receive continuously 1815
the signals transmitted by a transmitter of the type described in 1816
division (VV)(1)(a) of this section, can transmit continuously 1817
those signals by telephone to a central monitoring computer of the 1818
type described in division (VV)(1)(c) of this section, and can 1819
transmit continuously an appropriate signal to that central 1820
monitoring computer if the receiver is turned off or altered 1821
without prior court approval or otherwise tampered with. 1822

(c) The device has a central monitoring computer that can 1823
receive continuously the signals transmitted by telephone by a 1824
receiver of the type described in division (VV)(1)(b) of this 1825
section and can monitor continuously the person to whom an 1826
electronic monitoring device of the type described in division 1827
(VV)(1)(a) of this section is attached. 1828

(2) Any device that is not a device of the type described in 1829

division (VV)(1) of this section and that conforms with all of the 1830
following: 1831

(a) The device includes a transmitter and receiver that can 1832
monitor and determine the location of a subject person at any 1833
time, or at a designated point in time, through the use of a 1834
central monitoring computer or through other electronic means. 1835

(b) The device includes a transmitter and receiver that can 1836
determine at any time, or at a designated point in time, through 1837
the use of a central monitoring computer or other electronic means 1838
the fact that the transmitter is turned off or altered in any 1839
manner without prior approval of the court in relation to the 1840
electronic monitoring or without prior approval of the department 1841
of rehabilitation and correction in relation to the use of an 1842
electronic monitoring device for an inmate on transitional control 1843
or otherwise is tampered with. 1844

(3) Any type of technology that can adequately track or 1845
determine the location of a subject person at any time and that is 1846
approved by the director of rehabilitation and correction, 1847
including, but not limited to, any satellite technology, voice 1848
tracking system, or retinal scanning system that is so approved. 1849

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1850
a victim of an offense as a result of or related to the commission 1851
of the offense, including, but not limited to, pain and suffering; 1852
loss of society, consortium, companionship, care, assistance, 1853
attention, protection, advice, guidance, counsel, instruction, 1854
training, or education; mental anguish; and any other intangible 1855
loss. 1856

(XX) "Prosecutor" has the same meaning as in section 2935.01 1857
of the Revised Code. 1858

(YY) "Continuous alcohol monitoring" means the ability to 1859
automatically test and periodically transmit alcohol consumption 1860

levels and tamper attempts at least every hour, regardless of the 1861
location of the person who is being monitored. 1862

(ZZ) A person is "adjudicated a sexually violent predator" if 1863
the person is convicted of or pleads guilty to a violent sex 1864
offense and also is convicted of or pleads guilty to a sexually 1865
violent predator specification that was included in the 1866
indictment, count in the indictment, or information charging that 1867
violent sex offense or if the person is convicted of or pleads 1868
guilty to a designated homicide, assault, or kidnapping offense 1869
and also is convicted of or pleads guilty to both a sexual 1870
motivation specification and a sexually violent predator 1871
specification that were included in the indictment, count in the 1872
indictment, or information charging that designated homicide, 1873
assault, or kidnapping offense. 1874

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty to 1875
aggravated murder in violation of section 2903.01 of the Revised 1876
Code shall suffer death or be imprisoned for life, as determined 1877
pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised 1878
Code, except that no person who raises the matter of age pursuant 1879
to section 2929.023 of the Revised Code and who is not found to 1880
have been eighteen years of age or older at the time of the 1881
commission of the offense shall suffer death. In addition, the 1882
offender may be fined an amount fixed by the court, but not more 1883
than twenty-five thousand dollars. 1884

(B) Whoever is convicted of or pleads guilty to murder in 1885
violation of section 2903.02 of the Revised Code shall be 1886
imprisoned for an indefinite term of fifteen years to life, except 1887
that, if the offender also is convicted of or pleads guilty to a 1888
sexual motivation specification and a sexually violent predator 1889
specification that were included in the indictment, count in the 1890
indictment, or information that charged the murder, the court 1891

shall impose upon the offender a term of life imprisonment without
parole that shall be served pursuant to section 2971.03 of the
Revised Code. In addition, the offender may be fined an amount
fixed by the court, but not more than fifteen thousand dollars.

(C) The court shall not impose a fine or fines for aggravated
murder or murder which, in the aggregate and to the extent not
suspended by the court, exceeds the amount which the offender is
or will be able to pay by the method and within the time allowed
without undue hardship to the offender or to the dependents of the
offender, or will prevent the offender from making reparation for
the victim's wrongful death.

(D)(1) In addition to any other sanctions imposed for a
violation of section 2903.01 or 2903.02 of the Revised Code, if
the offender used a motor vehicle as the means to commit the
violation, the court shall impose upon the offender a class two
suspension of the offender's driver's license, commercial driver's
license, temporary instruction permit, probationary license, or
nonresident operating privilege as specified in division (A)(2) of
section 4510.02 of the Revised Code.

(2) As used in division (D) of this section, "motor vehicle"
has the same meaning as in section 4501.01 of the Revised Code.

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

If the offender is eligible to be sentenced to community

control sanctions, the court shall consider the appropriateness of
imposing a financial sanction pursuant to section 2929.18 of the
Revised Code or a sanction of community service pursuant to
section 2929.17 of the Revised Code as the sole sanction for the
offense. Except as otherwise provided in this division, if the
court is required to impose a mandatory prison term for the
offense for which sentence is being imposed, the court also may
impose a financial sanction pursuant to section 2929.18 of the
Revised Code but may not impose any additional sanction or
combination of sanctions under section 2929.16 or 2929.17 of the
Revised Code.

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

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

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

2929.14 of the Revised Code or a community control sanction as
described in division (G)(2) of this section. 1954
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(B)(1) Except as provided in division (B)(2), (E), (F), or 1956
(G) of this section, in sentencing an offender for a felony of the 1957
fourth or fifth degree, the sentencing court shall determine 1958
whether any of the following apply: 1959

(a) In committing the offense, the offender caused physical 1960
harm to a person. 1961

(b) In committing the offense, the offender attempted to 1962
cause or made an actual threat of physical harm to a person with a 1963
deadly weapon. 1964

(c) In committing the offense, the offender attempted to 1965
cause or made an actual threat of physical harm to a person, and 1966
the offender previously was convicted of an offense that caused 1967
physical harm to a person. 1968

(d) The offender held a public office or position of trust 1969
and the offense related to that office or position; the offender's 1970
position obliged the offender to prevent the offense or to bring 1971
those committing it to justice; or the offender's professional 1972
reputation or position facilitated the offense or was likely to 1973
influence the future conduct of others. 1974

(e) The offender committed the offense for hire or as part of 1975
an organized criminal activity. 1976

(f) The offense is a sex offense that is a fourth or fifth 1977
degree felony violation of section 2907.03, 2907.04, 2907.05, 1978
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1979
Revised Code. 1980

(g) The offender at the time of the offense was serving, or 1981
the offender previously had served, a prison term. 1982

(h) The offender committed the offense while under a 1983

community control sanction, while on probation, or while released
from custody on a bond or personal recognizance. 1984
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(i) The offender committed the offense while in possession of
a firearm. 1986
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(2)(a) If the court makes a finding described in division
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this
section and if the court, after considering the factors set forth
in section 2929.12 of the Revised Code, finds that a prison term
is consistent with the purposes and principles of sentencing set
forth in section 2929.11 of the Revised Code and finds that the
offender is not amenable to an available community control
sanction, the court shall impose a prison term upon the offender. 1988
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(b) Except as provided in division (E), (F), or (G) of this
section, if the court does not make a finding described in
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of
this section and if the court, after considering the factors set
forth in section 2929.12 of the Revised Code, finds that a
community control sanction or combination of community control
sanctions is consistent with the purposes and principles of
sentencing set forth in section 2929.11 of the Revised Code, the
court shall impose a community control sanction or combination of
community control sanctions upon the offender. 1996
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(C) Except as provided in division (D), (E), (F), or (G) of
this section, in determining whether to impose a prison term as a
sanction for a felony of the third degree or a felony drug offense
that is a violation of a provision of Chapter 2925. of the Revised
Code and that is specified as being subject to this division for
purposes of sentencing, the sentencing court shall comply with the
purposes and principles of sentencing under section 2929.11 of the
Revised Code and with section 2929.12 of the Revised Code. 2006
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(D)(1) Except as provided in division (E) or (F) of this 2014

section, for a felony of the first or second degree, for a felony
drug offense that is a violation of any provision of Chapter
2925., 3719., or 4729. of the Revised Code for which a presumption
in favor of a prison term is specified as being applicable, and
for a violation of division (A)(4) of section 2907.05 of the
Revised Code for which a presumption in favor of a prison term is
specified as being applicable, it is presumed that a prison term
is necessary in order to comply with the purposes and principles
of sentencing under section 2929.11 of the Revised Code. Division
(D)(2) of this section does not apply to a presumption established
under this division for a violation of division (A)(4) of section
2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under
division (D)(1) of this section for the offenses listed in that
division other than a violation of division (A)(4) of section
2907.05 of the Revised Code, the sentencing court may impose a
community control sanction or a combination of community control
sanctions instead of a prison term on an offender for a felony of
the first or second degree or for a felony drug offense that is a
violation of any provision of Chapter 2925., 3719., or 4729. of
the Revised Code for which a presumption in favor of a prison term
is specified as being applicable if it makes both of the following
findings:

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

(b) A community control sanction or a combination of
community control sanctions would not demean the seriousness of
the offense, because one or more factors under section 2929.12 of

the Revised Code that indicate that the offender's conduct was
less serious than conduct normally constituting the offense are
applicable, and they outweigh the applicable factors under that
section that indicate that the offender's conduct was more serious
than conduct normally constituting the offense.

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

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

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

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

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(F) Notwithstanding divisions (A) to (E) of this section, the
court shall impose a prison term or terms under sections 2929.02

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to 2929.06, section 2929.14, section 2929.142, or section 2971.03 2078
of the Revised Code and except as specifically provided in section 2079
2929.20 or 2967.191 of the Revised Code or when parole is 2080
authorized for the offense under section 2967.13 of the Revised 2081
Code shall not reduce the term or terms pursuant to section 2082
2929.20, section 2967.193, or any other provision of Chapter 2967. 2083
or Chapter 5120. of the Revised Code for any of the following 2084
offenses: 2085

(1) Aggravated murder when death is not imposed or murder; 2086

(2) Any rape, regardless of whether force was involved and 2087
regardless of the age of the victim, or an attempt to commit rape 2088
if, had the offender completed the rape that was attempted, the 2089
offender would have been subject to a sentence of life 2090
imprisonment or life imprisonment without parole for the rape; 2091

(3) Gross sexual imposition or sexual battery, if the victim 2092
is under thirteen years of age and if any of the following 2093
applies: 2094

(a) Regarding gross sexual imposition, the offender 2095
previously was convicted of or pleaded guilty to rape, the former 2096
offense of felonious sexual penetration, gross sexual imposition, 2097
or sexual battery, and the victim of the previous offense was 2098
under thirteen years of age; 2099

(b) Regarding gross sexual imposition, the offense was 2100
committed on or after ~~the effective date of this amendment~~ August 2101
3, 2006, and evidence other than the testimony of the victim was 2102
admitted in the case corroborating the violation. 2103

(c) Regarding sexual battery, either of the following 2104
applies: 2105

(i) The offense was committed prior to ~~the effective date of~~ 2106
~~this amendment~~ August 3, 2006, the offender previously was 2107

convicted of or pleaded guilty to rape, the former offense of 2108
felonious sexual penetration, or sexual battery, and the victim of 2109
the previous offense was under thirteen years of age. 2110

(ii) The offense was committed on or after ~~the effective date~~ 2111
~~of this amendment~~ August 3, 2006. 2112

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2113
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 2114
requires the imposition of a prison term; 2115

(5) A first, second, or third degree felony drug offense for 2116
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2117
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2118
4729.99 of the Revised Code, whichever is applicable regarding the 2119
violation, requires the imposition of a mandatory prison term; 2120

(6) Any offense that is a first or second degree felony and 2121
that is not set forth in division (F)(1), (2), (3), or (4) of this 2122
section, if the offender previously was convicted of or pleaded 2123
guilty to aggravated murder, murder, any first or second degree 2124
felony, or an offense under an existing or former law of this 2125
state, another state, or the United States that is or was 2126
substantially equivalent to one of those offenses; 2127

(7) Any offense that is a third degree felony and either is a 2128
violation of section 2903.04 of the Revised Code or an attempt to 2129
commit a felony of the second degree that is an offense of 2130
violence and involved an attempt to cause serious physical harm to 2131
a person or that resulted in serious physical harm to a person if 2132
the offender previously was convicted of or pleaded guilty to any 2133
of the following offenses: 2134

(a) Aggravated murder, murder, involuntary manslaughter, 2135
rape, felonious sexual penetration as it existed under section 2136
2907.12 of the Revised Code prior to September 3, 1996, a felony 2137
of the first or second degree that resulted in the death of a 2138

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F)(7)(a) of this section that resulted in the death of a person or in physical harm to a person.

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

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

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

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

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

(13) A violation of division (A)(1) or (2) of section 2903.06 2169
of the Revised Code if the victim of the offense is a peace 2170
officer, as defined in section 2935.01 of the Revised Code, with 2171
respect to the portion of the sentence imposed pursuant to 2172
division (D)(5) of section 2929.14 of the Revised Code; 2173

(14) A violation of division (A)(1) or (2) of section 2903.06 2174
of the Revised Code if the offender has been convicted of or 2175
pleaded guilty to three or more violations of division (A) or (B) 2176
of section 4511.19 of the Revised Code or an equivalent offense, 2177
as defined in section 2941.1415 of the Revised Code, or three or 2178
more violations of any combination of those divisions and 2179
offenses, with respect to the portion of the sentence imposed 2180
pursuant to division (D)(6) of section 2929.14 of the Revised 2181
Code. 2182

(G) Notwithstanding divisions (A) to (E) of this section, if 2183
an offender is being sentenced for a fourth degree felony OVI 2184
offense or for a third degree felony OVI offense, the court shall 2185
impose upon the offender a mandatory term of local incarceration 2186
or a mandatory prison term in accordance with the following: 2187

(1) If the offender is being sentenced for a fourth degree 2188
felony OVI offense and if the offender has not been convicted of 2189
and has not pleaded guilty to a specification of the type 2190
described in section 2941.1413 of the Revised Code, the court may 2191
impose upon the offender a mandatory term of local incarceration 2192
of sixty days or one hundred twenty days as specified in division 2193
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 2194
not reduce the term pursuant to section 2929.20, 2967.193, or any 2195
other provision of the Revised Code. The court that imposes a 2196
mandatory term of local incarceration under this division shall 2197
specify whether the term is to be served in a jail, a 2198
community-based correctional facility, a halfway house, or an 2199
alternative residential facility, and the offender shall serve the 2200

term in the type of facility specified by the court. A mandatory
term of local incarceration imposed under division (G)(1) of this
section is not subject to extension under section 2967.11 of the
Revised Code, to a period of post-release control under section
2967.28 of the Revised Code, or to any other Revised Code
provision that pertains to a prison term except as provided in
division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree
felony OVI offense, or if the offender is being sentenced for a
fourth degree felony OVI offense and the court does not impose a
mandatory term of local incarceration under division (G)(1) of
this section, the court shall impose upon the offender a mandatory
prison term of one, two, three, four, or five years 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 shall impose upon the offender a mandatory prison
term of sixty days or one hundred twenty days as specified in
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code
if the offender has not been convicted of and has not pleaded
guilty to a specification of that type. The court shall not reduce
the term pursuant to section 2929.20, 2967.193, or any other
provision of the Revised Code. The offender shall serve the one-,
two-, three-, four-, or five-year mandatory prison term
consecutively to and prior to the prison term imposed for the
underlying offense and consecutively to any other mandatory prison
term imposed in relation to the offense. In no case shall an
offender who once has been sentenced to a mandatory term of local
incarceration pursuant to division (G)(1) of this section for a
fourth degree felony OVI offense be sentenced to another mandatory
term of local incarceration under that division for any violation
of division (A) of section 4511.19 of the Revised Code. In
addition to the mandatory prison term described in division (G)(2)

of this section, the court 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 the prison term prior
to serving the community control sanction. The department of
rehabilitation and correction may place an offender sentenced to a
mandatory prison term under this division in an intensive program
prison established pursuant to section 5120.033 of the Revised
Code if the department gave the sentencing judge prior notice of
its intent to place the offender in an intensive program prison
established under that section and if the judge did not notify the
department that the judge disapproved the placement. Upon the
establishment of the initial intensive program prison pursuant to
section 5120.033 of the Revised Code that is privately operated
and managed by a contractor pursuant to a contract entered into
under section 9.06 of the Revised Code, both of the following
apply:

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

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

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

(1) The offense was a violent sex offense or a designated homicide, assault, or kidnapping offense and, in relation to that offense, the offender was adjudicated a sexually violent predator.

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

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

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

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

offense had been committed and had involved an amount or number of
unit doses of the controlled substance that is within the next
lower range of controlled substance amounts than was involved in
the attempt.

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

(L) At the time of sentencing an offender who is a sexual
predator for any sexually oriented offense, if the offender does
not serve a prison term or jail term, the court may require that
the offender be monitored by means of a global positioning device.
If the court requires such monitoring, the cost of monitoring
shall be borne by the offender. If the offender is indigent, the
cost of compliance shall be paid by the crime victims reparations
fund.

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

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

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

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

(4) For a felony of the fourth degree, the prison term shall
be six, seven, eight, nine, ten, eleven, twelve, thirteen,

fourteen, fifteen, sixteen, seventeen, or eighteen months. 2326

(5) For a felony of the fifth degree, the prison term shall 2327
be six, seven, eight, nine, ten, eleven, or twelve months. 2328

(B) Except as provided in division (C), (D)(1), (D)(2), 2329
(D)(3), (D)(5), (D)(6), ~~or~~ (G), or (L) of this section, in section 2330
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 2331
Revised Code, if the court imposing a sentence upon an offender 2332
for a felony elects or is required to impose a prison term on the 2333
offender, the court shall impose the shortest prison term 2334
authorized for the offense pursuant to division (A) of this 2335
section, unless one or more of the following applies: 2336

(1) The offender was serving a prison term at the time of the 2337
offense, or the offender previously had served a prison term. 2338

(2) The court finds on the record that the shortest prison 2339
term will demean the seriousness of the offender's conduct or will 2340
not adequately protect the public from future crime by the 2341
offender or others. 2342

(C) Except as provided in division (G) or (L) of this section 2343
or in Chapter 2925. of the Revised Code, the court imposing a 2344
sentence upon an offender for a felony may impose the longest 2345
prison term authorized for the offense pursuant to division (A) of 2346
this section only upon offenders who committed the worst forms of 2347
the offense, upon offenders who pose the greatest likelihood of 2348
committing future crimes, upon certain major drug offenders under 2349
division (D)(3) of this section, and upon certain repeat violent 2350
offenders in accordance with division (D)(2) of this section. 2351

(D)(1)(a) Except as provided in division (D)(1)(e) of this 2352
section, if an offender who is convicted of or pleads guilty to a 2353
felony also is convicted of or pleads guilty to a specification of 2354
the type described in section 2941.141, 2941.144, or 2941.145 of 2355
the Revised Code, the court shall impose on the offender one of 2356

the following prison terms: 2357

(i) A prison term of six years if the specification is of the 2358
type described in section 2941.144 of the Revised Code that 2359
charges the offender with having a firearm that is an automatic 2360
firearm or that was equipped with a firearm muffler or silencer on 2361
or about the offender's person or under the offender's control 2362
while committing the felony; 2363

(ii) A prison term of three years if the specification is of 2364
the type described in section 2941.145 of the Revised Code that 2365
charges the offender with having a firearm on or about the 2366
offender's person or under the offender's control while committing 2367
the offense and displaying the firearm, brandishing the firearm, 2368
indicating that the offender possessed the firearm, or using it to 2369
facilitate the offense; 2370

(iii) A prison term of one year if the specification is of 2371
the type described in section 2941.141 of the Revised Code that 2372
charges the offender with having a firearm on or about the 2373
offender's person or under the offender's control while committing 2374
the felony. 2375

(b) If a court imposes a prison term on an offender under 2376
division (D)(1)(a) of this section, the prison term shall not be 2377
reduced pursuant to section 2929.20, section 2967.193, or any 2378
other provision of Chapter 2967. or Chapter 5120. of the Revised 2379
Code. A court shall not impose more than one prison term on an 2380
offender under division (D)(1)(a) of this section for felonies 2381
committed as part of the same act or transaction. 2382

(c) Except as provided in division (D)(1)(e) of this section, 2383
if an offender who is convicted of or pleads guilty to a violation 2384
of section 2923.161 of the Revised Code or to a felony that 2385
includes, as an essential element, purposely or knowingly causing 2386
or attempting to cause the death of or physical harm to another, 2387

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
of violence, the court shall impose on the offender a prison term
of two years. The prison term so imposed 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)(1)(d) of this section for felonies committed as
part of the same act or transaction. If a court imposes an

additional prison term under division (D)(1)(a) or (c) of this 2420
section, the court is not precluded from imposing an additional 2421
prison term under division (D)(1)(d) of this section. 2422

(e) The court shall not impose any of the prison terms 2423
described in division (D)(1)(a) of this section or any of the 2424
additional prison terms described in division (D)(1)(c) of this 2425
section upon an offender for a violation of section 2923.12 or 2426
2923.123 of the Revised Code. The court shall not impose any of 2427
the prison terms described in division (D)(1)(a) of this section 2428
or any of the additional prison terms described in division 2429
(D)(1)(c) of this section upon an offender for a violation of 2430
section 2923.13 of the Revised Code unless all of the following 2431
apply: 2432

(i) The offender previously has been convicted of aggravated 2433
murder, murder, or any felony of the first or second degree. 2434

(ii) Less than five years have passed since the offender was 2435
released from prison or post-release control, whichever is later, 2436
for the prior offense. 2437

(f) If an offender is convicted of or pleads guilty to a 2438
felony that includes, as an essential element, causing or 2439
attempting to cause the death of or physical harm to another and 2440
also is convicted of or pleads guilty to a specification of the 2441
type described in section 2941.1412 of the Revised Code that 2442
charges the offender with committing the offense by discharging a 2443
firearm at a peace officer as defined in section 2935.01 of the 2444
Revised Code or a corrections officer as defined in section 2445
2941.1412 of the Revised Code, the court, after imposing a prison 2446
term on the offender for the felony offense under division (A), 2447
(D)(2), or (D)(3) of this section, shall impose an additional 2448
prison term of seven years upon the offender that shall not be 2449
reduced pursuant to section 2929.20, section 2967.193, or any 2450

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 division (D)(2)(b) of this section does not apply,
the court may impose on an offender, in addition to the longest
prison term authorized or required for the offense, an additional
definite prison term of one, two, three, four, five, six, seven,
eight, nine, or ten years if all of the following criteria are
met:

(i) The offender 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.

(ii) The offense of which the offender currently is convicted
or to which the offender currently pleads guilty is aggravated
murder and the court does not impose a sentence of death or life
imprisonment without parole, murder, terrorism and the court does
not impose a sentence of life imprisonment without parole, any
felony of the first degree that is an offense of violence and the
court does not impose a sentence of life imprisonment without
parole, or any felony of the second degree that is an offense of
violence and the trier of fact finds that the offense involved an
attempt to cause or a threat to cause serious physical harm to a
person or resulted in serious physical harm to a person.

(iii) The court imposes the longest prison term for the
offense that is not life imprisonment without parole.

(iv) The court finds that the prison terms imposed pursuant

to division (D)(2)(a)(iii) of this section and, if applicable, 2482
division (D)(1) or (3) of this section are inadequate to punish 2483
the offender and protect the public from future crime, because the 2484
applicable factors under section 2929.12 of the Revised Code 2485
indicating a greater likelihood of recidivism outweigh the 2486
applicable factors under that section indicating a lesser 2487
likelihood of recidivism. 2488

(v) The court finds that the prison terms imposed pursuant to 2489
division (D)(2)(a)(iii) of this section and, if applicable, 2490
division (D)(1) or (3) of this section are demeaning to the 2491
seriousness of the offense, because one or more of the factors 2492
under section 2929.12 of the Revised Code indicating that the 2493
offender's conduct is more serious than conduct normally 2494
constituting the offense are present, and they outweigh the 2495
applicable factors under that section indicating that the 2496
offender's conduct is less serious than conduct normally 2497
constituting the offense. 2498

(b) The court shall impose on an offender the longest prison 2499
term authorized or required for the offense and shall impose on 2500
the offender an additional definite prison term of one, two, 2501
three, four, five, six, seven, eight, nine, or ten years if all of 2502
the following criteria are met: 2503

(i) The offender is convicted of or pleads guilty to a 2504
specification of the type described in section 2941.149 of the 2505
Revised Code that the offender is a repeat violent offender. 2506

(ii) The offender within the preceding twenty years has been 2507
convicted of or pleaded guilty to three or more offenses described 2508
in division (DD)(1) of section 2929.01 of the Revised Code, 2509
including all offenses described in that division of which the 2510
offender is convicted or to which the offender pleads guilty in 2511
the current prosecution and all offenses described in that 2512

division of which the offender previously has been convicted or to 2513
which the offender previously pleaded guilty, whether prosecuted 2514
together or separately. 2515

(iii) The offense or offenses of which the offender currently 2516
is convicted or to which the offender currently pleads guilty is 2517
aggravated murder and the court does not impose a sentence of 2518
death or life imprisonment without parole, murder, terrorism and 2519
the court does not impose a sentence of life imprisonment without 2520
parole, any felony of the first degree that is an offense of 2521
violence and the court does not impose a sentence of life 2522
imprisonment without parole, or any felony of the second degree 2523
that is an offense of violence and the trier of fact finds that 2524
the offense involved an attempt to cause or a threat to cause 2525
serious physical harm to a person or resulted in serious physical 2526
harm to a person. 2527

(c) For purposes of division (D)(2)(b) of this section, two 2528
or more offenses committed at the same time or as part of the same 2529
act or event shall be considered one offense, and that one offense 2530
shall be the offense with the greatest penalty. 2531

(d) A sentence imposed under division (D)(2)(a) or (b) of 2532
this section shall not be reduced pursuant to section 2929.20 or 2533
section 2967.193, or any other provision of Chapter 2967. or 2534
Chapter 5120. of the Revised Code. The offender shall serve an 2535
additional prison term imposed under this section consecutively to 2536
and prior to the prison term imposed for the underlying offense. 2537

(e) When imposing a sentence pursuant to division (D)(2)(a) 2538
or (b) of this section, the court shall state its findings 2539
explaining the imposed sentence. 2540

(3)(a) Except when an offender commits a violation of section 2541
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2542
the violation is life imprisonment or commits a violation of 2543

section 2903.02 of the Revised Code, if the offender commits a
violation of section 2925.03 or 2925.11 of the Revised Code and
that section classifies the offender as a major drug offender and
requires the imposition of a ten-year prison term on the offender,
if the offender commits a felony violation of section 2925.02,
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161,
4729.37, or 4729.61, division (C) or (D) of section 3719.172,
division (C) of section 4729.51, or division (J) of section
4729.54 of the Revised Code that includes the sale, offer to sell,
or possession of a schedule I or II controlled substance, with the
exception of marihuana, and the court imposing sentence upon the
offender finds that the offender is guilty of a specification of
the type described in section 2941.1410 of the Revised Code
charging that the offender is a major drug offender, if the court
imposing sentence upon an offender for a felony finds that the
offender is guilty of corrupt activity with the most serious
offense in the pattern of corrupt activity being a felony of the
first degree, or if the offender is guilty of an attempted
violation of section 2907.02 of the Revised Code and, had the
offender completed the violation of section 2907.02 of the Revised
Code that was attempted, the offender would have been subject to a
sentence of life imprisonment or life imprisonment without parole
for the violation of section 2907.02 of the Revised Code, the
court shall impose upon the offender for the felony violation a
ten-year prison term that cannot be reduced pursuant to section
2929.20 or Chapter 2967. or 5120. of the Revised Code.

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

forth in divisions (D)(2)(a)(iv) and (v) of this section. 2576

(4) If the offender is being sentenced for a third or fourth 2577
degree felony OVI offense under division (G)(2) of section 2929.13 2578
of the Revised Code, the sentencing court shall impose upon the 2579
offender a mandatory prison term in accordance with that division. 2580
In addition to the mandatory prison term, if the offender is being 2581
sentenced for a fourth degree felony OVI offense, the court, 2582
notwithstanding division (A)(4) of this section, may sentence the 2583
offender to a definite prison term of not less than six months and 2584
not more than thirty months, and if the offender is being 2585
sentenced for a third degree felony OVI offense, the sentencing 2586
court may sentence the offender to an additional prison term of 2587
any duration specified in division (A)(3) of this section. In 2588
either case, the additional prison term imposed shall be reduced 2589
by the sixty or one hundred twenty days imposed upon the offender 2590
as the mandatory prison term. The total of the additional prison 2591
term imposed under division (D)(4) of this section plus the sixty 2592
or one hundred twenty days imposed as the mandatory prison term 2593
shall equal a definite term in the range of six months to thirty 2594
months for a fourth degree felony OVI offense and shall equal one 2595
of the authorized prison terms specified in division (A)(3) of 2596
this section for a third degree felony OVI offense. If the court 2597
imposes an additional prison term under division (D)(4) of this 2598
section, the offender shall serve the additional prison term after 2599
the offender has served the mandatory prison term required for the 2600
offense. In addition to the mandatory prison term or mandatory and 2601
additional prison term imposed as described in division (D)(4) of 2602
this section, the court also may sentence the offender to a 2603
community control sanction under section 2929.16 or 2929.17 of the 2604
Revised Code, but the offender shall serve all of the prison terms 2605
so imposed prior to serving the community control sanction. 2606

If the offender is being sentenced for a fourth degree felony 2607

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

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

(c) If a mandatory prison term is imposed upon an offender

pursuant to division (D)(1)(f) of this section, the offender shall 2672
serve the mandatory prison term so imposed consecutively to and 2673
prior to any prison term imposed for the underlying felony under 2674
division (A), (D)(2), or (D)(3) of this section or any other 2675
section of the Revised Code, and consecutively to any other prison 2676
term or mandatory prison term previously or subsequently imposed 2677
upon the offender. 2678

(2) If an offender who is an inmate in a jail, prison, or 2679
other residential detention facility violates section 2917.02, 2680
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2681
who is under detention at a detention facility commits a felony 2682
violation of section 2923.131 of the Revised Code, or if an 2683
offender who is an inmate in a jail, prison, or other residential 2684
detention facility or is under detention at a detention facility 2685
commits another felony while the offender is an escapee in 2686
violation of section 2921.34 of the Revised Code, any prison term 2687
imposed upon the offender for one of those violations shall be 2688
served by the offender consecutively to the prison term or term of 2689
imprisonment the offender was serving when the offender committed 2690
that offense and to any other prison term previously or 2691
subsequently imposed upon the offender. 2692

(3) If a prison term is imposed for a violation of division 2693
(B) of section 2911.01 of the Revised Code, a violation of 2694
division (A) of section 2913.02 of the Revised Code in which the 2695
stolen property is a firearm or dangerous ordnance, or a felony 2696
violation of division (B) of section 2921.331 of the Revised Code, 2697
the offender shall serve that prison term consecutively to any 2698
other prison term or mandatory prison term previously or 2699
subsequently imposed upon the offender. 2700

(4) If multiple prison terms are imposed on an offender for 2701
convictions of multiple offenses, the court may require the 2702
offender to serve the prison terms consecutively if the court 2703

finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 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 or section 2929.142 of the Revised Code. 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 2735
division (D)(6) of this section and consecutively to and prior to 2736
any prison term imposed for the underlying violation of division 2737
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 2738
division (A) of this section or section 2929.142 of the Revised 2739
Code. 2740

(6) When consecutive prison terms are imposed pursuant to 2741
division (E)(1), (2), (3), (4), or (5) of this section, the term 2742
to be served is the aggregate of all of the terms so imposed. 2743

(F)(1) If a court imposes a prison term for a felony of the 2744
first degree, for a felony of the second degree, for a felony sex 2745
offense, or for a felony of the third degree that is not a felony 2746
sex offense and in the commission of which the offender caused or 2747
threatened to cause physical harm to a person, it shall include in 2748
the sentence a requirement that the offender be subject to a 2749
period of post-release control after the offender's release from 2750
imprisonment, in accordance with that division. If a court imposes 2751
a sentence including a prison term of a type described in this 2752
division on or after ~~the effective date of this amendment~~ July 11, 2753
2006, the failure of a court to include a post-release control 2754
requirement in the sentence pursuant to this division does not 2755
negate, limit, or otherwise affect the mandatory period of 2756
post-release control that is required for the offender under 2757
division (B) of section 2967.28 of the Revised Code. Section 2758
2929.191 of the Revised Code applies if, prior to ~~the effective~~ 2759
~~date of this amendment~~ July 11, 2006, a court imposed a sentence 2760
including a prison term of a type described in this division and 2761
failed to include in the sentence pursuant to this division a 2762
statement regarding post-release control. 2763

(2) If a court imposes a prison term for a felony of the 2764
third, fourth, or fifth degree that is not subject to division 2765
(F)(1) of this section, it shall include in the sentence a 2766

requirement that the offender be subject to a period of 2767
post-release control after the offender's release from 2768
imprisonment, in accordance with that division, if the parole 2769
board determines that a period of post-release control is 2770
necessary. Section 2929.191 of the Revised Code applies if, prior 2771
to ~~the effective date of this amendment~~ July 11, 2006, a court 2772
imposed a sentence including a prison term of a type described in 2773
this division and failed to include in the sentence pursuant to 2774
this division a statement regarding post-release control. 2775

(G) If a person is convicted of or pleads guilty to a violent 2776
sex offense or a designated homicide, assault, or kidnapping 2777
offense and, in relation to that offense, the offender is 2778
adjudicated a sexually violent predator, the court shall impose 2779
sentence upon the offender in accordance with section 2971.03 of 2780
the Revised Code, and Chapter 2971. of the Revised Code applies 2781
regarding the prison term or term of life imprisonment without 2782
parole imposed upon the offender and the service of that term of 2783
imprisonment. 2784

(H) If a person who has been convicted of or pleaded guilty 2785
to a felony is sentenced to a prison term or term of imprisonment 2786
under this section, sections 2929.02 to 2929.06 of the Revised 2787
Code, section 2929.142 of the Revised Code, section 2971.03 of the 2788
Revised Code, or any other provision of law, section 5120.163 of 2789
the Revised Code applies regarding the person while the person is 2790
confined in a state correctional institution. 2791

(I) If an offender who is convicted of or pleads guilty to a 2792
felony that is an offense of violence also is convicted of or 2793
pleads guilty to a specification of the type described in section 2794
2941.142 of the Revised Code that charges the offender with having 2795
committed the felony while participating in a criminal gang, the 2796
court shall impose upon the offender an additional prison term of 2797
one, two, or three years. 2798

(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.

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

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

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

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

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

(L) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code and division (B)(2)(c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

Sec. 2929.142. Notwithstanding the definite prison term specified in division (A) of section 2929.14 of the Revised Code for a felony of the first degree, if an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code, the court

shall impose upon the offender a mandatory prison term of ten, 2862
eleven, twelve, thirteen, fourteen, or fifteen years if any of the 2863
following apply: 2864

(A) The offender previously has been convicted of or pleaded 2865
guilty to three or more prior violations of section 4511.19 of the 2866
Revised Code or of a substantially equivalent municipal ordinance 2867
within the previous six years. 2868

(B) The offender previously has been convicted of or pleaded 2869
guilty to three or more prior violations of division (A) of 2870
section 1547.11 of the Revised Code or of a substantially 2871
equivalent municipal ordinance within the previous six years. 2872

(C) The offender previously has been convicted of or pleaded 2873
guilty to three or more prior violations of division (A)(3) of 2874
section 4561.15 of the Revised Code or of a substantially 2875
equivalent municipal ordinance within the previous six years. 2876

(D) The offender previously has been convicted of or pleaded 2877
guilty to three or more prior violations of division (A)(1) of 2878
section 2903.06 of the Revised Code. 2879

(E) The offender previously has been convicted of or pleaded 2880
guilty to three or more prior violations of division (A)(1) of 2881
section 2903.08 of the Revised Code. 2882

(F) The offender previously has been convicted of or pleaded 2883
guilty to three or more prior violations of section 2903.04 of the 2884
Revised Code in circumstances in which division (D) of that 2885
section applied regarding the violations. 2886

(G) The offender previously has been convicted of or pleaded 2887
guilty to three or more violations of any combination of the 2888
offenses listed in division (A), (B), (C), (D), (E), or (F) of 2889
this section. 2890

(H) The offender previously has been convicted of or pleaded 2891

guilty to a second or subsequent felony violation of division (A) 2892
of section 4511.19 of the Revised Code. 2893

Sec. 2929.18. (A) Except as otherwise provided in this 2894
division and in addition to imposing court costs pursuant to 2895
section 2947.23 of the Revised Code, the court imposing a sentence 2896
upon an offender for a felony may sentence the offender to any 2897
financial sanction or combination of financial sanctions 2898
authorized under this section or, in the circumstances specified 2899
in section 2929.32 of the Revised Code, may impose upon the 2900
offender a fine in accordance with that section. Financial 2901
sanctions that may be imposed pursuant to this section include, 2902
but are not limited to, the following: 2903

(1) Restitution by the offender to the victim of the 2904
offender's crime or any survivor of the victim, in an amount based 2905
on the victim's economic loss. If the court imposes restitution, 2906
the court shall order that the restitution be made to the victim 2907
in open court, to the adult probation department that serves the 2908
county on behalf of the victim, to the clerk of courts, or to 2909
another agency designated by the court. If the court imposes 2910
restitution, at sentencing, the court shall determine the amount 2911
of restitution to be made by the offender. If the court imposes 2912
restitution, the court may base the amount of restitution it 2913
orders on an amount recommended by the victim, the offender, a 2914
presentence investigation report, estimates or receipts indicating 2915
the cost of repairing or replacing property, and other 2916
information, provided that the amount the court orders as 2917
restitution shall not exceed the amount of the economic loss 2918
suffered by the victim as a direct and proximate result of the 2919
commission of the offense. If the court decides to impose 2920
restitution, the court shall hold a hearing on restitution if the 2921
offender, victim, or survivor disputes the amount. All restitution 2922

payments shall be credited against any recovery of economic loss 2923
in a civil action brought by the victim or any survivor of the 2924
victim against the offender. 2925

If the court imposes restitution, the court may order that 2926
the offender pay a surcharge of not more than five per cent of the 2927
amount of the restitution otherwise ordered to the entity 2928
responsible for collecting and processing restitution payments. 2929

The victim or survivor may request that the prosecutor in the 2930
case file a motion, or the offender may file a motion, for 2931
modification of the payment terms of any restitution ordered. If 2932
the court grants the motion, it may modify the payment terms as it 2933
determines appropriate. 2934

(2) Except as provided in division (B)(1), (3), or (4) of 2935
this section, a fine payable by the offender to the state, to a 2936
political subdivision, or as described in division (B)(2) of this 2937
section to one or more law enforcement agencies, with the amount 2938
of the fine based on a standard percentage of the offender's daily 2939
income over a period of time determined by the court and based 2940
upon the seriousness of the offense. A fine ordered under this 2941
division shall not exceed the maximum conventional fine amount 2942
authorized for the level of the offense under division (A)(3) of 2943
this section. 2944

(3) Except as provided in division (B)(1), (3), or (4) of 2945
this section, a fine payable by the offender to the state, to a 2946
political subdivision when appropriate for a felony, or as 2947
described in division (B)(2) of this section to one or more law 2948
enforcement agencies, in the following amount: 2949

(a) For a felony of the first degree, not more than twenty 2950
thousand dollars; 2951

(b) For a felony of the second degree, not more than fifteen 2952
thousand dollars; 2953

(c) For a felony of the third degree, not more than ten thousand dollars;	2954 2955
(d) For a felony of the fourth degree, not more than five thousand dollars;	2956 2957
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	2958 2959
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	2960 2961
(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	2962 2963 2964
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	2965 2966 2967
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, <u>2929.142</u> , or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement.	2968 2969 2970 2971 2972 2973
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred	2974 2975 2976 2977 2978 2979 2980 2981 2982 2983

by reason of the prisoner's confinement, and if the court does not
impose a financial sanction under division (A)(5)(a)(ii) of this
section, confinement costs may be assessed pursuant to section
2929.37 of the Revised Code. In addition, the offender may be
required to pay the fees specified in section 2929.38 of the
Revised Code in accordance with that section.

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

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

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

(3) For a fourth degree felony OVI offense and for a third
degree felony OVI offense, the sentencing court shall impose upon
the offender a mandatory fine in the amount specified in division
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever

is applicable. The mandatory fine so imposed shall be disbursed as
provided in the division pursuant to which it is imposed.

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

(a) The total value of any personal or real property in which
the offender has an interest and that was used in the course of,
intended for use in the course of, derived from, or realized
through conduct in violation of section 2925.03 of the Revised
Code, including any property that constitutes proceeds derived
from that offense;

(b) If the offender has no interest in any property of the
type described in division (B)(4)(a) of this section or if it is
not possible to ascertain whether the offender has an interest in
any property of that type in which the offender may have an
interest, the amount of the mandatory fine for the offense imposed
under division (B)(1) of this section or, if no mandatory fine is
imposed under division (B)(1) of this section, the amount of the

fine authorized for the level of the offense imposed under 3047
division (A)(3) of this section. 3048

(5) Prior to imposing a fine under division (B)(4) of this 3049
section, the court shall determine whether the offender has an 3050
interest in any property of the type described in division 3051
(B)(4)(a) of this section. Except as provided in division (B)(6) 3052
or (7) of this section, a fine that is authorized and imposed 3053
under division (B)(4) of this section does not limit or affect the 3054
imposition of the penalties and sanctions for a violation of 3055
section 2925.03 of the Revised Code prescribed under those 3056
sections or sections 2929.11 to 2929.18 of the Revised Code and 3057
does not limit or affect a forfeiture of property in connection 3058
with the offense as prescribed in sections 2925.42 to 2925.45 of 3059
the Revised Code. 3060

(6) If the sum total of a mandatory fine amount imposed for a 3061
first, second, or third degree felony violation of section 2925.03 3062
of the Revised Code under division (B)(1) of this section plus the 3063
amount of any fine imposed under division (B)(4) of this section 3064
does not exceed the maximum statutory fine amount authorized for 3065
the level of the offense under division (A)(3) of this section or 3066
section 2929.31 of the Revised Code, the court may impose a fine 3067
for the offense in addition to the mandatory fine and the fine 3068
imposed under division (B)(4) of this section. The sum total of 3069
the amounts of the mandatory fine, the fine imposed under division 3070
(B)(4) of this section, and the additional fine imposed under 3071
division (B)(6) of this section shall not exceed the maximum 3072
statutory fine amount authorized for the level of the offense 3073
under division (A)(3) of this section or section 2929.31 of the 3074
Revised Code. The clerk of the court shall pay any fine that is 3075
imposed under division (B)(6) of this section to the county, 3076
township, municipal corporation, park district as created pursuant 3077
to section 511.18 or 1545.04 of the Revised Code, or state law 3078

enforcement agencies in this state that primarily were responsible 3079
for or involved in making the arrest of, and in prosecuting, the 3080
offender pursuant to division (F) of section 2925.03 of the 3081
Revised Code. 3082

(7) If the sum total of the amount of a mandatory fine 3083
imposed for a first, second, or third degree felony violation of 3084
section 2925.03 of the Revised Code plus the amount of any fine 3085
imposed under division (B)(4) of this section exceeds the maximum 3086
statutory fine amount authorized for the level of the offense 3087
under division (A)(3) of this section or section 2929.31 of the 3088
Revised Code, the court shall not impose a fine under division 3089
(B)(6) of this section. 3090

(C)(1) The offender shall pay reimbursements imposed upon the 3091
offender pursuant to division (A)(5)(a) of this section to pay the 3092
costs incurred by the department of rehabilitation and correction 3093
in operating a prison or other facility used to confine offenders 3094
pursuant to sanctions imposed under section 2929.14, 2929.142, or 3095
2929.16 of the Revised Code to the treasurer of state. The 3096
treasurer of state shall deposit the reimbursements in the 3097
confinement cost reimbursement fund that is hereby created in the 3098
state treasury. The department of rehabilitation and correction 3099
shall use the amounts deposited in the fund to fund the operation 3100
of facilities used to confine offenders pursuant to sections 3101
2929.14, 2929.142, and 2929.16 of the Revised Code. 3102

(2) Except as provided in section 2951.021 of the Revised 3103
Code, the offender shall pay reimbursements imposed upon the 3104
offender pursuant to division (A)(5)(a) of this section to pay the 3105
costs incurred by a county pursuant to any sanction imposed under 3106
this section or section 2929.16 or 2929.17 of the Revised Code or 3107
in operating a facility used to confine offenders pursuant to a 3108
sanction imposed under section 2929.16 of the Revised Code to the 3109
county treasurer. The county treasurer shall deposit the 3110

reimbursements in the sanction cost reimbursement fund that each 3111
board of county commissioners shall create in its county treasury. 3112
The county shall use the amounts deposited in the fund to pay the 3113
costs incurred by the county pursuant to any sanction imposed 3114
under this section or section 2929.16 or 2929.17 of the Revised 3115
Code or in operating a facility used to confine offenders pursuant 3116
to a sanction imposed under section 2929.16 of the Revised Code. 3117

(3) Except as provided in section 2951.021 of the Revised 3118
Code, the offender shall pay reimbursements imposed upon the 3119
offender pursuant to division (A)(5)(a) of this section to pay the 3120
costs incurred by a municipal corporation pursuant to any sanction 3121
imposed under this section or section 2929.16 or 2929.17 of the 3122
Revised Code or in operating a facility used to confine offenders 3123
pursuant to a sanction imposed under section 2929.16 of the 3124
Revised Code to the treasurer of the municipal corporation. The 3125
treasurer shall deposit the reimbursements in a special fund that 3126
shall be established in the treasury of each municipal 3127
corporation. The municipal corporation shall use the amounts 3128
deposited in the fund to pay the costs incurred by the municipal 3129
corporation pursuant to any sanction imposed under this section or 3130
section 2929.16 or 2929.17 of the Revised Code or in operating a 3131
facility used to confine offenders pursuant to a sanction imposed 3132
under section 2929.16 of the Revised Code. 3133

(4) Except as provided in section 2951.021 of the Revised 3134
Code, the offender shall pay reimbursements imposed pursuant to 3135
division (A)(5)(a) of this section for the costs incurred by a 3136
private provider pursuant to a sanction imposed under this section 3137
or section 2929.16 or 2929.17 of the Revised Code to the provider. 3138

(D) Except as otherwise provided in this division, a 3139
financial sanction imposed pursuant to division (A) or (B) of this 3140
section is a judgment in favor of the state or a political 3141
subdivision in which the court that imposed the financial sanction 3142

is located, and the offender subject to the financial sanction is 3143
the judgment debtor. A financial sanction of reimbursement imposed 3144
pursuant to division (A)(5)(a)(ii) of this section upon an 3145
offender who is incarcerated in a state facility or a municipal 3146
jail is a judgment in favor of the state or the municipal 3147
corporation, and the offender subject to the financial sanction is 3148
the judgment debtor. A financial sanction of reimbursement imposed 3149
upon an offender pursuant to this section for costs incurred by a 3150
private provider of sanctions is a judgment in favor of the 3151
private provider, and the offender subject to the financial 3152
sanction is the judgment debtor. A financial sanction of 3153
restitution imposed pursuant to this section is an order in favor 3154
of the victim of the offender's criminal act that can be collected 3155
through execution as described in division (D)(1) of this section 3156
or through an order as described in division (D)(2) of this 3157
section, and the offender shall be considered for purposes of the 3158
collection as the judgment debtor. Imposition of a financial 3159
sanction and execution on the judgment does not preclude any other 3160
power of the court to impose or enforce sanctions on the offender. 3161
Once the financial sanction is imposed as a judgment or order 3162
under this division, the victim, private provider, state, or 3163
political subdivision may bring an action to do any of the 3164
following: 3165

(1) Obtain execution of the judgment or order through any 3166
available procedure, including: 3167

(a) An execution against the property of the judgment debtor 3168
under Chapter 2329. of the Revised Code; 3169

(b) An execution against the person of the judgment debtor 3170
under Chapter 2331. of the Revised Code; 3171

(c) A proceeding in aid of execution under Chapter 2333. of 3172
the Revised Code, including: 3173

(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	3174 3175 3176
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	3177 3178
(iii) A creditor's suit under section 2333.01 of the Revised Code.	3179 3180
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	3181 3182
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	3183 3184
(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	3185 3186
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	3187 3188 3189 3190
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203

(G) If a court that imposes a financial sanction under 3204
division (A) or (B) of this section finds that an offender 3205
satisfactorily has completed all other sanctions imposed upon the 3206
offender and that all restitution that has been ordered has been 3207
paid as ordered, the court may suspend any financial sanctions 3208
imposed pursuant to this section or section 2929.32 of the Revised 3209
Code that have not been paid. 3210

(H) No financial sanction imposed under this section or 3211
section 2929.32 of the Revised Code shall preclude a victim from 3212
bringing a civil action against the offender. 3213

Sec. 2929.19. (A)(1) The court shall hold a sentencing 3214
hearing before imposing a sentence under this chapter upon an 3215
offender who was convicted of or pleaded guilty to a felony and 3216
before resentencing an offender who was convicted of or pleaded 3217
guilty to a felony and whose case was remanded pursuant to section 3218
2953.07 or 2953.08 of the Revised Code. At the hearing, the 3219
offender, the prosecuting attorney, the victim or the victim's 3220
representative in accordance with section 2930.14 of the Revised 3221
Code, and, with the approval of the court, any other person may 3222
present information relevant to the imposition of sentence in the 3223
case. The court shall inform the offender of the verdict of the 3224
jury or finding of the court and ask the offender whether the 3225
offender has anything to say as to why sentence should not be 3226
imposed upon the offender. 3227

(2) Except as otherwise provided in this division, before 3228
imposing sentence on an offender who is being sentenced on or 3229
after January 1, 1997, for a sexually oriented offense that is not 3230
a registration-exempt sexually oriented offense and who is in any 3231
category of offender described in division (B)(1)(a)(i), (ii), or 3232
(iii) of section 2950.09 of the Revised Code, the court shall 3233
conduct a hearing in accordance with division (B) of section 3234

2950.09 of the Revised Code to determine whether the offender is a sexual predator. The court shall not conduct a hearing under that division if the offender is being sentenced for a violent sex offense or a designated homicide, assault, or kidnapping offense and, in relation to that offense, the offender was adjudicated a sexually violent predator. Before imposing sentence on an offender who is being sentenced for a sexually oriented offense that is not a registration-exempt sexually oriented offense, the court also shall comply with division (E) of section 2950.09 of the Revised Code.

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

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

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

(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 3266
2929.14 of the Revised Code, if it imposes a prison term for a 3267
felony of the fourth or fifth degree or for a felony drug offense 3268
that is a violation of a provision of Chapter 2925. of the Revised 3269
Code and that is specified as being subject to division (B) of 3270
section 2929.13 of the Revised Code for purposes of sentencing, 3271
its reasons for imposing the prison term, based upon the 3272
overriding purposes and principles of felony sentencing set forth 3273
in section 2929.11 of the Revised Code, and any factors listed in 3274
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 3275
that it found to apply relative to the offender. 3276

(b) If it does not impose a prison term for a felony of the 3277
first or second degree or for a felony drug offense that is a 3278
violation of a provision of Chapter 2925. of the Revised Code and 3279
for which a presumption in favor of a prison term is specified as 3280
being applicable, its reasons for not imposing the prison term and 3281
for overriding the presumption, based upon the overriding purposes 3282
and principles of felony sentencing set forth in section 2929.11 3283
of the Revised Code, and the basis of the findings it made under 3284
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 3285

(c) If it imposes consecutive sentences under section 2929.14 3286
of the Revised Code, its reasons for imposing the consecutive 3287
sentences; 3288

(d) If the sentence is for one offense and it imposes a 3289
prison term for the offense that is the maximum prison term 3290
allowed for that offense by division (A) of section 2929.14 of the 3291
Revised Code or section 2929.142 of the Revised Code, its reasons 3292
for imposing the maximum prison term; 3293

(e) If the sentence is for two or more offenses arising out 3294
of a single incident and it imposes a prison term for those 3295
offenses that is the maximum prison term allowed for the offense 3296

of the highest degree by division (A) of section 2929.14 of the Revised Code or section 2929.142 of the Revised Code, its reasons for imposing the maximum prison term.

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

(a) Impose a stated prison term;

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

(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree 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. If a court imposes a sentence including a prison term of a type described in division (B)(3)(c) of this section on or after ~~the effective date of this amendment~~ July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(3)(c) of this section that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to ~~the effective date of this amendment~~ July 11, 2006, a court imposed a sentence including a

prison term of a type described in division (B)(3)(c) of this 3328
section and failed to notify the offender pursuant to division 3329
(B)(3)(c) of this section regarding post-release control or to 3330
include in the judgment of conviction entered on the journal or in 3331
the sentence a statement regarding post-release control. 3332

(d) Notify the offender that the offender may be supervised 3333
under section 2967.28 of the Revised Code after the offender 3334
leaves prison if the offender is being sentenced for a felony of 3335
the third, fourth, or fifth degree that is not subject to division 3336
(B)(3)(c) of this section. Section 2929.191 of the Revised Code 3337
applies if, prior to ~~the effective date of this amendment~~ July 11, 3338
2006, a court imposed a sentence including a prison term of a type 3339
described in division (B)(3)(d) of this section and failed to 3340
notify the offender pursuant to division (B)(3)(d) of this section 3341
regarding post-release control or to include in the judgment of 3342
conviction entered on the journal or in the sentence a statement 3343
regarding post-release control. 3344

(e) Notify the offender that, if a period of supervision is 3345
imposed following the offender's release from prison, as described 3346
in division (B)(3)(c) or (d) of this section, and if the offender 3347
violates that supervision or a condition of post-release control 3348
imposed under division (B) of section 2967.131 of the Revised 3349
Code, the parole board may impose a prison term, as part of the 3350
sentence, of up to one-half of the stated prison term originally 3351
imposed upon the offender. If a court imposes a sentence including 3352
a prison term on or after ~~the effective date of this amendment~~ 3353
July 11, 2006, the failure of a court to notify the offender 3354
pursuant to division (B)(3)(e) of this section that the parole 3355
board may impose a prison term as described in division (B)(3)(e) 3356
of this section for a violation of that supervision or a condition 3357
of post-release control imposed under division (B) of section 3358
2967.131 of the Revised Code or to include in the judgment of 3359

conviction entered on the journal a statement to that effect does 3360
not negate, limit, or otherwise affect the authority of the parole 3361
board to so impose a prison term for a violation of that nature 3362
if, pursuant to division (D)(1) of section 2967.28 of the Revised 3363
Code, the parole board notifies the offender prior to the 3364
offender's release of the board's authority to so impose a prison 3365
term. Section 2929.191 of the Revised Code applies if, prior to 3366
~~the effective date of this amendment~~ July 11, 2006, a court 3367
imposed a sentence including a prison term and failed to notify 3368
the offender pursuant to division (B)(3)(e) of this section 3369
regarding the possibility of the parole board imposing a prison 3370
term for a violation of supervision or a condition of post-release 3371
control. 3372

(f) Require that the offender not ingest or be injected with 3373
a drug of abuse and submit to random drug testing as provided in 3374
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 3375
is applicable to the offender who is serving a prison term, and 3376
require that the results of the drug test administered under any 3377
of those sections indicate that the offender did not ingest or was 3378
not injected with a drug of abuse. 3379

(4) If the offender is being sentenced for a violent sex 3380
offense or designated homicide, assault, or kidnapping offense 3381
that the offender committed on or after January 1, 1997, and the 3382
offender is adjudicated a sexually violent predator in relation to 3383
that offense, if the offender is being sentenced for a sexually 3384
oriented offense that is not a registration-exempt sexually 3385
oriented offense and that the offender committed on or after 3386
January 1, 1997, and the court imposing the sentence has 3387
determined pursuant to division (B) of section 2950.09 of the 3388
Revised Code that the offender is a sexual predator, if the 3389
offender is being sentenced on or after July 31, 2003, for a 3390
child-victim oriented offense and the court imposing the sentence 3391

has determined pursuant to division (B) of section 2950.091 of the 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
facility, as defined in section 2929.36 of the Revised Code, and
if the local detention facility is covered by a policy adopted
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23,
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code
and section 2929.37 of the Revised Code, both of the following
apply:

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

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

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

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

(C)(1) 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, the court shall impose the mandatory term of local
incarceration in accordance with that division, shall impose a
mandatory fine in accordance with division (B)(3) of section
2929.18 of the Revised Code, and, in addition, may impose
additional sanctions as specified in sections 2929.15, 2929.16,
2929.17, and 2929.18 of the Revised Code. The court shall not
impose a prison term on the offender except that the court may

impose a prison term upon the offender as provided in division 3455
(A)(1) of section 2929.13 of the Revised Code. 3456

(2) If the offender is being sentenced for a third or fourth 3457
degree felony OVI offense under division (G)(2) of section 2929.13 3458
of the Revised Code, the court shall impose the mandatory prison 3459
term in accordance with that division, shall impose a mandatory 3460
fine in accordance with division (B)(3) of section 2929.18 of the 3461
Revised Code, and, in addition, may impose an additional prison 3462
term as specified in section 2929.14 of the Revised Code. In 3463
addition to the mandatory prison term or mandatory prison term and 3464
additional prison term the court imposes, the court also may 3465
impose a community control sanction on the offender, but the 3466
offender shall serve all of the prison terms so imposed prior to 3467
serving the community control sanction. 3468

(D) The sentencing court, pursuant to division (K) of section 3469
2929.14 of the Revised Code, may recommend placement of the 3470
offender in a program of shock incarceration under section 3471
5120.031 of the Revised Code or an intensive program prison under 3472
section 5120.032 of the Revised Code, disapprove placement of the 3473
offender in a program or prison of that nature, or make no 3474
recommendation. If the court recommends or disapproves placement, 3475
it shall make a finding that gives its reasons for its 3476
recommendation or disapproval. 3477

Sec. 2945.75. (A) When the presence of one or more additional 3478
elements makes an offense one of more serious degree: 3479

(1) The affidavit, complaint, indictment, or information 3480
either shall state the degree of the offense which the accused is 3481
alleged to have committed, or shall allege such additional element 3482
or elements. Otherwise, such affidavit, complaint, indictment, or 3483
information is effective to charge only the least degree of the 3484
offense. 3485

(2) A guilty verdict shall state either the degree of the offense of which the offender is found guilty, or that such additional element or elements are present. Otherwise, a guilty verdict constitutes a finding of guilty of the least degree of the offense charged.

(B)(1) Whenever in any case it is necessary to prove a prior conviction, a certified copy of the entry of judgment in such prior conviction together with evidence sufficient to identify the defendant named in the entry as the offender in the case at bar, is sufficient to prove such prior conviction.

(2) Whenever in any case it is necessary to prove a prior conviction of an offense for which the registrar of motor vehicles maintains a record, a certified copy of the record that shows the name, date of birth, and social security number of the accused is prima-facie evidence of the identity of the accused and prima-facie evidence of all prior convictions shown on the record. The accused may offer evidence to rebut the prima-facie evidence of the accused's identity and the evidence of prior convictions. Proof of a prior conviction of an offense for which the registrar maintains a record may also be proved as provided in division (B)(1) of this section.

Sec. 2953.08. (A) In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds:

(1) The sentence consisted of or included the maximum prison term allowed for the offense by division (A) of section 2929.14 or section 2929.142 of the Revised Code, the sentence was not imposed pursuant to division (D)(3)(b) of section 2929.14 of the Revised Code, the maximum prison term was not required for the offense

pursuant to Chapter 2925. or any other provision of the Revised 3517
Code, and the court imposed the sentence under one of the 3518
following circumstances: 3519

(a) The sentence was imposed for only one offense. 3520

(b) The sentence was imposed for two or more offenses arising 3521
out of a single incident, and the court imposed the maximum prison 3522
term for the offense of the highest degree. 3523

(2) The sentence consisted of or included a prison term, the 3524
offense for which it was imposed is a felony of the fourth or 3525
fifth degree or is a felony drug offense that is a violation of a 3526
provision of Chapter 2925. of the Revised Code and that is 3527
specified as being subject to division (B) of section 2929.13 of 3528
the Revised Code for purposes of sentencing, and the court did not 3529
specify at sentencing that it found one or more factors specified 3530
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 3531
Code to apply relative to the defendant. If the court specifies 3532
that it found one or more of those factors to apply relative to 3533
the defendant, the defendant is not entitled under this division 3534
to appeal as a matter of right the sentence imposed upon the 3535
offender. 3536

(3) The person was convicted of or pleaded guilty to a 3537
violent sex offense or a designated homicide, assault, or 3538
kidnapping offense, was adjudicated a sexually violent predator in 3539
relation to that offense, and was sentenced pursuant to division 3540
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 3541
of the indefinite term imposed pursuant to division (A)(3) of 3542
section 2971.03 of the Revised Code is the longest term available 3543
for the offense from among the range of terms listed in section 3544
2929.14 of the Revised Code. As used in this division, "designated 3545
homicide, assault, or kidnapping offense" and "violent sex 3546
offense" have the same meanings as in section 2971.01 of the 3547
Revised Code. As used in this division, "adjudicated a sexually 3548

violent predator" has the same meaning as in section 2929.01 of 3549
the Revised Code, and a person is "adjudicated a sexually violent 3550
predator" in the same manner and the same circumstances as are 3551
described in that section. 3552

(4) The sentence is contrary to law. 3553

(5) The sentence consisted of an additional prison term of 3554
ten years imposed pursuant to division (D)(2)(a) of section 3555
2929.14 of the Revised Code. 3556

(6) The sentence consisted of an additional prison term of 3557
ten years imposed pursuant to division (D)(3)(b) of section 3558
2929.14 of the Revised Code. 3559

(B) In addition to any other right to appeal and except as 3560
provided in division (D) of this section, a prosecuting attorney, 3561
a city director of law, village solicitor, or similar chief legal 3562
officer of a municipal corporation, or the attorney general, if 3563
one of those persons prosecuted the case, may appeal as a matter 3564
of right a sentence imposed upon a defendant who is convicted of 3565
or pleads guilty to a felony or, in the circumstances described in 3566
division (B)(3) of this section the modification of a sentence 3567
imposed upon such a defendant, on any of the following grounds: 3568

(1) The sentence did not include a prison term despite a 3569
presumption favoring a prison term for the offense for which it 3570
was imposed, as set forth in section 2929.13 or Chapter 2925. of 3571
the Revised Code. 3572

(2) The sentence is contrary to law. 3573

(3) The sentence is a modification under section 2929.20 of 3574
the Revised Code of a sentence that was imposed for a felony of 3575
the first or second degree. 3576

(C)(1) In addition to the right to appeal a sentence granted 3577
under division (A) or (B) of this section, a defendant who is 3578

convicted of or pleads guilty to a felony may seek leave to appeal 3579
a sentence imposed upon the defendant on the basis that the 3580
sentencing judge has imposed consecutive sentences under division 3581
(E)(3) or (4) of section 2929.14 of the Revised Code and that the 3582
consecutive sentences exceed the maximum prison term allowed by 3583
division (A) of that section for the most serious offense of which 3584
the defendant was convicted. Upon the filing of a motion under 3585
this division, the court of appeals may grant leave to appeal the 3586
sentence if the court determines that the allegation included as 3587
the basis of the motion is true. 3588

(2) A defendant may seek leave to appeal an additional 3589
sentence imposed upon the defendant pursuant to division (D)(2)(a) 3590
or (b) of section 2929.14 of the Revised Code if the additional 3591
sentence is for a definite prison term that is longer than five 3592
years. 3593

(D)(1) A sentence imposed upon a defendant is not subject to 3594
review under this section if the sentence is authorized by law, 3595
has been recommended jointly by the defendant and the prosecution 3596
in the case, and is imposed by a sentencing judge. 3597

(2) Except as provided in division (C)(2) of this section, a 3598
sentence imposed upon a defendant is not subject to review under 3599
this section if the sentence is imposed pursuant to division 3600
(D)(2)(b) of section 2929.14 of the Revised Code. Except as 3601
otherwise provided in this division, a defendant retains all 3602
rights to appeal as provided under this chapter or any other 3603
provision of the Revised Code. A defendant has the right to appeal 3604
under this chapter or any other provision of the Revised Code the 3605
court's application of division (D)(2)(c) of section 2929.14 of 3606
the Revised Code. 3607

(3) A sentence imposed for aggravated murder or murder 3608
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 3609

subject to review under this section. 3610

(E) A defendant, prosecuting attorney, city director of law, 3611
village solicitor, or chief municipal legal officer shall file an 3612
appeal of a sentence under this section to a court of appeals 3613
within the time limits specified in Rule 4(B) of the Rules of 3614
Appellate Procedure, provided that if the appeal is pursuant to 3615
division (B)(3) of this section, the time limits specified in that 3616
rule shall not commence running until the court grants the motion 3617
that makes the sentence modification in question. A sentence 3618
appeal under this section shall be consolidated with any other 3619
appeal in the case. If no other appeal is filed, the court of 3620
appeals may review only the portions of the trial record that 3621
pertain to sentencing. 3622

(F) On the appeal of a sentence under this section, the 3623
record to be reviewed shall include all of the following, as 3624
applicable: 3625

(1) Any presentence, psychiatric, or other investigative 3626
report that was submitted to the court in writing before the 3627
sentence was imposed. An appellate court that reviews a 3628
presentence investigation report prepared pursuant to section 3629
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 3630
connection with the appeal of a sentence under this section shall 3631
comply with division (D)(3) of section 2951.03 of the Revised Code 3632
when the appellate court is not using the presentence 3633
investigation report, and the appellate court's use of a 3634
presentence investigation report of that nature in connection with 3635
the appeal of a sentence under this section does not affect the 3636
otherwise confidential character of the contents of that report as 3637
described in division (D)(1) of section 2951.03 of the Revised 3638
Code and does not cause that report to become a public record, as 3639
defined in section 149.43 of the Revised Code, following the 3640
appellate court's use of the report. 3641

(2) The trial record in the case in which the sentence was 3642
imposed; 3643

(3) Any oral or written statements made to or by the court at 3644
the sentencing hearing at which the sentence was imposed; 3645

(4) Any written findings that the court was required to make 3646
in connection with the modification of the sentence pursuant to a 3647
judicial release under division (H) of section 2929.20 of the 3648
Revised Code. 3649

(G)(1) If the sentencing court was required to make the 3650
findings required by division (B) or (D) of section 2929.13, 3651
division (D)(2)(e) or (E)(4) of section 2929.14, or division (H) 3652
of section 2929.20 of the Revised Code relative to the imposition 3653
or modification of the sentence, and if the sentencing court 3654
failed to state the required findings on the record, the court 3655
hearing an appeal under division (A), (B), or (C) of this section 3656
shall remand the case to the sentencing court and instruct the 3657
sentencing court to state, on the record, the required findings. 3658

(2) The court hearing an appeal under division (A), (B), or 3659
(C) of this section shall review the record, including the 3660
findings underlying the sentence or modification given by the 3661
sentencing court. 3662

The appellate court may increase, reduce, or otherwise modify 3663
a sentence that is appealed under this section or may vacate the 3664
sentence and remand the matter to the sentencing court for 3665
resentencing. The appellate court's standard for review is not 3666
whether the sentencing court abused its discretion. The appellate 3667
court may take any action authorized by this division if it 3668
clearly and convincingly finds either of the following: 3669

(a) That the record does not support the sentencing court's 3670
findings under division (B) or (D) of section 2929.13, division 3671
(D)(2)(e) or (E)(4) of section 2929.14, or division (H) of section 3672

2929.20 of the Revised Code, whichever, if any, is relevant; 3673

(b) That the sentence is otherwise contrary to law. 3674

(H) A judgment or final order of a court of appeals under 3675
this section may be appealed, by leave of court, to the supreme 3676
court. 3677

(I)(1) There is hereby established the felony sentence appeal 3678
cost oversight committee, consisting of eight members. One member 3679
shall be the chief justice of the supreme court or a 3680
representative of the court designated by the chief justice, one 3681
member shall be a member of the senate appointed by the president 3682
of the senate, one member shall be a member of the house of 3683
representatives appointed by the speaker of the house of 3684
representatives, one member shall be the director of budget and 3685
management or a representative of the office of budget and 3686
management designated by the director, one member shall be a judge 3687
of a court of appeals, court of common pleas, municipal court, or 3688
county court appointed by the chief justice of the supreme court, 3689
one member shall be the state public defender or a representative 3690
of the office of the state public defender designated by the state 3691
public defender, one member shall be a prosecuting attorney 3692
appointed by the Ohio prosecuting attorneys association, and one 3693
member shall be a county commissioner appointed by the county 3694
commissioners association of Ohio. No more than three of the 3695
appointed members of the committee may be members of the same 3696
political party. 3697

The president of the senate, the speaker of the house of 3698
representatives, the chief justice of the supreme court, the Ohio 3699
prosecuting attorneys association, and the county commissioners 3700
association of Ohio shall make the initial appointments to the 3701
committee of the appointed members no later than ninety days after 3702
July 1, 1996. Of those initial appointments to the committee, the 3703

members appointed by the speaker of the house of representatives 3704
and the Ohio prosecuting attorneys association shall serve a term 3705
ending two years after July 1, 1996, the member appointed by the 3706
chief justice of the supreme court shall serve a term ending three 3707
years after July 1, 1996, and the members appointed by the 3708
president of the senate and the county commissioners association 3709
of Ohio shall serve terms ending four years after July 1, 1996. 3710
Thereafter, terms of office of the appointed members shall be for 3711
four years, with each term ending on the same day of the same 3712
month as did the term that it succeeds. Members may be 3713
reappointed. Vacancies shall be filled in the same manner provided 3714
for original appointments. A member appointed to fill a vacancy 3715
occurring prior to the expiration of the term for which that 3716
member's predecessor was appointed shall hold office as a member 3717
for the remainder of the predecessor's term. An appointed member 3718
shall continue in office subsequent to the expiration date of that 3719
member's term until that member's successor takes office or until 3720
a period of sixty days has elapsed, whichever occurs first. 3721

If the chief justice of the supreme court, the director of 3722
the office of budget and management, or the state public defender 3723
serves as a member of the committee, that person's term of office 3724
as a member shall continue for as long as that person holds office 3725
as chief justice, director of the office of budget and management, 3726
or state public defender. If the chief justice of the supreme 3727
court designates a representative of the court to serve as a 3728
member, the director of budget and management designates a 3729
representative of the office of budget and management to serve as 3730
a member, or the state public defender designates a representative 3731
of the office of the state public defender to serve as a member, 3732
the person so designated shall serve as a member of the commission 3733
for as long as the official who made the designation holds office 3734
as chief justice, director of the office of budget and management, 3735

or state public defender or until that official revokes the 3736
designation. 3737

The chief justice of the supreme court or the representative 3738
of the supreme court appointed by the chief justice shall serve as 3739
chairperson of the committee. The committee shall meet within two 3740
weeks after all appointed members have been appointed and shall 3741
organize as necessary. Thereafter, the committee shall meet at 3742
least once every six months or more often upon the call of the 3743
chairperson or the written request of three or more members, 3744
provided that the committee shall not meet unless moneys have been 3745
appropriated to the judiciary budget administered by the supreme 3746
court specifically for the purpose of providing financial 3747
assistance to counties under division (I)(2) of this section and 3748
the moneys so appropriated then are available for that purpose. 3749

The members of the committee shall serve without 3750
compensation, but, if moneys have been appropriated to the 3751
judiciary budget administered by the supreme court specifically 3752
for the purpose of providing financial assistance to counties 3753
under division (I)(2) of this section, each member shall be 3754
reimbursed out of the moneys so appropriated that then are 3755
available for actual and necessary expenses incurred in the 3756
performance of official duties as a committee member. 3757

(2) The state criminal sentencing commission periodically 3758
shall provide to the felony sentence appeal cost oversight 3759
committee all data the commission collects pursuant to division 3760
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 3761
data from the state criminal sentencing commission, the felony 3762
sentence appeal cost oversight committee periodically shall review 3763
the data; determine whether any money has been appropriated to the 3764
judiciary budget administered by the supreme court specifically 3765
for the purpose of providing state financial assistance to 3766
counties in accordance with this division for the increase in 3767

expenses the counties experience as a result of the felony 3768
sentence appeal provisions set forth in this section or as a 3769
result of a postconviction relief proceeding brought under 3770
division (A)(2) of section 2953.21 of the Revised Code or an 3771
appeal of a judgment in that proceeding; if it determines that any 3772
money has been so appropriated, determine the total amount of 3773
moneys that have been so appropriated specifically for that 3774
purpose and that then are available for that purpose; and develop 3775
a recommended method of distributing those moneys to the counties. 3776
The committee shall send a copy of its recommendation to the 3777
supreme court. Upon receipt of the committee's recommendation, the 3778
supreme court shall distribute to the counties, based upon that 3779
recommendation, the moneys that have been so appropriated 3780
specifically for the purpose of providing state financial 3781
assistance to counties under this division and that then are 3782
available for that purpose. 3783

Sec. 4503.233. (A)(1) If a court ~~is required to order~~ orders 3784
the immobilization of a vehicle for a specified period of time 3785
pursuant to section 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 3786
4511.19, 4511.193, or 4511.203 of the Revised Code, the court 3787
shall issue ~~an~~ the immobilization order in accordance with this 3788
division and for the period of time specified in the particular 3789
section, and the immobilization under the order shall be in 3790
accordance with this section. The court, at the time of sentencing 3791
the offender for the offense relative to which the immobilization 3792
order is issued or as soon thereafter as is practicable, shall 3793
give a copy of the order to the offender or the offender's 3794
counsel. The court promptly shall send a copy of the order to the 3795
registrar on a form prescribed by the registrar and to the person 3796
or agency it designates to execute the order. 3797

The order shall indicate the date on which it is issued, 3798

shall identify the vehicle that is subject to the order, and shall 3799
specify all of the following: 3800

(a) The period of the immobilization; 3801

(b) The place at which the court determines that the 3802
immobilization shall be carried out, provided that the court shall 3803
not determine and shall not specify that the immobilization is to 3804
be carried out at any place other than a commercially operated 3805
private storage lot, a place owned by a law enforcement or other 3806
government agency, or a place to which one of the following 3807
applies: 3808

(i) The place is leased by or otherwise under the control of 3809
a law enforcement or other government agency. 3810

(ii) The place is owned by the offender, the offender's 3811
spouse, or a parent or child of the offender. 3812

(iii) The place is owned by a private person or entity, and, 3813
prior to the issuance of the order, the private entity or person 3814
that owns the place, or the authorized agent of that private 3815
entity or person, has given express written consent for the 3816
immobilization to be carried out at that place. 3817

(iv) The place is a public street or highway on which the 3818
vehicle is parked in accordance with the law. 3819

(c) The person or agency designated by the court to execute 3820
the order, which shall be either the law enforcement agency that 3821
employs the law enforcement officer who seized the vehicle, a 3822
bailiff of the court, another person the court determines to be 3823
appropriate to execute the order, or the law enforcement agency 3824
with jurisdiction over the place of residence of the vehicle 3825
owner; 3826

(d) That neither the registrar nor a deputy registrar will be 3827
permitted to accept an application for the license plate 3828

registration of any motor vehicle in the name of the vehicle owner 3829
until the immobilization fee is paid. 3830

(2) The person or agency the court designates to immobilize 3831
the vehicle shall seize or retain that vehicle's license plates 3832
and forward them to the bureau of motor vehicles. 3833

(3) In all cases, the offender shall be assessed an 3834
immobilization fee of one hundred dollars, and the immobilization 3835
fee shall be paid to the registrar before the vehicle may be 3836
released to the offender. Neither the registrar nor a deputy 3837
registrar shall accept an application for the registration of any 3838
motor vehicle in the name of the offender until the immobilization 3839
fee is paid. 3840

(4) If the vehicle subject to the order is immobilized 3841
pursuant to the order and is found being operated upon any street 3842
or highway in this state during the immobilization period, it 3843
shall be seized, removed from the street or highway, and 3844
criminally forfeited and disposed of pursuant to section 4503.234 3845
of the Revised Code. 3846

(5) The registrar shall deposit the immobilization fee into 3847
the law enforcement reimbursement fund created by section 4501.19 3848
of the Revised Code. Money in the fund shall be expended only as 3849
provided in division (A)(5) of this section. If the court 3850
designated in the order a court bailiff or another appropriate 3851
person other than a law enforcement officer to immobilize the 3852
vehicle, the amount of the fee deposited into the law enforcement 3853
reimbursement fund shall be paid out to the county treasury if the 3854
court that issued the order is a county court, to the treasury of 3855
the municipal corporation served by the court if the court that 3856
issued the order is a mayor's court, or to the city treasury of 3857
the legislative authority of the court, both as defined in section 3858
1901.03 of the Revised Code, if the court that issued the order is 3859

a municipal court. If the court designated a law enforcement 3860
agency to immobilize the vehicle and if the law enforcement agency 3861
immobilizes the vehicle, the amount of the fee deposited into the 3862
law enforcement reimbursement fund shall be paid out to the law 3863
enforcement agency to reimburse the agency for the costs it incurs 3864
in obtaining immobilization equipment and, if required, in sending 3865
an officer or other person to search for and locate the vehicle 3866
specified in the immobilization order and to immobilize the 3867
vehicle. 3868

In addition to the immobilization fee required to be paid 3869
under division (A)(3) of this section, the offender may be charged 3870
expenses or charges incurred in the removal and storage of the 3871
immobilized vehicle. 3872

(B) If a court issues an immobilization order under division 3873
(A)(1) of this section, the person or agency designated by the 3874
court to execute the immobilization order promptly shall 3875
immobilize or continue the immobilization of the vehicle at the 3876
place specified by the court in the order. The registrar shall not 3877
authorize the release of the vehicle or authorize the issuance of 3878
new identification license plates for the vehicle at the end of 3879
the immobilization period until the immobilization fee has been 3880
paid. 3881

(C) Upon receipt of the license plates for a vehicle under 3882
this section, the registrar shall destroy the license plates. At 3883
the end of the immobilization period and upon the payment of the 3884
immobilization fee that must be paid under this section, the 3885
registrar shall authorize the release of the vehicle and authorize 3886
the issuance, upon the payment of the same fee as is required for 3887
the replacement of lost, mutilated, or destroyed license plates 3888
and certificates of registration, of new license plates and, if 3889
necessary, a new certificate of registration to the offender for 3890
the vehicle in question. 3891

(D)(1) If a court issues an immobilization order under 3892
division (A) of this section, the immobilization period commences 3893
on the day on which the vehicle in question is immobilized. If the 3894
vehicle in question had been seized under section 4510.41 or 3895
4511.195 of the Revised Code, the time between the seizure and the 3896
beginning of the immobilization period shall be credited against 3897
the immobilization period specified in the immobilization order 3898
issued under division (A) of this section. No vehicle that is 3899
immobilized under this section is eligible to have restricted 3900
license plates under section 4503.231 of the Revised Code issued 3901
for that vehicle. 3902

(2) If a court issues an immobilization order under division 3903
(A) of this section, if the vehicle subject to the order is 3904
immobilized under the order, and if the vehicle is found being 3905
operated upon any street or highway of this state during the 3906
immobilization period, it shall be seized, removed from the street 3907
or highway, and criminally forfeited, and disposed of pursuant to 3908
section 4503.234 of the Revised Code. No vehicle that is forfeited 3909
under this provision shall be considered contraband for purposes 3910
of section 2933.41, 2933.42, or 2933.43 of the Revised Code, but 3911
shall be held by the law enforcement agency that employs the 3912
officer who seized it for disposal in accordance with section 3913
4503.234 of the Revised Code. 3914

(3) If a court issues an immobilization order under division 3915
(A) of this section, and if the vehicle is not claimed within 3916
seven days after the end of the period of immobilization or if the 3917
offender has not paid the immobilization fee, the person or agency 3918
that immobilized the vehicle shall send a written notice to the 3919
offender at the offender's last known address informing the 3920
offender of the date on which the period of immobilization ended, 3921
that the offender has twenty days after the date of the notice to 3922
pay the immobilization fee and obtain the release of the vehicle, 3923

and that if the offender does not pay the fee and obtain the
release of the vehicle within that twenty-day period, the vehicle
will be forfeited under section 4503.234 of the Revised Code to
the entity that is entitled to the immobilization fee.

(4) An offender whose motor vehicle is subject to an
immobilization order issued under division (A) of this section
shall not sell the motor vehicle without approval of the court
that issued the order. If such an offender wishes to sell the
motor vehicle during the immobilization period, the offender shall
apply to the court that issued the immobilization order for
permission to assign the title to the vehicle. If the court is
satisfied that the sale will be in good faith and not for the
purpose of circumventing the provisions of division (A)(1) of this
section, it may certify its consent to the offender and to the
registrar. Upon receipt of the court's consent, the registrar
shall enter the court's notice in the offender's vehicle license
plate registration record.

If, during a period of immobilization under an immobilization
order issued under division (A) of this section, the title to the
immobilized motor vehicle is transferred by the foreclosure of a
chattel mortgage, a sale upon execution, the cancellation of a
conditional sales contract, or an order of a court, the involved
court shall notify the registrar of the action, and the registrar
shall enter the court's notice in the offender's vehicle license
plate registration record.

Nothing in this section shall be construed as requiring the
registrar or the clerk of the court of common pleas to note upon
the certificate of title records any prohibition regarding the
sale of a motor vehicle.

(5) If the title to a motor vehicle that is subject to an
immobilization order under division (A) of this section is

assigned or transferred without court approval between the time of
arrest of the offender who committed the offense for which such an
order is to be issued and the time of the actual immobilization of
the vehicle, the court shall order that, for a period of two years
from the date of the order, neither the registrar nor any deputy
registrar shall accept an application for the registration of any
motor vehicle in the name of the offender whose vehicle was
assigned or transferred without court approval. The court shall
notify the registrar of the order on a form prescribed by the
registrar for that purpose.

(6) If the title to a motor vehicle that is subject to an
immobilization order under division (A) of this section is
assigned or transferred without court approval in violation of
division (D)(4) of this section, then, in addition to or
independent of any other penalty established by law, the court may
fine the offender the value of the vehicle as determined by
publications of the national auto dealers association. The
proceeds from any fine so imposed shall be distributed in the same
manner as the proceeds of the sale of a forfeited vehicle are
distributed pursuant to division (C)(2) of section 4503.234 of the
Revised Code.

(E)(1) The court with jurisdiction over the case, after
notice to all interested parties including lienholders, and after
an opportunity for them to be heard, if the offender fails to
appear in person, without good cause, or if the court finds that
the offender does not intend to seek release of the vehicle at the
end of the period of immobilization or that the offender is not or
will not be able to pay the expenses and charges incurred in its
removal and storage, may order that title to the vehicle be
transferred, in order of priority, first into the name of the
entity entitled to the immobilization fee under division (A)(5) of
this section, next into the name of a lienholder, or lastly, into

the name of the owner of the place of storage. 3987

A lienholder that receives title under a court order shall do 3988
so on the condition that it pay any expenses or charges incurred 3989
in the vehicle's removal and storage. If the entity that receives 3990
title to the vehicle is the entity that is entitled to the 3991
immobilization fee under division (A)(5) of this section, it shall 3992
receive title on the condition that it pay any lien on the 3993
vehicle. The court shall not order that title be transferred to 3994
any person or entity other than the owner of the place of storage 3995
if the person or entity refuses to receive the title. Any person 3996
or entity that receives title may either keep title to the vehicle 3997
or may dispose of the vehicle in any legal manner that it 3998
considers appropriate, including assignment of the certificate of 3999
title to the motor vehicle to a salvage dealer or a scrap metal 4000
processing facility. The person or entity shall not transfer the 4001
vehicle to the person who is the vehicle's immediate previous 4002
owner. 4003

If the person or entity assigns the motor vehicle to a 4004
salvage dealer or scrap metal processing facility, the person or 4005
entity shall send the assigned certificate of title to the motor 4006
vehicle to the clerk of the court of common pleas of the county in 4007
which the salvage dealer or scrap metal processing facility is 4008
located. The person or entity shall mark the face of the 4009
certificate of title with the words "FOR DESTRUCTION" and shall 4010
deliver a photocopy of the certificate of title to the salvage 4011
dealer or scrap metal processing facility for its records. 4012

(2) Whenever a court issues an order under division (E)(1) of 4013
this section, the court also shall order removal of the license 4014
plates from the vehicle and cause them to be sent to the registrar 4015
if they have not already been sent to the registrar. Thereafter, 4016
no further proceedings shall take place under this section, but 4017
the offender remains liable for payment of the immobilization fee 4018

described in division (A)(3) of this section if an immobilization
order previously had been issued by the court.

(3) Prior to initiating a proceeding under division (E)(1) of
this section, and upon payment of the fee under division (B) of
section 4505.14 of the Revised Code, any interested party may
cause a search to be made of the public records of the bureau of
motor vehicles or the clerk of the court of common pleas, to
ascertain the identity of any lienholder of the vehicle. The
initiating party shall furnish this information to the clerk of
the court with jurisdiction over the case, and the clerk shall
provide notice to the vehicle owner, the defendant, any
lienholder, and any other interested parties listed by the
initiating party, at the last known address supplied by the
initiating party, by certified mail or, at the option of the
initiating party, by personal service or ordinary mail.

As used in this section, "interested party" includes the
offender, all lienholders, the owner of the place of storage, the
person or entity that caused the vehicle to be removed, and the
person or entity, if any, entitled to the immobilization fee under
division (A)(5) of this section.

Sec. 4503.234. (A) If a court ~~is required by~~ orders the
criminal forfeiture of a vehicle pursuant to section 4503.233,
4503.236, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19,
4511.193, or 4511.203 of the Revised Code ~~to order the criminal~~
~~forfeiture of a vehicle~~, the order shall be issued and enforced in
accordance with this division, subject to division (B) of this
section. An order of criminal forfeiture issued under this
division shall authorize an appropriate law enforcement agency to
seize the vehicle ordered criminally forfeited upon the terms and
conditions that the court determines proper. No vehicle ordered
criminally forfeited pursuant to this division shall be considered

contraband for purposes of section 2933.41, 2933.42, or 2933.43 of 4050
the Revised Code, but the law enforcement agency that employs the 4051
officer who seized it shall hold the vehicle for disposal in 4052
accordance with this section. A forfeiture order may be issued 4053
only after the offender has been provided with an opportunity to 4054
be heard. The prosecuting attorney shall give the offender written 4055
notice of the possibility of forfeiture by sending a copy of the 4056
relevant uniform traffic ticket or other written notice to the 4057
offender not less than seven days prior to the date of issuance of 4058
the forfeiture order. A vehicle is subject to an order of criminal 4059
forfeiture pursuant to this division upon the conviction of the 4060
offender of or plea of guilty by the offender to a violation of 4061
division (A) of section 4503.236, section 4510.11, 4510.14, 4062
4510.16, or 4511.203, or division (A) of section 4511.19 of the 4063
Revised Code, or a municipal ordinance that is substantially 4064
equivalent to any of those sections or divisions. 4065

(B)(1) Prior to the issuance of an order of criminal 4066
forfeiture pursuant to this section, the law enforcement agency 4067
that employs the law enforcement officer who seized the vehicle 4068
shall conduct or cause to be conducted a search of the appropriate 4069
public records that relate to the vehicle and shall make or cause 4070
to be made reasonably diligent inquiries to identify any 4071
lienholder or any person or entity with an ownership interest in 4072
the vehicle. The court that is to issue the forfeiture order also 4073
shall cause a notice of the potential order relative to the 4074
vehicle and of the expected manner of disposition of the vehicle 4075
after its forfeiture to be sent to any lienholder or person who is 4076
known to the court to have any right, title, or interest in the 4077
vehicle. The court shall give the notice by certified mail, return 4078
receipt requested, or by personal service. 4079

(2) No order of criminal forfeiture shall be issued pursuant 4080
to this section if a lienholder or other person with an ownership 4081

interest in the vehicle establishes to the court, by a 4082
preponderance of the evidence after filing a motion with the 4083
court, that the lienholder or other person neither knew nor should 4084
have known after a reasonable inquiry that the vehicle would be 4085
used or involved, or likely would be used or involved, in the 4086
violation resulting in the issuance of the order of criminal 4087
forfeiture or the violation of the order of immobilization issued 4088
under section 4503.233 of the Revised Code, that the lienholder or 4089
other person did not expressly or impliedly consent to the use or 4090
involvement of the vehicle in that violation, and that the lien or 4091
ownership interest was perfected pursuant to law prior to the 4092
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 4093
or 4511.203 of the Revised Code. If the lienholder or holder of 4094
the ownership interest satisfies the court that these criteria 4095
have been met, the court shall preserve the lienholder's or other 4096
person's lien or interest, and the court either shall return the 4097
vehicle to the holder, or shall order that the proceeds of any 4098
sale held pursuant to division (C)(2) of this section be paid to 4099
the lienholder or holder of the interest less the costs of 4100
seizure, storage, and maintenance of the vehicle. The court shall 4101
not return a vehicle to a lienholder or a holder of an ownership 4102
interest unless the lienholder or holder submits an affidavit to 4103
the court that states that the lienholder or holder will not 4104
return the vehicle to the person from whom the vehicle was seized 4105
pursuant to the order of criminal forfeiture or to any member of 4106
that person's family and will not otherwise knowingly permit that 4107
person or any member of that person's family to obtain possession 4108
of the vehicle. 4109

(3) No order of criminal forfeiture shall be issued pursuant 4110
to this section if a person with an interest in the vehicle 4111
establishes to the court, by a preponderance of the evidence after 4112
filing a motion with the court, that the person neither knew nor 4113

should have known after a reasonable inquiry that the vehicle had
been used or was involved in the violation resulting in the
issuance of the order of criminal forfeiture or the violation of
the order of immobilization issued under section 4503.233 of the
Revised Code, that the person did not expressly or impliedly
consent to the use or involvement of the vehicle in that
violation, that the interest was perfected in good faith and for
value pursuant to law between the time of the arrest of the
offender and the final disposition of the criminal charge in
question, and that the vehicle was in the possession of the
interest holder at the time of the perfection of the interest. If
the court is satisfied that the interest holder has met these
criteria, the court shall preserve the interest holder's interest,
and the court either shall return the vehicle to the interest
holder or order that the proceeds of any sale held pursuant to
division (C) of this section be paid to the holder of the interest
less the costs of seizure, storage, and maintenance of the
vehicle. The court shall not return a vehicle to an interest
holder unless the holder submits an affidavit to the court stating
that the holder will not return the vehicle to the person from
whom the holder acquired the holder's interest, nor to any member
of that person's family, and the holder will not otherwise
knowingly permit that person or any member of that person's family
to obtain possession of the vehicle.

(C) A vehicle ordered criminally forfeited to the state
pursuant to this section shall be disposed of as follows:

(1) It shall be given to the law enforcement agency that
employs the law enforcement officer who seized the vehicle, if
that agency desires to have it;

(2) If a vehicle is not disposed of pursuant to division
(C)(1) of this section, the vehicle shall be sold, without
appraisal, if the value of the vehicle is two thousand dollars or

more as determined by publications of the national auto dealer's 4146
association, at a public auction to the highest bidder for cash. 4147
Prior to the sale, the prosecuting attorney in the case shall 4148
cause a notice of the proposed sale to be given in accordance with 4149
law. The court shall cause notice of the sale of the vehicle to be 4150
published in a newspaper of general circulation in the county in 4151
which the court is located at least seven days prior to the date 4152
of the sale. The proceeds of a sale under this division or 4153
division (F) of this section shall be applied in the following 4154
order: 4155

(a) First, they shall be applied to the payment of the costs 4156
incurred in connection with the seizure, storage, and maintenance 4157
of, and provision of security for, the vehicle, any proceeding 4158
arising out of the forfeiture, and if any, the sale. 4159

(b) Second, the remaining proceeds after compliance with 4160
division (C)(2)(a) of this section, shall be applied to the 4161
payment of the value of any lien or ownership interest in the 4162
vehicle preserved under division (B) of this section. 4163

(c) Third, the remaining proceeds, after compliance with 4164
divisions (C)(2)(a) and (b) of this section, shall be applied to 4165
the appropriate funds in accordance with divisions (D)(1)(c) and 4166
(2) of section 2933.43 of the Revised Code, provided that the 4167
total of the amount so deposited under this division shall not 4168
exceed one thousand dollars. The remaining proceeds deposited 4169
under this division shall be used only for the purposes authorized 4170
by those divisions and division (D)(3)(a)(ii) of that section. 4171

(d) Fourth, the remaining proceeds after compliance with 4172
divisions (C)(2)(a) and (b) of this section and after deposit of a 4173
total amount of one thousand dollars under division (C)(2)(c) of 4174
this section shall be applied so that fifty per cent of those 4175
remaining proceeds is paid into the reparation fund established by 4176

section 2743.191 of the Revised Code, twenty-five per cent is paid 4177
into the drug abuse resistance education programs fund created by 4178
division (F)(2)(e) of section 4511.191 of the Revised Code and 4179
shall be used only for the purposes authorized by division 4180
(F)(2)(e) of that section, and twenty-five per cent is applied to 4181
the appropriate funds in accordance with division (D)(1)(c) of 4182
section 2933.43 of the Revised Code. The proceeds deposited into 4183
any fund described in section 2933.43 of the Revised Code shall be 4184
used only for the purposes authorized by division (D)(1)(c), (2), 4185
and (3)(a)(ii) of that section. 4186

(D) Except as provided in division (E) of section 4511.203 of 4187
the Revised Code and notwithstanding any other provision of law, 4188
neither the registrar of motor vehicles nor any deputy registrar 4189
shall accept an application for the registration of any motor 4190
vehicle in the name of any person, or register any motor vehicle 4191
in the name of any person, if both of the following apply: 4192

(1) Any vehicle registered in the person's name was 4193
criminally forfeited under this section and section 4503.233, 4194
4503.236, 4510.10, 4510.11, 4510.14, 4510.16, ~~4510.161~~, 4510.41, 4195
4511.19, 4511.193, or 4511.203 of the Revised Code; 4196

(2) Less than five years have expired since the issuance of 4197
the most recent order of criminal forfeiture issued in relation to 4198
a vehicle registered in the person's name. 4199

(E) If a court ~~is required by~~ orders the criminal forfeiture 4200
to the state of a vehicle pursuant to section 4503.233, 4503.236, 4201
4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4202
4511.193, or 4511.203 of the Revised Code ~~to order the criminal~~ 4203
~~forfeiture to the state of a vehicle, and~~ the title to the motor 4204
vehicle is assigned or transferred, and division (B)(2) or (3) of 4205
this section applies, in addition to or independent of any other 4206
penalty established by law, the court may fine the offender the 4207

value of the vehicle as determined by publications of the national 4208
auto dealer's association. The proceeds from any fine imposed 4209
under this division shall be distributed in accordance with 4210
division (C)(2) of this section. 4211

(F) As used in this section and divisions (D)(1)(c), (D)(2), 4212
and (D)(3)(a)(ii) of section 2933.43 of the Revised Code in 4213
relation to proceeds of the sale of a vehicle under division (C) 4214
of this section, "prosecuting attorney" includes the prosecuting 4215
attorney, village solicitor, city director of law, or similar 4216
chief legal officer of a municipal corporation who prosecutes the 4217
case resulting in the conviction or guilty plea in question. 4218

(G) If the vehicle to be forfeited has an average retail 4219
value of less than two thousand dollars as determined by 4220
publications of the national auto dealer's association, no public 4221
auction is required to be held. In such a case, the court may 4222
direct that the vehicle be disposed of in any manner that it 4223
considers appropriate, including assignment of the certificate of 4224
title to the motor vehicle to a salvage dealer or a scrap metal 4225
processing facility. The court shall not transfer the vehicle to 4226
the person who is the vehicle's immediate previous owner. 4227

If the court assigns the motor vehicle to a salvage dealer or 4228
scrap metal processing facility and the court is in possession of 4229
the certificate of title to the motor vehicle, it shall send the 4230
assigned certificate of title to the motor vehicle to the clerk of 4231
the court of common pleas of the county in which the salvage 4232
dealer or scrap metal processing facility is located. The court 4233
shall mark the face of the certificate of title with the words 4234
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 4235
of title to the salvage dealer or scrap metal processing facility 4236
for its records. 4237

If the court is not in possession of the certificate of title 4238
to the motor vehicle, the court shall issue an order transferring 4239

ownership of the motor vehicle to a salvage dealer or scrap metal 4240
processing facility, send the order to the clerk of the court of 4241
common pleas of the county in which the salvage dealer or scrap 4242
metal processing facility is located, and send a photocopy of the 4243
order to the salvage dealer or scrap metal processing facility for 4244
its records. The clerk shall make the proper notations or entries 4245
in the clerk's records concerning the disposition of the motor 4246
vehicle. 4247

Sec. 4507.02. (A)(1) No person shall permit the operation of 4248
a motor vehicle upon any public or private property used by the 4249
public for purposes of vehicular travel or parking knowing the 4250
operator does not have a valid driver's license issued to the 4251
operator by the registrar of motor vehicles under this chapter or 4252
a valid commercial driver's license issued under Chapter 4506. of 4253
the Revised Code. Whoever violates this division is guilty of a 4254
misdemeanor of the first degree. 4255

(2) No person shall receive a driver's license, or a 4256
motorcycle operator's endorsement of a driver's or commercial 4257
driver's license, unless and until the person surrenders to the 4258
registrar all valid licenses issued to the person by another 4259
jurisdiction recognized by this state. The registrar shall report 4260
the surrender of a license to the issuing authority, together with 4261
information that a license is now issued in this state. The 4262
registrar shall destroy any such license that is not returned to 4263
the issuing authority. No person shall be permitted to have more 4264
than one valid license at any time. 4265

(B)(1) If a person is convicted of a violation of section 4266
4510.11, 4510.14, 4510.16 when division (B)(3) of that section 4267
applies, or 4510.21 of the Revised Code or if division (F) of 4268
section 4507.164 of the Revised Code applies, the trial judge of 4269
any court, in addition to or independent of, any other penalties 4270

provided by law or ordinance, shall impound the identification 4271
license plates of any motor vehicle registered in the name of the 4272
person. If a person is convicted of a violation of section 4510.16 4273
of the Revised Code and division (B)(2) of that section applies, 4274
the trial judge of any court, in addition to or independent of any 4275
other penalties provided by law or ordinance, may impound the 4276
identification license plates of any motor vehicle registered in 4277
the name of the person. The court shall send the impounded license 4278
plates to the registrar, who may retain the license plates until 4279
the driver's or commercial driver's license of the owner has been 4280
reinstated or destroy them pursuant to section 4503.232 of the 4281
Revised Code. 4282

If the license plates of a person convicted of a violation of 4283
any provision of those sections have been impounded in accordance 4284
with the provisions of this division, the court shall notify the 4285
registrar of that action. The notice shall contain the name and 4286
address of the driver, the serial number of the driver's driver's 4287
or commercial driver's license, the serial numbers of the license 4288
plates of the motor vehicle, and the length of time for which the 4289
license plates have been impounded. The registrar shall record the 4290
data in the notice as part of the driver's permanent record. 4291

(2) Any motor vehicle owner who has had the license plates of 4292
a motor vehicle impounded pursuant to division (B)(1) of this 4293
section may apply to the registrar, or to a deputy registrar, for 4294
restricted license plates that shall conform to the requirements 4295
of section 4503.231 of the Revised Code. The registrar or deputy 4296
registrar forthwith shall notify the court of the application and, 4297
upon approval of the court, shall issue restricted license plates 4298
to the applicant. Until the driver's or commercial driver's 4299
license of the owner is reinstated, any new license plates issued 4300
to the owner also shall conform to the requirements of section 4301
4503.231 of the Revised Code. 4302

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

(3) If an owner wishes to sell a motor vehicle during the time the restricted license plates provided under division (B)(2) of this section are in use, the owner may apply to the court that impounded the license plates of the motor vehicle for permission to transfer title to the motor vehicle. If the court is satisfied that the sale will be made in good faith and not for the purpose of circumventing the provisions of this section, it may certify its consent to the owner and to the registrar of motor vehicles who shall enter notice of the transfer of the title of the motor vehicle in the vehicle registration record.

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

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

motor vehicles shall be paid.

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Sec. 4507.08. (A) No probationary license shall be issued to
any person under the age of eighteen who has been adjudicated an
unruly or delinquent child or a juvenile traffic offender for
having committed any act that if committed by an adult would be a
drug abuse offense, as defined in section 2925.01 of the Revised
Code, a violation of division (B) of section 2917.11, or a
violation of division (A) of section 4511.19 of the Revised Code,
unless the person has been required by the court to attend a drug
abuse or alcohol abuse education, intervention, or treatment
program specified by the court and has satisfactorily completed
the program.

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(B) No temporary instruction permit or driver's license shall
be issued to any person whose license has been suspended, during
the period for which the license was suspended, nor to any person
whose license has been canceled, under Chapter 4510. or any other
provision of the Revised Code.

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(C) No temporary instruction permit or driver's license shall
be issued to any person whose commercial driver's license is
suspended under Chapter 4510. or any other provision of the
Revised Code during the period of the suspension.

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No temporary instruction permit or driver's license shall be
issued to any person when issuance is prohibited by division (A)
of section 4507.091 of the Revised Code.

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(D) No temporary instruction permit or driver's license shall
be issued to, or retained by, any of the following persons:

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(1) Any person who is an alcoholic, or is addicted to the use
of controlled substances to the extent that the use constitutes an
impairment to the person's ability to operate a motor vehicle with
the required degree of safety;

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(2) Any person who is under the age of eighteen and has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program;

(3) Any person who, in the opinion of the registrar, is afflicted with or suffering from a physical or mental disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways, except that a restricted license effective for six months may be issued to any person otherwise qualified who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. A restricted license effective for six months shall be issued to any person who otherwise is qualified and who is subject to any condition that causes episodic impairment of consciousness or a loss of muscular control if the person presents a statement from a licensed physician that the person's condition is under effective medical control and the period of time for which the control has been continuously maintained, unless, thereafter, a medical examination is ordered and, pursuant thereto, cause for denial is found.

A person to whom a six-month restricted license has been issued shall give notice of the person's medical condition to the

registrar on forms provided by the registrar and signed by the
licensee's physician. The notice shall be sent to the registrar
six months after the issuance of the license. Subsequent
restricted licenses issued to the same individual shall be
effective for six months.

(4) Any person who is unable to understand highway warnings
or traffic signs or directions given in the English language;

(5) Any person making an application whose driver's license
or driving privileges are under cancellation, revocation, or
suspension in the jurisdiction where issued or any other
jurisdiction, until the expiration of one year after the license
was canceled or revoked or until the period of suspension ends.
Any person whose application is denied under this division may
file a petition in the municipal court or county court in whose
jurisdiction the person resides agreeing to pay the cost of the
proceedings and alleging that the conduct involved in the offense
that resulted in suspension, cancellation, or revocation in the
foreign jurisdiction would not have resulted in a suspension,
cancellation, or revocation had the offense occurred in this
state. If the petition is granted, the petitioner shall notify the
registrar by a certified copy of the court's findings and a
license shall not be denied under this division.

(6) Any person who is under a class one or two suspension
imposed for a violation of section 2903.01, 2903.02, 2903.04,
2903.06, ~~2903.08,~~ 2903.11, 2921.331, or 2923.02 of the Revised
Code or whose driver's or commercial driver's license or permit
was permanently revoked prior to January 1, 2004, for a
substantially equivalent violation pursuant to section 4507.16 of
the Revised Code;

(7) Any person who is not a resident or temporary resident of
this state.

(E) No person whose driver's license or permit has been 4428
suspended under Chapter 4510. of the Revised Code or any other 4429
provision of the Revised Code shall have driving privileges 4430
reinstated if the registrar determines that a warrant has been 4431
issued in this state or any other state for the person's arrest 4432
and that warrant is an active warrant. 4433

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 4434
of this section, when the license of any person is suspended 4435
pursuant to any provision of the Revised Code other than division 4436
(G) of section 4511.19 of the Revised Code and other than section 4437
4510.07 of the Revised Code for a violation of a municipal OVI 4438
ordinance, the trial judge may impound the identification license 4439
plates of any motor vehicle registered in the name of the person. 4440

(B)(1) When the license of any person is suspended pursuant 4441
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 4442
pursuant to section 4510.07 of the Revised Code for a municipal 4443
OVI offense when the suspension is equivalent in length to the 4444
suspension under division (G) of section 4511.19 of the Revised 4445
Code that is specified in this division, the trial judge of the 4446
court of record or the mayor of the mayor's court that suspended 4447
the license may impound the identification license plates of any 4448
motor vehicle registered in the name of the person. 4449

(2) When the license of any person is suspended pursuant to 4450
division (G)(1)(b) of section 4511.19 of the Revised Code, or 4451
pursuant to section 4510.07 of the Revised Code for a municipal 4452
OVI offense when the suspension is equivalent in length to the 4453
suspension under division (G) of section 4511.19 of the Revised 4454
Code that is specified in this division, the trial judge of the 4455
court of record that suspended the license shall order the 4456
impoundment of the identification license plates of the motor 4457
vehicle the offender was operating at the time of the offense and 4458

the immobilization of that vehicle in accordance with section 4459
4503.233 and division (G)(1)(b) of section 4511.19 or division 4460
(B)(2)(a) of section 4511.193 of the Revised Code and may impound 4461
the identification license plates of any other motor vehicle 4462
registered in the name of the person whose license is suspended. 4463

(3) When the license of any person is suspended pursuant to 4464
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 4465
Code, or pursuant to section 4510.07 of the Revised Code for a 4466
municipal OVI offense when the suspension is equivalent in length 4467
to the suspension under division (G) of section 4511.19 of the 4468
Revised Code that is specified in this division, the trial judge 4469
of the court of record that suspended the license shall order the 4470
criminal forfeiture to the state of the motor vehicle the offender 4471
was operating at the time of the offense in accordance with 4472
section 4503.234 and division (G)(1)(c), (d), or (e) of section 4473
4511.19 or division (B)(2)(b) of section 4511.193 of the Revised 4474
Code and may impound the identification license plates of any 4475
other motor vehicle registered in the name of the person whose 4476
license is suspended. 4477

(C)(1) When a person is convicted of or pleads guilty to a 4478
violation of section 4510.14 of the Revised Code or a 4479
substantially equivalent municipal ordinance and division (B)(1) 4480
or (2) of section 4510.14 or division (C)(1) or (2) of section 4481
4510.161 of the Revised Code applies, the trial judge of the court 4482
of record or the mayor of the mayor's court that imposes sentence 4483
shall order the immobilization of the vehicle the person was 4484
operating at the time of the offense and the impoundment of its 4485
identification license plates in accordance with section 4503.233 4486
and division (B)(1) or (2) of section 4510.14 or division (C)(1) 4487
or (2) of section 4510.161 of the Revised Code and may impound the 4488
identification license plates of any other vehicle registered in 4489
the name of that person. 4490

(2) When a person is convicted of or pleads guilty to a violation of section 4510.14 of the Revised Code or a substantially equivalent municipal ordinance and division (B)(3) of section 4510.14 or division (C)(3) of section 4510.161 of the Revised Code applies, the trial judge of the court of record that imposes sentence shall order the criminal forfeiture to the state of the vehicle the person was operating at the time of the offense in accordance with section 4503.234 and division (B)(3) of section 4510.14 or division (C)(3) of section 4510.161 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(D)(1) When a person is convicted of or pleads guilty to a violation of division (A) of section 4510.16 of the Revised Code or a substantially equivalent municipal ordinance ~~and~~ division (B)(2) ~~or (3)~~ of section 4510.16 or division (B)(1) ~~or (2)~~ of section 4510.161 of the Revised Code applies, ~~the trial judge of the court of record or the mayor of the mayor's court that imposes sentence shall order~~ in determining whether the immobilization of the vehicle the person was operating at the time of the offense and the impoundment of its identification license plates ~~in accordance with section 4503.233 and division (B)(2) or (3) of section 4510.16 or division (B)(1) or (2) of section 4510.161 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.~~

~~(2) When a person is convicted of or pleads guilty to a violation of division (A) of section 4510.16 of the Revised Code or a substantially equivalent municipal ordinance and division (B)(4) of section 4510.16 or division (B)(3) of section 4510.161 of the Revised Code applies, the trial judge of the court of record that imposes sentence shall order~~ or the criminal forfeiture to the state of the vehicle the person was operating at the time of the offense ~~in accordance with section 4503.234 and~~

~~division (B)(4) of section 4510.16 or division (B)(3) of section~~ 4523
~~4510.161 of the Revised Code and is authorized or required. The~~ 4524
~~trial judge of the court of record or the mayor of the mayor's~~ 4525
~~court that imposes sentence~~ may impound the identification license 4526
plates of any other vehicle registered in the name of that person. 4527

(E)(1) When a person is convicted of or pleads guilty to a 4528
violation of section 4511.203 of the Revised Code and the person 4529
is sentenced pursuant to division (C)(1) or (2) of section 4530
4511.203 of the Revised Code, the trial judge of the court of 4531
record or the mayor of the mayor's court that imposes sentence 4532
shall order the immobilization of the vehicle that was involved in 4533
the commission of the offense and the impoundment of its 4534
identification license plates in accordance with division (C)(1) 4535
or (2) of section 4511.203 and section 4503.233 of the Revised 4536
Code and may impound the identification license plates of any 4537
other vehicle registered in the name of that person. 4538

(2) When a person is convicted of or pleads guilty to a 4539
violation of section 4511.203 of the Revised Code and the person 4540
is sentenced pursuant to division (C)(3) of section 4511.203 of 4541
the Revised Code, the trial judge of the court of record or the 4542
mayor of the mayor's court that imposes sentence shall order the 4543
criminal forfeiture to the state of the vehicle that was involved 4544
in the commission of the offense in accordance with division 4545
(C)(3) of section 4511.203 and section 4503.234 of the Revised 4546
Code and may impound the identification license plates of any 4547
other vehicle registered in the name of that person. 4548

(F) Except as provided in section 4503.233 or 4503.234 of the 4549
Revised Code, when the certificate of registration, the 4550
identification license plates, or both have been impounded, 4551
division (B) of section 4507.02 of the Revised Code is applicable. 4552

(G) As used in this section, "municipal OVI offense" has the 4553
same meaning as in section 4511.181 of the Revised Code. 4554

Sec. 4510.10. (A) As used in this section, "reinstatement fees" means the fees that are required under section 4507.1612, 4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other provision of the Revised Code, or under a schedule established by the bureau of motor vehicles, in order to reinstate a driver's or commercial driver's license or permit or nonresident operating privilege of an offender under a suspension.

(B) Reinstatement fees are those fees that compensate the bureau of motor vehicles for suspensions, cancellations, or disqualifications of a person's driving privileges and to compensate the bureau and other agencies in their administration of programs intended to reduce and eliminate threats to public safety through education, treatment, and other activities. The registrar of motor vehicles shall not reinstate a driver's or commercial driver's license or permit or nonresident operating privilege of a person until the person has paid all reinstatement fees and has complied with all conditions for each suspension, cancellation, or disqualification incurred by that person.

(C) ~~When a municipal court or county court determines in a pending case involving an offender that the~~ An offender who cannot reasonably pay reinstatement fees due and owing by the offender relative to a suspension that has been ~~or that will be imposed in on the case, then offender may file a petition in the municipal court, by county court, or, if the person is under the age of eighteen, the juvenile division of the court of common pleas in whose jurisdiction the person resides or, if the person is not a resident of this state, in the Franklin county municipal court or juvenile division of the Franklin county court of common pleas for an order, may undertake that does~~ either of the following, in order of preference:

(1) ~~Establish~~ Establishes a reasonable payment plan of not

less than fifty dollars per month, to be paid by the offender to 4586
the bureau of motor vehicles in all succeeding months until all 4587
reinstatement fees required of the offender are paid in full; 4588

(2) If the offender, but for the payment of the reinstatement 4589
fees, otherwise would be entitled to operate a vehicle in this 4590
state or to obtain reinstatement of the offender's operating 4591
privileges, ~~permit~~ permits the offender to operate a motor 4592
vehicle, as authorized by the court, until a future date upon 4593
which date all reinstatement fees must be paid in full. A payment 4594
extension granted under this division shall not exceed one hundred 4595
eighty days, and any operating privileges granted under this 4596
division shall be solely for the purpose of permitting the 4597
offender occupational or "family necessity" privileges in order to 4598
enable the offender to reasonably acquire the delinquent 4599
reinstatement fees due and owing. 4600

(D) If a municipal court ~~or~~, county court, ~~by~~ or juvenile 4601
division enters an order, ~~undertakes either activity of the type~~ 4602
described in division (C)(1) or (2) of this section, the court, at 4603
any time after the issuance of the order, may determine that a 4604
change of circumstances has occurred and may amend the order as 4605
justice requires, provided that the amended order also shall be an 4606
order that is permitted under division (C)(1) or (2) of this 4607
section. 4608

(E) If a court enters an order of the type described in 4609
division (C)(1), (C)(2), or (D) of this section, during the 4610
pendency of the order, the offender in relation to whom it applies 4611
is not subject to prosecution for failing to pay the reinstatement 4612
fees covered by the order. 4613

(F) Reinstatement fees are debts that may be discharged in 4614
bankruptcy. 4615

Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 4616

apply to a judge or mayor regarding the suspension of, or the 4617
grant of limited driving privileges during a suspension of, an 4618
offender's driver's or commercial driver's license or permit or 4619
nonresident operating privilege imposed under division (G) or (H) 4620
of section 4511.19 of the Revised Code, under division (B) or (C) 4621
of section 4511.191 of the Revised Code, or under section 4510.07 4622
of the Revised Code for a conviction of a violation of a municipal 4623
OVI ordinance. 4624

(2) No judge or mayor shall suspend the following portions of 4625
the suspension of an offender's driver's or commercial driver's 4626
license or permit or nonresident operating privilege imposed under 4627
division (G) or (H) of section 4511.19 of the Revised Code or 4628
under section 4510.07 of the Revised Code for a conviction of a 4629
violation of a municipal OVI ordinance, provided that division 4630
(A)(2) of this section does not limit a court or mayor in 4631
crediting any period of suspension imposed pursuant to division 4632
(B) or (C) of section 4511.191 of the Revised Code against any 4633
time of judicial suspension imposed pursuant to section 4511.19 or 4634
4510.07 of the Revised Code, as described in divisions (B)(2) and 4635
(C)(2) of section 4511.191 of the Revised Code: 4636

(a) The first six months of a suspension imposed under 4637
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 4638
comparable length suspension imposed under section 4510.07 of the 4639
Revised Code; 4640

(b) The first year of a suspension imposed under division 4641
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 4642
comparable length suspension imposed under section 4510.07 of the 4643
Revised Code; 4644

(c) The first three years of a suspension imposed under 4645
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 4646
or of a comparable length suspension imposed under section 4510.07 4647

of the Revised Code; 4648

(d) The first sixty days of a suspension imposed under 4649
division (H) of section 4511.19 of the Revised Code or of a 4650
comparable length suspension imposed under section 4510.07 of the 4651
Revised Code. 4652

(3) No judge or mayor shall grant limited driving privileges 4653
to an offender whose driver's or commercial driver's license or 4654
permit or nonresident operating privilege has been suspended under 4655
division (G) or (H) of section 4511.19 of the Revised Code, under 4656
division (C) of section 4511.191 of the Revised Code, or under 4657
section 4510.07 of the Revised Code for a municipal OVI conviction 4658
if the offender, within the preceding six years, has been 4659
convicted of or pleaded guilty to three or more violations of one 4660
or more of the Revised Code sections, municipal ordinances, 4661
statutes of the United States or another state, or municipal 4662
ordinances of a municipal corporation of another state that are 4663
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 4664
Revised Code. 4665

Additionally, no judge or mayor shall grant limited driving 4666
privileges to an offender whose driver's or commercial driver's 4667
license or permit or nonresident operating privilege has been 4668
suspended under division (B) of section 4511.191 of the Revised 4669
Code if the offender, within the preceding six years, has refused 4670
three previous requests to consent to a chemical test of the 4671
person's whole blood, blood serum or plasma, breath, or urine to 4672
determine its alcohol content. 4673

(4) No judge or mayor shall grant limited driving privileges 4674
for employment as a driver of commercial motor vehicles to an 4675
offender whose driver's or commercial driver's license or permit 4676
or nonresident operating privilege has been suspended under 4677
division (G) or (H) of section 4511.19 of the Revised Code, under 4678

division (B) or (C) of section 4511.191 of the Revised Code, or 4679
under section 4510.07 of the Revised Code for a municipal OVI 4680
conviction if the offender is disqualified from operating a 4681
commercial motor vehicle, or whose license or permit has been 4682
suspended, under section 3123.58 or 4506.16 of the Revised Code. 4683

(5) No judge or mayor shall grant limited driving privileges 4684
to an offender whose driver's or commercial driver's license or 4685
permit or nonresident operating privilege has been suspended under 4686
division (G) or (H) of section 4511.19 of the Revised Code, under 4687
division (C) of section 4511.191 of the Revised Code, or under 4688
section 4510.07 of the Revised Code for a conviction of a 4689
violation of a municipal OVI ordinance during any of the following 4690
periods of time: 4691

(a) The first fifteen days of a suspension imposed under 4692
division (G)(1)(a) of section 4511.19 of the Revised Code or a 4693
comparable length suspension imposed under section 4510.07 of the 4694
Revised Code, or of a suspension imposed under division (C)(1)(a) 4695
of section 4511.191 of the Revised Code. On or after the sixteenth 4696
day of the suspension, the court may grant limited driving 4697
privileges, but the court may require that the offender shall not 4698
exercise the privileges unless the vehicles the offender operates 4699
are equipped with immobilizing or disabling devices that monitor 4700
the offender's alcohol consumption or any other type of 4701
immobilizing or disabling devices, except as provided in division 4702
(C) of section 4510.43 of the Revised Code. 4703

(b) The first thirty days of a suspension imposed under 4704
division (G)(1)(b) of section 4511.19 of the Revised Code or a 4705
comparable length suspension imposed under section 4510.07 of the 4706
Revised Code, or of a suspension imposed under division (C)(1)(b) 4707
of section 4511.191 of the Revised Code. On or after the 4708
thirty-first day of suspension, the court may grant limited 4709
driving privileges, but the court may require that the offender 4710

shall not exercise the privileges unless the vehicles the offender
operates are equipped with immobilizing or disabling devices that
monitor the offender's alcohol consumption or any other type of
immobilizing or disabling devices, except as provided in division
(C) of section 4510.43 of the Revised Code.

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

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

(e) The first three years of a suspension imposed under

division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 4743
or a comparable length suspension imposed under section 4510.07 of 4744
the Revised Code, or of a suspension imposed under division 4745
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 4746
grant limited driving privileges after the first three years of 4747
suspension only if the judge, at the time of granting the 4748
privileges, also issues an order prohibiting the offender from 4749
operating any motor vehicle, for the period of suspension 4750
following the first three years of suspension, unless the motor 4751
vehicle is equipped with an immobilizing or disabling device that 4752
monitors the offender's alcohol consumption, except as provided in 4753
division (C) of section 4510.43 of the Revised Code. 4754

(6) No judge or mayor shall grant limited driving privileges 4755
to an offender whose driver's or commercial driver's license or 4756
permit or nonresident operating privilege has been suspended under 4757
division (B) of section 4511.191 of the Revised Code during any of 4758
the following periods of time: 4759

(a) The first thirty days of suspension imposed under 4760
division (B)(1)(a) of section 4511.191 of the Revised Code; 4761

(b) The first ninety days of suspension imposed under 4762
division (B)(1)(b) of section 4511.191 of the Revised Code; 4763

(c) The first year of suspension imposed under division 4764
(B)(1)(c) of section 4511.191 of the Revised Code; 4765

(d) The first three years of suspension imposed under 4766
division (B)(1)(d) of section 4511.191 of the Revised Code. 4767

(7) In any case in which a judge or mayor grants limited 4768
driving privileges to an offender whose driver's or commercial 4769
driver's license or permit or nonresident operating privilege has 4770
been suspended under division (G)(1)(b), (c), (d), or (e) of 4771
section 4511.19 of the Revised Code, under division (G)(1)(a) of 4772
section 4511.19 of the Revised Code for a violation of division 4773

(A)(1)(f), (g), (h), or (i) of that section, or under section 4774
4510.07 of the Revised Code for a municipal OVI conviction for 4775
which sentence would have been imposed under division 4776
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 4777
the Revised Code had the offender been charged with and convicted 4778
of a violation of section 4511.19 of the Revised Code instead of a 4779
violation of the municipal OVI ordinance, the judge or mayor shall 4780
impose as a condition of the privileges that the offender must 4781
display on the vehicle that is driven subject to the privileges 4782
restricted license plates that are issued under section 4503.231 4783
of the Revised Code, except as provided in division (B) of that 4784
section. 4785

(B) Any person whose driver's or commercial driver's license 4786
or permit or nonresident operating privilege has been suspended 4787
pursuant to section 4511.19 or 4511.191 of the Revised Code or 4788
under section 4510.07 of the Revised Code for a violation of a 4789
municipal OVI ordinance may file a petition for limited driving 4790
privileges during the suspension. The person shall file the 4791
petition in the court that has jurisdiction over the place of 4792
arrest. Subject to division (A) of this section, the court may 4793
grant the person limited driving privileges during the period 4794
during which the suspension otherwise would be imposed. However, 4795
the court shall not grant the privileges for employment as a 4796
driver of a commercial motor vehicle to any person who is 4797
disqualified from operating a commercial motor vehicle under 4798
section 4506.16 of the Revised Code or during any of the periods 4799
prescribed by division (A) of this section. 4800

(C)(1) After a driver's or commercial driver's license or 4801
permit or nonresident operating privilege has been suspended 4802
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 4803
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 4804
of the Revised Code, any provision of Chapter 2925. of the Revised 4805

Code, or section 4510.07 of the Revised Code for a violation of a 4806
municipal OVI ordinance, the judge of the court or mayor of the 4807
mayor's court that suspended the license, permit, or privilege 4808
shall cause the offender to deliver to the court the license or 4809
permit. The judge, mayor, or clerk of the court or mayor's court 4810
shall forward to the registrar the license or permit together with 4811
notice of the action of the court. 4812

(2) A suspension of a commercial driver's license under any 4813
section or chapter identified in division (C)(1) of this section 4814
shall be concurrent with any period of suspension or 4815
disqualification under section 3123.58 or 4506.16 of the Revised 4816
Code. No person who is disqualified for life from holding a 4817
commercial driver's license under section 4506.16 of the Revised 4818
Code shall be issued a driver's license under this chapter during 4819
the period for which the commercial driver's license was suspended 4820
under this section, and no person whose commercial driver's 4821
license is suspended under any section or chapter identified in 4822
division (C)(1) of this section shall be issued a driver's license 4823
under Chapter 4507. of the Revised Code during the period of the 4824
suspension. 4825

(3) No judge or mayor shall suspend any class one suspension, 4826
or any portion of any class one suspension, ~~required by~~ imposed 4827
under section 2903.04 ~~or~~, 2903.06, 2903.08, or 2921.331 of the 4828
Revised Code. No judge or mayor shall suspend the first thirty 4829
days of any class two, class three, class four, class five, or 4830
class six suspension imposed under section 2903.06 ~~or~~, 2903.08, 4831
2903.11, 2923.02, or 2929.02 of the Revised Code. 4832

(D) The judge of the court or mayor of the mayor's court 4833
shall credit any time during which an offender was subject to an 4834
administrative suspension of the offender's driver's or commercial 4835
driver's license or permit or nonresident operating privilege 4836
imposed pursuant to section 4511.191 or 4511.192 of the Revised 4837

Code or a suspension imposed by a judge, referee, or mayor 4838
pursuant to division (B)(1) or (2) of section 4511.196 of the 4839
Revised Code against the time to be served under a related 4840
suspension imposed pursuant to any section or chapter identified 4841
in division (C)(1) of this ~~chapter~~ section. 4842

(E) The judge or mayor shall notify the bureau of motor 4843
vehicles of any determinations made pursuant to this section and 4844
of any suspension imposed pursuant to any section or chapter 4845
identified in division (C)(1) of this section. 4846

(F)(1) If a court issues an immobilizing or disabling device 4847
order under section 4510.43 of the Revised Code, the order shall 4848
authorize the offender during the specified period to operate a 4849
motor vehicle only if it is equipped with an immobilizing or 4850
disabling device, except as provided in division (C) of that 4851
section. The court shall provide the offender with a copy of an 4852
immobilizing or disabling device order issued under section 4853
4510.43 of the Revised Code, and the offender shall use the copy 4854
of the order in lieu of an Ohio driver's or commercial driver's 4855
license or permit until the registrar or a deputy registrar issues 4856
the offender a restricted license. 4857

An order issued under section 4510.43 of the Revised Code 4858
does not authorize or permit the offender to whom it has been 4859
issued to operate a vehicle during any time that the offender's 4860
driver's or commercial driver's license or permit is suspended 4861
under any other provision of law. 4862

(2) An offender may present an immobilizing or disabling 4863
device order to the registrar or to a deputy registrar. Upon 4864
presentation of the order to the registrar or a deputy registrar, 4865
the registrar or deputy registrar shall issue the offender a 4866
restricted license. A restricted license issued under this 4867
division shall be identical to an Ohio driver's license, except 4868

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. 4510.16. (A) No person, whose driver's or commercial
driver's license or temporary instruction permit or nonresident's
operating privilege has been suspended or canceled pursuant to
Chapter 4509. of the Revised Code, shall operate any motor vehicle
within this state, or knowingly permit any motor vehicle owned by
the person to be operated by another person in the state, during
the period of the suspension or cancellation, except as
specifically authorized by Chapter 4509. of the Revised Code. No
person shall operate a motor vehicle within this state, or
knowingly permit any motor vehicle owned by the person to be
operated by another person in the state, during the period in
which the person is required by section 4509.45 of the Revised
Code to file and maintain proof of financial responsibility for a
violation of section 4509.101 of the Revised Code, unless proof of
financial responsibility is maintained with respect to that
vehicle.

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

(2) If the vehicle is registered in the offender's name and
division (B)(3) of this section does not apply, the court, in

addition to or independent of any other sentence that it imposes 4900
upon the offender, ~~shall do one of the following:~~ 4901

~~(a) Except as otherwise provided in division (B)(2)(b) or (c)~~ 4902
~~of this section,~~ may order the immobilization for no more than 4903
thirty days of the vehicle involved in the offense and the 4904
impoundment for no more than thirty days of the license plates of 4905
that vehicle~~;~~. 4906

~~(b)(3)~~ If the vehicle is registered in the offender's name 4907
and if, within five years of the offense, the offender has been 4908
convicted of or pleaded guilty to one violation of this section or 4909
a substantially similar municipal ordinance, the court, in 4910
addition to or independent of any other sentence that it imposes 4911
on the offender, shall order the immobilization for sixty days of 4912
the vehicle involved in the offense and impoundment for sixty days 4913
of the license plates of that vehicle~~;~~. 4914

~~(c)~~ If the vehicle is registered in the offender's name and 4915
if, within five years of the offense, the offender has been 4916
convicted of or pleaded guilty to two or more violations of this 4917
section or a substantially similar municipal ordinance, the court, 4918
in addition to or independent of any other sentence that it 4919
imposes upon the offender, shall order the criminal forfeiture to 4920
the state of the vehicle involved in the offense. If title to a 4921
motor vehicle that is subject to an order for criminal forfeiture 4922
under this division is assigned or transferred and division (B)(2) 4923
or (3) of section 4503.234 of the Revised Code applies, in 4924
addition to or independent of any other penalty established by 4925
law, the court may fine the offender the value of the vehicle as 4926
determined by publications of the national auto dealers 4927
association. The proceeds from any fine so imposed shall be 4928
distributed in accordance with division (C)(2) of that section. 4929

(C) Any order for immobilization and impoundment under this 4930
section shall be issued and enforced in accordance with sections 4931

4503.233 and 4507.02 of the Revised Code, as applicable. Any order
of criminal forfeiture shall be issued and enforced in accordance
with section 4503.234 of the Revised Code. The court shall not
release a vehicle from immobilization orders under this section
unless the court is presented with current proof of financial
responsibility with respect to that vehicle.

Sec. 4510.161. (A) The requirements and sanctions imposed by
divisions (B) and (C) of this section are an adjunct to and derive
from the state's exclusive authority over the registration and
titling of motor vehicles and do not comprise a part of the
criminal sentence to be imposed upon a person who violates a
municipal ordinance that is substantially equivalent to section
4510.14 or to division (A) of section 4510.16 of the Revised Code.

(B)(1) If a person is convicted of or pleads guilty to a
violation of a municipal ordinance that is substantially
equivalent to division (A) of section 4510.16 of the Revised Code,
~~the court, in addition to and independent of any sentence that it~~
~~imposes upon the offender for the offense,~~ if the vehicle the
offender was operating at the time of the offense is registered in
the offender's name, ~~shall do whichever of the following is~~
~~applicable:~~

~~(1) If, within five years of the current offense, the~~
~~offender has not been convicted of or pleaded guilty to a~~
~~violation of division (A) of section 4510.16 or former division~~
~~(B)(1) of section 4507.02 of the Revised Code or a municipal~~
~~ordinance that is substantially equivalent to either division, the~~
~~court shall~~ and if division (B)(2) of this section does not apply,
the court, in addition to or independent of any sentence that it
imposes upon the offender for the offense, may order the
immobilization for not more than thirty days of the vehicle the
offender was operating at the time of the offense and the

impoundment for not more than thirty days of the identification 4963
license plates of that vehicle. 4964

(2) If a person is convicted of or pleads guilty to a 4965
violation of a municipal ordinance that is substantially 4966
equivalent to division (A) of section 4510.16 of the Revised Code 4967
and if, within five years of the current offense, the offender has 4968
been convicted of or pleaded guilty to one ~~violation~~ or more 4969
violations of division (A) of section 4510.16 or former division 4970
(B)(1) of section 4507.02 of the Revised Code or a municipal 4971
ordinance that is substantially equivalent to either division, the 4972
court, in addition to or independent of any sentence that it 4973
imposes upon the offender for the offense, shall do whichever of 4974
the following is applicable: 4975

(a) If, within five years of the current offense, the 4976
offender has been convicted of or pleaded guilty to one such 4977
violation, the court shall order the immobilization for sixty days 4978
of the vehicle the offender was operating at the time of the 4979
offense and the impoundment for sixty days of the identification 4980
license plates of that vehicle. 4981

~~(3)(b)~~ If, within five years of the current offense, the 4982
offender has been convicted of or pleaded guilty to two or more 4983
such ~~violations of division (A) of section 4510.16 or former~~ 4984
~~division (B)(1) of section 4507.02 of the Revised Code or a~~ 4985
~~municipal ordinance that is substantially equivalent to either~~ 4986
~~division~~, the court shall order the criminal forfeiture to the 4987
state of the vehicle the offender was operating at the time of the 4988
offense. ~~The order of criminal forfeiture shall be issued and~~ 4989
~~enforced in accordance with section 4503.234 of the Revised Code.~~ 4990

(C) If a person is convicted of or pleads guilty to a 4991
violation of a municipal ordinance that is substantially 4992
equivalent to section 4510.14 of the Revised Code, the court, in 4993
addition to and independent of any sentence that it imposes upon 4994

the offender for the offense, if the vehicle the offender was 4995
operating at the time of the offense is registered in the 4996
offender's name, shall do whichever of the following is 4997
applicable: 4998

(1) If, within five years of the current offense, the 4999
offender has not been convicted of or pleaded guilty to a 5000
violation of section 4510.14 or former division (D)(2) of section 5001
4507.02 of the Revised Code or a municipal ordinance that is 5002
substantially equivalent to that section or former division, the 5003
court shall order the immobilization for thirty days of the 5004
vehicle the offender was operating at the time of the offense and 5005
the impoundment for thirty days of the identification license 5006
plates of that vehicle. 5007

(2) If, within five years of the current offense, the 5008
offender has been convicted of or pleaded guilty to one violation 5009
of section 4510.14 or former division (D)(2) of section 4507.02 of 5010
the Revised Code or a municipal ordinance that is substantially 5011
equivalent to that section or former division, the court shall 5012
order the immobilization for sixty days of the vehicle the 5013
offender was operating at the time of the offense and the 5014
impoundment for sixty days of the identification license plates of 5015
that vehicle. 5016

(3) If, within five years of the current offense, the 5017
offender has been convicted of or pleaded guilty to two or more 5018
violations of section 4510.14 or former division (D)(2) of section 5019
4507.02 of the Revised Code or a municipal ordinance that is 5020
substantially equivalent to that section or former division, the 5021
court shall order the criminal forfeiture to the state of the 5022
vehicle the offender was operating at the time of the offense. 5023

(D) An order of criminal forfeiture issued pursuant to this 5024
section shall be issued and enforced in accordance with section 5025
4503.234 of the Revised Code. An order for the immobilization and 5026

impoundment of a vehicle ~~that~~ issued pursuant to this section 5027
shall be issued and enforced in accordance with section 4503.233 5028
of the Revised Code. 5029

Sec. 4510.18. (A) No person whose driver's or commercial 5030
driver's license or permit or nonresident operating privilege has 5031
been suspended for life under a class one suspension imposed under 5032
division (B)(3) of section 2903.06 or section 2903.08 of the 5033
Revised Code shall operate any motor vehicle upon the public roads 5034
or highways within this state during the remaining life of the 5035
person. 5036

(B) Whoever violates this section is guilty of driving under 5037
specified lifetime suspension, a felony of the third degree. 5038

Sec. 4510.41. (A) As used in this section: 5039

(1) "Arrested person" means a person who is arrested for a 5040
violation of section 4510.14, 4510.16, or 4511.203 of the Revised 5041
Code, or a municipal ordinance that is substantially equivalent to 5042
any of those sections, and whose arrest results in a vehicle being 5043
seized under division (B) of this section. 5044

(2) "Vehicle owner" means either of the following: 5045

(a) The person in whose name is registered, at the time of 5046
the seizure, a vehicle that is seized under division (B) of this 5047
section; 5048

(b) A person to whom the certificate of title to a vehicle 5049
that is seized under division (B) of this section has been 5050
assigned and who has not obtained a certificate of title to the 5051
vehicle in that person's name, but who is deemed by the court as 5052
being the owner of the vehicle at the time the vehicle was seized 5053
under division (B) of this section. 5054

(3) "Interested party" includes the owner of a vehicle seized 5055

under this section, all lienholders, the arrested person, the
owner of the place of storage at which a vehicle seized under this
section is stored, and the person or entity that caused the
vehicle to be removed.

(B)(1) If a person is arrested for a violation of section
4510.14, ~~4510.16~~, or 4511.203 of the Revised Code, or a municipal
ordinance that is substantially equivalent to ~~any~~ either of those
sections or if a person is arrested for a violation of section
4510.16 of the Revised Code or a municipal ordinance that is
substantially equivalent to that section and if division (B)(3) of
section 4510.16 or division (B)(2) of section 4510.161 of the
Revised Code applies, the arresting officer or another officer of
the law enforcement agency that employs the arresting officer, in
addition to any action that the arresting officer is required or
authorized to take by any other provision of law, shall seize the
vehicle that the person was operating at the time of, or that was
involved in, the alleged offense if the vehicle is registered in
the arrested person's name and its license plates. A law
enforcement agency that employs a law enforcement officer who
makes an arrest of a type that is described in this division and
that involves a rented or leased vehicle that is being rented or
leased for a period of thirty days or less shall notify, within
twenty-four hours after the officer makes the arrest, the lessor
or owner of the vehicle regarding the circumstances of the arrest
and the location at which the vehicle may be picked up. At the
time of the seizure of the vehicle, the law enforcement officer
who made the arrest shall give the arrested person written notice
that the vehicle and its license plates have been seized; that the
vehicle either will be kept by the officer's law enforcement
agency or will be immobilized at least until the person's initial
appearance on the charge of the offense for which the arrest was
made; that, at the initial appearance, the court in certain

circumstances may order that the vehicle and license plates be 5088
released to the arrested person until the disposition of that 5089
charge; that, if the arrested person is convicted of that charge, 5090
the court generally must order the immobilization of the vehicle 5091
and the impoundment of its license plates or the forfeiture of the 5092
vehicle; and that the arrested person may be charged expenses or 5093
charges incurred under this section and section 4503.233 of the 5094
Revised Code for the removal and storage of the vehicle. 5095

(2) The arresting officer or a law enforcement officer of the 5096
agency that employs the arresting officer shall give written 5097
notice of the seizure under division (B)(1) of this section to the 5098
court that will conduct the initial appearance of the arrested 5099
person on the charges arising out of the arrest. Upon receipt of 5100
the notice, the court promptly shall determine whether the 5101
arrested person is the vehicle owner. If the court determines that 5102
the arrested person is not the vehicle owner, it promptly shall 5103
send by regular mail written notice of the seizure to the 5104
vehicle's registered owner. The written notice shall contain all 5105
of the information required by division (B)(1) of this section to 5106
be in a notice to be given to the arrested person and also shall 5107
specify the date, time, and place of the arrested person's initial 5108
appearance. The notice also shall inform the vehicle owner that if 5109
title to a motor vehicle that is subject to an order for criminal 5110
forfeiture under this section is assigned or transferred and 5111
division (B)(2) or (3) of section 4503.234 of the Revised Code 5112
applies, the court may fine the arrested person the value of the 5113
vehicle. The notice also shall state that if the vehicle is 5114
immobilized under division (A) of section 4503.233 of the Revised 5115
Code, seven days after the end of the period of immobilization a 5116
law enforcement agency will send the vehicle owner a notice, 5117
informing the owner that if the release of the vehicle is not 5118
obtained in accordance with division (D)(3) of section 4503.233 of 5119
the Revised Code, the vehicle shall be forfeited. The notice also 5120

shall inform the vehicle owner that the owner may be charged 5121
expenses or charges incurred under this section and section 5122
4503.233 of the Revised Code for the removal and storage of the 5123
vehicle. 5124

The written notice that is given to the arrested person also 5125
shall state that if the person is convicted of or pleads guilty to 5126
the offense and the court issues an immobilization and impoundment 5127
order relative to that vehicle, division (D)(4) of section 5128
4503.233 of the Revised Code prohibits the vehicle from being sold 5129
during the period of immobilization without the prior approval of 5130
the court. 5131

(3) At or before the initial appearance, the vehicle owner 5132
may file a motion requesting the court to order that the vehicle 5133
and its license plates be released to the vehicle owner. Except as 5134
provided in this division and subject to the payment of expenses 5135
or charges incurred in the removal and storage of the vehicle, the 5136
court, in its discretion, then may issue an order releasing the 5137
vehicle and its license plates to the vehicle owner. Such an order 5138
may be conditioned upon such terms as the court determines 5139
appropriate, including the posting of a bond in an amount 5140
determined by the court. If the arrested person is not the vehicle 5141
owner and if the vehicle owner is not present at the arrested 5142
person's initial appearance, and if the court believes that the 5143
vehicle owner was not provided with adequate notice of the initial 5144
appearance, the court, in its discretion, may allow the vehicle 5145
owner to file a motion within seven days of the initial 5146
appearance. If the court allows the vehicle owner to file such a 5147
motion after the initial appearance, the extension of time granted 5148
by the court does not extend the time within which the initial 5149
appearance is to be conducted. If the court issues an order for 5150
the release of the vehicle and its license plates, a copy of the 5151
order shall be made available to the vehicle owner. If the vehicle 5152

owner presents a copy of the order to the law enforcement agency 5153
that employs the law enforcement officer who arrested the arrested 5154
person, the law enforcement agency promptly shall release the 5155
vehicle and its license plates to the vehicle owner upon payment 5156
by the vehicle owner of any expenses or charges incurred in the 5157
removal or storage of the vehicle. 5158

(4) A vehicle seized under division (B)(1) of this section 5159
either shall be towed to a place specified by the law enforcement 5160
agency that employs the arresting officer to be safely kept by the 5161
agency at that place for the time and in the manner specified in 5162
this section or shall be otherwise immobilized for the time and in 5163
the manner specified in this section. A law enforcement officer of 5164
that agency shall remove the identification license plates of the 5165
vehicle, and they shall be safely kept by the agency for the time 5166
and in the manner specified in this section. No vehicle that is 5167
seized and either towed or immobilized pursuant to this division 5168
shall be considered contraband for purposes of section 2933.41, 5169
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be 5170
immobilized at any place other than a commercially operated 5171
private storage lot, a place owned by a law enforcement or other 5172
government agency, or a place to which one of the following 5173
applies: 5174

(a) The place is leased by or otherwise under the control of 5175
a law enforcement or other government agency. 5176

(b) The place is owned by the arrested person, the arrested 5177
person's spouse, or a parent or child of the arrested person. 5178

(c) The place is owned by a private person or entity, and, 5179
prior to the immobilization, the private entity or person that 5180
owns the place, or the authorized agent of that private entity or 5181
person, has given express written consent for the immobilization 5182
to be carried out at that place. 5183

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

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

(2)(a) At the initial appearance or not less than seven days prior to the date of final disposition, the court shall notify the arrested person that, if title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, the court may fine the arrested person the value of the vehicle. If, at the initial appearance, the arrested person pleads guilty to the violation of section 4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those sections or pleads no contest to and is convicted of the violation, the following sentencing provisions apply:

(i) If the person violated section 4510.14 or 4511.203 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those sections, or violated section 4510.16 of the Revised Code or a municipal ordinance that is substantially equivalent to that section and division (B)(3) of section 4510.16 or division (B)(2) of section 4510.161 of the Revised Code applies, the court shall impose sentence upon the person as provided by law or ordinance; the court shall order the

immobilization of the vehicle the arrested person was operating at 5216
the time of, or that was involved in, the offense if registered in 5217
the arrested person's name and the impoundment of its license 5218
plates under section 4503.233 and section 4510.14, 4510.16, 5219
4510.161, or 4511.203 of the Revised Code or the criminal 5220
forfeiture to the state of the vehicle if registered in the 5221
arrested person's name under section 4503.234 and section 4510.14, 5222
4510.16, 4510.161, or 4511.203 of the Revised Code, whichever is 5223
applicable; and the vehicle and its license plates shall not be 5224
returned or released to the arrested person. 5225

(ii) If the person violated section 4510.16 of the Revised 5226
Code or a municipal ordinance that is substantially equivalent to 5227
that section and division (B)(2) of section 4510.16 or division 5228
(B)(1) of section 4510.161 applies, the court shall impose 5229
sentence upon the person as provided by law or ordinance and may 5230
order the immobilization of the vehicle the person was operating 5231
at the time of, or that was involved in, the offense if it is 5232
registered in the arrested person's name and the impoundment of 5233
its license plates under section 4503.233 and section 4510.16 or 5234
4510.161 of the Revised Code, and the vehicle and its license 5235
plates shall not be returned or released to the arrested person. 5236

(b) If, at any time, the charge that the arrested person 5237
violated section 4510.14, 4510.16, or 4511.203 of the Revised 5238
Code, or a municipal ordinance that is substantially equivalent to 5239
any of those sections is dismissed for any reason, the court shall 5240
order that the vehicle seized at the time of the arrest and its 5241
license plates immediately be released to the person. 5242

(D) If a vehicle and its license plates are seized under 5243
division (B)(1) of this section and are not returned or released 5244
to the arrested person pursuant to division (C) of this section, 5245
the vehicle and its license plates shall be retained until the 5246
final disposition of the charge in question. Upon the final 5247

disposition of that charge, the court shall do whichever of the 5248
following is applicable: 5249

(1) If the arrested person is convicted of or pleads guilty 5250
to the violation of section 4510.14, ~~4510.16~~, or 4511.203 of the 5251
Revised Code, or a municipal ordinance that is substantially 5252
equivalent to ~~any either~~ of those sections, or to the violation of 5253
section 4510.16 of the Revised Code or a municipal ordinance that 5254
is substantially equivalent to that section and division (B)(3) of 5255
section 4510.16 or division (B)(2) of section 4510.161 of the 5256
Revised Code applies, the court shall impose sentence upon the 5257
person as provided by law or ordinance and shall order the 5258
immobilization of the vehicle the person was operating at the time 5259
of, or that was involved in, the offense if it is registered in 5260
the arrested person's name and the impoundment of its license 5261
plates under section 4503.233 and section 4510.14, 4510.16, 5262
4510.161, or 4511.203 of the Revised Code or the criminal 5263
forfeiture of the vehicle if it is registered in the arrested 5264
person's name under section 4503.234 and section 4510.14, 4510.16, 5265
4510.161, or 4511.203 of the Revised Code, whichever is 5266
applicable. 5267

(2) If the person violated section 4510.16 of the Revised 5268
Code or a municipal ordinance that is substantially equivalent to 5269
that section and division (B)(2) of section 4510.16 or division 5270
(B)(1) of section 4510.161 applies, the court shall impose 5271
sentence upon the person as provided by law or ordinance and may 5272
order the immobilization of the vehicle the person was operating 5273
at the time of, or that was involved in, the offense if it is 5274
registered in the person's name and the impoundment of its license 5275
plates under section 4503.233 and section 4510.16 or 4510.161 of 5276
the Revised Code. 5277

(3) If the arrested person is found not guilty of the 5278
violation of section 4510.14, 4510.16, or 4511.203 of the Revised 5279

Code, or a municipal ordinance that is substantially equivalent to 5280
any of those sections, the court shall order that the vehicle and 5281
its license plates immediately be released to the arrested person. 5282

~~(3)~~(4) If the charge that the arrested person violated 5283
section 4510.14, 4510.16, or 4511.203 of the Revised Code, or a 5284
municipal ordinance that is substantially equivalent to any of 5285
those sections is dismissed for any reason, the court shall order 5286
that the vehicle and its license plates immediately be released to 5287
the arrested person. 5288

~~(4)~~(5) If the impoundment of the vehicle was not authorized 5289
under this section, the court shall order that the vehicle and its 5290
license plates be returned immediately to the arrested person or, 5291
if the arrested person is not the vehicle owner, to the vehicle 5292
owner and shall order that the state or political subdivision of 5293
the law enforcement agency served by the law enforcement officer 5294
who seized the vehicle pay all expenses and charges incurred in 5295
its removal and storage. 5296

(E) If a vehicle is seized under division (B)(2) of this 5297
section, the time between the seizure of the vehicle and either 5298
its release to the arrested person pursuant to division (C) of 5299
this section or the issuance of an order of immobilization of the 5300
vehicle under section 4503.233 of the Revised Code shall be 5301
credited against the period of immobilization ordered by the 5302
court. 5303

(F)(1) Except as provided in division (D)(4) of this section, 5304
the arrested person may be charged expenses or charges incurred in 5305
the removal and storage of the immobilized vehicle. The court with 5306
jurisdiction over the case, after notice to all interested 5307
parties, including lienholders, and after an opportunity for them 5308
to be heard, if the court finds that the arrested person does not 5309
intend to seek release of the vehicle at the end of the period of 5310
immobilization under section 4503.233 of the Revised Code or that 5311

the arrested person is not or will not be able to pay the expenses
and charges incurred in its removal and storage, may order that
title to the vehicle be transferred, in order of priority, first
into the name of the person or entity that removed it, next into
the name of a lienholder, or lastly into the name of the owner of
the place of storage.

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

If the person or entity that receives title assigns the motor
vehicle to a salvage dealer or scrap metal processing facility,
the person or entity shall send the assigned certificate of title
to the motor vehicle to the clerk of the court of common pleas of
the county in which the salvage dealer or scrap metal processing
facility is located. The person or entity shall mark the face of
the certificate of title with the words "FOR DESTRUCTION" and
shall deliver a photocopy of the certificate of title to the
salvage dealer or scrap metal processing facility for its records.

(2) Whenever a court issues an order under division (F)(1) of
this section, the court also shall order removal of the license

plates from the vehicle and cause them to be sent to the registrar 5344
if they have not already been sent to the registrar. Thereafter, 5345
no further proceedings shall take place under this section or 5346
under section 4503.233 of the Revised Code. 5347

(3) Prior to initiating a proceeding under division (F)(1) of 5348
this section, and upon payment of the fee under division (B) of 5349
section 4505.14, any interested party may cause a search to be 5350
made of the public records of the bureau of motor vehicles or the 5351
clerk of the court of common pleas, to ascertain the identity of 5352
any lienholder of the vehicle. The initiating party shall furnish 5353
this information to the clerk of the court with jurisdiction over 5354
the case, and the clerk shall provide notice to the arrested 5355
person, any lienholder, and any other interested parties listed by 5356
the initiating party, at the last known address supplied by the 5357
initiating party, by certified mail, or, at the option of the 5358
initiating party, by personal service or ordinary mail. 5359

Sec. 4510.54. (A) Except as provided in division (F) of 5360
this section, a person whose driver's or commercial driver's 5361
license has been suspended for life under a class one suspension 5362
or as otherwise provided by law or has been suspended for a period 5363
in excess of fifteen years under a class two suspension may file a 5364
motion with the sentencing court for modification or termination 5365
of the suspension. The person filing the motion shall demonstrate 5366
all of the following: 5367

(1) At least fifteen years have elapsed since the suspension 5368
began. 5369

(2) For the past fifteen years, the person has not been found 5370
guilty of any felony, any offense involving a moving violation 5371
under federal law, the law of this state, or the law of any of its 5372
political subdivisions, or any violation of a suspension under 5373
this chapter or a substantially equivalent municipal ordinance. 5374

(3) The person has proof of financial responsibility, a 5375
policy of liability insurance in effect that meets the minimum 5376
standard set forth in section 4509.51 of the Revised Code, or 5377
proof, to the satisfaction of the registrar of motor vehicles, 5378
that the person is able to respond in damages in an amount at 5379
least equal to the minimum amounts specified in that section. 5380

(4) If the suspension was imposed because the person was 5381
under the influence of alcohol, a drug of abuse, or combination of 5382
them at the time of the offense or because at the time of the 5383
offense the person's whole blood, blood serum or plasma, breath, 5384
or urine contained at least the concentration of alcohol specified 5385
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 5386
Revised Code or at least the concentration of a listed controlled 5387
substance or a listed metabolite of a controlled substance 5388
specified in division (A)(1)(j) of section 4511.19 of the Revised 5389
Code, the person also shall demonstrate all of the following: 5390

(a) The person successfully completed an alcohol, drug, or 5391
alcohol and drug treatment program. 5392

(b) The person has not abused alcohol or other drugs for a 5393
period satisfactory to the court. 5394

(c) For the past fifteen years, the person has not been found 5395
guilty of any alcohol-related or drug-related offense. 5396

(B) Upon receipt of a motion for modification or termination 5397
of the suspension under this section, the court may schedule a 5398
hearing on the motion. The court may deny the motion without a 5399
hearing but shall not grant the motion without a hearing. If the 5400
court denies a motion without a hearing, the court may consider a 5401
subsequent motion filed under this section by that person. If a 5402
court denies the motion after a hearing, the court shall not 5403
consider a subsequent motion for that person. The court shall hear 5404
only one motion filed by a person under this section. If 5405

scheduled, the hearing shall be conducted in open court within
ninety days after the date on which the motion is filed.

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

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

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

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(E) If a court modifies a person's license suspension under 5437
this section and the person subsequently is found guilty of any 5438
moving violation or of any substantially equivalent municipal 5439
ordinance that carries as a possible penalty the suspension of a 5440
person's driver's or commercial driver's license, the court may 5441
reimpose the class one or other lifetime suspension, or the class 5442
two suspension, whichever is applicable. 5443

(F) This section does not apply to any person whose driver's 5444
or commercial driver's license or permit or nonresident operating 5445
privilege has been suspended for life under a class one suspension 5446
imposed under division (B)(3) of section 2903.06 or section 5447
2903.08 of the Revised Code or a class two suspension imposed 5448
under division (C) of section 2903.06 or section 2903.11, 2923.02, 5449
or 2929.02 of the Revised Code. 5450

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 5451
streetcar, or trackless trolley within this state, if, at the time 5452
of the operation, any of the following apply: 5453

(a) The person is under the influence of alcohol, a drug of 5454
abuse, or a combination of them. 5455

(b) The person has a concentration of eight-hundredths of one 5456
per cent or more but less than seventeen-hundredths of one per 5457
cent by weight per unit volume of alcohol in the person's whole 5458
blood. 5459

(c) The person has a concentration of ninety-six-thousandths 5460
of one per cent or more but less than two hundred four-thousandths 5461
of one per cent by weight per unit volume of alcohol in the 5462
person's blood serum or plasma. 5463

(d) The person has a concentration of eight-hundredths of one 5464
gram or more but less than seventeen-hundredths of one gram by 5465
weight of alcohol per two hundred ten liters of the person's 5466

breath. 5467

(e) The person has a concentration of eleven-hundredths of 5468
one gram or more but less than two hundred 5469
thirty-eight-thousandths of one gram by weight of alcohol per one 5470
hundred milliliters of the person's urine. 5471

(f) The person has a concentration of seventeen-hundredths of 5472
one per cent or more by weight per unit volume of alcohol in the 5473
person's whole blood. 5474

(g) The person has a concentration of two hundred 5475
four-thousandths of one per cent or more by weight per unit volume 5476
of alcohol in the person's blood serum or plasma. 5477

(h) The person has a concentration of seventeen-hundredths of 5478
one gram or more by weight of alcohol per two hundred ten liters 5479
of the person's breath. 5480

(i) The person has a concentration of two hundred 5481
thirty-eight-thousandths of one gram or more by weight of alcohol 5482
per one hundred milliliters of the person's urine. 5483

(j) Except as provided in division (K) of this section, the 5484
person has a concentration of any of the following controlled 5485
substances or metabolites of a controlled substance in the 5486
person's whole blood, blood serum or plasma, or urine that equals 5487
or exceeds any of the following: 5488

(i) The person has a concentration of amphetamine in the 5489
person's urine of at least five hundred nanograms of amphetamine 5490
per milliliter of the person's urine or has a concentration of 5491
amphetamine in the person's whole blood or blood serum or plasma 5492
of at least one hundred nanograms of amphetamine per milliliter of 5493
the person's whole blood or blood serum or plasma. 5494

(ii) The person has a concentration of cocaine in the 5495
person's urine of at least one hundred fifty nanograms of cocaine 5496

per milliliter of the person's urine or has a concentration of 5497
cocaine in the person's whole blood or blood serum or plasma of at 5498
least fifty nanograms of cocaine per milliliter of the person's 5499
whole blood or blood serum or plasma. 5500

(iii) The person has a concentration of cocaine metabolite in 5501
the person's urine of at least one hundred fifty nanograms of 5502
cocaine metabolite per milliliter of the person's urine or has a 5503
concentration of cocaine metabolite in the person's whole blood or 5504
blood serum or plasma of at least fifty nanograms of cocaine 5505
metabolite per milliliter of the person's whole blood or blood 5506
serum or plasma. 5507

(iv) The person has a concentration of heroin in the person's 5508
urine of at least two thousand nanograms of heroin per milliliter 5509
of the person's urine or has a concentration of heroin in the 5510
person's whole blood or blood serum or plasma of at least fifty 5511
nanograms of heroin per milliliter of the person's whole blood or 5512
blood serum or plasma. 5513

(v) The person has a concentration of heroin metabolite 5514
(6-monoacetyl morphine) in the person's urine of at least ten 5515
nanograms of heroin metabolite (6-monoacetyl morphine) per 5516
milliliter of the person's urine or has a concentration of heroin 5517
metabolite (6-monoacetyl morphine) in the person's whole blood or 5518
blood serum or plasma of at least ten nanograms of heroin 5519
metabolite (6-monoacetyl morphine) per milliliter of the person's 5520
whole blood or blood serum or plasma. 5521

(vi) The person has a concentration of L.S.D. in the person's 5522
urine of at least twenty-five nanograms of L.S.D. per milliliter 5523
of the person's urine or a concentration of L.S.D. in the person's 5524
whole blood or blood serum or plasma of at least ten nanograms of 5525
L.S.D. per milliliter of the person's whole blood or blood serum 5526
or plasma. 5527

(vii) The person has a concentration of marihuana in the 5528
person's urine of at least ten nanograms of marihuana per 5529
milliliter of the person's urine or has a concentration of 5530
marihuana in the person's whole blood or blood serum or plasma of 5531
at least two nanograms of marihuana per milliliter of the person's 5532
whole blood or blood serum or plasma. 5533

(viii) Either of the following applies: 5534

(I) The person is under the influence of alcohol, a drug of 5535
abuse, or a combination of them, and, as measured by gas 5536
chromatography mass spectrometry, the person has a concentration 5537
of marihuana metabolite in the person's urine of at least fifteen 5538
nanograms of marihuana metabolite per milliliter of the person's 5539
urine or has a concentration of marihuana metabolite in the 5540
person's whole blood or blood serum or plasma of at least five 5541
nanograms of marihuana metabolite per milliliter of the person's 5542
whole blood or blood serum or plasma. 5543

(II) As measured by gas chromatography mass spectrometry, the 5544
person has a concentration of marihuana metabolite in the person's 5545
urine of at least thirty-five nanograms of marihuana metabolite 5546
per milliliter of the person's urine or has a concentration of 5547
marihuana metabolite in the person's whole blood or blood serum or 5548
plasma of at least fifty nanograms of marihuana metabolite per 5549
milliliter of the person's whole blood or blood serum or plasma. 5550

(ix) The person has a concentration of methamphetamine in the 5551
person's urine of at least five hundred nanograms of 5552
methamphetamine per milliliter of the person's urine or has a 5553
concentration of methamphetamine in the person's whole blood or 5554
blood serum or plasma of at least one hundred nanograms of 5555
methamphetamine per milliliter of the person's whole blood or 5556
blood serum or plasma. 5557

(x) The person has a concentration of phencyclidine in the 5558

person's urine of at least twenty-five nanograms of phencyclidine 5559
per milliliter of the person's urine or has a concentration of 5560
phencyclidine in the person's whole blood or blood serum or plasma 5561
of at least ten nanograms of phencyclidine per milliliter of the 5562
person's whole blood or blood serum or plasma. 5563

(2) No person who, within twenty years of the conduct 5564
described in division (A)(2)(a) of this section, previously has 5565
been convicted of or pleaded guilty to a violation of this 5566
division, division (A)(1) or (B) of this section, or a municipal 5567
OVI offense shall do both of the following: 5568

(a) Operate any vehicle, streetcar, or trackless trolley 5569
within this state while under the influence of alcohol, a drug of 5570
abuse, or a combination of them; 5571

(b) Subsequent to being arrested for operating the vehicle, 5572
streetcar, or trackless trolley as described in division (A)(2)(a) 5573
of this section, being asked by a law enforcement officer to 5574
submit to a chemical test or tests under section 4511.191 of the 5575
Revised Code, and being advised by the officer in accordance with 5576
section 4511.192 of the Revised Code of the consequences of the 5577
person's refusal or submission to the test or tests, refuse to 5578
submit to the test or tests. 5579

(B) No person under twenty-one years of age shall operate any 5580
vehicle, streetcar, or trackless trolley within this state, if, at 5581
the time of the operation, any of the following apply: 5582

(1) The person has a concentration of at least two-hundredths 5583
of one per cent but less than eight-hundredths of one per cent by 5584
weight per unit volume of alcohol in the person's whole blood. 5585

(2) The person has a concentration of at least 5586
three-hundredths of one per cent but less than 5587
ninety-six-thousandths of one per cent by weight per unit volume 5588
of alcohol in the person's blood serum or plasma. 5589

(3) The person has a concentration of at least two-hundredths 5590
of one gram but less than eight-hundredths of one gram by weight 5591
of alcohol per two hundred ten liters of the person's breath. 5592

(4) The person has a concentration of at least twenty-eight 5593
one-thousandths of one gram but less than eleven-hundredths of one 5594
gram by weight of alcohol per one hundred milliliters of the 5595
person's urine. 5596

(C) In any proceeding arising out of one incident, a person 5597
may be charged with a violation of division (A)(1)(a) or (A)(2) 5598
and a violation of division (B)(1), (2), or (3) of this section, 5599
but the person may not be convicted of more than one violation of 5600
these divisions. 5601

(D)(1) In any criminal prosecution or juvenile court 5602
proceeding for a violation of division (A) or (B) of this section 5603
or for an equivalent offense, the court may admit evidence on the 5604
concentration of alcohol, drugs of abuse, controlled substances, 5605
metabolites of a controlled substance, or a combination of them in 5606
the defendant's whole blood, blood serum or plasma, breath, urine, 5607
or other bodily substance at the time of the alleged violation as 5608
shown by chemical analysis of the substance withdrawn within three 5609
hours of the time of the alleged violation, when either division 5610
(D)(1)(a) or (b) of this section applies. The three-hour time 5611
limit specified in this division regarding the admission of 5612
evidence does not extend or affect the two-hour time limit 5613
specified in division (A) of section 4511.192 of the Revised Code 5614
as the maximum period of time during which a person may consent to 5615
a chemical test or tests as described in that section. The court 5616
may admit evidence on the concentration of alcohol, drugs of 5617
abuse, or a combination of them as described in this division when 5618
either of the following applies: 5619

(a) A law enforcement officer has obtained from a health care 5620

provider a laboratory report containing the results of any test 5621
administered by the health care provider on its own initiative and 5622
not at the request of a law enforcement officer to determine the 5623
presence or concentration of alcohol, a drug of abuse, or 5624
combination of them in the person's whole blood, blood serum or 5625
plasma, breath, urine, or other bodily substance pursuant to 5626
section 2317.022 of the Revised Code. 5627

~~When a~~ (b) A person submits to a blood, breath, urine, or 5628
other bodily substance test at the request of a law enforcement 5629
officer under section 4511.191 of the Revised Code, ~~only or a~~ 5630
blood or urine sample is obtained pursuant to a search warrant. 5631
Only a physician, a registered nurse, or a qualified technician, 5632
chemist, or phlebotomist shall withdraw a blood sample for the 5633
purpose of determining the alcohol, drug, controlled substance, 5634
metabolite of a controlled substance, or combination content of 5635
the whole blood, blood serum, or blood plasma. This limitation 5636
does not apply to the taking of breath or urine specimens. A 5637
person authorized to withdraw blood under this division may refuse 5638
to withdraw blood under this division, if in that person's 5639
opinion, the physical welfare of the person would be endangered by 5640
the withdrawing of blood. 5641

The bodily substance withdrawn under division (D)(1)(b) of 5642
this section shall be analyzed in accordance with methods approved 5643
by the director of health by an individual possessing a valid 5644
permit issued by the director pursuant to section 3701.143 of the 5645
Revised Code. 5646

(2) In a criminal prosecution or juvenile court proceeding 5647
for a violation of division (A) of this section or for an 5648
equivalent offense, if there was at the time the bodily substance 5649
was withdrawn a concentration of less than the applicable 5650
concentration of alcohol specified in divisions (A)(1)(b), (c), 5651
(d), and (e) of this section or less than the applicable 5652

concentration of a listed controlled substance or a listed
metabolite of a controlled substance specified for a violation of
division (A)(1)(j) 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 If the chemical test was obtained pursuant to division
(D)(1)(b) of this section, 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, a controlled
substance, or a metabolite of a controlled substance 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,
the court shall admit the testimony or evidence and the trier of
fact shall give it whatever weight the trier of fact considers to
be appropriate.

(c) Division (D)(4)(b) of this section does not limit or
preclude a court, in its determination of whether the arrest of a
person was supported by probable cause or its determination of any
other matter in a criminal prosecution or juvenile court
proceeding of a type described in that division, from considering

evidence or testimony that is not otherwise disallowed by division 5715
(D)(4)(b) of this section. 5716

(E)(1) Subject to division (E)(3) of this section, in any 5717
criminal prosecution or juvenile court proceeding for a violation 5718
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 5719
or (B)(1), (2), (3), or (4) of this section or for an equivalent 5720
offense that is substantially equivalent to any of those 5721
divisions, a laboratory report obtained pursuant to section 5722
2317.022 of the Revised Code or from any laboratory personnel 5723
issued a permit by the department of health authorizing an 5724
analysis as described in this division that contains an analysis 5725
of the whole blood, blood serum or plasma, breath, urine, or other 5726
bodily substance tested and that contains all of the information 5727
specified in this division shall be admitted as prima-facie 5728
evidence of the information and statements that the report 5729
contains. The laboratory report shall contain all of the 5730
following: 5731

(a) The signature, under oath, of any person who performed 5732
the analysis; 5733

(b) Any findings as to the identity and quantity of alcohol, 5734
a drug of abuse, a controlled substance, a metabolite of a 5735
controlled substance, or a combination of them that was found; 5736

(c) A copy of a notarized statement by the laboratory 5737
director or a designee of the director that contains the name of 5738
each ~~certified~~ analyst or test performer involved with the report, 5739
the analyst's or test performer's employment relationship with the 5740
laboratory that issued the report, and a notation that performing 5741
an analysis of the type involved is part of the analyst's or test 5742
performer's regular duties; 5743

(d) An outline of the analyst's or test performer's 5744
education, training, and experience in performing the type of 5745

analysis involved and a certification that the laboratory 5746
satisfies appropriate quality control standards ~~in general and, in~~ 5747
~~this particular analysis, under rules of the department of health.~~ 5748

(2) Notwithstanding any other provision of law regarding the 5749
admission of evidence, a report of the type described in division 5750
(E)(1) of this section is not admissible against the defendant to 5751
whom it pertains in any proceeding, other than a preliminary 5752
hearing or a grand jury proceeding, unless the prosecutor has 5753
served a copy of the report on the defendant's attorney or, if the 5754
defendant has no attorney, on the defendant. 5755

(3) A report of the type described in division (E)(1) of this 5756
section shall not be prima-facie evidence of the contents, 5757
identity, or amount of any substance if, within seven days after 5758
the defendant to whom the report pertains or the defendant's 5759
attorney receives a copy of the report, the defendant or the 5760
defendant's attorney demands the testimony of the person who 5761
signed the report. The judge in the case may extend the seven-day 5762
time limit in the interest of justice. 5763

(F) Except as otherwise provided in this division, any 5764
physician, registered nurse, or qualified technician, chemist, or 5765
phlebotomist who withdraws blood from a person pursuant to this 5766
section, and any hospital, first-aid station, or clinic at which 5767
blood is withdrawn from a person pursuant to this section, is 5768
immune from criminal liability and civil liability based upon a 5769
claim of assault and battery or any other claim that is not a 5770
claim of malpractice, for any act performed in withdrawing blood 5771
from the person. The immunity provided in this division is not 5772
available to a person who withdraws blood if the person engages in 5773
willful or wanton misconduct. 5774

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 5775
to (i) or (A)(2) of this section is guilty of operating a vehicle 5776

under the influence of alcohol, a drug of abuse, or a combination 5777
of them. Whoever violates division (A)(1)(j) of this section is 5778
guilty of operating a vehicle while under the influence of a 5779
listed controlled substance or a listed metabolite of a controlled 5780
substance. The court shall sentence the offender for either 5781
offense under Chapter 2929. of the Revised Code, except as 5782
otherwise authorized or required by divisions (G)(1)(a) to (e) of 5783
this section: 5784

(a) Except as otherwise provided in division (G)(1)(b), (c), 5785
(d), or (e) of this section, the offender is guilty of a 5786
misdemeanor of the first degree, and the court shall sentence the 5787
offender to all of the following: 5788

(i) If the sentence is being imposed for a violation of 5789
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 5790
mandatory jail term of three consecutive days. As used in this 5791
division, three consecutive days means seventy-two consecutive 5792
hours. The court may sentence an offender to both an intervention 5793
program and a jail term. The court may impose a jail term in 5794
addition to the three-day mandatory jail term or intervention 5795
program. However, in no case shall the cumulative jail term 5796
imposed for the offense exceed six months. 5797

The court may suspend the execution of the three-day jail 5798
term under this division if the court, in lieu of that suspended 5799
term, places the offender under a community control sanction 5800
pursuant to section 2929.25 of the Revised Code and requires the 5801
offender to attend, for three consecutive days, a drivers' 5802
intervention program certified under section 3793.10 of the 5803
Revised Code. The court also may suspend the execution of any part 5804
of the three-day jail term under this division if it places the 5805
offender under a community control sanction pursuant to section 5806
2929.25 of the Revised Code for part of the three days, requires 5807
the offender to attend for the suspended part of the term a 5808

drivers' intervention program so certified, and sentences the
offender to a jail term equal to the remainder of the three
consecutive days that the offender does not spend attending the
program. The court may require the offender, as a condition of
community control and in addition to the required attendance at a
drivers' intervention program, 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 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 on the offender any other conditions of community control
that it considers necessary.

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

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

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

(i) If the sentence is being imposed for a violation of
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a
mandatory jail term of ten consecutive days. The court shall
impose the ten-day mandatory jail term under this division unless,
subject to division (G)(3) of this section, it instead imposes a
sentence under that division consisting of both a jail term and a
term of house arrest with electronic monitoring, with continuous
alcohol monitoring, or with both electronic monitoring and

continuous alcohol monitoring. The court may impose a jail term in 5872
addition to the ten-day mandatory jail term. The cumulative jail 5873
term imposed for the offense shall not exceed six months. 5874

In addition to the jail term or the term of house arrest with 5875
electronic monitoring or continuous alcohol monitoring or both 5876
types of monitoring and jail term, the court may require the 5877
offender to attend a drivers' intervention program that is 5878
certified pursuant to section 3793.10 of the Revised Code. If the 5879
operator of the program determines that the offender is alcohol 5880
dependent, the program shall notify the court, and, subject to 5881
division (I) of this section, the court shall order the offender 5882
to obtain treatment through an alcohol and drug addiction program 5883
authorized by section 3793.02 of the Revised Code. 5884

(ii) If the sentence is being imposed for a violation of 5885
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5886
section, except as otherwise provided in this division, a 5887
mandatory jail term of twenty consecutive days. The court shall 5888
impose the twenty-day mandatory jail term under this division 5889
unless, subject to division (G)(3) of this section, it instead 5890
imposes a sentence under that division consisting of both a jail 5891
term and a term of house arrest with electronic monitoring, with 5892
continuous alcohol monitoring, or with both electronic monitoring 5893
and continuous alcohol monitoring. The court may impose a jail 5894
term in addition to the twenty-day mandatory jail term. The 5895
cumulative jail term imposed for the offense shall not exceed six 5896
months. 5897

In addition to the jail term or the term of house arrest with 5898
electronic monitoring or continuous alcohol monitoring or both 5899
types of monitoring and jail term, the court may require the 5900
offender to attend a driver's intervention program that is 5901
certified pursuant to section 3793.10 of the Revised Code. If the 5902
operator of the program determines that the offender is alcohol 5903

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

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

(iv) In all cases, a class four 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)(4) of
section 4510.02 of the Revised Code. The court may grant limited
driving privileges relative to the suspension under sections
4510.021 and 4510.13 of the Revised Code.

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

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

(i) If the sentence is being imposed for a violation of
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a
mandatory jail term of thirty consecutive days. The court shall
impose the thirty-day mandatory jail term under this division
unless, subject to division (G)(3) of this section, it instead
imposes a sentence under that division consisting of both a jail

term and a term of house arrest with electronic monitoring, with
continuous alcohol monitoring, or with both electronic monitoring
and continuous alcohol monitoring. The court may impose a jail
term in addition to the thirty-day mandatory jail term.
Notwithstanding the jail terms set forth in sections 2929.21 to
2929.28 of the Revised Code, the additional jail term shall not
exceed one year, and the cumulative jail term imposed for the
offense shall not exceed one year.

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

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

(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. The court may grant limited
driving privileges relative to the suspension under sections
4510.021 and 4510.13 of the Revised Code.

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

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

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four 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:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) 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
that shall be not less than six months and not more than thirty
months and the prison terms shall be imposed as described in
division (G)(2) of section 2929.13 of the Revised Code. If the
court imposes a mandatory prison term or mandatory prison term and
additional prison term, in addition to the term or terms so
imposed, the court also may sentence the offender to a community
control sanction for the offense, but the offender shall serve all
of the prison terms so imposed prior to serving the community
control sanction.

(ii) If the sentence is being imposed for a violation of
division (A)(1)(f), (g), (h), or (i) or division (A)(2) 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 one hundred twenty consecutive days in accordance
with division (G)(1) of section 2929.13 of the Revised Code or a
mandatory prison term of one hundred twenty 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 one
hundred twenty-day mandatory term, the cumulative total of the

mandatory term and the jail term for the offense shall not exceed 6031
one year, and, except as provided in division (A)(1) of section 6032
2929.13 of the Revised Code, no prison term is authorized for the 6033
offense. If the court imposes a mandatory prison term, 6034
notwithstanding division (A)(4) of section 2929.14 of the Revised 6035
Code, it also may sentence the offender to a definite prison term 6036
that shall be not less than six months and not more than thirty 6037
months and the prison terms shall be imposed as described in 6038
division (G)(2) of section 2929.13 of the Revised Code. If the 6039
court imposes a mandatory prison term or mandatory prison term and 6040
additional prison term, in addition to the term or terms so 6041
imposed, the court also may sentence the offender to a community 6042
control sanction for the offense, but the offender shall serve all 6043
of the prison terms so imposed prior to serving the community 6044
control sanction. 6045

(iii) In all cases, notwithstanding section 2929.18 of the 6046
Revised Code, a fine of not less than eight hundred nor more than 6047
ten thousand dollars; 6048

(iv) In all cases, a class two license suspension of the 6049
offender's driver's license, commercial driver's license, 6050
temporary instruction permit, probationary license, or nonresident 6051
operating privilege from the range specified in division (A)(2) of 6052
section 4510.02 of the Revised Code. The court may grant limited 6053
driving privileges relative to the suspension under sections 6054
4510.021 and 4510.13 of the Revised Code. 6055

(v) In all cases, if the vehicle is registered in the 6056
offender's name, criminal forfeiture of the vehicle involved in 6057
the offense in accordance with section 4503.234 of the Revised 6058
Code. Division (G)(6) of this section applies regarding any 6059
vehicle that is subject to an order of criminal forfeiture under 6060
this division. 6061

(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.

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

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

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) 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 a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall

serve all of the prison terms so imposed prior to serving the
community control sanction.

(ii) If the sentence is being imposed for a violation of
division (A)(1)(f), (g), (h), or (i) or division (A)(2) 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 a mandatory
prison term of one hundred twenty consecutive days in accordance
with division (G)(2) of section 2929.13 of the Revised Code if the
offender is not convicted of and does not plead guilty to a
specification of that type. The court may impose a prison term in
addition to the mandatory prison term. The cumulative total of a
one hundred twenty-day mandatory prison term and the additional
prison term for the offense shall not exceed five years. In
addition to the mandatory prison term or mandatory prison term and
additional prison term the court imposes, the court also may
sentence the offender to a community control sanction for the
offense, but the offender shall serve all of the prison terms so
imposed prior to serving the community control sanction.

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

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

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

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

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

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

As an alternative to a mandatory jail term of ten consecutive
days required by division (G)(1)(b)(i) of this section, the court,
under this division, may sentence the offender to five consecutive
days in jail and not less than eighteen consecutive days of house

arrest with electronic monitoring, with continuous alcohol
monitoring, or with both electronic monitoring and continuous
alcohol monitoring. The cumulative total of the five consecutive
days in jail and the period of house arrest with electronic
monitoring, continuous alcohol monitoring, or both types of
monitoring shall not exceed six months. The five consecutive days
in jail do not have to be served prior to or consecutively to the
period of house arrest.

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

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

As an alternative to the mandatory jail term of sixty 6188
consecutive days required by division (G)(1)(c)(ii) of this 6189
section, the court, under this division, may sentence the offender 6190
to thirty consecutive days in jail and not less than one hundred 6191
ten consecutive days of house arrest with electronic monitoring, 6192
with continuous alcohol monitoring, or with both electronic 6193
monitoring and continuous alcohol monitoring. The cumulative total 6194
of the thirty consecutive days in jail and the period of house 6195
arrest with electronic monitoring, continuous alcohol monitoring, 6196
or both types of monitoring shall not exceed one year. The thirty 6197
consecutive days in jail do not have to be served prior to or 6198
consecutively to the period of house arrest. 6199

(4) If an offender's driver's or occupational driver's 6200
license or permit or nonresident operating privilege is suspended 6201
under division (G) of this section and if section 4510.13 of the 6202
Revised Code permits the court to grant limited driving 6203
privileges, the court may grant the limited driving privileges in 6204
accordance with that section. If division (A)(7) of that section 6205
requires that the court impose as a condition of the privileges 6206
that the offender must display on the vehicle that is driven 6207
subject to the privileges restricted license plates that are 6208
issued under section 4503.231 of the Revised Code, except as 6209
provided in division (B) of that section, the court shall impose 6210
that condition as one of the conditions of the limited driving 6211
privileges granted to the offender, except as provided in division 6212
(B) of section 4503.231 of the Revised Code. 6213

(5) Fines imposed under this section for a violation of 6214
division (A) of this section shall be distributed as follows: 6215

(a) Twenty-five dollars of the fine imposed under division 6216
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 6217
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 6218
fine imposed under division (G)(1)(c)(iii), and two hundred ten 6219

dollars of the fine imposed under division (G)(1)(d)(iii) or 6220
(e)(iii) of this section shall be paid to an enforcement and 6221
education fund established by the legislative authority of the law 6222
enforcement agency in this state that primarily was responsible 6223
for the arrest of the offender, as determined by the court that 6224
imposes the fine. The agency shall use this share to pay only 6225
those costs it incurs in enforcing this section or a municipal OVI 6226
ordinance and in informing the public of the laws governing the 6227
operation of a vehicle while under the influence of alcohol, the 6228
dangers of the operation of a vehicle under the influence of 6229
alcohol, and other information relating to the operation of a 6230
vehicle under the influence of alcohol and the consumption of 6231
alcoholic beverages. 6232

(b) Fifty dollars of the fine imposed under division 6233
(G)(1)(a)(iii) of this section shall be paid to the political 6234
subdivision that pays the cost of housing the offender during the 6235
offender's term of incarceration. If the offender is being 6236
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 6237
(e), or (j) of this section and was confined as a result of the 6238
offense prior to being sentenced for the offense but is not 6239
sentenced to a term of incarceration, the fifty dollars shall be 6240
paid to the political subdivision that paid the cost of housing 6241
the offender during that period of confinement. The political 6242
subdivision shall use the share under this division to pay or 6243
reimburse incarceration or treatment costs it incurs in housing or 6244
providing drug and alcohol treatment to persons who violate this 6245
section or a municipal OVI ordinance, costs of any immobilizing or 6246
disabling device used on the offender's vehicle, and costs of 6247
electronic house arrest equipment needed for persons who violate 6248
this section. 6249

(c) Twenty-five dollars of the fine imposed under division 6250
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 6251

division (G)(1)(b)(iii) of this section shall be deposited into 6252
the county or municipal indigent drivers' alcohol treatment fund 6253
under the control of that court, as created by the county or 6254
municipal corporation under division (N) of section 4511.191 of 6255
the Revised Code. 6256

(d) One hundred fifteen dollars of the fine imposed under 6257
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 6258
fine imposed under division (G)(1)(c)(iii), and four hundred forty 6259
dollars of the fine imposed under division (G)(1)(d)(iii) or 6260
(e)(iii) of this section shall be paid to the political 6261
subdivision that pays the cost of housing the offender during the 6262
offender's term of incarceration. The political subdivision shall 6263
use this share to pay or reimburse incarceration or treatment 6264
costs it incurs in housing or providing drug and alcohol treatment 6265
to persons who violate this section or a municipal OVI ordinance, 6266
costs for any immobilizing or disabling device used on the 6267
offender's vehicle, and costs of electronic house arrest equipment 6268
needed for persons who violate this section. 6269

(e) The balance of the fine imposed under division 6270
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 6271
section shall be disbursed as otherwise provided by law. 6272

(6) If title to a motor vehicle that is subject to an order 6273
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 6274
this section is assigned or transferred and division (B)(2) or (3) 6275
of section 4503.234 of the Revised Code applies, in addition to or 6276
independent of any other penalty established by law, the court may 6277
fine the offender the value of the vehicle as determined by 6278
publications of the national auto dealers association. The 6279
proceeds of any fine so imposed shall be distributed in accordance 6280
with division (C)(2) of that section. 6281

(7) As used in division (G) of this section, "electronic 6282

monitoring," "mandatory prison term," and "mandatory term of local
incarceration" have the same meanings as in section 2929.01 of the
Revised Code.

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

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

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

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

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

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

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

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

(K) Division (A)(1)(j) of this section does not apply to a
person who operates a vehicle, streetcar, or trackless trolley
while the person has a concentration of a listed controlled
substance or a listed metabolite of a controlled substance in the
person's whole blood, blood serum or plasma, or urine that equals
or exceeds the amount specified in that division, if both of the
following apply:

(1) The person obtained the controlled substance pursuant to
a prescription issued by a licensed health professional authorized
to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled
substance in accordance with the health professional's directions.

(L) The prohibited concentrations of a controlled substance
or a metabolite of a controlled substance listed in division

(A)(1)(j) of this section also apply in a prosecution of a
violation of division (D) of section 2923.16 of the Revised Code
in the same manner as if the offender is being prosecuted for a
prohibited concentration of alcohol.

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

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

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

Section 2. That existing sections 2743.51, 2743.56, 2903.06,
2903.08, 2903.11, 2909.32, 2909.33, 2909.34, 2923.02, 2929.01,
2929.02, 2929.13, 2929.14, 2929.18, 2929.19, 2945.75, 2953.08,
4503.233, 4503.234, 4507.02, 4507.08, 4507.164, 4510.10, 4510.13,
4510.16, 4510.161, 4510.41, 4510.54, and 4511.19 of the Revised
Code are hereby repealed.

Section 3. That Section 6 of Am. Sub. S.B. 238 of the 126th
General Assembly be amended to read as follows:

Sec. 6. (A) There is hereby created the Task Force on
Implementing the Federal Domestic Violence Option in the Ohio

Works First Program. The Task Force shall consist of the following 6374
members: 6375

(1) Three members of the Senate, to be appointed by the 6376
President of the Senate, not more than two of whom shall belong to 6377
the same political party as the President of the Senate; 6378

(2) Three members of the House of Representatives, to be 6379
appointed by the Speaker of the House of Representatives, not more 6380
than two of whom shall belong to the same political party as the 6381
Speaker of the House of Representatives. 6382

(3) The Director of Job and Family Services, or the 6383
Director's designee; 6384

(4) The following individuals, to be appointed by the 6385
Governor: 6386

(a) Two individuals representing the Ohio Empowerment 6387
Coalition; 6388

(b) Two individuals representing domestic violence prevention 6389
organizations; 6390

(c) One individual who has been a victim of domestic 6391
violence; 6392

(d) One individual from a county department of job and family 6393
services; 6394

(e) One county prosecuting attorney. 6395

Initial appointments to the Task Force shall be made not 6396
later than forty-five days after the effective date of this 6397
section. Vacancies shall be filled in the manner provided for 6398
initial appointments. 6399

(B) The Task Force shall convene for its first meeting not 6400
later than ninety days after the effective date of this section. 6401
The Task Force shall organize by electing a chairperson from among 6402

its members. A majority of the members constitutes a quorum for
the conduct of meetings and transaction of business.

(C) The Task Force shall do all of the following:

(1) Study issues surrounding the implementation of the
federal domestic violence option as an exemption to the work and
time limit requirements for benefits under the Ohio Works First
program, as authorized by the "Personal Responsibility and Work
Opportunity Reconciliation Act of 1996," 100 Stat. 2105, 42 U.S.C.
602(A)(7);

(2) Assess the current status of domestic violence services
in each county, including counseling and screening;

(3) Review the application and implementation of the federal
domestic violence option in other states;

(4) Conduct public meetings in different parts of the state
throughout its existence.

(D) Not later than ~~December 31, 2006~~ March 31, 2007, the Task
Force shall prepare and submit a report to the Governor, the
President and Minority Leader of the Senate, and the Speaker and
Minority Leader of the House of Representatives. The report shall
include recommendations on how to implement the federal domestic
violence option within the Ohio Works First Program. On submission
of the report, the Task Force shall cease to exist.

Section 4. That existing Section 6 of Am. Sub. S.B. 238 of
the 126th General Assembly is hereby repealed.

Section 5. (A) Section 2903.08 of the Revised Code is
presented in this act as a composite of the section as amended by
both Sub. H.B. 52 and Am. Sub. H.B. 163 of the 125th General
Assembly. The General Assembly, applying the principle stated in
division (B) of section 1.52 of the Revised Code that amendments
are to be harmonized if reasonably capable of simultaneous

operation, finds that the composite is the resulting version of 6433
the section in effect prior to the effective date of the section 6434
as presented in this act. 6435

(B) Section 2929.01 of the Revised Code is presented in this 6436
act as a composite of the section as amended by both Am. Sub. H.B. 6437
95 and Am. Sub. H.B. 162 of the 126th General Assembly. The 6438
General Assembly, applying the principle stated in division (B) of 6439
section 1.52 of the Revised Code that amendments are to be 6440
harmonized if reasonably capable of simultaneous operation, finds 6441
that the composite is the resulting version of the section in 6442
effect prior to the effective date of the section as presented in 6443
this act. 6444