

As Reported by the House Judiciary Committee

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 154

Representative Wolpert

Cosponsors: Representatives Collier, Stebelton

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A B I L L

To amend sections 109.42, 109.572, 109.60, 120.03, 1
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5104.09, 5123.081, 5126.28, 5309.54, 5321.05,	42
5502.61, and 5503.04; to amend, for the purpose of	43
adopting a new section number as indicated in	44
parentheses, section 1905.29 (737.34); to enact	45
sections 1905.41, 1905.42, 1905.43, 1905.44,	46
1905.45, 1905.46, 1905.48, 1905.49, 1905.50,	47
1905.51, 1905.52, 1905.53, 1905.54, 1905.55,	48
1905.56, and 1905.57; to repeal sections 1905.01,	49
1905.02, 1905.03, 1905.031, 1905.032, 1905.033,	50
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1905.201, 1905.21, 1905.22, 1905.23, 1905.24,	52
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1905.32, 1905.34, 1905.35, 1905.36, 1905.37,	54
2933.07, 2933.08, and 2933.09 of the Revised Code	55
to abolish mayor's courts and to create community	56

courts, to convert three part-time municipal court 57
judgeships into full-time judgeships, and to 58
modify the compensation of municipal court judges 59
in territories having a population of more than 60
50,000. 61
62

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

Section 1. That sections 109.42, 109.572, 109.60, 120.03, 63
120.14, 120.15, 120.16, 120.18, 120.24, 120.25, 120.26, 120.28, 64
120.33, 120.36, 141.04, 309.08, 341.23, 341.33, 503.44, 503.46, 65
504.04, 504.05, 504.06, 504.08, 504.15, 705.14, 705.55, 733.40, 66
733.44, 733.51, 733.52, 743.14, 753.02, 753.021, 753.04, 753.08, 67
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1923.02, 1923.10, 2152.021, 2152.03, 2152.16, 2152.18, 2152.21, 70
2152.41, 2325.15, 2335.06, 2335.08, 2335.09, 2743.51, 2743.60, 71
2743.70, 2901.01, 2903.04, 2903.06, 2903.08, 2903.212, 2903.213, 72
2903.214, 2907.24, 2907.27, 2907.28, 2907.41, 2913.01, 2915.01, 73
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2945.17, 2947.23, 2949.02, 2950.01, 2951.01, 2951.041, 2953.02, 79
2953.03, 2953.07, 2953.09, 2953.31, 2953.36, 3113.31, 3301.88, 80
3313.662, 3319.20, 3319.31, 3327.10, 3345.23, 3375.50, 3375.51, 81
3397.41, 3397.43, 4112.02, 4113.52, 4301.252, 4501.11, 4503.13, 82
4503.233, 4503.234, 4506.07, 4506.15, 4506.18, 4507.02, 4507.06, 83
4507.091, 4507.164, 4509.33, 4509.35, 4510.01, 4510.03, 4510.031, 84
4510.032, 4510.034, 4510.036, 4510.038, 4510.04, 4510.05, 4510.07, 85
4510.11, 4510.12, 4510.13, 4510.14, 4510.15, 4510.16, 4510.161, 86

4510.17, 4510.22, 4510.31, 4510.41, 4510.43, 4510.53, 4510.54, 87
4511.01, 4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 88
4511.194, 4511.195, 4511.196, 4511.197, 4511.203, 4511.211, 89
4511.512, 4511.63, 4511.69, 4511.75, 4511.76, 4511.761, 4511.762, 90
4511.764, 4511.77, 4511.79, 4511.81, 4513.263, 4513.35, 4513.37, 91
4521.01, 4549.17, 4730.31, 4731.223, 4760.15, 4762.15, 4999.06, 92
5104.09, 5123.081, 5126.28, 5309.54, 5321.05, 5502.61, and 5503.04 93
be amended, section 1905.29 (737.34) be amended for the purpose of 94
adopting a new section number as indicated in parentheses, and 95
sections 1905.41, 1905.42, 1905.43, 1905.44, 1905.45, 1905.46, 96
1905.48, 1905.49, 1905.50, 1905.51, 1905.52, 1905.53, 1905.54, 97
1905.55, 1905.56, and 1905.57 of the Revised Code be enacted to 98
read as follows: 99

Sec. 109.42. (A) The attorney general shall prepare and have 100
printed a pamphlet that contains a compilation of all statutes 101
relative to victim's rights in which the attorney general lists 102
and explains the statutes in the form of a victim's bill of 103
rights. The attorney general shall distribute the pamphlet to all 104
sheriffs, marshals, municipal corporation and township police 105
departments, constables, and other law enforcement agencies, to 106
all prosecuting attorneys, city directors of law, village 107
solicitors, and other similar chief legal officers of municipal 108
corporations, and to organizations that represent or provide 109
services for victims of crime. The victim's bill of rights set 110
forth in the pamphlet shall contain a description of all of the 111
rights of victims that are provided for in Chapter 2930. or in any 112
other section of the Revised Code and shall include, but not be 113
limited to, all of the following: 114

(1) The right of a victim or a victim's representative to 115
attend a proceeding before a grand jury, in a juvenile case, or in 116
a criminal case pursuant to a subpoena without being discharged 117
from the victim's or representative's employment, having the 118

victim's or representative's employment terminated, having the 119
victim's or representative's pay decreased or withheld, or 120
otherwise being punished, penalized, or threatened as a result of 121
time lost from regular employment because of the victim's or 122
representative's attendance at the proceeding pursuant to the 123
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 124
2945.451 of the Revised Code; 125

(2) The potential availability pursuant to section 2151.359 126
or 2152.61 of the Revised Code of a forfeited recognizance to pay 127
damages caused by a child when the delinquency of the child or 128
child's violation of probation or community control is found to be 129
proximately caused by the failure of the child's parent or 130
guardian to subject the child to reasonable parental authority or 131
to faithfully discharge the conditions of probation or community 132
control; 133

(3) The availability of awards of reparations pursuant to 134
sections 2743.51 to 2743.72 of the Revised Code for injuries 135
caused by criminal offenses; 136

(4) The right of the victim in certain criminal or juvenile 137
cases or a victim's representative to receive, pursuant to section 138
2930.06 of the Revised Code, notice of the date, time, and place 139
of the trial or delinquency proceeding in the case or, if there 140
will not be a trial or delinquency proceeding, information from 141
the prosecutor, as defined in section 2930.01 of the Revised Code, 142
regarding the disposition of the case; 143

(5) The right of the victim in certain criminal or juvenile 144
cases or a victim's representative to receive, pursuant to section 145
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 146
name of the person charged with the violation, the case or docket 147
number assigned to the charge, and a telephone number or numbers 148
that can be called to obtain information about the disposition of 149
the case; 150

(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;

(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;

(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or early release of the person who committed the offense against the victim, to make an oral or written statement at the court hearing on the motion, and to be notified of the court's decision on the motion;

(9) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to section 2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

(10) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money

from the offender's profit fund;	183
(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;	184 185 186 187 188 189
(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;	190 191 192 193
(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;	194 195 196
(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;	197 198 199 200 201 202 203 204 205 206
(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance <u>or township resolution</u> , or an offense of violence who is a family or household member of the offender at	207 208 209 210 211 212 213

the time of the offense to seek the issuance of a temporary 214
protection order pursuant to section 2919.26 of the Revised Code, 215
and the right of both types of victims to be accompanied by a 216
victim advocate during court proceedings; 217

(16) The right of a victim of a sexually oriented offense or 218
of a child-victim oriented offense that is committed by a person 219
who is convicted of, pleads guilty to, or is adjudicated a 220
delinquent child for committing the offense and who is in a 221
category specified in division (B) of section 2950.10 of the 222
Revised Code to receive, pursuant to that section, notice that the 223
person has registered with a sheriff under section 2950.04, 224
2950.041, or 2950.05 of the Revised Code and notice of the 225
person's name, the person's residence that is registered, and the 226
offender's school, institution of higher education, or place of 227
employment address or addresses that are registered, the person's 228
photograph, and a summary of the manner in which the victim must 229
make a request to receive the notice. As used in this division, 230
"sexually oriented offense" and "child-victim oriented offense" 231
have the same meanings as in section 2950.01 of the Revised Code. 232

(17) The right of a victim of certain sexually violent 233
offenses committed by an offender who also is convicted of or 234
pleads guilty to a sexually violent predator specification and who 235
is sentenced to a prison term pursuant to division (A)(3) of 236
section 2971.03 of the Revised Code, of a victim of a violation of 237
division (A)(1)(b) of section 2907.02 of the Revised Code 238
committed on or after January 2, 2007, by an offender who is 239
sentenced for the violation pursuant to division (B)(1)(a), (b), 240
or (c) of section 2971.03 of the Revised Code, of a victim of an 241
attempted rape committed on or after January 2, 2007, by an 242
offender who also is convicted of or pleads guilty to a 243
specification of the type described in section 2941.1418, 244
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 245

the violation pursuant to division (B)(2)(a), (b), or (c) of 246
section 2971.03 of the Revised Code, and of a victim of an offense 247
that is described in division (B)(3)(a), (b), (c), or (d) of 248
section 2971.03 of the Revised Code and is committed by an 249
offender who is sentenced pursuant to one of those divisions to 250
receive, pursuant to section 2930.16 of the Revised Code, notice 251
of a hearing to determine whether to modify the requirement that 252
the offender serve the entire prison term in a state correctional 253
facility, whether to continue, revise, or revoke any existing 254
modification of that requirement, or whether to terminate the 255
prison term. As used in this division, "sexually violent offense" 256
and "sexually violent predator specification" have the same 257
meanings as in section 2971.01 of the Revised Code. 258

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 259
prosecuting attorney, assistant prosecuting attorney, city 260
director of law, assistant city director of law, village 261
solicitor, assistant village solicitor, or similar chief legal 262
officer of a municipal corporation or an assistant of any of those 263
officers who prosecutes an offense committed in this state, upon 264
first contact with the victim of the offense, the victim's family, 265
or the victim's dependents, shall give the victim, the victim's 266
family, or the victim's dependents a copy of the pamphlet prepared 267
pursuant to division (A) of this section and explain, upon 268
request, the information in the pamphlet to the victim, the 269
victim's family, or the victim's dependents. 270

(b) Subject to division (B)(1)(c) of this section, a law 271
enforcement agency that investigates an offense or delinquent act 272
committed in this state shall give the victim of the offense or 273
delinquent act, the victim's family, or the victim's dependents a 274
copy of the pamphlet prepared pursuant to division (A) of this 275
section at one of the following times: 276

(i) Upon first contact with the victim, the victim's family, 277

or the victim's dependents; 278

(ii) If the offense or delinquent act is an offense of 279
violence, if the circumstances of the offense or delinquent act 280
and the condition of the victim, the victim's family, or the 281
victim's dependents indicate that the victim, the victim's family, 282
or the victim's dependents will not be able to understand the 283
significance of the pamphlet upon first contact with the agency, 284
and if the agency anticipates that it will have an additional 285
contact with the victim, the victim's family, or the victim's 286
dependents, upon the agency's second contact with the victim, the 287
victim's family, or the victim's dependents. 288

If the agency does not give the victim, the victim's family, 289
or the victim's dependents a copy of the pamphlet upon first 290
contact with them and does not have a second contact with the 291
victim, the victim's family, or the victim's dependents, the 292
agency shall mail a copy of the pamphlet to the victim, the 293
victim's family, or the victim's dependents at their last known 294
address. 295

(c) In complying on and after December 9, 1994, with the 296
duties imposed by division (B)(1)(a) or (b) of this section, an 297
official or a law enforcement agency shall use copies of the 298
pamphlet that are in the official's or agency's possession on 299
December 9, 1994, until the official or agency has distributed all 300
of those copies. After the official or agency has distributed all 301
of those copies, the official or agency shall use only copies of 302
the pamphlet that contain at least the information described in 303
divisions (A)(1) to (17) of this section. 304

(2) The failure of a law enforcement agency or of a 305
prosecuting attorney, assistant prosecuting attorney, city 306
director of law, assistant city director of law, village 307
solicitor, assistant village solicitor, or similar chief legal 308
officer of a municipal corporation or an assistant to any of those 309

officers to give, as required by division (B)(1) of this section, 310
the victim of an offense or delinquent act, the victim's family, 311
or the victim's dependents a copy of the pamphlet prepared 312
pursuant to division (A) of this section does not give the victim, 313
the victim's family, the victim's dependents, or a victim's 314
representative any rights under section 2743.51 to 2743.72, 315
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 316
Revised Code or under any other provision of the Revised Code and 317
does not affect any right under those sections. 318

(3) A law enforcement agency, a prosecuting attorney or 319
assistant prosecuting attorney, or a city director of law, 320
assistant city director of law, village solicitor, assistant 321
village solicitor, or similar chief legal officer of a municipal 322
corporation that distributes a copy of the pamphlet prepared 323
pursuant to division (A) of this section shall not be required to 324
distribute a copy of an information card or other printed material 325
provided by the clerk of the court of claims pursuant to section 326
2743.71 of the Revised Code. 327

(C) The cost of printing and distributing the pamphlet 328
prepared pursuant to division (A) of this section shall be paid 329
out of the reparations fund, created pursuant to section 2743.191 330
of the Revised Code, in accordance with division (D) of that 331
section. 332

(D) As used in this section: 333

(1) "Victim's representative" has the same meaning as in 334
section 2930.01 of the Revised Code; 335

(2) "Victim advocate" has the same meaning as in section 336
2919.26 of the Revised Code. 337

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 338
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 339

of the Revised Code, a completed form prescribed pursuant to 340
division (C)(1) of this section, and a set of fingerprint 341
impressions obtained in the manner described in division (C)(2) of 342
this section, the superintendent of the bureau of criminal 343
identification and investigation shall conduct a criminal records 344
check in the manner described in division (B) of this section to 345
determine whether any information exists that indicates that the 346
person who is the subject of the request previously has been 347
convicted of or pleaded guilty to any of the following: 348

(a) A violation of section 2903.01, 2903.02, 2903.03, 349
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 350
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 351
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 352
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 353
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 354
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 355
2925.06, or 3716.11 of the Revised Code, felonious sexual 356
penetration in violation of former section 2907.12 of the Revised 357
Code, a violation of section 2905.04 of the Revised Code as it 358
existed prior to July 1, 1996, a violation of section 2919.23 of 359
the Revised Code that would have been a violation of section 360
2905.04 of the Revised Code as it existed prior to July 1, 1996, 361
had the violation been committed prior to that date, or a 362
violation of section 2925.11 of the Revised Code that is not a 363
minor drug possession offense; 364

(b) A violation of an existing or former law of this state, 365
any other state, or the United States that is substantially 366
equivalent to any of the offenses listed in division (A)(1)(a) of 367
this section. 368

(2) On receipt of a request pursuant to section 5123.081 of 369
the Revised Code with respect to an applicant for employment in 370
any position with the department of mental retardation and 371

developmental disabilities, pursuant to section 5126.28 of the Revised Code with respect to an applicant for employment in any position with a county board of mental retardation and developmental disabilities, or pursuant to section 5126.281 of the Revised Code with respect to an applicant for employment in a direct services position with an entity contracting with a county board for employment, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

(b) An existing or former municipal ordinance, township resolution, or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the

manner described in division (C)(2) of this section, the 404
superintendent of the bureau of criminal identification and 405
investigation shall conduct a criminal records check with respect 406
to any person who has applied for employment in a position for 407
which a criminal records check is required by those sections. The 408
superintendent shall conduct the criminal records check in the 409
manner described in division (B) of this section to determine 410
whether any information exists that indicates that the person who 411
is the subject of the request previously has been convicted of or 412
pleaded guilty to any of the following: 413

(a) A violation of section 2903.01, 2903.02, 2903.03, 414
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 415
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 416
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 417
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 418
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 419
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 420
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 421
2925.22, 2925.23, or 3716.11 of the Revised Code; 422

(b) An existing or former law of this state, any other state, 423
or the United States that is substantially equivalent to any of 424
the offenses listed in division (A)(3)(a) of this section. 425

(4) On receipt of a request pursuant to section 3701.881 of 426
the Revised Code with respect to an applicant for employment with 427
a home health agency as a person responsible for the care, 428
custody, or control of a child, a completed form prescribed 429
pursuant to division (C)(1) of this section, and a set of 430
fingerprint impressions obtained in the manner described in 431
division (C)(2) of this section, the superintendent of the bureau 432
of criminal identification and investigation shall conduct a 433
criminal records check. The superintendent shall conduct the 434
criminal records check in the manner described in division (B) of 435

this section to determine whether any information exists that 436
indicates that the person who is the subject of the request 437
previously has been convicted of or pleaded guilty to any of the 438
following: 439

(a) A violation of section 2903.01, 2903.02, 2903.03, 440
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 441
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 442
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 443
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 444
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 445
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 446
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 447
violation of section 2925.11 of the Revised Code that is not a 448
minor drug possession offense; 449

(b) An existing or former law of this state, any other state, 450
or the United States that is substantially equivalent to any of 451
the offenses listed in division (A)(4)(a) of this section. 452

(5) On receipt of a request pursuant to section 5111.032, 453
5111.033, or 5111.034 of the Revised Code, a completed form 454
prescribed pursuant to division (C)(1) of this section, and a set 455
of fingerprint impressions obtained in the manner described in 456
division (C)(2) of this section, the superintendent of the bureau 457
of criminal identification and investigation shall conduct a 458
criminal records check. The superintendent shall conduct the 459
criminal records check in the manner described in division (B) of 460
this section to determine whether any information exists that 461
indicates that the person who is the subject of the request 462
previously has been convicted of, has pleaded guilty to, or has 463
been found eligible for intervention in lieu of conviction for any 464
of the following: 465

(a) A violation of section 2903.01, 2903.02, 2903.03, 466
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 467

2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 468
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 469
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 470
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 471
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 472
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 473
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 474
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 475
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 476
3716.11 of the Revised Code, felonious sexual penetration in 477
violation of former section 2907.12 of the Revised Code, a 478
violation of section 2905.04 of the Revised Code as it existed 479
prior to July 1, 1996, a violation of section 2919.23 of the 480
Revised Code that would have been a violation of section 2905.04 481
of the Revised Code as it existed prior to July 1, 1996, had the 482
violation been committed prior to that date; 483

(b) An existing or former law of this state, any other state, 484
or the United States that is substantially equivalent to any of 485
the offenses listed in division (A)(5)(a) of this section. 486

(6) On receipt of a request pursuant to section 3701.881 of 487
the Revised Code with respect to an applicant for employment with 488
a home health agency in a position that involves providing direct 489
care to an older adult, a completed form prescribed pursuant to 490
division (C)(1) of this section, and a set of fingerprint 491
impressions obtained in the manner described in division (C)(2) of 492
this section, the superintendent of the bureau of criminal 493
identification and investigation shall conduct a criminal records 494
check. The superintendent shall conduct the criminal records check 495
in the manner described in division (B) of this section to 496
determine whether any information exists that indicates that the 497
person who is the subject of the request previously has been 498
convicted of or pleaded guilty to any of the following: 499

(a) A violation of section 2903.01, 2903.02, 2903.03, 500
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 501
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 502
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 503
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 504
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 505
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 506
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 507
2925.22, 2925.23, or 3716.11 of the Revised Code; 508

(b) An existing or former law of this state, any other state, 509
or the United States that is substantially equivalent to any of 510
the offenses listed in division (A)(6)(a) of this section. 511

(7) When conducting a criminal records check upon a request 512
pursuant to section 3319.39 of the Revised Code for an applicant 513
who is a teacher, in addition to the determination made under 514
division (A)(1) of this section, the superintendent shall 515
determine whether any information exists that indicates that the 516
person who is the subject of the request previously has been 517
convicted of or pleaded guilty to any offense specified in section 518
3319.31 of the Revised Code. 519

(8) On receipt of a request pursuant to section 2151.86 of 520
the Revised Code, a completed form prescribed pursuant to division 521
(C)(1) of this section, and a set of fingerprint impressions 522
obtained in the manner described in division (C)(2) of this 523
section, the superintendent of the bureau of criminal 524
identification and investigation shall conduct a criminal records 525
check in the manner described in division (B) of this section to 526
determine whether any information exists that indicates that the 527
person who is the subject of the request previously has been 528
convicted of or pleaded guilty to any of the following: 529

(a) A violation of section 2903.01, 2903.02, 2903.03, 530
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 531

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 532
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 533
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 534
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 535
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 536
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 537
violation of section 2905.04 of the Revised Code as it existed 538
prior to July 1, 1996, a violation of section 2919.23 of the 539
Revised Code that would have been a violation of section 2905.04 540
of the Revised Code as it existed prior to July 1, 1996, had the 541
violation been committed prior to that date, a violation of 542
section 2925.11 of the Revised Code that is not a minor drug 543
possession offense, or felonious sexual penetration in violation 544
of former section 2907.12 of the Revised Code; 545

(b) A violation of an existing or former law of this state, 546
any other state, or the United States that is substantially 547
equivalent to any of the offenses listed in division (A)(8)(a) of 548
this section. 549

(9) When conducting a criminal records check on a request 550
pursuant to section 5104.013 of the Revised Code for a person who 551
is an owner, licensee, or administrator of a child day-care center 552
or type A family day-care home, an authorized provider of a 553
certified type B family day-care home, or an adult residing in a 554
type A or certified type B home, or when conducting a criminal 555
records check or a request pursuant to section 5104.012 of the 556
Revised Code for a person who is an applicant for employment in a 557
center, type A home, or certified type B home, the superintendent, 558
in addition to the determination made under division (A)(1) of 559
this section, shall determine whether any information exists that 560
indicates that the person has been convicted of or pleaded guilty 561
to any of the following: 562

(a) A violation of section 2913.02, 2913.03, 2913.04, 563

2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 564
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 565
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 566
2921.13, or 2923.01 of the Revised Code, a violation of section 567
2923.02 or 2923.03 of the Revised Code that relates to a crime 568
specified in this division or division (A)(1)(a) of this section, 569
or a second violation of section 4511.19 of the Revised Code 570
within five years of the date of application for licensure or 571
certification. 572

(b) A violation of an existing or former law of this state, 573
any other state, or the United States that is substantially 574
equivalent to any of the offenses or violations described in 575
division (A)(9)(a) of this section. 576

(10) Upon receipt of a request pursuant to section 5153.111 577
of the Revised Code, a completed form prescribed pursuant to 578
division (C)(1) of this section, and a set of fingerprint 579
impressions obtained in the manner described in division (C)(2) of 580
this section, the superintendent of the bureau of criminal 581
identification and investigation shall conduct a criminal records 582
check in the manner described in division (B) of this section to 583
determine whether any information exists that indicates that the 584
person who is the subject of the request previously has been 585
convicted of or pleaded guilty to any of the following: 586

(a) A violation of section 2903.01, 2903.02, 2903.03, 587
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 588
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 589
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 590
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 591
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 592
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 593
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 594
felonious sexual penetration in violation of former section 595

2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(10)(a) of this section.

(11) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(12) On receipt of a request pursuant to section 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set

of fingerprint impressions obtained in the manner described in 628
division (C)(2) of this section, the superintendent of the bureau 629
of criminal identification and investigation shall conduct a 630
criminal records check with respect to any person who has applied 631
for a license, permit, or certification from the department of 632
commerce or a division in the department. The superintendent shall 633
conduct the criminal records check in the manner described in 634
division (B) of this section to determine whether any information 635
exists that indicates that the person who is the subject of the 636
request previously has been convicted of or pleaded guilty to any 637
of the following: a violation of section 2913.02, 2913.11, 638
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 639
criminal offense involving theft, receiving stolen property, 640
embezzlement, forgery, fraud, passing bad checks, money 641
laundering, or drug trafficking, or any criminal offense involving 642
money or securities, as set forth in Chapters 2909., 2911., 2913., 643
2915., 2921., 2923., and 2925. of the Revised Code; or any 644
existing or former law of this state, any other state, or the 645
United States that is substantially equivalent to those offenses. 646

(13) On receipt of a request for a criminal records check 647
from the treasurer of state under section 113.041 of the Revised 648
Code or from an individual under section 4701.08, 4715.101, 649
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 650
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 651
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 652
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 653
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 654
a completed form prescribed under division (C)(1) of this section 655
and a set of fingerprint impressions obtained in the manner 656
described in division (C)(2) of this section, the superintendent 657
of the bureau of criminal identification and investigation shall 658
conduct a criminal records check in the manner described in 659
division (B) of this section to determine whether any information 660

exists that indicates that the person who is the subject of the 661
request has been convicted of or pleaded guilty to any criminal 662
offense in this state or any other state. The superintendent shall 663
send the results of a check requested under section 113.041 of the 664
Revised Code to the treasurer of state and shall send the results 665
of a check requested under any of the other listed sections to the 666
licensing board specified by the individual in the request. 667

(14) Not later than thirty days after the date the 668
superintendent receives a request of a type described in division 669
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 670
(12) of this section, the completed form, and the fingerprint 671
impressions, the superintendent shall send the person, board, or 672
entity that made the request any information, other than 673
information the dissemination of which is prohibited by federal 674
law, the superintendent determines exists with respect to the 675
person who is the subject of the request that indicates that the 676
person previously has been convicted of or pleaded guilty to any 677
offense listed or described in division (A)(1), (2), (3), (4), 678
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 679
appropriate. The superintendent shall send the person, board, or 680
entity that made the request a copy of the list of offenses 681
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 682
(9), (10), (11), or (12) of this section, as appropriate. If the 683
request was made under section 3701.881 of the Revised Code with 684
regard to an applicant who may be both responsible for the care, 685
custody, or control of a child and involved in providing direct 686
care to an older adult, the superintendent shall provide a list of 687
the offenses specified in divisions (A)(4) and (6) of this 688
section. 689

Not later than thirty days after the superintendent receives 691
a request for a criminal records check pursuant to section 113.041 692

of the Revised Code, the completed form, and the fingerprint 693
impressions, the superintendent shall send the treasurer of state 694
any information, other than information the dissemination of which 695
is prohibited by federal law, the superintendent determines exist 696
with respect to the person who is the subject of the request that 697
indicates that the person previously has been convicted of or 698
pleaded guilty to any criminal offense in this state or any other 699
state. 700

(B) The superintendent shall conduct any criminal records 701
check requested under section 113.041, 121.08, 173.27, 173.394, 702
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 703
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 704
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 705
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 706
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 707
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 708
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 709
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 710
5153.111 of the Revised Code as follows: 711

(1) The superintendent shall review or cause to be reviewed 712
any relevant information gathered and compiled by the bureau under 713
division (A) of section 109.57 of the Revised Code that relates to 714
the person who is the subject of the request, including any 715
relevant information contained in records that have been sealed 716
under section 2953.32 of the Revised Code; 717

(2) If the request received by the superintendent asks for 718
information from the federal bureau of investigation, the 719
superintendent shall request from the federal bureau of 720
investigation any information it has with respect to the person 721
who is the subject of the request and shall review or cause to be 722
reviewed any information the superintendent receives from that 723
bureau. 724

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28,

5126.281, or 5153.111 of the Revised Code. Any person for whom a 757
records check is requested under or required by any of those 758
sections shall obtain the fingerprint impressions at a county 759
sheriff's office, municipal police department, or any other entity 760
with the ability to make fingerprint impressions on the standard 761
impression sheets prescribed by the superintendent. The office, 762
department, or entity may charge the person a reasonable fee for 763
making the impressions. The standard impression sheets the 764
superintendent prescribes pursuant to this division may be in a 765
tangible format, in an electronic format, or in both tangible and 766
electronic formats. 767

(3) Subject to division (D) of this section, the 768
superintendent shall prescribe and charge a reasonable fee for 769
providing a criminal records check requested under section 770
113.041, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 771
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 772
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 773
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 774
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 775
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 776
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 777
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 778
5126.281, or 5153.111 of the Revised Code. The person making a 779
criminal records request under section 113.041, 121.08, 173.27, 780
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 781
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 782
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 783
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 784
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 785
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 786
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 787
5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 788
5153.111 of the Revised Code shall pay the fee prescribed pursuant 789

to this division. A person making a request under section 3701.881 790
of the Revised Code for a criminal records check for an applicant 791
who may be both responsible for the care, custody, or control of a 792
child and involved in providing direct care to an older adult 793
shall pay one fee for the request. In the case of a request under 794
section 5111.032 of the Revised Code, the fee shall be paid in the 795
manner specified in that section. 796

(4) The superintendent of the bureau of criminal 797
identification and investigation may prescribe methods of 798
forwarding fingerprint impressions and information necessary to 799
conduct a criminal records check, which methods shall include, but 800
not be limited to, an electronic method. 801
802

(D) A determination whether any information exists that 803
indicates that a person previously has been convicted of or 804
pleaded guilty to any offense listed or described in division 805
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 806
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 807
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 808
or that indicates that a person previously has been convicted of 809
or pleaded guilty to any criminal offense in this state or any 810
other state regarding a criminal records check of a type described 811
in division (A)(13) of this section, and that is made by the 812
superintendent with respect to information considered in a 813
criminal records check in accordance with this section is valid 814
for the person who is the subject of the criminal records check 815
for a period of one year from the date upon which the 816
superintendent makes the determination. During the period in which 817
the determination in regard to a person is valid, if another 818
request under this section is made for a criminal records check 819
for that person, the superintendent shall provide the information 820
that is the basis for the superintendent's initial determination 821

at a lower fee than the fee prescribed for the initial criminal records check. 822
823

(E) As used in this section: 824

(1) "Criminal records check" means any criminal records check 825
conducted by the superintendent of the bureau of criminal 826
identification and investigation in accordance with division (B) 827
of this section. 828

(2) "Minor drug possession offense" has the same meaning as 829
in section 2925.01 of the Revised Code. 830

(3) "Older adult" means a person age sixty or older. 831

Sec. 109.60. (A)(1) The sheriffs of the several counties and 832
the ~~chiefs of police~~ chief law enforcement officers of ~~cities~~ 833
municipal corporations and townships, immediately upon the arrest 834
of any person for any felony, on suspicion of any felony, for a 835
crime constituting a misdemeanor on the first offense and a felony 836
on subsequent offenses, or for any misdemeanor described in 837
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 838
Code, and immediately upon the arrest or taking into custody of 839
any child under eighteen years of age for committing an act that 840
would be a felony or an offense of violence if committed by an 841
adult or upon probable cause to believe that a child of that age 842
may have committed an act that would be a felony or an offense of 843
violence if committed by an adult, shall take the person's or 844
child's fingerprints, or cause the same to be taken, according to 845
the fingerprint system of identification on the forms furnished by 846
the superintendent of the bureau of criminal identification and 847
investigation, and immediately shall forward copies of the 848
completed forms, any other description that may be required, and 849
the history of the offense committed to the bureau to be 850
classified and filed and to the clerk of the court having 851
jurisdiction over the prosecution of the offense or over the 852

adjudication relative to the act. 853

(2) If a sheriff or chief ~~of police~~ law enforcement officer 854
has not taken, or caused to be taken, a person's or child's 855
fingerprints in accordance with division (A)(1) of this section by 856
the time of the arraignment or first appearance of the person or 857
child, the court shall order the person or child to appear before 858
the sheriff or chief ~~of police~~ law enforcement officer within 859
twenty-four hours to have the person's or child's fingerprints 860
taken. The sheriff or chief ~~of police~~ law enforcement officer 861
shall take the person's or child's fingerprints, or cause the 862
fingerprints to be taken, according to the fingerprint system of 863
identification on the forms furnished by the superintendent of the 864
bureau of criminal identification and investigation and, 865
immediately after the person's or child's arraignment or first 866
appearance, forward copies of the completed forms, any other 867
description that may be required, and the history of the offense 868
committed to the bureau to be classified and filed and to the 869
clerk of the court. 870

(3) Every court with jurisdiction over a case involving a 871
person or child with respect to whom division (A)(1) of this 872
section requires a sheriff or chief ~~of police~~ law enforcement 873
officer to take the person's or child's fingerprints shall inquire 874
at the time of the person's or child's sentencing or adjudication 875
whether or not the person or child has been fingerprinted pursuant 876
to division (A)(1) or (2) of this section for the original arrest 877
upon which the sentence or adjudication is based. If the person or 878
child was not fingerprinted for the original arrest upon which the 879
sentence or adjudication is based, the court shall order the 880
person or child to appear before the sheriff or chief ~~of police~~ 881
law enforcement officer within twenty-four hours to have the 882
person's or child's fingerprints taken. The sheriff or chief ~~of~~ 883
~~police~~ law enforcement officer shall take the person's or child's 884

fingerprints, or cause the fingerprints to be taken, according to 885
the fingerprint system of identification on the forms furnished by 886
the superintendent of the bureau of criminal identification and 887
investigation and immediately forward copies of the completed 888
forms, any other description that may be required, and the history 889
of the offense committed to the bureau to be classified and filed 890
and to the clerk of the court. 891

(4) If a person or child is in the custody of a law 892
enforcement agency or a detention facility, as defined in section 893
2921.01 of the Revised Code, and the chief law enforcement officer 894
or chief administrative officer of the detention facility 895
discovers that a warrant has been issued or a bill of information 896
has been filed alleging the person or child to have committed an 897
offense or act other than the offense or act for which the person 898
or child is in custody, and the other alleged offense or act is 899
one for which fingerprints are to be taken pursuant to division 900
(A)(1) of this section, the law enforcement agency or detention 901
facility shall take the fingerprints of the person or child, or 902
cause the fingerprints to be taken, according to the fingerprint 903
system of identification on the forms furnished by the 904
superintendent of the bureau of criminal identification and 905
investigation and immediately forward copies of the completed 906
forms, any other description that may be required, and the history 907
of the offense committed to the bureau to be classified and filed 908
and to the clerk of the court that issued the warrant or with 909
which the bill of information was filed. 910

(5) If an accused is found not guilty of the offense charged 911
or a nolle prosequi is entered in any case, or if any accused 912
child under eighteen years of age is found not to be a delinquent 913
child for committing an act that would be a felony or an offense 914
of violence if committed by an adult or not guilty of the felony 915
or offense of violence charged or a nolle prosequi is entered in 916

that case, the fingerprints and description shall be given to the 917
accused upon the accused's request. 918

(6) The superintendent shall compare the description received 919
with those already on file in the bureau, and, if the 920
superintendent finds that the person arrested or taken into 921
custody has a criminal record or a record as a delinquent child 922
for having committed an act that would be a felony or an offense 923
of violence if committed by an adult or is a fugitive from justice 924
or wanted by any jurisdiction in this or another state, the United 925
States, or a foreign country for any offense, the superintendent 926
at once shall inform the arresting officer, the officer taking the 927
person into custody, or the chief administrative officer of the 928
county, multicounty, municipal, municipal-county, or 929
multicounty-municipal jail or workhouse, community-based 930
correctional facility, halfway house, alternative residential 931
facility, or state correctional institution in which the person or 932
child is in custody of that fact and give appropriate notice to 933
the proper authorities in the jurisdiction in which the person is 934
wanted, or, if that jurisdiction is a foreign country, give 935
appropriate notice to federal authorities for transmission to the 936
foreign country. The names, under which each person whose 937
identification is filed is known, shall be alphabetically indexed 938
by the superintendent. 939

(B) Division (A) of this section does not apply to a violator 940
of a ~~city~~ municipal ordinance or township resolution unless the 941
officers have reason to believe that the violator is a past 942
offender or the crime is one constituting a misdemeanor on the 943
first offense and a felony on subsequent offenses, or unless it is 944
advisable for the purpose of subsequent identification. This 945
section does not apply to any child under eighteen years of age 946
who was not arrested or otherwise taken into custody for 947
committing an act that would be a felony or an offense of violence 948

if committed by an adult or upon probable cause to believe that a 949
child of that age may have committed an act that would be a felony 950
or an offense of violence if committed by an adult, except as 951
provided in section 2151.313 of the Revised Code. 952

(C)(1) For purposes of division (C) of this section, a law 953
enforcement agency shall be considered to have arrested a person 954
if any law enforcement officer who is employed by, appointed by, 955
or serves that agency arrests the person. As used in division (C) 956
of this section: 957

(a) "Illegal methamphetamine manufacturing laboratory" has 958
the same meaning as in section 3745.13 of the Revised Code. 959

(b) "Methamphetamine or a methamphetamine product" means 960
methamphetamine, any salt, isomer, or salt of an isomer of 961
methamphetamine, or any compound, mixture, preparation, or 962
substance containing methamphetamine or any salt, isomer, or salt 963
of an isomer of methamphetamine. 964

(2) Each law enforcement agency that, in any calendar year, 965
arrests any person for a violation of section 2925.04 of the 966
Revised Code that is based on the manufacture of methamphetamine 967
or a methamphetamine product, a violation of section 2925.041 of 968
the Revised Code that is based on the possession of chemicals 969
sufficient to produce methamphetamine or a methamphetamine 970
product, or a violation of any other provision of Chapter 2925. or 971
3719. of the Revised Code that is based on the possession of 972
chemicals sufficient to produce methamphetamine or a 973
methamphetamine product shall prepare an annual report covering 974
the calendar year that contains the information specified in 975
division (C)(3) of this section relative to all arrests for 976
violations of those sections committed under those circumstances 977
during that calendar year and relative to illegal methamphetamine 978
manufacturing laboratories, dump sites, and chemical caches as 979
specified in that division and shall send the annual report, not 980

later than the first day of March in the calendar year following 981
the calendar year covered by the report, to the bureau of criminal 982
identification and investigation. 983

The law enforcement agency shall write any annual report 984
prepared and filed under this division on the standard forms 985
furnished by the superintendent of the bureau of criminal 986
identification and investigation pursuant to division (C)(4) of 987
this section. The annual report shall be a statistical report, and 988
nothing in the report or in the information it contains shall 989
identify, or enable the identification of, any person who was 990
arrested and whose arrest is included in the information contained 991
in the report. The annual report in the possession of the bureau 992
and the information it contains are public records for the purpose 993
of section 149.43 of the Revised Code. 994

(3) The annual report prepared and filed by a law enforcement 995
agency under division (C)(2) of this section shall contain all of 996
the following information for the calendar year covered by the 997
report: 998

(a) The total number of arrests made by the agency in that 999
calendar year for a violation of section 2925.04 of the Revised 1000
Code that is based on the manufacture of methamphetamine or a 1001
methamphetamine product, a violation of section 2925.041 of the 1002
Revised Code that is based on the possession of chemicals 1003
sufficient to produce methamphetamine or a methamphetamine 1004
product, or a violation of any other provision of Chapter 2925. or 1005
3719. of the Revised Code that is based on the possession of 1006
chemicals sufficient to produce methamphetamine or a 1007
methamphetamine product; 1008

(b) The total number of illegal methamphetamine manufacturing 1009
laboratories at which one or more of the arrests reported under 1010
division (C)(3)(a) of this section occurred, or that were 1011
discovered in that calendar year within the territory served by 1012

the agency but at which none of the arrests reported under 1013
division (C)(3)(a) of this section occurred; 1014

(c) The total number of dump sites and chemical caches that 1015
are, or that are reasonably believed to be, related to illegal 1016
methamphetamine manufacturing and that were discovered in that 1017
calendar year within the territory served by the agency. 1018

(4) The superintendent of the bureau of criminal 1019
identification and investigation shall prepare and furnish to each 1020
law enforcement agency in this state standard forms for making the 1021
annual reports required by division (C)(2) of this section. The 1022
standard forms that the superintendent prepares pursuant to this 1023
division may be in a tangible format, in an electronic format, or 1024
in both a tangible format and an electronic format. 1025

(5) The annual report required by division (C)(2) of this 1026
section is separate from, and in addition to, any report, 1027
materials, or information required under division (A) of this 1028
section or under any other provision of sections 109.57 to 109.62 1029
of the Revised Code. 1030

Sec. 120.03. (A) The Ohio public defender commission shall 1031
appoint the state public defender, who shall serve at the pleasure 1032
of the commission. 1033

(B) The Ohio public defender commission shall establish rules 1034
for the conduct of the offices of the county and joint county 1035
public defenders and for the conduct of county appointed counsel 1036
systems in the state. These rules shall include, but are not 1037
limited to, the following: 1038

(1) Standards of indigency and minimum qualifications for 1039
legal representation by a public defender or appointed counsel. In 1040
establishing standards of indigency and determining who is 1041
eligible for legal representation by a public defender or 1042

appointed counsel, the commission shall consider an indigent 1043
person to be an individual who at the time ~~his~~ the person's need 1044
is determined is unable to provide for the payment of an attorney 1045
and all other necessary expenses of representation. Release on 1046
bail shall not prevent a person from being determined to be 1047
indigent. 1048

(2) Standards for the hiring of outside counsel; 1049

(3) Standards for contracts by a public defender with law 1050
schools, legal aid societies, and nonprofit organizations for 1051
providing counsel; 1052

(4) Standards for the qualifications, training, and size of 1053
the legal and supporting staff for a public defender, facilities, 1054
and other requirements needed to maintain and operate an office of 1055
a public defender; 1056

(5) Minimum caseload standards; 1057

(6) Procedures for the assessment and collection of the costs 1058
of legal representation that is provided by public defenders or 1059
appointed counsel; 1060

(7) Standards and guidelines for determining whether a client 1061
is able to make an up-front contribution toward the cost of ~~his~~ 1062
the client's legal representation; 1063

(8) Procedures for the collection of up-front contributions 1064
from clients who are able to contribute toward the cost of their 1065
legal representation, as determined pursuant to the standards and 1066
guidelines developed under division (B)(7) of this section. All of 1067
such up-front contributions shall be paid into the appropriate 1068
county fund. 1069

(9) Standards for contracts between a board of county 1070
commissioners, a county public defender commission, or a joint 1071
county public defender commission and a municipal corporation or 1072

township for the legal representation of indigent persons charged 1073
with violations of the ordinances of the municipal corporation or 1074
resolutions of the township. 1075

(C) The Ohio public defender commission shall adopt rules 1076
prescribing minimum qualifications of counsel appointed pursuant 1077
to this chapter or appointed by the courts. Without limiting its 1078
general authority to prescribe different qualifications for 1079
different categories of appointed counsel, the commission shall 1080
prescribe, by rule, special qualifications for counsel and 1081
co-counsel appointed in capital cases. 1082

(D) In administering the office of the Ohio public defender 1083
commission: 1084

(1) The commission shall do the following: 1085

(a) Approve an annual operating budget; 1086

(b) Make an annual report to the governor, the general 1087
assembly, and the supreme court of Ohio on the operation of the 1088
state public defender's office, the county appointed counsel 1089
systems, and the county and joint county public defenders' 1090
offices. 1091

(2) The commission may do the following: 1092

(a) Accept the services of volunteer workers and consultants 1093
at no compensation other than reimbursement of actual and 1094
necessary expenses; 1095

(b) Prepare and publish statistical and case studies and 1096
other data pertinent to the legal representation of indigent 1097
persons; 1098

(c) Conduct programs having a general objective of training 1099
and educating attorneys and others in the legal representation of 1100
indigent persons. 1101

(E) There is hereby established in the state treasury the 1102

public defender training fund for the deposit of fees received by 1103
the Ohio public defender commission from educational seminars, and 1104
the sale of publications, on topics concerning criminal law and 1105
procedure. Expenditures from this fund shall be made only for the 1106
operation of activities authorized by division (D)(2)(c) of this 1107
section. 1108

(F)(1) In accordance with sections 109.02, 109.07, and 1109
109.361 to 109.366 of the Revised Code, but subject to division 1110
(E) of section 120.06 of the Revised Code, the attorney general 1111
shall represent or provide for the representation of the Ohio 1112
public defender commission, the state public defender, assistant 1113
state public defenders, and other employees of the commission or 1114
the state public defender. 1115

(2) Subject to division (E) of section 120.06 of the Revised 1116
Code, the attorney general shall represent or provide for the 1117
representation of attorneys described in division (C) of section 1118
120.41 of the Revised Code in malpractice or other civil actions 1119
or proceedings that arise from alleged actions or omissions 1120
related to responsibilities derived pursuant to this chapter, or 1121
in civil actions that are based upon alleged violations of the 1122
constitution or statutes of the United States, including section 1123
1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 1124
42 U.S.C.A. 1983, as amended, and that arise from alleged actions 1125
or omissions related to responsibilities derived pursuant to this 1126
chapter. For purposes of the representation, sections 109.361 to 1127
109.366 of the Revised Code shall apply to an attorney described 1128
in division (C) of section 120.41 of the Revised Code as if ~~he~~ the 1129
attorney were an officer or employee, as defined in section 109.36 1130
of the Revised Code, and the Ohio public defender commission or 1131
the state public defender, whichever contracted with the attorney, 1132
shall be considered ~~his~~ the attorney's employer. 1133

Sec. 120.14. (A)(1) Except as provided in division (A)(2) of 1134
this section, the county public defender commission shall appoint 1135
the county public defender and may remove ~~him~~ the county public 1136
defender from office only for good cause. 1137

(2) If a county public defender commission contracts with the 1138
state public defender or with one or more nonprofit organizations 1139
for the state public defender or the organizations to provide all 1140
of the services that the county public defender is required or 1141
permitted to provide by this chapter, the commission shall not 1142
appoint a county public defender. 1143

(B) The commission shall determine the qualifications and 1144
size of the supporting staff and facilities and other requirements 1145
needed to maintain and operate the office of the county public 1146
defender. 1147

(C) In administering the office of county public defender, 1148
the commission shall: 1149

(1) Recommend to the county commissioners an annual operating 1150
budget which is subject to the review, amendment, and approval of 1151
the board of county commissioners; 1152

(2)(a) Make an annual report to the county commissioners and 1153
the Ohio public defender commission on the operation of the county 1154
public defender's office, including complete and detailed 1155
information on finances and costs that separately states costs and 1156
expenses that are reimbursable under section 120.35 of the Revised 1157
Code, and any other data and information requested by the state 1158
public defender; 1159

(b) Make monthly reports relating to reimbursement and 1160
associated case data pursuant to the rules of the Ohio public 1161
defender commission to the board of county commissioners and the 1162
Ohio public defender commission on the total costs of the public 1163

defender's office. 1164

(3) Cooperate with the Ohio public defender commission in 1165
maintaining the standards established by rules of the Ohio public 1166
defender commission pursuant to divisions (B) and (C) of section 1167
120.03 of the Revised Code, and cooperate with the state public 1168
defender in ~~his~~ the state public defender's programs providing 1169
technical aid and assistance to county systems. 1170

(D) The commission may accept the services of volunteer 1171
workers and consultants at no compensation except reimbursement 1172
for actual and necessary expenses. 1173

(E) The commission may contract with any municipal 1174
corporation or township, within the county served by the county 1175
public defender, for the county public defender to provide legal 1176
representation for indigent persons who are charged with a 1177
violation of the ordinances of the municipal corporation or 1178
resolutions of the township. 1179

(F) A county public defender commission, with the approval of 1180
the board of county commissioners regarding all provisions that 1181
pertain to the financing of defense counsel for indigent persons, 1182
may contract with the state public defender or with any nonprofit 1183
organization, the primary purpose of which is to provide legal 1184
representation to indigent persons, for the state public defender 1185
or the organization to provide all or any part of the services 1186
that a county public defender is required or permitted to provide 1187
by this chapter. A contract entered into pursuant to this division 1188
may provide for payment for the services provided on a per case, 1189
hourly, or fixed contract basis. The state public defender and any 1190
nonprofit organization that contracts with a county public 1191
defender commission pursuant to this division shall do all of the 1192
following: 1193

(1) Comply with all standards established by the rules of the 1194

Ohio public defender commission;	1195
(2) Comply with all standards established by the state public defender;	1196
(3) Comply with all statutory duties and other laws applicable to county public defenders.	1197
Sec. 120.15. (A) The county public defender shall be appointed by the county public defender commission for a term not to exceed four years. He <u>The county public defender</u> shall be an attorney with a minimum of two years experience in the practice of law and be admitted to the practice of law in Ohio at least one year prior to his appointment.	1198
(B) In carrying out the responsibilities and performing the duties of his office, the county public defender shall:	1199
(1) Maintain an office, approved by the commission, provided with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment;	1200
(2) Keep and maintain financial records of all cases handled and develop records for use in the calculation of direct and indirect costs in the operation of the office and report monthly pursuant to the rules of the Ohio public defender commission to the county public defender commission and to the Ohio public defender commission on all relevant data on the operations of the office, costs, projected needs, and recommendations for legislation or amendments to court rules, as may be appropriate to improve the criminal justice system;	1201
(3) Collect all moneys due from contracts with municipal corporations <u>and townships</u> or for reimbursement for legal services under this chapter and institute such actions in court for the collection of such sums as he <u>the county public defender</u> considers	1202
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advisable. All moneys collected or received by the public defender 1225
shall be paid into the county treasury to the credit of the 1226
general revenue fund. 1227

(4) Appoint assistant county public defenders and all other 1228
personnel necessary to the functioning of the county public 1229
defender's office, subject to the authority of the county public 1230
defender commission to determine the size and qualifications of 1231
the staff pursuant to division (B) of section 120.14 of the 1232
Revised Code. All assistant county public defenders shall be 1233
admitted to the practice of law in Ohio, and may be appointed on a 1234
full or part-time basis. 1235

(C) The county public defender may exercise the rights 1236
authorized in division (C) of section 120.04 of the Revised Code. 1237

(D) The county public defender shall determine indigency of 1238
persons, subject to review by the court, in the same manner as 1239
provided in section 120.05 of the Revised Code. Each monthly 1240
report submitted to the board of county commissioners and the 1241
state public defender shall include a certification by the county 1242
public defender that all persons provided representation by the 1243
county public defender's office during the month covered by the 1244
report were indigent under the standards of the Ohio public 1245
defender commission. 1246

Sec. 120.16. (A)(1) The county public defender shall provide 1247
legal representation to indigent adults and juveniles who are 1248
charged with the commission of an offense or act that is a 1249
violation of a state statute and for which the penalty or any 1250
possible adjudication includes the potential loss of liberty and 1251
in postconviction proceedings as defined in this section. 1252

(2) The county public defender may provide legal 1253
representation to indigent adults and juveniles charged with the 1254
violation of an ordinance of a municipal corporation or resolution 1255

of a township for which the penalty or any possible adjudication 1256
includes the potential loss of liberty, if the county public 1257
defender commission has contracted with the municipal corporation 1258
or township to provide legal representation for indigent persons 1259
charged with a violation of an ordinance of the municipal 1260
corporation or resolution of the township. 1261

(B) The county public defender shall provide the legal 1262
representation authorized by division (A) of this section at every 1263
stage of the proceedings following arrest, detention, service of 1264
summons, or indictment. 1265

(C) The county public defender may request the state public 1266
defender to prosecute any appeal or other remedy before or after 1267
conviction that the county public defender decides is in the 1268
interests of justice, and may provide legal representation in 1269
parole and probation revocation matters and matters relating to 1270
the revocation of community control or post-release control under 1271
a community control sanction or post-release control sanction. 1272

(D) The county public defender shall not be required to 1273
prosecute any appeal, postconviction remedy, or other proceeding, 1274
unless the county public defender is first satisfied there is 1275
arguable merit to the proceeding. 1276

(E) Nothing in this section shall prevent a court from 1277
appointing counsel other than the county public defender or from 1278
allowing an indigent person to select the indigent person's own 1279
personal counsel to represent the indigent person. A court may 1280
also appoint counsel or allow an indigent person to select the 1281
indigent person's own personal counsel to assist the county public 1282
defender as co-counsel when the interests of justice so require. 1283

(F) Information as to the right to legal representation by 1284
the county public defender or assigned counsel shall be afforded 1285
to an accused person immediately upon arrest, when brought before 1286

a magistrate, or when formally charged, whichever occurs first. 1287

(G) If a court appoints the office of the county public 1288
defender to represent a petitioner in a postconviction relief 1289
proceeding under section 2953.21 of the Revised Code, the 1290
petitioner has received a sentence of death, and the proceeding 1291
relates to that sentence, all of the attorneys who represent the 1292
petitioner in the proceeding pursuant to the appointment, whether 1293
an assistant county public defender or the county public defender, 1294
shall be certified under Rule 20 of the Rules of Superintendence 1295
for the Courts of Ohio to represent indigent defendants charged 1296
with or convicted of an offense for which the death penalty can be 1297
or has been imposed. 1298

(H) As used in this section: 1299

(1) "Community control sanction" has the same meaning as in 1300
section 2929.01 of the Revised Code. 1301

(2) "Post-release control sanction" has the same meaning as 1302
in section 2967.01 of the Revised Code. 1303

Sec. 120.18. (A) The county public defender commission's 1304
report to the board of county commissioners shall be audited by 1305
the county auditor. The board of county commissioners, after 1306
review and approval of the audited report, may then certify it to 1307
the state public defender for reimbursement. If a request for the 1308
reimbursement of any operating expenditure incurred by a county 1309
public defender office is not received by the state public 1310
defender within sixty days after the end of the calendar month in 1311
which the expenditure is incurred, the state public defender shall 1312
not pay the requested reimbursement, unless the county has 1313
requested, and the state public defender has granted, an extension 1314
of the sixty-day time limit. Each request for reimbursement shall 1315
include a certification by the county public defender that the 1316
persons provided representation by the county public defender's 1317

office during the period covered by the report were indigent and, 1318
for each person provided representation during that period, a 1319
financial disclosure form completed by the person on a form 1320
prescribed by the state public defender. The state public defender 1321
shall also review the report and, in accordance with the 1322
standards, guidelines, and maximums established pursuant to 1323
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1324
prepare a voucher for fifty per cent of the total cost of each 1325
county public defender's office for the period of time covered by 1326
the certified report and a voucher for fifty per cent of the costs 1327
and expenses that are reimbursable under section 120.35 of the 1328
Revised Code, if any, or, if the amount of money appropriated by 1329
the general assembly to reimburse counties for the operation of 1330
county public defender offices, joint county public defender 1331
offices, and county appointed counsel systems is not sufficient to 1332
pay fifty per cent of the total cost of all of the offices and 1333
systems, for the lesser amount required by section 120.34 of the 1334
Revised Code. For the purposes of this section, "total cost" means 1335
total expenses minus costs and expenses reimbursable under section 1336
120.35 of the Revised Code and any funds received by the county 1337
public defender commission pursuant to a contract, except a 1338
contract entered into with a municipal corporation or township 1339
pursuant to division (E) of section 120.14 of the Revised Code, 1340
gift, or grant. 1341

(B) If the county public defender fails to maintain the 1342
standards for the conduct of the office established by rules of 1343
the Ohio public defender commission pursuant to divisions (B) and 1344
(C) of section 120.03 or the standards established by the state 1345
public defender pursuant to division (B)(7) of section 120.04 of 1346
the Revised Code, the Ohio public defender commission shall notify 1347
the county public defender commission and the board of county 1348
commissioners of the county that the county public defender has 1349
failed to comply with its rules or the standards of the state 1350

public defender. Unless the county public defender commission or 1351
the county public defender corrects the conduct of the county 1352
public defender's office to comply with the rules and standards 1353
within ninety days after the date of the notice, the state public 1354
defender may deny payment of all or part of the county's 1355
reimbursement from the state provided for in division (A) of this 1356
section. 1357

Sec. 120.24. (A)(1) Except as provided in division (A)(2) of 1358
this section, the joint county public defender commission shall 1359
appoint the joint county public defender and may remove ~~him~~ the 1360
joint county public defender from office only for good cause. 1361

(2) If a joint county public defender commission contracts 1362
with the state public defender or with one or more nonprofit 1363
organizations for the state public defender or the organizations 1364
to provide all of the services that the joint county public 1365
defender is required or permitted to provide by this chapter, the 1366
commission shall not appoint a joint county public defender. 1367

(B) The commission shall determine the qualifications and 1368
size of the supporting staff and facilities and other requirements 1369
needed to maintain and operate the office. 1370

(C) In administering the office of joint county public 1371
defender, the commission shall: 1372

(1) Recommend to the boards of county commissioners in the 1373
district an annual operating budget which is subject to the 1374
review, amendment, and approval of the boards of county 1375
commissioners in the district; 1376

(2)(a) Make an annual report to the boards of county 1377
commissioners in the district and the Ohio public defender 1378
commission on the operation of the public defender's office, 1379
including complete and detailed information on finances and costs 1380

that separately states costs and expenses that are reimbursable 1381
under section 120.35 of the Revised Code, and such other data and 1382
information requested by the state public defender; 1383

(b) Make monthly reports relating to reimbursement and 1384
associated case data pursuant to the rules of the Ohio public 1385
defender commission to the boards of county commissioners in the 1386
district and the Ohio public defender commission on the total 1387
costs of the public defender's office. 1388

(3) Cooperate with the Ohio public defender commission in 1389
maintaining the standards established by rules of the Ohio public 1390
defender commission pursuant to divisions (B) and (C) of section 1391
120.03 of the Revised Code, and cooperate with the state public 1392
defender in ~~his~~ the state public defender's programs providing 1393
technical aid and assistance to county systems. 1394

(D) The commission may accept the services of volunteer 1395
workers and consultants at no compensation except reimbursement 1396
for actual and necessary expenses. 1397

(E) The commission may contract with any municipal 1398
corporation or township, within the counties served by the joint 1399
county public defender, for the joint county public defender to 1400
provide legal representation for indigent persons who are charged 1401
with a violation of the ordinances of the municipal corporation or 1402
resolutions of the township. 1403

(F) A joint county public defender commission, with the 1404
approval of each participating board of county commissioners 1405
regarding all provisions that pertain to the financing of defense 1406
counsel for indigent persons, may contract with the state public 1407
defender or with any nonprofit organization, the primary purpose 1408
of which is to provide legal representation to indigent persons, 1409
for the state public defender or the organization to provide all 1410
or any part of the services that a joint county public defender is 1411

required or permitted to provide by this chapter. A contract 1412
entered into pursuant to this division may provide for payment for 1413
the services provided on a per case, hourly, or fixed contract 1414
basis. The state public defender and any nonprofit organization 1415
that contracts with a joint county public defender commission 1416
pursuant to this division shall do all of the following: 1417

(1) Comply with all standards established by the rules of the 1418
Ohio public defender commission; 1419

(2) Comply with all standards established by the Ohio public 1420
defender; 1421

(3) Comply with all statutory duties and other laws 1422
applicable to joint county public defenders. 1423

Sec. 120.25. (A) The joint county public defender shall be 1424
appointed by the joint county public defender commission for a 1425
term not to exceed four years. ~~He~~ The joint county public defender 1426
shall be an attorney with a minimum of two years experience in the 1427
practice of law and be admitted to the practice of law in Ohio at 1428
least one year prior to ~~his~~ appointment. 1429

(B) In carrying out the responsibilities and performing the 1430
duties of ~~his~~ office, the joint county public defender shall: 1431

(1) Maintain an office, approved by the commission, provided 1432
with a library of adequate size, considering the needs of the 1433
office and the accessibility of other libraries, and other 1434
necessary facilities and equipment; 1435

(2) Keep and maintain financial records of all cases handled 1436
and develop records for use in the calculation of direct and 1437
indirect costs in the operation of the office, and report monthly 1438
pursuant to the rules of the Ohio public defender commission to 1439
the joint county defender commission and to the Ohio public 1440
defender commission on all relevant data on the operations of the 1441

office, costs, projected needs, and recommendations for 1442
legislation or amendments to court rules, as may be appropriate to 1443
improve the criminal justice system; 1444

(3) Collect all moneys due from contracts with municipal 1445
corporations and townships or for reimbursement for legal services 1446
under this chapter and institute such actions in court for the 1447
collection of such sums as ~~he~~ the public defender considers 1448
advisable. The public defender shall pay into the treasury of each 1449
county in the district, to the credit of the general revenue fund, 1450
the county's proportionate share of all moneys collected or 1451
received by ~~him~~ the public defender. 1452

(4) Appoint assistant joint county public defenders and all 1453
other personnel necessary to the functioning of the joint county 1454
public defender office, subject to the authority of the joint 1455
county public defender commission to determine the size and 1456
qualifications of the staff pursuant to division (B) of section 1457
120.24 of the Revised Code. All assistant joint county public 1458
defenders shall be admitted to the practice of law in Ohio, and 1459
may be appointed on a full or part-time basis. 1460

(C) The joint county public defender may exercise the rights 1461
authorized in division (C) of section 120.04 of the Revised Code. 1462

(D) The joint county public defender shall determine 1463
indigency of persons, subject to review by the court, in the same 1464
manner as provided in section 120.05 of the Revised Code. Each 1465
monthly report submitted to the board of county commissioners and 1466
the state public defender shall include a certification by the 1467
joint county public defender that all persons provided 1468
representation by the joint county public defender's office during 1469
the month covered by the report were indigent under the standards 1470
of the Ohio public defender commission. 1471

Sec. 120.26. (A)(1) The joint county public defender shall 1472

provide legal representation to indigent adults and juveniles who 1473
are charged with the commission of an offense or act that is a 1474
violation of a state statute and for which the penalty or any 1475
possible adjudication includes the potential loss of liberty and 1476
in postconviction proceedings as defined in this section. 1477

(2) The joint county public defender may provide legal 1478
representation to indigent adults and juveniles charged with the 1479
violation of an ordinance of a municipal corporation or resolution 1480
of a township for which the penalty or any possible adjudication 1481
includes the potential loss of liberty, if the joint county public 1482
defender commission has contracted with the municipal corporation 1483
or township to provide legal representation for indigent persons 1484
charged with a violation of an ordinance of the municipal 1485
corporation or resolution of the township. 1486

(B) The joint county public defender shall provide the legal 1487
representation authorized by division (A) of this section at every 1488
stage of the proceedings following arrest, detention, service of 1489
summons, or indictment. 1490

(C) The joint county public defender may request the Ohio 1491
public defender to prosecute any appeal or other remedy before or 1492
after conviction that the joint county public defender decides is 1493
in the interests of justice and may provide legal representation 1494
in parole and probation revocation matters and matters relating to 1495
the revocation of community control or post-release control under 1496
a community control sanction or post-release control sanction. 1497

(D) The joint county public defender shall not be required to 1498
prosecute any appeal, postconviction remedy, or other proceeding, 1499
unless the joint county public defender is first satisfied that 1500
there is arguable merit to the proceeding. 1501

(E) Nothing in this section shall prevent a court from 1502
appointing counsel other than the joint county public defender or 1503

from allowing an indigent person to select the indigent person's
own personal counsel to represent the indigent person. A court may
also appoint counsel or allow an indigent person to select the
indigent person's own personal counsel to assist the joint county
public defender as co-counsel when the interests of justice so
require.

(F) Information as to the right to legal representation by
the joint county public defender or assigned counsel shall be
afforded to an accused person immediately upon arrest, when
brought before a magistrate, or when formally charged, whichever
occurs first.

(G) If a court appoints the office of the joint county public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant joint county defender or the joint county public
defender, shall be certified under Rule 20 of the Rules of
Superintendence for the Courts of Ohio to represent indigent
defendants charged with or convicted of an offense for which the
death penalty can be or has been imposed.

(H) As used in this section:

(1) "Community control sanction" has the same meaning as in
section 2929.01 of the Revised Code.

(2) "Post-release control sanction" has the same meaning as
in section 2967.01 of the Revised Code.

Sec. 120.28. (A) The joint county public defender
commission's report to the joint board of county commissioners
shall be audited by the fiscal officer of the district. The joint

board of county commissioners, after review and approval of the 1534
audited report, may then certify it to the state public defender 1535
for reimbursement. If a request for the reimbursement of any 1536
operating expenditure incurred by a joint county public defender 1537
office is not received by the state public defender within sixty 1538
days after the end of the calendar month in which the expenditure 1539
is incurred, the state public defender shall not pay the requested 1540
reimbursement, unless the joint board of county commissioners has 1541
requested, and the state public defender has granted, an extension 1542
of the sixty-day time limit. Each request for reimbursement shall 1543
include a certification by the joint county public defender that 1544
all persons provided representation by the joint county public 1545
defender's office during the period covered by the request were 1546
indigent and, for each person provided representation during that 1547
period, a financial disclosure form completed by the person on a 1548
form prescribed by the state public defender. The state public 1549
defender shall also review the report and, in accordance with the 1550
standards, guidelines, and maximums established pursuant to 1551
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1552
prepare a voucher for fifty per cent of the total cost of each 1553
joint county public defender's office for the period of time 1554
covered by the certified report and a voucher for fifty per cent 1555
of the costs and expenses that are reimbursable under section 1556
120.35 of the Revised Code, if any, or, if the amount of money 1557
appropriated by the general assembly to reimburse counties for the 1558
operation of county public defender offices, joint county public 1559
defender offices, and county appointed counsel systems is not 1560
sufficient to pay fifty per cent of the total cost of all of the 1561
offices and systems, for the lesser amount required by section 1562
120.34 of the Revised Code. For purposes of this section, "total 1563
cost" means total expenses minus costs and expenses reimbursable 1564
under section 120.35 of the Revised Code and any funds received by 1565
the joint county public defender commission pursuant to a 1566

contract, except a contract entered into with a municipal 1567
corporation or township pursuant to division (E) of section 120.24 1568
of the Revised Code, gift, or grant. Each county in the district 1569
shall be entitled to a share of such state reimbursement in 1570
proportion to the percentage of the total cost it has agreed to 1571
pay. 1572

(B) If the joint county public defender fails to maintain the 1573
standards for the conduct of the office established by the rules 1574
of the Ohio public defender commission pursuant to divisions (B) 1575
and (C) of section 120.03 or the standards established by the 1576
state public defender pursuant to division (B)(7) of section 1577
120.04 of the Revised Code, the Ohio public defender commission 1578
shall notify the joint county public defender commission and the 1579
board of county commissioners of each county in the district that 1580
the joint county public defender has failed to comply with its 1581
rules or the standards of the state public defender. Unless the 1582
joint public defender commission or the joint county public 1583
defender corrects the conduct of the joint county public 1584
defender's office to comply with the rules and standards within 1585
ninety days after the date of the notice, the state public 1586
defender may deny all or part of the counties' reimbursement from 1587
the state provided for in division (A) of this section. 1588

Sec. 120.33. (A) In lieu of using a county public defender or 1589
joint county public defender to represent indigent persons in the 1590
proceedings set forth in division (A) of section 120.16 of the 1591
Revised Code, the board of county commissioners of any county may 1592
adopt a resolution to pay counsel who are either personally 1593
selected by the indigent person or appointed by the court. The 1594
resolution shall include those provisions the board of county 1595
commissioners considers necessary to provide effective 1596
representation of indigent persons in any proceeding for which 1597
counsel is provided under this section. The resolution shall 1598

include provisions for contracts with any municipal corporation or 1599
township under which the municipal corporation or township shall 1600
reimburse the county for counsel appointed to represent indigent 1601
persons charged with violations of the ordinances of the municipal 1602
corporation or resolutions of the township. 1603

(1) In a county that adopts a resolution to pay counsel, an 1604
indigent person shall have the right to do either of the 1605
following: 1606

(a) To select the person's own personal counsel to represent 1607
the person in any proceeding included within the provisions of the 1608
resolution; 1609

(b) To request the court to appoint counsel to represent the 1610
person in such a proceeding. 1611

(2) The court having jurisdiction over the proceeding in a 1612
county that adopts a resolution to pay counsel shall, after 1613
determining that the person is indigent and entitled to legal 1614
representation under this section, do either of the following: 1615

(a) By signed journal entry recorded on its docket, enter the 1616
name of the lawyer selected by the indigent person as counsel of 1617
record; 1618

(b) Appoint counsel for the indigent person if the person has 1619
requested the court to appoint counsel and, by signed journal 1620
entry recorded on its dockets, enter the name of the lawyer 1621
appointed for the indigent person as counsel of record. 1622

(3) The board of county commissioners shall establish a 1623
schedule of fees by case or on an hourly basis to be paid to 1624
counsel for legal services provided pursuant to a resolution 1625
adopted under this section. Prior to establishing the schedule, 1626
the board of county commissioners shall request the bar 1627
association or associations of the county to submit a proposed 1628
schedule. The schedule submitted shall be subject to the review, 1629

amendment, and approval of the board of county commissioners. 1630

(4) Counsel selected by the indigent person or appointed by 1631
the court at the request of an indigent person in a county that 1632
adopts a resolution to pay counsel, except for counsel appointed 1633
to represent a person charged with any violation of an ordinance 1634
of a municipal corporation, or a resolution of a township, that 1635
has not contracted with the county commissioners for the payment 1636
of appointed counsel, shall be paid by the county and shall 1637
receive the compensation and expenses the court approves. Each 1638
request for payment shall be accompanied by a financial disclosure 1639
form and an affidavit of indigency that are completed by the 1640
indigent person on forms prescribed by the state public defender. 1641
Compensation and expenses shall not exceed the amounts fixed by 1642
the board of county commissioners in the schedule adopted pursuant 1643
to division (A)(3) of this section. No court shall approve 1644
compensation and expenses that exceed the amount fixed pursuant to 1645
division (A)(3) of this section. 1646

The fees and expenses approved by the court shall not be 1647
taxed as part of the costs and shall be paid by the county. 1648
However, if the person represented has, or may reasonably be 1649
expected to have, the means to meet some part of the cost of the 1650
services rendered to the person, the person shall pay the county 1651
an amount that the person reasonably can be expected to pay. 1652
Pursuant to section 120.04 of the Revised Code, the county shall 1653
pay to the state public defender a percentage of the payment 1654
received from the person in an amount proportionate to the 1655
percentage of the costs of the person's case that were paid to the 1656
county by the state public defender pursuant to this section. The 1657
money paid to the state public defender shall be credited to the 1658
client payment fund created pursuant to division (B)(5) of section 1659
120.04 of the Revised Code. 1660

The county auditor shall draw a warrant on the county 1661

treasurer for the payment of counsel in the amount fixed by the 1662
court, plus the expenses the court fixes and certifies to the 1663
auditor. The county auditor shall report periodically, but not 1664
less than annually, to the board of county commissioners and to 1665
the state public defender the amounts paid out pursuant to the 1666
approval of the court. The board of county commissioners, after 1667
review and approval of the auditor's report, or the county 1668
auditor, with permission from and notice to the board of county 1669
commissioners, may then certify it to the state public defender 1670
for reimbursement. The state public defender may pay a requested 1671
reimbursement only if the request for reimbursement is accompanied 1672
by a financial disclosure form and an affidavit of indigency 1673
completed by the indigent person on forms prescribed by the state 1674
public defender or if the court certifies by electronic signature 1675
as prescribed by the state public defender that a financial 1676
disclosure form and affidavit of indigency have been completed by 1677
the indigent person and are available for inspection. If a request 1678
for the reimbursement of the cost of counsel in any case is not 1679
received by the state public defender within ninety days after the 1680
end of the calendar month in which the case is finally disposed of 1681
by the court, unless the county has requested and the state public 1682
defender has granted an extension of the ninety-day limit, the 1683
state public defender shall not pay the requested reimbursement. 1684
The state public defender shall also review the report and, in 1685
accordance with the standards, guidelines, and maximums 1686
established pursuant to divisions (B)(7) and (8) of section 120.04 1687
of the Revised Code, prepare a voucher for fifty per cent of the 1688
total cost of each county appointed counsel system in the period 1689
of time covered by the certified report and a voucher for fifty 1690
per cent of the costs and expenses that are reimbursable under 1691
section 120.35 of the Revised Code, if any, or, if the amount of 1692
money appropriated by the general assembly to reimburse counties 1693
for the operation of county public defender offices, joint county 1694

public defender offices, and county appointed counsel systems is 1695
not sufficient to pay fifty per cent of the total cost of all of 1696
the offices and systems other than costs and expenses that are 1697
reimbursable under section 120.35 of the Revised Code, for the 1698
lesser amount required by section 120.34 of the Revised Code. 1699
1700

(5) If any county appointed counsel system fails to maintain 1701
the standards for the conduct of the system established by the 1702
rules of the Ohio public defender commission pursuant to divisions 1703
(B) and (C) of section 120.03 or the standards established by the 1704
state public defender pursuant to division (B)(7) of section 1705
120.04 of the Revised Code, the Ohio public defender commission 1706
shall notify the board of county commissioners of the county that 1707
the county appointed counsel system has failed to comply with its 1708
rules or the standards of the state public defender. Unless the 1709
board of county commissioners corrects the conduct of its 1710
appointed counsel system to comply with the rules and standards 1711
within ninety days after the date of the notice, the state public 1712
defender may deny all or part of the county's reimbursement from 1713
the state provided for in division (A)(4) of this section. 1714

(B) In lieu of using a county public defender or joint county 1715
public defender to represent indigent persons in the proceedings 1716
set forth in division (A) of section 120.16 of the Revised Code, 1717
and in lieu of adopting the resolution and following the procedure 1718
described in division (A) of this section, the board of county 1719
commissioners of any county may contract with the state public 1720
defender for the state public defender's legal representation of 1721
indigent persons. A contract entered into pursuant to this 1722
division may provide for payment for the services provided on a 1723
per case, hourly, or fixed contract basis. 1724

(C) If a court appoints an attorney pursuant to this section 1725
to represent a petitioner in a postconviction relief proceeding 1726

under section 2953.21 of the Revised Code, the petitioner has 1727
received a sentence of death, and the proceeding relates to that 1728
sentence, the attorney who represents the petitioner in the 1729
proceeding pursuant to the appointment shall be certified under 1730
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 1731
represent indigent defendants charged with or convicted of an 1732
offense for which the death penalty can be or has been imposed. 1733

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 1734
(5), or (6) of this section, if a person who is a defendant in a 1735
criminal case or a party in a case in juvenile court requests or 1736
is provided a state public defender, a county or joint county 1737
public defender, or any other counsel appointed by the court, the 1738
court in which the criminal case is initially filed or the 1739
juvenile court, whichever is applicable, shall assess, unless the 1740
application fee is waived or reduced, a non-refundable application 1741
fee of twenty-five dollars. 1742

The court shall direct the person to pay the application fee 1743
to the clerk of court. The person shall pay the application fee to 1744
the clerk of court at the time the person files an affidavit of 1745
indigency or a financial disclosure form with the court, a state 1746
public defender, a county or joint county public defender, or any 1747
other counsel appointed by the court or within seven days of that 1748
date. If the person does not pay the application fee within that 1749
seven-day period, the court shall assess the application fee at 1750
sentencing or at the final disposition of the case. 1751

(2) For purposes of this section, a criminal case includes 1752
any case involving a violation of any provision of the Revised 1753
Code ~~or~~, of an ordinance of a municipal corporation, or of a 1754
resolution of a township for which the potential penalty includes 1755
loss of liberty and includes any contempt proceeding in which a 1756
court may impose a term of imprisonment. 1757

(3) In a juvenile court proceeding, the court shall not assess the application fee against a child if the court appoints a guardian ad litem for the child or the court appoints an attorney to represent the child at the request of a guardian ad litem.

(4) The court shall not assess an application fee for a postconviction proceeding or when the defendant files an appeal.

(5)(a) Except when the court assesses an application fee pursuant to division (A)(5)(b) of this section, the court shall assess an application fee when a person is charged with a violation of a community control sanction or a violation of a post-release control sanction.

(b) If a charge of violating a community control sanction or post-release control sanction described in division (A)(5)(a) of this section results in a person also being charged with violating any provision of the Revised Code ~~or~~, an ordinance of a municipal corporation, or a resolution of a township, the court shall only assess an application fee for the case that results from the additional charge.

(6) If a case is transferred from one court to another court and the person failed to pay the application fee to the court that initially assessed the application fee, the court that initially assessed the fee shall remove the assessment, and the court to which the case was transferred shall assess the application fee.

(7) The court shall assess an application fee pursuant to this section one time per case. For purposes of assessing the application fee, a case means one complete proceeding or trial held in one court for a person on an indictment, information, complaint, petition, citation, writ, motion, or other document initiating a case that arises out of a single incident or a series of related incidents, or when one individual is charged with two or more offenses that the court handles simultaneously. The court

may waive or reduce the fee for a specific person in a specific 1789
case upon a finding that the person lacks financial resources that 1790
are sufficient to pay the fee or that payment of the fee would 1791
result in an undue hardship. 1792

(B) No court, state public defender, county or joint county 1793
public defender, or other counsel appointed by the court shall 1794
deny a person the assistance of counsel solely due to the person's 1795
failure to pay the application fee assessed pursuant to division 1796
(A) of this section. A person's present inability, failure, or 1797
refusal to pay the application fee shall not disqualify that 1798
person from legal representation. 1799

(C) The application fee assessed pursuant to division (A) of 1800
this section is separate from and in addition to any other amount 1801
assessed against a person who is found to be able to contribute 1802
toward the cost of the person's legal representation pursuant to 1803
division (D) of section 2941.51 of the Revised Code. 1804

(D) The clerk of the court that assessed the fees shall 1805
forward all application fees collected pursuant to this section to 1806
the county treasurer for deposit in the county treasury. The 1807
county shall retain eighty per cent of the application fees so 1808
collected to offset the costs of providing legal representation to 1809
indigent persons. Not later than the last day of each month, the 1810
county auditor shall remit twenty per cent of the application fees 1811
so collected in the previous month to the state public defender. 1812
The state public defender shall deposit the remitted fees into the 1813
state treasury to the credit of the client payment fund created 1814
pursuant to division (B)(5) of section 120.04 of the Revised Code. 1815
The state public defender may use that money in accordance with 1816
that section. 1817

(E) On or before the twentieth day of each month beginning in 1818
February of the year 2007, each clerk of court shall provide to 1819
the state public defender a report including all of the following: 1820

(1) The number of persons in the previous month who requested or were provided a state public defender, county or joint county public defender, or other counsel appointed by the court;	1821 1822 1823
(2) The number of persons in the previous month for whom the court waived the application fee pursuant to division (A) of this section;	1824 1825 1826
(3) The dollar value of the application fees assessed pursuant to division (A) of this section in the previous month;	1827 1828
(4) The amount of assessed application fees collected in the previous month;	1829 1830
(5) The balance of unpaid assessed application fees at the open and close of the previous month.	1831 1832
(F) As used in this section:	1833
(1) "Clerk of court" means the clerk of the court of common pleas of the county, the clerk of the juvenile court of the county, the clerk of the domestic relations division of the court of common pleas of the county, the clerk of the probate court of the county, the clerk of a municipal court in the county, the clerk of a county-operated municipal court, or the clerk of a county court in the county, whichever is applicable.	1834 1835 1836 1837 1838 1839 1840
(2) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.	1841 1842
Sec. 141.04. (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, rounded to the nearest fifty dollars:	1843 1844 1845 1846
(1) For the chief justice of the supreme court, the following amounts effective in the following years:	1847 1848
(a) Beginning January 1, 2000, one hundred twenty-four	1849

thousand nine hundred dollars;	1850
(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;	1851
(c) After 2001, the amount determined under division (E)(1) of this section.	1852
(2) For the justices of the supreme court, the following amounts effective in the following years:	1853
(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;	1854
(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;	1855
(c) After 2001, the amount determined under division (E)(1) of this section.	1856
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	1857
(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;	1858
(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;	1859
(c) After 2001, the amount determined under division (E)(1) of this section.	1860
(4) For the judges of the courts of common pleas, the following amounts effective in the following years:	1861
(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;	1862
(b) Beginning January 1, 2001, one hundred three thousand five hundred dollars, reduced by an amount equal to the annual	1863

compensation paid to that judge from the county treasury pursuant 1879
to section 141.05 of the Revised Code; 1880

(c) After 2001, the aggregate annual salary amount determined 1881
under division (E)(2) of this section reduced by an amount equal 1882
to the annual compensation paid to that judge from the county 1883
treasury pursuant to section 141.05 of the Revised Code. 1884

(5) For the full-time judges of a municipal court ~~or the~~ 1885
~~part-time judges of a municipal court of a territory having a~~ 1886
~~population of more than fifty thousand~~, the following amounts 1887
effective in the following years, which amounts shall be in 1888
addition to all amounts received pursuant to divisions (B)(1)(a) 1889
and (2) of section 1901.11 of the Revised Code from municipal 1890
corporations and counties: 1891

(a) Beginning January 1, 2000, thirty-two thousand six 1892
hundred fifty dollars; 1893

(b) Beginning January 1, 2001, thirty-five thousand five 1894
hundred dollars; 1895

(c) After 2001, the amount determined under division (E)(3) 1896
of this section. 1897

(6) For judges of a municipal court designated as part-time 1898
judges by section 1901.08 of the Revised Code, ~~other than~~ 1899
~~part-time judges to whom division (A)(5) of this section applies,~~ 1900
~~and for judges of a county court~~, the following amounts effective 1901
in the following years, which amounts shall be in addition to any 1902
amounts received pursuant to division (A) of section 1901.11 of 1903
the Revised Code from municipal corporations and counties or 1904
pursuant to division (A) of section 1907.16 of the Revised Code 1905
from counties: 1906

(a) Beginning January 1, 2000, eighteen thousand eight 1907
hundred dollars; 1908

(b) Beginning January 1, 2001, twenty thousand four hundred 1909
fifty dollars; 1910

(c) After 2001, the amount determined under division (E)(4) 1911
of this section. 1912

(B) Except as provided in section 1901.121 of the Revised 1913
Code, except as otherwise provided in this division, and except 1914
for the compensation to which the judges described in division 1915
(A)(5) of this section are entitled pursuant to divisions 1916
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 1917
annual salary of the chief justice of the supreme court and of 1918
each justice or judge listed in division (A) of this section shall 1919
be paid in equal monthly installments from the state treasury. If 1920
the chief justice of the supreme court or any justice or judge 1921
listed in division (A)(2), (3), or (4) of this section delivers a 1922
written request to be paid biweekly to the administrative director 1923
of the supreme court prior to the first day of January of any 1924
year, the annual salary of the chief justice or the justice or 1925
judge that is listed in division (A)(2), (3), or (4) of this 1926
section shall be paid, during the year immediately following the 1927
year in which the request is delivered to the administrative 1928
director of the supreme court, biweekly from the state treasury. 1929

(C) Upon the death of the chief justice or a justice of the 1930
supreme court during that person's term of office, an amount shall 1931
be paid in accordance with section 2113.04 of the Revised Code, or 1932
to that person's estate. The amount shall equal the amount of the 1933
salary that the chief justice or justice would have received 1934
during the remainder of the unexpired term or an amount equal to 1935
the salary of office for two years, whichever is less. 1936

(D) Neither the chief justice of the supreme court nor any 1937
justice or judge of the supreme court, the court of appeals, the 1938
court of common pleas, or the probate court shall hold any other 1939
office of trust or profit under the authority of this state or the 1940

United States. 1941

(E)(1) Each calendar year from 2002 through 2008, the annual 1942
salaries of the chief justice of the supreme court and of the 1943
justices and judges named in divisions (A)(2) and (3) of this 1944
section shall be increased by an amount equal to the adjustment 1945
percentage for that year multiplied by the compensation paid the 1946
preceding year pursuant to division (A)(1), (2), or (3) of this 1947
section. 1948

(2) Each calendar year from 2002 through 2008, the aggregate 1949
annual salary payable under division (A)(4) of this section to the 1950
judges named in that division shall be increased by an amount 1951
equal to the adjustment percentage for that year multiplied by the 1952
aggregate compensation paid the preceding year pursuant to 1953
division (A)(4) of this section and section 141.05 of the Revised 1954
Code. 1955

(3) Each calendar year from 2002 through 2008, the salary 1956
payable from the state treasury under division (A)(5) of this 1957
section to the judges named in that division shall be increased by 1958
an amount equal to the adjustment percentage for that year 1959
multiplied by the aggregate compensation paid the preceding year 1960
pursuant to division (A)(5) of this section and division (B)(1)(a) 1961
of section 1901.11 of the Revised Code. 1962

(4) Each calendar year from 2002 through 2008, the salary 1963
payable from the state treasury under division (A)(6) of this 1964
section to the judges named in that division shall be increased by 1965
an amount equal to the adjustment percentage for that year 1966
multiplied by the aggregate compensation paid the preceding year 1967
pursuant to division (A)(6) of this section and division (A) of 1968
section 1901.11 of the Revised Code from municipal corporations 1969
and counties or division (A) of section 1907.16 of the Revised 1970
Code from counties. 1971

(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

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1973
1974
1975
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1979
1980

(G) As used in this section:

1981

(1) The "adjustment percentage" for a year is the lesser of the following:

1982
1983

(a) Three per cent;

1984

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

1985
1986
1987
1988

(2) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code.

1989
1990

(3) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity.

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1993
1994
1995
1996

Sec. 309.08. (A) The prosecuting attorney may inquire into the commission of crimes within the county. The prosecuting attorney shall prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor pursuant

1997
1998
1999
2000
2001

to section 177.03 of the Revised Code or by the attorney general 2002
pursuant to section 109.83 of the Revised Code, and other suits, 2003
matters, and controversies that the prosecuting attorney is 2004
required to prosecute within or outside the county, in the probate 2005
court, court of common pleas, and court of appeals. In conjunction 2006
with the attorney general, the prosecuting attorney shall 2007
prosecute in the supreme court cases arising in the prosecuting 2008
attorney's county, except for those cases required to be 2009
prosecuted by a special prosecutor pursuant to section 177.03 of 2010
the Revised Code or by the attorney general pursuant to section 2011
109.83 of the Revised Code. 2012

In every case of conviction, the prosecuting attorney 2013
forthwith shall cause execution to be issued for the fine and 2014
costs, or costs only, as the case may be, and faithfully shall 2015
urge the collection until it is effected or found to be 2016
impracticable to collect. The prosecuting attorney forthwith shall 2017
pay to the county treasurer all moneys belonging to the state or 2018
county which come into the prosecuting attorney's possession. 2019

The prosecuting attorney or an assistant prosecuting attorney 2020
of a county may participate, as a member of the investigatory 2021
staff of an organized crime task force established under section 2022
177.02 of the Revised Code that has jurisdiction in that county, 2023
in an investigation of organized criminal activity under sections 2024
177.01 to 177.03 of the Revised Code. 2025

(B) The prosecuting attorney may pay a reward to a person who 2026
has volunteered any tip or information to a law enforcement agency 2027
in the county concerning a drug-related offense that is planned to 2028
occur, is occurring, or has occurred, in whole or in part, in the 2029
county. The prosecuting attorney may provide for the payment, out 2030
of the following sources, of rewards to a person who has 2031
volunteered tips and information to a law enforcement agency in 2032
the county concerning a drug-related offense that is planned to 2033

occur, is occurring, or has occurred, in whole or in part, in the 2034
county: 2035

(1) The law enforcement trust fund established by the 2036
prosecuting attorney pursuant to division (C)(1) of section 2037
2981.13 of the Revised Code; 2038

(2) The portion of any mandatory fines imposed pursuant to 2039
divisions (B)(1) and (2) of section 2929.18 or Chapter 2925. of 2040
the Revised Code that is paid to the prosecuting attorney pursuant 2041
to that division or chapter, the portion of any additional fines 2042
imposed under division (A) of section 2929.18 of the Revised Code 2043
that is paid to the prosecuting attorney pursuant to that 2044
division, or the portion of any fines imposed pursuant to division 2045
(A) of section 2925.42 of the Revised Code that is paid to the 2046
prosecuting attorney pursuant to division (B) of that section; 2047

(3) The furtherance of justice fund allowed to the 2048
prosecuting attorney under section 325.12 of the Revised Code or 2049
any additional funds allowed to the prosecuting attorney under 2050
section 325.13 of the Revised Code; 2051

(4) Any other moneys lawfully in the possession or control of 2052
the prosecuting attorney. 2053

(C) As used in division (B) of this section, "drug-related 2054
offense" means any violation of Chapter 2925. or 3719. of the 2055
Revised Code ~~or~~, any violation of a municipal ordinance that is 2056
substantially equivalent to any section in either of those 2057
chapters, or any violation of a township resolution that is 2058
substantially equivalent to any section in Chapter 2925. of the 2059
Revised Code. 2060

Sec. 341.23. (A) The board of county commissioners of any 2061
county or the legislative authority of any municipal corporation 2062
or township in which there is no workhouse may agree with the 2063

legislative authority of any municipal corporation or other 2064
authority having control of the workhouse of any other city, or 2065
with the directors of any district of a joint city and county 2066
workhouse or county workhouse, upon terms on which persons 2067
convicted of a misdemeanor by any court or magistrate of a county 2068
~~or~~, municipal corporation, or township having no workhouse, may be 2069
received into that workhouse, under sentence of the court or 2070
magistrate. The board or legislative authority may pay the 2071
expenses incurred under the agreement out of the general fund of 2072
that county ~~or~~, municipal corporation, or township, upon the 2073
certificate of the proper officer of the workhouse. 2074

(B) The sheriff or other officer transporting any person to 2075
the workhouse described in division (A) of this section shall 2076
receive six cents per mile for the sheriff or officer, going and 2077
returning, five cents per mile for transporting the convict, and 2078
five cents per mile, going and coming, for the service of each 2079
deputy, to be allowed as in cases in which a person is transported 2080
to a state correctional institution. The number of miles shall be 2081
computed by the usual routes of travel and, in state cases, shall 2082
be paid out of the general fund of the county, on the allowance of 2083
the board, and for the violation of the ordinances of any 2084
municipal corporation, or resolutions of any township shall be 2085
paid by that municipal corporation or township on the order of its 2086
legislative authority. 2087

(C) Pursuant to section 2929.37 of the Revised Code, the 2088
board of county commissioners, the directors of the district of a 2089
joint city and county workhouse or county workhouse, or the 2090
legislative authority of the municipal corporation may require a 2091
person who was convicted of an offense and who is confined in a 2092
workhouse as provided in division (A) of this section, to 2093
reimburse the county, district, or municipal corporation, as the 2094
case may be, for its expenses incurred by reason of the person's 2095

confinement. 2096

(D) Notwithstanding any contrary provision in this section or 2097
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 2098
appropriate board of county commissioners and legislative 2099
authorities may include in their agreement entered into under 2100
division (A) of this section a policy that complies with section 2101
2929.38 of the Revised Code and that requires any person who is 2102
not indigent and who is confined in the county, city, district, or 2103
joint city and county workhouse under this section to pay a 2104
reception fee, a fee for any medical treatment or service 2105
requested by and provided to that person, or the fee for a random 2106
drug test assessed under division (E) of section 341.26 of the 2107
Revised Code. 2108

(E) If a person who has been convicted of or pleaded guilty 2109
to an offense is incarcerated in the workhouse as provided in 2110
division (A) of this section, at the time of reception and at 2111
other times the person in charge of the operation of the workhouse 2112
determines to be appropriate, the person in charge of the 2113
operation of the workhouse may cause the convicted offender to be 2114
examined and tested for tuberculosis, HIV infection, hepatitis, 2115
including but not limited to hepatitis A, B, and C, and other 2116
contagious diseases. The person in charge of the operation of the 2117
workhouse may cause a convicted offender in the workhouse who 2118
refuses to be tested or treated for tuberculosis, HIV infection, 2119
hepatitis, including but not limited to hepatitis A, B, and C, or 2120
another contagious disease to be tested and treated involuntarily. 2121

Sec. 341.33. Imprisonment under the ordinances of a municipal 2122
corporation, ~~in addition to the manner provided for in section~~ 2123
~~1905.35 of the Revised Code,~~ may be in a county rehabilitation 2124
work camp, provided an agreement for the use of ~~such~~ the camp has 2125
been entered into between the board of county commissioners of the 2126

county wherein ~~such~~ the camp is located and the legislative 2127
authority of ~~such~~ the municipal corporation. 2128

Sec. 503.44. If a board of township trustees has adopted a 2129
resolution under section 503.41 of the Revised Code, it shall deny 2130
any application for a permit to operate a massage establishment or 2131
revoke a previously issued permit, for any of the following 2132
reasons: 2133

(A) Falsification of any of the information required for the 2134
application or failure to fully complete the application; 2135

(B) Failure to cooperate with any required health or safety 2136
inspection; 2137

(C) Any one of the persons named on the application is under 2138
the age of eighteen; 2139

(D) Any one of the persons named on the application has been 2140
convicted of or pleaded guilty to any violation of Chapter 2907. 2141
of the Revised Code, or any violation of any municipal ordinance 2142
or township resolution that is substantially equivalent to any 2143
offense contained in Chapter 2907. of the Revised Code, within 2144
five years preceding the application; 2145

(E) Any ~~masseur or masseuse~~ massager employed at the licensed 2146
massage establishment has been convicted of or pleaded guilty to a 2147
violation of division (D) of section 503.42 of the Revised Code. 2148

Sec. 503.46. If a board of township trustees has adopted a 2149
resolution under section 503.41 of the Revised Code, it shall deny 2150
the application for a ~~masseur or masseuse~~ massager license or 2151
revoke a previously issued license for any of the following 2152
reasons: 2153

(A) Falsification of any of the information required for the 2154
application or failure to fully complete the application; 2155

(B) The applicant is under the age of twenty-one.	2156
(C) The applicant has been convicted of or pleaded guilty to any violation of Chapter 2907. of the Revised Code, or violation of any municipal ordinance <u>or township resolution</u> that is substantially equivalent to any offense contained in Chapter 2907. of the Revised Code, within five years preceding the application.	2157 2158 2159 2160 2161
(D) The applicant has been convicted of or pleaded guilty to a violation of division (D) of section 503.42 of the Revised Code.	2162 2163
Sec. 504.04. (A) A township that adopts a limited home rule government may do all of the following by resolution, provided that <u>in a township that does not have a community court</u> any of these resolutions, other than a resolution to supply water or sewer services in accordance with sections 504.18 to 504.20 of the Revised Code, may be enforced only by the imposition of civil fines as authorized in this chapter:	2164 2165 2166 2167 2168 2169 2170
(1) Exercise all powers of local self-government within the unincorporated area of the township, other than powers that are in conflict with general laws, except that the township shall comply with the requirements and prohibitions of this chapter, and shall enact no taxes other than those authorized by general law, and except that no resolution adopted pursuant to this chapter shall encroach upon the powers, duties, and privileges of elected township officers or change, alter, combine, eliminate, or otherwise modify the form or structure of the township government unless the change is required or permitted by this chapter;	2171 2172 2173 2174 2175 2176 2177 2178 2179 2180
(2) Adopt and enforce within the unincorporated area of the township local police, sanitary, and other similar regulations that are not in conflict with general laws or otherwise prohibited by division (B) of this section;	2181 2182 2183 2184
(3) Supply water and sewer services to users within the	2185

unincorporated area of the township in accordance with sections	2186
504.18 to 504.20 of the Revised Code;	2187
(4) Adopt and enforce within the unincorporated area of the	2188
township any resolution of a type described in section 503.52 or	2189
503.60 of the Revised Code.	2190
(B) No resolution adopted pursuant to this chapter shall do	2191
any of the following:	2192
(1) Create <u>In a township that does not have a community</u>	2193
<u>court, create</u> a criminal offense or impose criminal penalties,	2194
except as authorized by division (A) of this section or by section	2195
503.52 of the Revised Code;	2196
(2) Impose civil fines other than as authorized by this	2197
chapter;	2198
(3) Establish or revise subdivision regulations, road	2199
construction standards, urban sediment rules, or storm water and	2200
drainage regulations, except as provided in section 504.21 of the	2201
Revised Code;	2202
(4) Establish or revise building standards, building codes,	2203
and other standard codes except as provided in section 504.13 of	2204
the Revised Code;	2205
(5) Increase, decrease, or otherwise alter the powers or	2206
duties of a township under any other chapter of the Revised Code	2207
pertaining to agriculture or the conservation or development of	2208
natural resources;	2209
(6) Establish regulations affecting hunting, trapping,	2210
fishing, or the possession, use, or sale of firearms;	2211
(7) Establish or revise water or sewer regulations, except in	2212
accordance with section 504.18, 504.19, or 504.21 of the Revised	2213
Code.	2214
Nothing in this chapter shall be construed as affecting the	2215

powers of counties with regard to the subjects listed in divisions 2216
(B)(3) to (5) of this section. 2217

(C) Under a limited home rule government, all officers shall 2218
have the qualifications, and be nominated, elected, or appointed, 2219
as provided in Chapter 505. of the Revised Code, except that the 2220
board of township trustees shall appoint a full-time or part-time 2221
law director pursuant to section 504.15 of the Revised Code, and 2222
except that a five-member board of township trustees approved for 2223
the township before September 26, 2003, shall continue to serve as 2224
the legislative authority with successive members serving for 2225
four-year terms of office until a termination of a limited home 2226
rule government under section 504.03 of the Revised Code. 2227

(D) In case of conflict between resolutions enacted by a 2228
board of township trustees and municipal ordinances or 2229
resolutions, the ordinance or resolution enacted by the municipal 2230
corporation prevails. In case of conflict between resolutions 2231
enacted by a board of township trustees and any county resolution, 2232
the resolution enacted by the board of township trustees prevails. 2233

(E) The board of trustees of a township that has a community 2234
court established under division (B) or (C) of section 1905.43 of 2235
the Revised Code may adopt resolutions that create criminal 2236
offenses that are substantially equivalent to offenses contained 2237
in Title XXIX or Title XLV of the Revised Code and that impose 2238
criminal penalties for those offenses to the same extent as the 2239
legislative authority of a municipal corporation. The board of 2240
trustees may not provide for both a criminal penalty and a civil 2241
fine for a violation of a resolution. 2242

Sec. 504.05. The board of township trustees may impose a 2243
civil fine for a violation of a resolution that is adopted 2244
pursuant to this chapter, and that does not create a criminal 2245
offense and may graduate the amount of the fine based on the 2246

number of previous violations of the resolution. No fine shall 2247
exceed one thousand dollars. Any resolution that imposes a fine 2248
shall clearly state the amount of the fine for the first and for 2249
subsequent violations. 2250

Sec. 504.06. (A) Peace officers serving the township pursuant 2251
to section 504.16 of the Revised Code may issue citations to 2252
persons who violate township resolutions that are adopted pursuant 2253
to this chapter and that are enforced by the imposition of civil 2254
fines. Each citation shall contain provisions that: 2255

(1) Advise the person upon whom it is served that the person 2256
must answer in relation to the violation charged in the citation 2257
within fourteen days after the citation is served upon the person; 2258

(2) Indicate the allowable answers that may be made and that 2259
the person will be afforded a court hearing if the person denies 2260
in the person's answer having committed the violation; 2261

(3) Specify that the answer must be made in person or by mail 2262
to the township fiscal officer; 2263

(4) Indicate the amount of the fine that arises from the 2264
violation. 2265

(B) A peace officer who issues a citation for a violation of 2266
a township resolution that is enforced by the imposition of a 2267
civil fine shall complete the citation by identifying the 2268
violation charged and by indicating the date, time, and place of 2269
the violation charged. The officer shall sign the citation, affirm 2270
the facts that it contains, and without unnecessary delay file the 2271
original citation with the court having jurisdiction over the 2272
violation. A copy of a citation issued pursuant to this section 2273
shall be served pursuant to the Rules of Civil Procedure upon the 2274
person who violated the resolution. No peace officer is entitled 2275
to receive witness fees in a cause prosecuted under a township 2276

resolution adopted pursuant to this chapter. 2277

Sec. 504.08. To enforce a township resolution that is adopted 2278
under this chapter and that may be enforced by the imposition of a 2279
civil fine, a board of township trustees may authorize the 2280
township law director to do any of the following: 2281

(A) File for injunctive relief if the violation of the 2282
resolution is a matter of health or safety; 2283

(B) File for a lien upon the property of a violator if the 2284
violation relates to the use of the property and if the violator 2285
has failed to pay a fine imposed pursuant to section 504.07 of the 2286
Revised Code within ten days after the judgment imposing the fine 2287
has become final. The unpaid fine shall be entered on the tax 2288
duplicate and is a lien upon the property from and after the date 2289
of entry and shall be collected as other taxes, returned to the 2290
township, and placed in the township general fund. 2291

(C) Take any measure for the collection of an unpaid money 2292
judgment that is authorized by division (D) of section 504.07 of 2293
the Revised Code. 2294

Sec. 504.15. (A) Unless the board of township trustees acts 2295
as authorized by division (B) of this section, in each township 2296
that adopts the limited self-government form of township 2297
government, the board of township trustees shall appoint a 2298
full-time or part-time township law director, who shall be an 2299
attorney licensed to practice law in this state. The board of 2300
township trustees shall set the salary of the township law 2301
director. The township law director shall be the legal advisor to 2302
the board of township trustees, the township administrator, and 2303
all other township officers, and any of them may require written 2304
opinions or instructions from the township law director in matters 2305
connected with their official duties. Subject to division (E) of 2306

section 503.52 of the Revised Code, the township law director 2307
shall prosecute and defend all suits and actions that any such 2308
officer or board directs or to which an officer or board is a 2309
party, and the township law director shall prosecute any violation 2310
of a township resolution, as provided in this chapter. The 2311
township law director shall review all resolutions as to form 2312
prior to their introduction by a township trustee. Additional 2313
legal counsel may be employed as provided in division (B) of 2314
section 309.09 of the Revised Code. 2315

(B) The board of township trustees may enter into a contract 2316
with the prosecuting attorney of the county to have the 2317
prosecuting attorney serve as the township law director, with the 2318
consent of the board of county commissioners. 2319

(C) Nothing in this section confers any of the powers or 2320
duties of a prosecuting attorney under section 309.08 of the 2321
Revised Code upon a township law director. 2322

(D) Nothing in this section limits or affects the operation 2323
of division (E) of section 503.52 of the Revised Code. 2324

(E) The township law director of an urban township, or the 2325
prosecuting attorney of the county pursuant to a contract entered 2326
into under division (B) of this section, shall prosecute persons 2327
who violate resolutions that are adopted under section 504.04 of 2328
the Revised Code and that create criminal offenses. If the board 2329
of township trustees of an urban township has not entered into a 2330
contract under division (B) of this section for the prosecution of 2331
persons who violate resolutions that create criminal offenses, the 2332
board may enter into a contract with the chief legal officer of a 2333
municipal corporation with which the township has created a 2334
community court by contract for the prosecution of persons who 2335
violate resolutions that are adopted under section 504.04 of the 2336
Revised Code and that create criminal offenses. 2337

Sec. 705.14. Except as otherwise provided in section 705.53 2338
of the Revised Code, at the first meeting following each regular 2339
municipal election, the legislative authority of a municipal 2340
corporation shall elect one of its members as ~~chairman~~ chairperson 2341
and one other member as ~~vice-chairman~~ vice-chairperson. The 2342
~~chairman~~ chairperson shall preside at meetings of the legislative 2343
authority and perform ~~such any~~ such any duties as ~~that~~ that are imposed upon ~~him~~ 2344
the chairperson, as presiding officer, by the legislative 2345
authority. ~~In municipal corporations in which a municipal court is~~ 2346
~~not otherwise provided, the chairman shall perform all of the~~ 2347
~~general duties provided in section 733.30 of the Revised Code,~~ 2348
~~shall have such jurisdiction as is provided by section 1905.20 of~~ 2349
~~the Revised Code, and shall be styled "police justice" in the~~ 2350
~~performance of all judicial duties, and in such style he shall~~ 2351
~~sign all processes and judicial records during the time he serves.~~ 2352
~~He shall keep a docket in which he shall enter all cases brought~~ 2353
~~before him. Such docket shall be provided by and be the property~~ 2354
~~of the municipal corporation. At the end of each month, such~~ 2355
~~police justice shall make a report to the legislative authority of~~ 2356
~~all cases brought before him.~~ 2357

When the ~~chairman~~ chairperson of the legislative authority ~~or~~ 2358
~~police justice~~ is absent from the municipal corporation, or is 2359
unable to perform ~~his~~ official duties, or in case of death, 2360
resignation, or removal, the ~~vice-chairman~~ vice-chairperson shall 2361
act as ~~chairman~~ chairperson and perform all of the duties provided 2362
for ~~chairman and police justice~~ the chairperson, pending any 2363
future meeting of the legislative authority at which it may select 2364
one of its members, who has been elected as provided in sections 2365
705.31 and 705.32 of the Revised Code, to become the ~~chairman and~~ 2366
~~police justice~~ chairperson for the period of time that ~~such~~ 2367
~~chairman~~ the chairperson is absent from the municipal corporation, 2368
or is incapacitated for any cause, or in the event of ~~his~~ death, 2369

resignation, or removal. The member so selected shall become the 2370
~~chairman~~ chairperson of the legislative authority ~~and police~~ 2371
~~justice~~ for the unexpired term. 2372

Sec. 705.55. The powers conferred upon municipal corporations 2373
by the Ohio Constitution and any additional powers conferred upon 2374
municipal corporations by the general assembly, shall be exercised 2375
by the council, unless the exercise of such powers is expressly 2376
conferred upon some other authority of the municipal corporation 2377
or reserved to the people ~~thereof~~ of the municipal corporation. ~~In~~ 2378
~~municipal corporations in which a municipal court is not provided~~ 2379
~~by law, each councilman may perform all of the general duties of~~ 2380
~~mayors, as provided in section 733.30 of the Revised Code, and~~ 2381
~~shall have such jurisdiction as is provided by section 1905.20 of~~ 2382
~~the Revised Code. The member of council elected chairman shall~~ 2383
~~perform all judicial functions.~~ 2384
2385

Sec. 733.40. Except as otherwise provided in section 4511.193 2386
of the Revised Code, all fines, forfeitures, and costs in 2387
ordinance cases and all fees that are collected by the mayor or by 2388
the clerk of the community court of a municipal corporation, that 2389
in any manner come into the mayor's hands, or that are due the 2390
mayor or a marshal, chief of police, or other officer of the 2391
municipal corporation, any other fees and expenses that have been 2392
advanced out of the treasury of the municipal corporation, and all 2393
money received by the mayor for the use of the municipal 2394
corporation shall be paid by the mayor or by the clerk of the 2395
community court into the treasury of the municipal corporation on 2396
the first Monday of each month. At the first regular meeting of 2397
the legislative authority each month, the mayor and the clerk of 2398
the community court shall submit a full statement of all money 2399
received, from whom and for what purposes received, and when paid 2400

into the treasury. Except as otherwise provided by sections 2401
3375.50 to 3375.52 or 4511.19 of the Revised Code, all fines, and 2402
forfeitures collected by the ~~mayer~~ clerk of the community court in 2403
state cases, together with all fees and expenses collected that 2404
have been advanced out of the county treasury, shall be paid by 2405
the ~~mayer~~ clerk to the county treasury on the first business day 2406
of each month. Except as otherwise provided by sections 3375.50 to 2407
3375.52 or 4511.19 of the Revised Code, the ~~mayer~~ clerk of the 2408
community court shall pay all court costs and fees collected by 2409
the ~~mayer~~ clerk in state cases into the municipal treasury on the 2410
first business day of each month. 2411

This section does not apply to fines collected by a ~~mayer's~~ 2412
clerk of a community court for violations of division (B) of 2413
section 4513.263 of the Revised Code, or for violations of any 2414
municipal ordinance that is substantively comparable to that 2415
division, all of which shall be forwarded to the treasurer of 2416
state as provided in division (E) of section 4513.263 of the 2417
Revised Code. 2418

Sec. 733.44. The treasurer of a municipal corporation shall 2419
demand and receive, from the county treasurer, taxes levied and 2420
assessments made and certified to the county auditor by the 2421
legislative authority of ~~such~~ the municipal corporation and placed 2422
on the tax list by ~~such~~ the county auditor for collection, moneys, 2423
from persons authorized to collect or required to pay them, 2424
accruing to the municipal corporation from any judgments, fines, 2425
penalties, forfeitures, licenses, costs taxed in ~~mayer's~~ community 2426
court, and debts due the municipal corporation. Such funds shall 2427
be disbursed by the treasurer on the order of any person 2428
authorized by law or ordinance to issue orders therefor. 2429

Sec. 733.51. The city director of law shall prepare all 2430
contracts, bonds, and other instruments in writing in which the 2431

city is concerned, and shall serve the several directors and 2432
officers provided in Title VII of the Revised Code as legal 2433
counsel and attorney. 2434

The director of law shall be prosecuting attorney of the 2435
~~mayor's~~ community court. When the legislative authority of the 2436
city allows assistants to the director of law, ~~he~~ the director of
law may designate the assistants to act as prosecuting attorneys 2437
of the ~~mayor's~~ community court. The person designated shall be 2438
subject to the approval of the legislative authority. 2439
2440

Sec. 733.52. The city director of law as prosecuting attorney 2441
of the ~~mayor's~~ community court shall prosecute all cases brought 2442
before the court, and shall perform the same duties, as far as 2443
they are applicable ~~thereto~~ to the city director of law, as 2444
required of the prosecuting attorney of the county. 2445

The director of law or the assistants whom ~~he~~ the director of
law designates to act as prosecuting attorneys of the ~~mayor's~~
community court shall receive ~~such~~ the compensation for the 2446
service provided by this section ~~as~~ that the legislative authority 2447
of the city prescribes, and ~~such~~ any additional compensation ~~as~~
that the board of county commissioners allows. 2448
2449
2450
2451

Sec. ~~1905.29~~ 737.34. The mayor of a municipal corporation, 2452
and, in ~~his~~ the mayor's absence, the president of the legislative 2453
authority of the municipal corporation, may grant to officials of 2454
adjoining or contiguous townships the temporary use of the 2455
municipal corporation prison, station house, or watchhouse to 2456
confine criminals or other persons dangerous to the peace of the 2457
community, until they can be ~~safely~~ safely removed to the county 2458
jail, or other place of security. 2459

Sec. 743.14. All ordinances, except those relative to 2460
taxation or assessment, resolutions, rules, and regulations 2461

relative to the construction, maintenance, and operation of water 2462
works, mains, hydrants, and service pipes and connections, and the 2463
protection ~~thereof~~ of water works, mains, hydrants, and service 2464
pipes and connections, shall operate in a similar manner in the 2465
territory outside the municipal corporation when the extensions 2466
mentioned in sections 743.12 and 743.13 of the Revised Code have 2467
been made, and for the enforcement thereof the jurisdiction of the 2468
~~mayor~~ community court, if the municipal corporation has a 2469
community court, and police shall extend into and over such 2470
territory. 2471

Sec. 753.02. (A) The legislative authority of a municipal 2472
corporation shall provide by ordinance for sustaining all persons 2473
sentenced to or confined in a prison or station house at the 2474
expense of the municipal corporation, and in counties where 2475
prisons or station houses are in quarters leased from the board of 2476
county commissioners, may contract with the board for the care and 2477
maintenance of those persons by the sheriff or other person 2478
charged with the care and maintenance of county prisoners. On the 2479
presentation of bills for food, sustenance, and necessary 2480
supplies, to the proper officer, certified by the person whom the 2481
legislative authority designates, the officer shall audit the 2482
bills under the rules prescribed by the legislative authority, and 2483
draw the officer's order on the treasurer of the municipal 2484
corporation in favor of the person presenting the bill. 2485

(B) Pursuant to section 2929.37 of the Revised Code, the 2486
legislative authority of the municipal corporation may require a 2487
person who was convicted of an offense and who is confined in a 2488
prison or station house as provided in division (A) of this 2489
section, or a person who was convicted of an offense and who is 2490
confined in the county jail as provided in division (A) of section 2491
~~1905.35~~ 1905.57 of the Revised Code, to reimburse the municipal 2492
corporation for its expenses incurred by reason of the person's 2493

confinement. 2494

(C) Notwithstanding any contrary provision in this section or 2495
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 2496
legislative authority of the municipal corporation may establish a 2497
policy that complies with section 2929.38 of the Revised Code and 2498
that requires any person who is not indigent and who is confined 2499
in a prison or station house to pay a reception fee, a fee for any 2500
medical treatment or service requested by and provided to that 2501
person, or the fee for a random drug test assessed under division 2502
(E) of section 753.33 of the Revised Code. 2503

(D) If a person who has been convicted of or pleaded guilty 2504
to an offense is sentenced to a term of imprisonment in a prison 2505
or station house as described in division (A) of this section, or 2506
if a person who has been arrested for an offense, and who has been 2507
denied bail or has had bail set and has not been released on bail 2508
is confined in a prison or station house as described in division 2509
(A) of this section pending trial, at the time of reception and at 2510
other times the person in charge of the operation of the prison or 2511
station house determines to be appropriate, the person in charge 2512
of the operation of the prison or station house may cause the 2513
convicted or accused offender to be examined and tested for 2514
tuberculosis, HIV infection, hepatitis, including, but not limited 2515
to, hepatitis A, B, and C, and other contagious diseases. The 2516
person in charge of the operation of the prison or station house 2517
may cause a convicted or accused offender in the prison or station 2518
house who refuses to be tested or treated for tuberculosis, HIV 2519
infection, hepatitis, including, but not limited to, hepatitis A, 2520
B, and C, or another contagious disease to be tested and treated 2521
involuntarily. 2522

Sec. 753.021. (A) For each person who is confined in a prison 2523
or station house as provided in section 753.02 of the Revised Code 2524

or in a county jail as provided in division (A) of section 1905.35 2525
1905.57 of the Revised Code, the municipal corporation may make a 2526
determination as to whether the person is covered under a health 2527
insurance or health care policy, contract, or plan and, if the 2528
person has such coverage, what terms and conditions are imposed by 2529
it for the filing and payment of claims. 2530

(B) If, pursuant to division (A) of this section, it is 2531
determined that the person is covered under a policy, contract, or 2532
plan and, while that coverage is in force, the prison, station 2533
house, or county jail renders or arranges for the rendering of 2534
health care services to the person, in accordance with the terms 2535
and conditions of the policy, contract, or plan, then the person, 2536
municipal corporation, or provider of the health care services, as 2537
appropriate under the terms and conditions of the policy, 2538
contract, or plan, shall promptly submit a claim for payment for 2539
the health care services to the appropriate third-party payer and 2540
shall designate, or make any other arrangement necessary to 2541
ensure, that payment of any amount due on the claim be made to the 2542
municipal corporation or the provider, as the case may be. 2543

(C) Any payment made to the municipal corporation pursuant to 2544
division (B) of this section shall be paid into the treasury of 2545
the municipal corporation. 2546

(D) This section also applies to any person who is under the 2547
custody of a law enforcement officer, as defined in section 2548
2901.01 of the Revised Code, prior to the person's confinement in 2549
the prison, station house, or county jail. 2550

Sec. 753.04. (A) When a person over sixteen years of age is 2551
convicted of an offense under the law of this state or an 2552
ordinance of a municipal corporation, and the tribunal before 2553
which the conviction is had is authorized by law to commit the 2554
offender to the county jail or municipal corporation prison, the 2555

~~court, mayor, or judge of the county court, as the case may be,~~ 2556
may sentence the offender to a workhouse. 2557

When a commitment is made from a municipal corporation or 2558
township in the county, other than in a municipal corporation 2559
having a workhouse, the legislative authority of the municipal 2560
corporation or the board of township trustees shall transmit with 2561
the mittimus a sum of money equal to not less than seventy cents 2562
per day for the time of the commitment, to be placed in the hands 2563
of the superintendent of a workhouse for the care and maintenance 2564
of the prisoner. 2565

(B) Pursuant to section 2929.37 of the Revised Code, the 2566
legislative authority of the municipal corporation or the board of 2567
township trustees may require a person who is convicted of an 2568
offense and who is confined in a workhouse as provided in division 2569
(A) of this section, to reimburse the municipal corporation or the 2570
township, as the case may be, for its expenses incurred by reason 2571
of the person's confinement. 2572

(C) Notwithstanding any contrary provision in this section or 2573
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 2574
legislative authority of the municipal corporation or board of 2575
township trustees may establish a policy that complies with 2576
section 2929.38 of the Revised Code and that requires any person 2577
who is not indigent and who is confined in the workhouse under 2578
division (A) of this section to pay a reception fee, a fee for any 2579
medical treatment or service requested by and provided to that 2580
person, or the fee for a random drug test assessed under division 2581
(E) of section 753.33 of the Revised Code. 2582

(D) If a person who has been convicted of or pleaded guilty 2583
to an offense is incarcerated in a workhouse or if a person who 2584
has been arrested for an offense, and who has not been denied bail 2585
or has had bail set and has not been released on bail is confined 2586
in a workhouse pending trial, at the time of reception and at 2587

other times the person in charge of the operation of the workhouse 2588
determines to be appropriate, the person in charge of the 2589
operation of the workhouse may cause the convicted or accused 2590
offender to be examined and tested for tuberculosis, HIV 2591
infection, hepatitis, including, but not limited to, hepatitis A, 2592
B, and C, and other contagious diseases. The person in charge of 2593
the operation of the workhouse may cause a convicted or accused 2594
offender in the workhouse who refuses to be tested or treated for 2595
tuberculosis, HIV infection, hepatitis, including, but not limited 2596
to, hepatitis A, B, and C, or another contagious disease to be 2597
tested and treated involuntarily. 2598

Sec. 753.08. The officer having the execution of the final 2599
sentence of a court, ~~magistrate, or mayor~~ shall cause the 2600
convicted person to be conveyed to the workhouse as soon as 2601
practicable after the sentence is pronounced, and all officers 2602
shall be paid the fees ~~therefor~~ for so conveying the convicted 2603
person allowed by law for similar services in other cases. Such 2604
fees shall be paid, ~~when the sentence is by the court,~~ from the 2605
county treasury or, and when by if the magistrate court is the 2606
community court of a township, from the township treasury. 2607

Sec. 925.31. Judges of the county courts, ~~mayors,~~ municipal 2608
courts, and courts of common pleas and magistrates of the 2609
community courts have jurisdiction in sections 925.21 to 925.32, 2610
~~inclusive,~~ of the Revised Code. The director of agriculture and 2611
~~such~~ any other employees of the department of agriculture ~~as he~~ 2612
that the director designates, police officers, constables, 2613
sheriffs, and deputy sheriffs shall enforce ~~such~~ those sections. 2614
Certificates of inspection issued by authorized inspectors of the 2615
department or a sample of a container, label, invoice, bill of 2616
lading, or any other written matter pertaining to a specific 2617
container of any fruit or vegetable ~~which~~ that does not comply 2618

with sections 925.21 to 925.32, ~~inclusive,~~ of the Revised Code, 2619
are prima-facie evidence of the facts contained therein in any of 2620
said courts when properly identified by the testimony of an agent 2621
of the director. 2622

Sec. 955.99. (A)(1) Whoever violates division (E) of section 2623
955.11 of the Revised Code because of a failure to comply with 2624
division (B) of that section is guilty of a minor misdemeanor. 2625

(2) Whoever violates division (E) of section 955.11 of the 2626
Revised Code because of a failure to comply with division (C) or 2627
(D) of that section is guilty of a minor misdemeanor on a first 2628
offense and of a misdemeanor of the fourth degree on each 2629
subsequent offense. 2630

(B) Whoever violates section 955.10, 955.23, 955.24, or 2631
955.25 of the Revised Code is guilty of a minor misdemeanor. 2632

(C) Whoever violates section 955.261, 955.39, or 955.50 of 2633
the Revised Code is guilty of a minor misdemeanor on a first 2634
offense and of a misdemeanor of the fourth degree on each 2635
subsequent offense. 2636

(D) Whoever violates division (F) of section 955.16 or 2637
division (B) of section 955.43 of the Revised Code is guilty of a 2638
misdemeanor of the fourth degree. 2639

(E)(1) Whoever violates section 955.21 or division (B) or (C) 2640
of section 955.22 of the Revised Code ~~shall be fined not less than~~ 2641
~~twenty five dollars or more than one hundred dollars~~ is guilty of 2642
a minor misdemeanor on a first offense, ~~and~~ of a misdemeanor of 2643
the fourth degree on each subsequent offense ~~shall be fined not~~ 2644
~~less than seventy five dollars or more than two hundred fifty~~ 2645
~~dollars and may be imprisoned for not more than thirty days.~~ 2646

(2) In addition to the penalties prescribed in division 2647
(E)(1) of this section, if the offender is guilty of a violation 2648

of division (B) or (C) of section 955.22 of the Revised Code, the 2649
court may order the offender to personally supervise the dog that 2650
the offender owns, keeps, or harbors, to cause that dog to 2651
complete dog obedience training, or to do both. 2652

(F) If a violation of division (D) of section 955.22 of the 2653
Revised Code involves a dangerous dog, whoever violates that 2654
division is guilty of a misdemeanor of the fourth degree on a 2655
first offense and of a misdemeanor of the third degree on each 2656
subsequent offense. Additionally, the court may order the offender 2657
to personally supervise the dangerous dog that the offender owns, 2658
keeps, or harbors, to cause that dog to complete dog obedience 2659
training, or to do both, and the court may order the offender to 2660
obtain liability insurance pursuant to division (E) of section 2661
955.22 of the Revised Code. The court, in the alternative, may 2662
order the dangerous dog to be humanely destroyed by a licensed 2663
veterinarian, the county dog warden, or the county humane society. 2664

(G) If a violation of division (D) of section 955.22 of the 2665
Revised Code involves a vicious dog, whoever violates that 2666
division is guilty of one of the following: 2667

(1) A felony of the fourth degree on a first or subsequent 2668
offense if the dog kills or seriously injures a person. 2669
Additionally, the court shall order that the vicious dog be 2670
humanely destroyed by a licensed veterinarian, the county dog 2671
warden, or the county humane society. 2672

(2) A misdemeanor of the first degree on a first offense and 2673
a felony of the fourth degree on each subsequent offense. 2674
Additionally, the court may order the vicious dog to be humanely 2675
destroyed by a licensed veterinarian, the county dog warden, or 2676
the county humane society. 2677

(3) A misdemeanor of the first degree if the dog causes 2678
injury, other than killing or serious injury, to any person. 2679

(H) Whoever violates division (A)(2) of section 955.01 or 2680
division (E) of section 955.22 of the Revised Code is guilty of a 2681
misdemeanor of the first degree. 2682

(I) Whoever violates division (C) of section 955.221 of the 2683
Revised Code is guilty of a minor misdemeanor. Each day of 2684
continued violation constitutes a separate offense. Fines levied 2685
and collected for violations of that division shall be distributed 2686
by the ~~mayer~~ or clerk of the community, municipal, or county court 2687
in accordance with section 733.40, division (F) of section 2688
1901.31, or division (C) of section 1907.20 of the Revised Code to 2689
the treasury of the county, township, or municipal corporation 2690
whose resolution or ordinance was violated. 2691

(J) Whoever violates division (F)(1), (2), or (3) of section 2692
955.22 of the Revised Code is guilty of a felony of the fourth 2693
degree. Additionally, the court shall order that the vicious dog 2694
be humanely destroyed by a licensed veterinarian, the county dog 2695
warden, or the county humane society. 2696

Sec. 1901.021. (A) The judge or judges of any municipal court 2697
established under division (A) of section 1901.01 of the Revised 2698
Code having territorial jurisdiction outside the corporate limits 2699
of the municipal corporation in which it is located may sit 2700
outside the corporate limits of the municipal corporation within 2701
the area of its territorial jurisdiction. 2702

(B) Two or more of the judges of the Hamilton county 2703
municipal court shall be assigned by the presiding judge of the 2704
court to sit outside the municipal corporation of Cincinnati. 2705

(C) Two of the judges of the Portage county municipal court 2706
shall sit within the municipal corporation of Ravenna, and one of 2707
the judges shall sit within the municipal corporation of Kent. The 2708
judges may sit in other incorporated areas of Portage county. 2709

(D) One of the judges of the Wayne county municipal court shall sit within the municipal corporation of Wooster, and one shall sit within the municipal corporation of Orrville. Both judges may sit in other incorporated areas of Wayne county.

(E) The judge of the Auglaize county municipal court shall sit within the municipal corporations of Wapakoneta and St. Marys and may sit in other incorporated areas in Auglaize county.

(F) At least one of the judges of the Miami county municipal court shall sit within the municipal corporations of Troy, Piqua, and Tipp City, and the judges may sit in other incorporated areas of Miami county.

(G) The judge of the Crawford county municipal court shall sit within the municipal corporations of Bucyrus and Galion and may sit in other incorporated areas in Crawford county.

(H) The judge of the Jackson county municipal court shall sit within the municipal corporations of Jackson and Wellston and may sit in other incorporated areas in Jackson county.

(I) Each judge of the Columbiana county municipal court may sit within the municipal corporation of Lisbon, Salem, or East Palestine until the judges jointly select a central location within the territorial jurisdiction of the court. When the judges select a central location, the judges shall sit at that location.

(J) In any municipal court, other than the Hamilton county municipal court, that has more than one judge, the decision for one or more judges to sit outside the corporate limits of the municipal corporation shall be made by rule of the court as provided in division (C) of sections 1901.14 and 1901.16 of the Revised Code.

(K) The assignment of a judge to sit in a municipal corporation other than that in which the court is located does not affect the jurisdiction of the ~~mayor except as provided in section~~

~~1905.01 of the Revised Code~~ community court, if any, in that 2741
municipal corporation. 2742

(L) The judges of the Clermont county municipal court may sit 2743
in any municipal corporation or unincorporated territory within 2744
Clermont county. 2745

Sec. 1901.024. (A) The board of county commissioners of 2746
Hamilton county shall pay all of the costs of operation of the 2747
Hamilton county municipal court. Subject to sections 3375.50, 2748
3375.53, 4511.19, 4511.193, and 5503.04 of the Revised Code and to 2749
any other section of the Revised Code that requires a specific 2750
manner of disbursement of any moneys received by a municipal 2751
court, the county shall receive all of the costs, fees, and other 2752
moneys, except fines collected for violations of municipal 2753
ordinances of a municipal corporation having a population of two 2754
hundred or more according to the most recent federal decennial 2755
census and for violations of township resolutions adopted pursuant 2756
to Chapter 504. of the Revised Code, that are received by the 2757
Hamilton county municipal court and shall receive fifty per cent 2758
of all of the fines for violations of municipal ordinances of a 2759
municipal corporation having a population of two hundred or more 2760
according to the most recent federal decennial census and for 2761
violations of township resolutions adopted pursuant to Chapter 2762
504. of the Revised Code that are received by the court. 2763

(B) The board of county commissioners of Lawrence county 2765
shall pay all of the costs of operation of the Lawrence county 2766
municipal court. Subject to sections 3375.50, 3375.53, 4511.19, 2767
4511.193, and 5503.04 of the Revised Code and to any other section 2768
of the Revised Code that requires a specific manner of 2769
disbursement of any moneys received by a municipal court, the 2770
county shall receive all of the costs, fees, and other moneys, 2771

except fines collected for violations of municipal ordinances of a 2772
municipal corporation having a population of two hundred or more 2773
according to the most recent federal decennial census and for 2774
violations of township resolutions adopted pursuant to Chapter 2775
504. of the Revised Code, that are received by the Lawrence county 2776
municipal court and shall receive fifty per cent of all of the 2777
fines for violations of municipal ordinances of a municipal 2778
corporation having a population of two hundred or more according 2779
to the most recent federal decennial census and for violations of 2780
township resolutions adopted pursuant to Chapter 504. of the 2781
Revised Code that are received by the court. 2782

(C) The board of county commissioners of Ottawa county shall 2783
pay all of the costs of operation of the Ottawa county municipal 2784
court. Subject to sections 3375.50, 3375.53, 4511.19, 4511.193, 2785
and 5503.04 of the Revised Code and to any other section of the 2786
Revised Code that requires a specific manner of disbursement of 2787
any moneys received by a municipal court, the county shall receive 2788
all of the costs, fees, and other moneys, except fines collected 2789
for violations of municipal ordinances of a municipal corporation 2790
having a population of two hundred or more according to the most 2791
recent federal decennial census and for violations of township 2792
resolutions adopted pursuant to Chapter 504. of the Revised Code, 2793
that are received by the Ottawa county municipal court and shall 2794
receive fifty per cent of all of the fines for violations of 2795
municipal ordinances of a municipal corporation having a 2796
population of two hundred or more according to the most recent 2797
federal decennial census and for violations of township 2798
resolutions adopted pursuant to Chapter 504. of the Revised Code 2799
that are received by the court. 2800

(D) The board of county commissioners of a county in which a 2801
county-operated municipal court is located shall pay all of the 2802
costs of operation of the municipal court. The county in which a 2803

county-operated municipal court that is not subject to division 2804
(A), (B), or (C) of this section is located shall receive all of 2805
the costs, fees, and other moneys, except fines collected for 2806
violations of municipal ordinances of a municipal corporation 2807
having a population of two hundred or more according to the most 2808
recent federal decennial census and for violations of township 2809
resolutions adopted pursuant to Chapter 504. of the Revised Code 2810
and except as provided in sections 3375.50, 3375.53, and 5503.04 2811
of the Revised Code and in any other section of the Revised Code 2812
that requires a specific manner of disbursement of any moneys 2813
received by a municipal court, that are received by the court. 2814

Sec. 1901.026. (A)(1) The current operating costs of a 2815
municipal court, other than a county-operated municipal court, 2816
that has territorial jurisdiction under section 1901.02 or 2817
1901.182 of the Revised Code that extends beyond the corporate 2818
limits of the municipal corporation in which the court is located 2819
shall be apportioned pursuant to this section among all of the 2820
municipal corporations and townships that are within the territory 2821
of the court. Each municipal corporation and each township within 2822
the territory of the municipal court shall be assigned a 2823
proportionate share of the current operating costs of the 2824
municipal court that is equal to the percentage of the total 2825
criminal and civil caseload of the municipal court that arose in 2826
that municipal corporation or township. Each municipal corporation 2827
and each township then shall be liable for its assigned 2828
proportionate share of the current operating costs of the court, 2829
subject to ~~division~~ divisions (A)(2) and (B) of this section. 2830

(2) The liability under division (A)(1) of this section of a 2831
municipal corporation that does not have a community court shall 2832
be reduced by the amount of the fines disbursed by the clerk under 2833
division (F) of section 1901.31 of the Revised Code resulting from 2834
cases of the type that are within the jurisdiction of a community 2835

court under section 1905.44 of the Revised Code if the municipal 2836
corporation is one of the following: 2837

(a) A municipal corporation in which the mayor's court was 2838
abolished under section 1905.42 of the Revised Code, that had its 2839
own police force from July 1, 2007, through the date on which the 2840
mayor's court was abolished, and that has a population of not less 2841
than two hundred and not more than five thousand according to the 2842
most recent federal decennial census; 2843

(b) A municipal corporation that elected to transfer its 2844
cases to the municipal court under division (C)(1)(b) of section 2845
1905.42 of the Revised Code. 2846

For purposes of this section, the criminal and civil caseload 2847
that arose in a municipal corporation or township is the total 2848
number of criminal cases filed in the municipal court during the 2849
preceding calendar year that arose out of offenses that occurred 2850
in the municipal corporation or township and the total number of 2851
civil cases filed in the municipal court during the preceding 2852
calendar year in which the address of the majority of the 2853
defendants that are designated in the caption of the case and that 2854
have addresses within municipal corporations or townships within 2855
the territory of the court is within the municipal corporation or 2856
township or, if there is no majority of such defendants, in which 2857
the address of the first such defendant is within the municipal 2858
corporation or township. In determining the caseload that arose in 2859
a municipal corporation that had a legally functioning mayor's 2860
court from January 1, 2008, through December 31, 2008, and that 2861
does not have a community court, the cases that could have been 2862
heard in the mayor's court had that court not been abolished shall 2863
be excluded. 2864

(B) A municipal corporation or township within the territory 2865
of a municipal court is not required to pay that part of its 2866
proportionate share of the current operating costs of the court, 2867

as determined in accordance with division (A) of this section, 2868
that exceeds the total amount of costs, fees, fines, bail, or 2869
other moneys that was disbursed by the clerk of the court under 2870
division (F) of section 1901.31 of the Revised Code, to the 2871
municipal corporation or township during the period for which its 2872
proportionate share of the current operating costs was determined. 2873
The municipal corporation in which the court is located is liable, 2874
in addition to its proportionate share, for any part of the 2875
proportionate share of a municipal corporation or township that 2876
the municipal corporation or township is not required to pay under 2877
this division. 2878

(C) The auditors or chief fiscal officers of each of the 2879
municipal corporations and townships within the territory of a 2880
municipal court for which the current operating costs are 2881
apportioned under this section shall meet not less than once each 2882
six months at the office of the auditor or chief fiscal officer of 2883
the municipal corporation in which the court is located to 2884
determine the proportionate share due from each municipal 2885
corporation and each township, to determine whether any municipal 2886
corporation or township is not required to pay any part of its 2887
proportionate share under division (B) of this section, and to 2888
adjust accounts. The meetings shall be held at the direction of 2889
the auditor or chief fiscal officer of the municipal corporation 2890
in which the court is located, and the auditor or chief fiscal 2891
officer shall preside at the meetings. The proportionate share of 2892
each of the municipal corporations and townships, as reduced or 2893
increased in accordance with division (B) of this section, is 2894
payable from the general fund of the municipal corporation or 2895
township or from any other fund designated or funds appropriated 2896
for the purpose of paying the particular municipal corporation's 2897
or township's proportionate share of the current operating costs 2898
of the court. 2899

The court of common pleas of the county in which a municipal court for which the current operating costs are apportioned under this section is located has jurisdiction over any civil action that is commenced to determine the current operating costs of the court, the proportionate share of the current operating costs to be paid by a particular municipal corporation or township within the territory of the court, or whether a municipal corporation or township is not required to pay any part of its proportionate share under division (B) of this section.

(D) For purposes of this section:

(1) "Operating costs" means the figure that is derived by subtracting the total of all costs that are collected and paid to the city treasury by the clerk of the municipal court pursuant to division (F) of section 1901.31 of the Revised Code and all interest received and paid to the city treasury in relation to the costs pursuant to division (G) of section 1901.31 of the Revised Code from the total of the amounts payable from the city treasury for the operation of the court pursuant to sections 1901.10, 1901.11, 1901.111, 1901.12, 1901.31, 1901.311, 1901.312, 1901.32, 1901.33, 1901.331, 1901.36, 1901.37, and 1901.38 of the Revised Code, other than any amounts payable from the city treasury for the operation of the court involving construction, capital improvements, rent, or the provision of heat and light.

(2) "Township" means a township that has adopted a limited home rule government pursuant to Chapter 504. of the Revised Code.

(3) "Criminal caseload" when used in regard to a township means cases arising from a violation of a township resolution for which a fine is imposed under Chapter 504. of the Revised Code.

Sec. 1901.04. Upon the institution of a municipal court other than the Brown county municipal court or the Morrow county municipal court, the jurisdiction of the ~~mayer~~ community court, if

~~one exists, in all civil and criminal causes terminates within the~~ 2931
~~municipal corporation in which the municipal court is located. The~~ 2932
~~institution of the Brown county municipal court or the Morrow~~ 2933
~~county municipal court does not terminate or affect the~~ 2934
~~jurisdiction of the mayor of Georgetown or the mayor of Mount~~ 2935
~~Gilead, respectively, in any civil or criminal cause. Upon the~~ 2936
~~institution of either court, the mayor of Georgetown and the mayor~~ 2937
~~of Mount Gilead retain jurisdiction in causes as described in~~ 2938
~~section 1905.01 of the Revised Code. Those mayors A community~~ 2939
~~court in Georgetown or Mount Gilead shall exercise that the~~ 2940
~~jurisdiction described in section 1905.44 of the Revised Code~~ 2941
~~concurrently with the municipal court. Upon the institution of a~~ 2942
~~municipal court, all ~~mayors~~ community courts of municipal~~ 2943
~~corporations within the territory other than the municipal~~ 2944
~~corporation in which the court is located may retain any~~ 2945
~~jurisdiction that is now provided in all criminal causes involving~~ 2946
~~violation of ordinances of their respective municipal corporations~~ 2947
~~and in all criminal causes involving moving traffic violations~~ 2948
~~occurring on state highways located within their respective~~ 2949
~~municipal corporations, to be exercised concurrently with the~~ 2950
~~municipal court.~~ 2951

Upon the institution of a municipal court, the jurisdiction 2952
of county courts in all civil and criminal causes terminates in 2953
any township or municipal corporation that is entirely within the 2954
territory. 2955

Upon the institution of a municipal court, all causes, 2956
judgments, executions, and proceedings then pending in community 2957
~~courts of ~~mayors~~~~ and county courts within the territory as to 2958
which their jurisdiction is terminated by this section shall 2959
proceed in the municipal court as if originally instituted in the 2960
municipal court. The parties may make any amendments to their 2961
pleadings that are required to conform to the rules of the 2962

municipal court. 2963

In all cases over which the municipal court is given 2964
jurisdiction and for which the jurisdiction of county courts and 2965
~~the community courts of mayors~~ is terminated by this section upon 2966
the institution of the municipal court, the pleadings, orders, 2967
entries, dockets, bonds, papers, records, books, exhibits, files, 2968
moneys, property, and persons that belong to, are in the 2969
possession of, or are subject to the jurisdiction of the community 2970
courts ~~of mayors~~ or county courts or any officer of either court 2971
and that are in any municipal corporation or township ~~which~~ that 2972
is entirely within the territory of a municipal court shall be 2973
transferred by their custodian to the municipal court. If a part 2974
of any township that was within the jurisdiction of a county court 2975
is included within the territory of a municipal court, all 2976
pleadings, orders, entries, dockets, bonds, papers, records, 2977
books, exhibits, files, moneys, property, and persons that belong 2978
to, are in the possession of, or are subject to the jurisdiction 2979
of the county court or any officer of the county court and that 2980
pertain to causes, judgments, executions, and proceedings then 2981
pending in the county court and arising from the court's 2982
jurisdiction in that part of the township within the territory of 2983
the municipal court shall be transferred by their custodian to the 2984
municipal court. 2985

~~The termination of a municipal court reinstates the 2986
jurisdiction of the mayor of the municipal corporation in which 2987
the terminated municipal court was located, if the jurisdiction of 2988
the mayor was terminated by this section. 2989~~

Sec. 1901.08. The number of, and the time for election of, 2990
judges of the following municipal courts and the beginning of 2991
their terms shall be as follows: 2992

In the Akron municipal court, two full-time judges shall be 2993

elected in 1951, two full-time judges shall be elected in 1953,	2994
one full-time judge shall be elected in 1967, and one full-time	2995
judge shall be elected in 1975.	2996
In the Alliance municipal court, one full-time judge shall be	2997
elected in 1953.	2998
In the Ashland municipal court, one full-time judge shall be	2999
elected in 1951.	3000
In the Ashtabula municipal court, one full-time judge shall	3001
be elected in 1953.	3002
In the Athens county municipal court, one full-time judge	3003
shall be elected in 1967.	3004
In the Auglaize county municipal court, one full-time judge	3005
shall be elected in 1975.	3006
In the Avon Lake municipal court, one part-time judge shall	3007
be elected in 1957.	3008
In the Barberton municipal court, one full-time judge shall	3009
be elected in 1969, and one full-time judge shall be elected in	3010
1971.	3011
In the Bedford municipal court, one full-time judge shall be	3012
elected in 1975, and one full-time judge shall be elected in 1979.	3013
In the Bellefontaine municipal court, one full-time judge	3014
shall be elected in 1993.	3015
In the Bellevue municipal court, one part-time judge shall be	3016
elected in 1951.	3017
In the Berea municipal court, one full-time judge shall be	3018
elected in 2005.	3019
In the Bowling Green municipal court, one full-time judge	3020
shall be elected in 1983.	3021
In the Brown county municipal court, one full-time judge	3022

shall be elected in 2005. Beginning February 9, 2003, the
part-time judge of the Brown county county court that existed
prior to that date whose term commenced on January 2, 2001, shall
serve as the full-time judge of the Brown county municipal court
until December 31, 2005.

In the Bryan municipal court, one full-time judge shall be
elected in 1965.

In the Cambridge municipal court, one full-time judge shall
be elected in 1951.

In the Campbell municipal court, one part-time judge shall be
elected in 1963.

In the Canton municipal court, one full-time judge shall be
elected in 1951, one full-time judge shall be elected in 1969, and
two full-time judges shall be elected in 1977.

In the Carroll county municipal court, one full-time judge
shall be elected in 2009. Beginning January 1, 2007, the judge
elected in 2006 to the part-time judgeship of the Carroll county
county court that existed prior to that date shall serve as the
full-time judge of the Carroll county municipal court until
December 31, 2009.

In the Celina municipal court, one full-time judge shall be
elected in 1957.

In the Champaign county municipal court, one full-time judge
shall be elected in 2001.

In the Chardon municipal court, one ~~part-time~~ full-time judge
shall be elected in ~~1963~~ 2011. On and after January 1, 2009, the
part-time judge of the Chardon municipal court who was elected in
2005 shall serve as the full-time judge of the court until the end
of that judge's term on December 31, 2011.

In the Chillicothe municipal court, one full-time judge shall

be elected in 1951, and one full-time judge shall be elected in 1977. 3053
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In the Circleville municipal court, one full-time judge shall be elected in 1953. 3055
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In the Clark county municipal court, one full-time judge shall be elected in 1989, and two full-time judges shall be elected in 1991. The full-time judges of the Springfield municipal court who were elected in 1983 and 1985 shall serve as the judges of the Clark county municipal court from January 1, 1988, until the end of their respective terms. 3057
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In the Clermont county municipal court, two full-time judges shall be elected in 1991, and one full-time judge shall be elected in 1999. 3063
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In the Cleveland municipal court, six full-time judges shall be elected in 1975, three full-time judges shall be elected in 1953, and four full-time judges shall be elected in 1955. 3066
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In the Cleveland Heights municipal court, one full-time judge shall be elected in 1957. 3069
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In the Clinton county municipal court, one full-time judge shall be elected in 1997. The full-time judge of the Wilmington municipal court who was elected in 1991 shall serve as the judge of the Clinton county municipal court from July 1, 1992, until the end of that judge's term on December 31, 1997. 3071
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In the Columbiana county municipal court, two full-time judges shall be elected in 2001. 3076
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In the Conneaut municipal court, one full-time judge shall be elected in 1953. 3078
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In the Coshocton municipal court, one full-time judge shall be elected in 1951. 3080
3081

In the Crawford county municipal court, one full-time judge 3082

shall be elected in 1977. 3083

In the Cuyahoga Falls municipal court, one full-time judge 3084
shall be elected in 1953, and one full-time judge shall be elected 3085
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 3086
court shall cease to exist; however, the judges of the Cuyahoga 3087
Falls municipal court who were elected pursuant to this section in 3088
2003 and 2007 for terms beginning on January 1, 2004, and January 3089
1, 2008, respectively, shall serve as full-time judges of the Stow 3090
municipal court until December 31, 2009, and December 31, 2013, 3091
respectively. 3092

In the Darke county municipal court, one full-time judge 3093
shall be elected in 2005. Beginning January 1, 2005, the part-time 3094
judge of the Darke county county court that existed prior to that 3095
date whose term began on January 1, 2001, shall serve as the 3096
full-time judge of the Darke county municipal court until December 3097
31, 2005. 3098

In the Dayton municipal court, three full-time judges shall 3099
be elected in 1987, their terms to commence on successive days 3100
beginning on the first day of January next after their election, 3101
and two full-time judges shall be elected in 1955, their terms to 3102
commence on successive days beginning on the second day of January 3103
next after their election. 3104

In the Defiance municipal court, one full-time judge shall be 3105
elected in 1957. 3106

In the Delaware municipal court, one full-time judge shall be 3107
elected in 1953, and one full-time judge shall be elected in 2007. 3108

In the East Cleveland municipal court, one full-time judge 3109
shall be elected in 1957. 3110

In the East Liverpool municipal court, one full-time judge 3111
shall be elected in 1953. 3112

In the Eaton municipal court, one full-time judge shall be elected in 1973.	3113 3114
In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973.	3115 3116
In the Erie county municipal court, one full-time judge shall be elected in 2007.	3117 3118
In the Euclid municipal court, one full-time judge shall be elected in 1951.	3119 3120
In the Fairborn municipal court, one full-time judge shall be elected in 1977.	3121 3122
In the Fairfield county municipal court, one full-time judge shall be elected in 2003, and one full-time judge shall be elected in 2005.	3123 3124 3125
In the Fairfield municipal court, one full-time judge shall be elected in 1989.	3126 3127
In the Findlay municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1993.	3128 3129
In the Fostoria municipal court, one full-time judge shall be elected in 1975.	3130 3131
In the Franklin municipal court, one part-time judge shall be elected in 1951.	3132 3133
In the Franklin county municipal court, two full-time judges shall be elected in 1969, three full-time judges shall be elected in 1971, seven full-time judges shall be elected in 1967, one full-time judge shall be elected in 1975, one full-time judge shall be elected in 1991, and one full-time judge shall be elected in 1997.	3134 3135 3136 3137 3138 3139
In the Fremont municipal court, one full-time judge shall be elected in 1975.	3140 3141

In the Gallipolis municipal court, one full-time judge shall 3142
be elected in 1981. 3143

In the Garfield Heights municipal court, one full-time judge 3144
shall be elected in 1951, and one full-time judge shall be elected 3145
in 1981. 3146

In the Girard municipal court, one full-time judge shall be 3147
elected in 1963. 3148

In the Hamilton municipal court, one full-time judge shall be 3149
elected in 1953. 3150

In the Hamilton county municipal court, five full-time judges 3151
shall be elected in 1967, five full-time judges shall be elected 3152
in 1971, two full-time judges shall be elected in 1981, and two 3153
full-time judges shall be elected in 1983. All terms of judges of 3154
the Hamilton county municipal court shall commence on the first 3155
day of January next after their election, except that the terms of 3156
the additional judges to be elected in 1981 shall commence on 3157
January 2, 1982, and January 3, 1982, and that the terms of the 3158
additional judges to be elected in 1983 shall commence on January 3159
4, 1984, and January 5, 1984. 3160

In the Hardin county municipal court, one part-time judge 3161
shall be elected in 1989. 3162

In the Hillsboro municipal court, one part-time judge shall 3163
be elected in 1957. 3164

In the Hocking county municipal court, one full-time judge 3165
shall be elected in 1977. 3166

In the Holmes county municipal court, one full-time judge 3167
shall be elected in 2007. Beginning January 1, 2007, the part-time 3168
judge of the Holmes county county court that existed prior to that 3169
date whose term commenced on January 1, 2007, shall serve as the 3170
full-time judge of the Holmes county municipal court until 3171

December 31, 2007.	3172
In the Huron municipal court, one part-time judge shall be elected in 1967.	3173 3174
In the Ironton municipal court, one full-time judge shall be elected in 1951.	3175 3176
In the Jackson county municipal court, one full-time judge shall be elected in 2001. On and after March 31, 1997, the part-time judge of the Jackson county municipal court who was elected in 1995 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2001.	3177 3178 3179 3180 3181
In the Kettering municipal court, one full-time judge shall be elected in 1971, and one full-time judge shall be elected in 1975.	3182 3183 3184
In the Lakewood municipal court, one full-time judge shall be elected in 1955.	3185 3186
In the Lancaster municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1979. Beginning January 2, 2000, the full-time judges of the Lancaster municipal court who were elected in 1997 and 1999 shall serve as judges of the Fairfield county municipal court until the end of those judges' terms.	3187 3188 3189 3190 3191 3192
In the Lawrence county municipal court, one part-time judge shall be elected in 1981.	3193 3194
In the Lebanon municipal court, one part-time judge shall be elected in 1955.	3195 3196
In the Licking county municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1971.	3197 3198 3199
In the Lima municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1967.	3200 3201

In the Lorain municipal court, one full-time judge shall be 3202
elected in 1953, and one full-time judge shall be elected in 1973. 3203

In the Lyndhurst municipal court, one ~~part-time~~ full-time 3204
judge shall be elected in ~~1957~~ 2011. On and after January 1, 2009, 3205
the part-time judge of the Lyndhurst municipal court who was 3206
elected in 2005 shall serve as the full-time judge of the court 3207
until the end of that judge's term on December 31, 2011. 3208

In the Madison county municipal court, one full-time judge 3209
shall be elected in 1981. 3210

In the Mansfield municipal court, one full-time judge shall 3211
be elected in 1951, and one full-time judge shall be elected in 3212
1969. 3213

In the Marietta municipal court, one full-time judge shall be 3214
elected in 1957. 3215

In the Marion municipal court, one full-time judge shall be 3216
elected in 1951. 3217

In the Marysville municipal court, one full-time judge shall 3218
be elected in 2011. On and after January 18, 2007, the part-time 3219
judge of the Marysville municipal court who was elected in 2005 3220
shall serve as a full-time judge of the court until the end of 3221
that judge's term on December 31, 2011. 3222

In the Mason municipal court, one part-time judge shall be 3223
elected in 1965. 3224

In the Massillon municipal court, one full-time judge shall 3225
be elected in 1953, and one full-time judge shall be elected in 3226
1971. 3227

In the Maumee municipal court, one full-time judge shall be 3228
elected in 1963. 3229

In the Medina municipal court, one full-time judge shall be 3230
elected in 1957. 3231

In the Mentor municipal court, one full-time judge shall be 3232
elected in 1971. 3233

In the Miami county municipal court, one full-time judge 3234
shall be elected in 1975, and one full-time judge shall be elected 3235
in 1979. 3236

In the Miamisburg municipal court, one ~~part-time~~ full-time 3237
judge shall be elected in ~~1951~~ 2011. On and after January 1, 2009, 3238
the part-time judge of the Miamisburg municipal court who was 3239
elected in 2005 shall serve as the full-time judge of the court 3240
until the end of that judge's term on December 31, 2011. 3241

In the Middletown municipal court, one full-time judge shall 3242
be elected in 1953. 3243

In the Morrow county municipal court, one full-time judge 3244
shall be elected in 2005. Beginning January 1, 2003, the part-time 3245
judge of the Morrow county county court that existed prior to that 3246
date shall serve as the full-time judge of the Morrow county 3247
municipal court until December 31, 2005. 3248

In the Mount Vernon municipal court, one full-time judge 3249
shall be elected in 1951. 3250

In the Napoleon municipal court, one full-time judge shall be 3251
elected in 2005. 3252

In the New Philadelphia municipal court, one full-time judge 3253
shall be elected in 1975. 3254

In the Newton Falls municipal court, one full-time judge 3255
shall be elected in 1963. 3256

In the Niles municipal court, one full-time judge shall be 3257
elected in 1951. 3258

In the Norwalk municipal court, one full-time judge shall be 3259
elected in 1975. 3260

In the Oakwood municipal court, one part-time judge shall be 3261

elected in 1953.	3262
In the Oberlin municipal court, one full-time judge shall be elected in 1989.	3263 3264
In the Oregon municipal court, one full-time judge shall be elected in 1963.	3265 3266
In the Ottawa county municipal court, one full-time judge shall be elected in 1995, and the full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.	3267 3268 3269 3270 3271
In the Painesville municipal court, one full-time judge shall be elected in 1951.	3272 3273
In the Parma municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1971.	3274 3275 3276
In the Perrysburg municipal court, one full-time judge shall be elected in 1977.	3277 3278
In the Portage county municipal court, two full-time judges shall be elected in 1979, and one full-time judge shall be elected in 1971.	3279 3280 3281
In the Port Clinton municipal court, one full-time judge shall be elected in 1953. The full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.	3282 3283 3284 3285 3286
In the Portsmouth municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1985.	3287 3288 3289
In the Rocky River municipal court, one full-time judge shall be elected in 1957, and one full-time judge shall be elected in	3290 3291

1971.	3292
In the Sandusky municipal court, one full-time judge shall be elected in 1953.	3293 3294
In the Shaker Heights municipal court, one full-time judge shall be elected in 1957.	3295 3296
In the Shelby municipal court, one part-time judge shall be elected in 1957.	3297 3298
In the Sidney municipal court, one full-time judge shall be elected in 1995.	3299 3300
In the South Euclid municipal court, one full-time judge shall be elected in 1999. The part-time judge elected in 1993, whose term commenced on January 1, 1994, shall serve until December 31, 1999, and the office of that judge is abolished on January 1, 2000.	3301 3302 3303 3304 3305
In the Springfield municipal court, two full-time judges shall be elected in 1985, and one full-time judge shall be elected in 1983, all of whom shall serve as the judges of the Springfield municipal court through December 31, 1987, and as the judges of the Clark county municipal court from January 1, 1988, until the end of their respective terms.	3306 3307 3308 3309 3310 3311
In the Steubenville municipal court, one full-time judge shall be elected in 1953.	3312 3313
In the Stow municipal court, one full-time judge shall be elected in 2009, and one full-time judge shall be elected in 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1, 2008, shall serve as a full-time judge of the Stow municipal court until December 31, 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1,	3314 3315 3316 3317 3318 3319 3320 3321

2004, shall serve as a full-time judge of the Stow municipal court 3322
until December 31, 2009. 3323

In the Struthers municipal court, one part-time judge shall 3324
be elected in 1963. 3325

In the Sylvania municipal court, one full-time judge shall be 3326
elected in 1963. 3327

In the Tiffin municipal court, one full-time judge shall be 3328
elected in 1953. 3329

In the Toledo municipal court, two full-time judges shall be 3330
elected in 1971, four full-time judges shall be elected in 1975, 3331
and one full-time judge shall be elected in 1973. 3332

In the Upper Sandusky municipal court, one full-time judge 3333
shall be elected in 2011. The part-time judge elected in 2005, 3334
whose term commenced on January 1, 2006, shall serve as a 3335
full-time judge on and after January 1, 2008, until the expiration 3336
of that judge's term on December 31, 2011, and the office of that 3337
judge is abolished on January 1, 2012. 3338

In the Vandalia municipal court, one full-time judge shall be 3339
elected in 1959. 3340

In the Van Wert municipal court, one full-time judge shall be 3341
elected in 1957. 3342

In the Vermilion municipal court, one part-time judge shall 3343
be elected in 1965. 3344

In the Wadsworth municipal court, one full-time judge shall 3345
be elected in 1981. 3346

In the Warren municipal court, one full-time judge shall be 3347
elected in 1951, and one full-time judge shall be elected in 1971. 3348

In the Washington Court House municipal court, one full-time 3349
judge shall be elected in 1999. The part-time judge elected in 3350
1993, whose term commenced on January 1, 1994, shall serve until 3351

December 31, 1999, and the office of that judge is abolished on 3352
January 1, 2000. 3353

In the Wayne county municipal court, one full-time judge 3354
shall be elected in 1975, and one full-time judge shall be elected 3355
in 1979. 3356

In the Willoughby municipal court, one full-time judge shall 3357
be elected in 1951. 3358

In the Wilmington municipal court, one full-time judge shall 3359
be elected in 1991, who shall serve as the judge of the Wilmington 3360
municipal court through June 30, 1992, and as the judge of the 3361
Clinton county municipal court from July 1, 1992, until the end of 3362
that judge's term on December 31, 1997. 3363

In the Xenia municipal court, one full-time judge shall be 3364
elected in 1977. 3365

In the Youngstown municipal court, one full-time judge shall 3366
be elected in 1951, and two full-time judges shall be elected in 3367
1953. 3368

In the Zanesville municipal court, one full-time judge shall 3369
be elected in 1953. 3370

Sec. 1901.11. (A)(1) Beginning July 1, 1997, judges 3371
designated as part-time judges by section 1901.08 of the Revised 3372
Code, ~~other than part-time judges to whom division (B)(1)(a) of~~ 3373
~~this section applies,~~ shall receive as compensation thirty-five 3374
thousand five hundred dollars each year in addition to the 3375
compensation payable from the state treasury under division (A)(6) 3376
of section 141.04 of the Revised Code. 3377

(2) Part-time judges shall be disqualified from the practice 3378
of law only as to matters pending or originating in the courts in 3379
which they serve during their terms of office. 3380

(B)(1)(a) Judges designated as full-time judges by section 3381

1901.08 of the Revised Code, ~~and all judges of territories having~~ 3382
~~a population of more than fifty thousand regardless of~~ 3383
~~designation,~~ are subject to section 4705.01 of the Revised Code 3384
and, pursuant to division (C) of this section, ~~beginning July 1,~~ 3385
~~1997,~~ shall receive as compensation sixty-one thousand seven 3386
hundred fifty dollars per annum. 3387

(b) ~~These~~ Full-time judges also shall receive, in accordance 3388
with division (B) of section 141.04 of the Revised Code, the 3389
compensation described in division (A)(5) of that section from the 3390
state treasury. 3391

(2) The presiding judge of a municipal court who is also the 3392
administrative judge of the court, shall receive, pursuant to 3393
division (C) of this section, an additional one thousand five 3394
hundred dollars per annum. 3395

(C) The compensation of municipal judges that is described in 3396
divisions (A)(1) and (B)(1)(a) and (2) of this section may be paid 3397
in either biweekly installments or semimonthly installments, as 3398
determined by the payroll administrator, three-fifths of the 3399
amount being payable from the city treasury and two-fifths of the 3400
amount being payable from the treasury of the county in which the 3401
municipal corporation is situated, except that all of the 3402
compensation of the judges of a county-operated municipal court 3403
that is described in divisions (A)(1) and (B)(1)(a) and (2) of 3404
this section shall be payable out of the treasury of the county in 3405
which the court is located. If the territory is located in two or 3406
more counties, a total of two-fifths of the amount that is 3407
described in divisions (A)(1) and (B)(1)(a) and (2) of this 3408
section shall be payable by all of the counties in proportionate 3409
shares from the treasury of each of the counties in accordance 3410
with the respective populations of that portion of each of the 3411
several counties within the jurisdiction of the court. 3412

(D) No municipal judge shall hold any other office of trust 3413

or profit under the authority of this state or the United States. 3414

(E) As used in this section, "compensation" does not include 3415
any portion of the cost, premium, or charge for sickness and 3416
accident insurance or other coverage of hospitalization, surgical 3417
care, major medical care, disability, dental care, eye care, 3418
medical care, hearing aids, and prescription drugs, or any 3419
combination of those benefits or services, covering a judge of a 3420
municipal court and paid on the judge's behalf by a governmental 3421
entity. 3422

Sec. 1901.181. (A)(1) Except as otherwise provided in this 3423
division and division (A)(2) of this section and subject to 3424
division ~~(C)~~(B) of this section, if a municipal court has a 3425
housing or environmental division, the division has exclusive 3426
jurisdiction within the territory of the court in any civil action 3427
to enforce any local building, housing, air pollution, sanitation, 3428
health, fire, zoning, or safety code, ordinance, or regulation 3429
applicable to premises used or intended for use as a place of 3430
human habitation, buildings, structures, or any other real 3431
property subject to any such code, ordinance, or regulation, and, 3432
except in the environmental division of the Franklin county 3433
municipal court, in any civil action commenced pursuant to Chapter 3434
1923. or 5321. or sections 5303.03 to 5303.07 of the Revised Code. 3435
Except as otherwise provided in division (A)(2) of this section 3436
and subject to section 1901.20 of the Revised Code and to division 3437
~~(C)~~(B) of this section, the housing or environmental division of a 3438
municipal court has exclusive jurisdiction within the territory of 3439
the court in any criminal action for a violation of any local 3440
building, housing, air pollution, sanitation, health, fire, 3441
zoning, or safety code, ordinance, or regulation applicable to 3442
premises used or intended for use as a place of human habitation, 3443
buildings, structures, or any other real property subject to any 3444
such code, ordinance, or regulation. Except as otherwise provided 3445

in division (A)(2) of this section and subject to division ~~(C)~~(B) 3446
of this section, the housing or environmental division of a 3447
municipal court also has exclusive jurisdiction within the 3448
territory of the court in any civil action as described in 3449
division (B)(1) of section 3767.41 of the Revised Code that 3450
relates to a public nuisance. To the extent any provision of this 3451
chapter conflicts or is inconsistent with a provision of section 3452
3767.41 of the Revised Code, the provision of that section shall 3453
control in a civil action described in division (B)(1) of that 3454
section. 3455

(2) If a municipal court has an environmental division, if 3456
~~the mayor of~~ any municipal corporation within the territory of the 3457
municipal court conducts a ~~mayor's~~ community court, and if any 3458
action described in division (A)(1) of this section as being 3459
within the jurisdiction of the environmental division otherwise is 3460
within the jurisdiction of the ~~mayor's~~ community court, as set 3461
forth in section ~~1905.01~~ 1905.43 or 1905.44 of the Revised Code, 3462
the jurisdiction of the environmental division over the action is 3463
concurrent with the jurisdiction of that ~~mayor's~~ community court 3464
over the action. 3465

(B)(1) If the judge of the environmental division of the 3466
Franklin county municipal court or the judge of the housing 3467
division of a municipal court is on vacation, sick, absent, or is 3468
unavailable because of recusal or another reason, the 3469
administrative judge of the court, in accordance with the Rules of 3470
Superintendence for Municipal Courts and County Courts, shall 3471
assign another judge or judges of the court to handle any action 3472
or proceeding or, if necessary, all actions and proceedings of the 3473
division during the time that its judge is unavailable. 3474

(2) The Franklin county municipal court may adopt, by rule, 3475
procedures for other judges of the court to handle particular 3476
proceedings arising out of actions within the jurisdiction of the 3477

environmental division of the court when the judge of that 3478
division is unable for any reason to handle a particular 3479
proceeding at the time, or within the time period, necessary for a 3480
timely or appropriate disposition of the proceeding. Upon the 3481
adoption of and in accordance with those rules, any judge of the 3482
court may handle any proceeding that arises out of an action 3483
within the jurisdiction of the environmental division of the 3484
court. 3485

Sec. 1901.31. The clerk and deputy clerks of a municipal 3486
court shall be selected, be compensated, give bond, and have 3487
powers and duties as follows: 3488

(A) There shall be a clerk of the court who is appointed or 3489
elected as follows: 3490

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 3491
county, Portage county, and Wayne county municipal courts and 3492
through December 31, 2008, the Cuyahoga Falls municipal court, if 3493
the population of the territory equals or exceeds one hundred 3494
thousand at the regular municipal election immediately preceding 3495
the expiration of the term of the present clerk, the clerk shall 3496
be nominated and elected by the qualified electors of the 3497
territory in the manner that is provided for the nomination and 3498
election of judges in section 1901.07 of the Revised Code. 3499

The clerk so elected shall hold office for a term of six 3500
years, which term shall commence on the first day of January 3501
following the clerk's election and continue until the clerk's 3502
successor is elected and qualified. 3503

(b) In the Hamilton county municipal court, the clerk of 3504
courts of Hamilton county shall be the clerk of the municipal 3505
court and may appoint an assistant clerk who shall receive the 3506
compensation, payable out of the treasury of Hamilton county in 3507
semimonthly installments, that the board of county commissioners 3508

prescribes. The clerk of courts of Hamilton county, acting as the clerk of the Hamilton county municipal court and assuming the duties of that office, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerk of courts of Hamilton county, as provided in sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, the clerks of courts of Portage county and Wayne county shall be the clerks, respectively, of the Portage county and Wayne county municipal courts and may appoint a chief deputy clerk for each branch that is established pursuant to section 1901.311 of the Revised Code and assistant clerks as the judges of the municipal court determine are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Portage county and Wayne county, acting as the clerks of the Portage county and Wayne county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(d) Except as otherwise provided in division (A)(1)(d) of this section, in the Akron municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Akron for the nomination

of municipal officers. Notwithstanding any contrary provision of 3541
section 3513.05 or 3513.257 of the Revised Code, the declarations 3542
of candidacy and petitions of partisan candidates and the 3543
nominating petitions of independent candidates for the office of 3544
clerk of the Akron municipal court shall be signed by at least 3545
fifty qualified electors of the territory of the court. 3546

The candidates shall file a declaration of candidacy and 3547
petition, or a nominating petition, whichever is applicable, not 3548
later than four p.m. of the seventy-fifth day before the day of 3549
the primary election, in the form prescribed by section 3513.07 or 3550
3513.261 of the Revised Code. The declaration of candidacy and 3551
petition, or the nominating petition, shall conform to the 3552
applicable requirements of section 3513.05 or 3513.257 of the 3553
Revised Code. 3554

If no valid declaration of candidacy and petition is filed by 3555
any person for nomination as a candidate of a particular political 3556
party for election to the office of clerk of the Akron municipal 3557
court, a primary election shall not be held for the purpose of 3558
nominating a candidate of that party for election to that office. 3559
If only one person files a valid declaration of candidacy and 3560
petition for nomination as a candidate of a particular political 3561
party for election to that office, a primary election shall not be 3562
held for the purpose of nominating a candidate of that party for 3563
election to that office, and the candidate shall be issued a 3564
certificate of nomination in the manner set forth in section 3565
3513.02 of the Revised Code. 3566

Declarations of candidacy and petitions, nominating 3567
petitions, and certificates of nomination for the office of clerk 3568
of the Akron municipal court shall contain a designation of the 3569
term for which the candidate seeks election. At the following 3570
regular municipal election, all candidates for the office shall be 3571
submitted to the qualified electors of the territory of the court 3572

in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(e) Except as otherwise provided in division (A)(1)(e) of this section, in the Barberton municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Barberton for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Barberton municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Barberton municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a

particular political party for election to that office, a primary 3605
election shall not be held for the purpose of nominating a 3606
candidate of that party for election to that office, and the 3607
candidate shall be issued a certificate of nomination in the 3608
manner set forth in section 3513.02 of the Revised Code. 3609

Declarations of candidacy and petitions, nominating 3610
petitions, and certificates of nomination for the office of clerk 3611
of the Barberton municipal court shall contain a designation of 3612
the term for which the candidate seeks election. At the following 3613
regular municipal election, all candidates for the office shall be 3614
submitted to the qualified electors of the territory of the court 3615
in the manner that is provided in section 1901.07 of the Revised 3616
Code for the election of the judges of the court. The clerk so 3617
elected shall hold office for a term of six years, which term 3618
shall commence on the first day of January following the clerk's 3619
election and continue until the clerk's successor is elected and 3620
qualified. 3621

(f)(i) Through December 31, 2008, except as otherwise 3622
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 3623
Falls municipal court, candidates for election to the office of 3624
clerk of the court shall be nominated by primary election. The 3625
primary election shall be held on the day specified in the charter 3626
of the city of Cuyahoga Falls for the nomination of municipal 3627
officers. Notwithstanding any contrary provision of section 3628
3513.05 or 3513.257 of the Revised Code, the declarations of 3629
candidacy and petitions of partisan candidates and the nominating 3630
petitions of independent candidates for the office of clerk of the 3631
Cuyahoga Falls municipal court shall be signed by at least fifty 3632
qualified electors of the territory of the court. 3633

The candidates shall file a declaration of candidacy and 3634
petition, or a nominating petition, whichever is applicable, not 3635
later than four p.m. of the seventy-fifth day before the day of 3636

the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(ii) Division (A)(1)(f)(i) of this section shall have no effect after December 31, 2008.

(g) Except as otherwise provided in division (A)(1)(g) of

this section, in the Toledo municipal court, candidates for 3669
election to the office of clerk of the court shall be nominated by 3670
primary election. The primary election shall be held on the day 3671
specified in the charter of the city of Toledo for the nomination 3672
of municipal officers. Notwithstanding any contrary provision of 3673
section 3513.05 or 3513.257 of the Revised Code, the declarations 3674
of candidacy and petitions of partisan candidates and the 3675
nominating petitions of independent candidates for the office of 3676
clerk of the Toledo municipal court shall be signed by at least 3677
fifty qualified electors of the territory of the court. 3678

The candidates shall file a declaration of candidacy and 3679
petition, or a nominating petition, whichever is applicable, not 3680
later than four p.m. of the seventy-fifth day before the day of 3681
the primary election, in the form prescribed by section 3513.07 or 3682
3513.261 of the Revised Code. The declaration of candidacy and 3683
petition, or the nominating petition, shall conform to the 3684
applicable requirements of section 3513.05 or 3513.257 of the 3685
Revised Code. 3686

If no valid declaration of candidacy and petition is filed by 3687
any person for nomination as a candidate of a particular political 3688
party for election to the office of clerk of the Toledo municipal 3689
court, a primary election shall not be held for the purpose of 3690
nominating a candidate of that party for election to that office. 3691
If only one person files a valid declaration of candidacy and 3692
petition for nomination as a candidate of a particular political 3693
party for election to that office, a primary election shall not be 3694
held for the purpose of nominating a candidate of that party for 3695
election to that office, and the candidate shall be issued a 3696
certificate of nomination in the manner set forth in section 3697
3513.02 of the Revised Code. 3698

Declarations of candidacy and petitions, nominating 3699
petitions, and certificates of nomination for the office of clerk 3700

of the Toledo municipal court shall contain a designation of the 3701
term for which the candidate seeks election. At the following 3702
regular municipal election, all candidates for the office shall be 3703
submitted to the qualified electors of the territory of the court 3704
in the manner that is provided in section 1901.07 of the Revised 3705
Code for the election of the judges of the court. The clerk so 3706
elected shall hold office for a term of six years, which term 3707
shall commence on the first day of January following the clerk's 3708
election and continue until the clerk's successor is elected and 3709
qualified. 3710

(2)(a) Except for the Alliance, Auglaize county, Brown 3711
county, Columbiana county, Holmes county, Lorain, Massillon, and 3712
Youngstown municipal courts, in a municipal court for which the 3713
population of the territory is less than one hundred thousand, the 3714
clerk shall be appointed by the court, and the clerk shall hold 3715
office until the clerk's successor is appointed and qualified. 3716

(b) In the Alliance, Lorain, Massillon, and Youngstown 3717
municipal courts, the clerk shall be elected for a term of office 3718
as described in division (A)(1)(a) of this section. 3719

(c) In the Auglaize county, Brown county, and Holmes county 3720
municipal courts, the clerks of courts of Auglaize county, Brown 3721
county, and Holmes county shall be the clerks, respectively, of 3722
the Auglaize county, Brown county, and Holmes county municipal 3723
courts and may appoint a chief deputy clerk for each branch office 3724
that is established pursuant to section 1901.311 of the Revised 3725
Code, and assistant clerks as the judge of the court determines 3726
are necessary, all of whom shall receive the compensation that the 3727
legislative authority prescribes. The clerks of courts of Auglaize 3728
county, Brown county, and Holmes county, acting as the clerks of 3729
the Auglaize county, Brown county, and Holmes county municipal 3730
courts and assuming the duties of these offices, shall receive 3731
compensation payable from the county treasury in semimonthly 3732

installments at one-fourth the rate that is prescribed for the 3733
clerks of courts of common pleas as determined in accordance with 3734
the population of the county and the rates set forth in sections 3735
325.08 and 325.18 of the Revised Code. 3736

(d) In the Columbiana county municipal court, the clerk of 3737
courts of Columbiana county shall be the clerk of the municipal 3738
court, may appoint a chief deputy clerk for each branch office 3739
that is established pursuant to section 1901.311 of the Revised 3740
Code, and may appoint any assistant clerks that the judges of the 3741
court determine are necessary. All of the chief deputy clerks and 3742
assistant clerks shall receive the compensation that the 3743
legislative authority prescribes. The clerk of courts of 3744
Columbiana county, acting as the clerk of the Columbiana county 3745
municipal court and assuming the duties of that office, shall 3746
receive in either biweekly installments or semimonthly 3747
installments, as determined by the payroll administrator, 3748
compensation payable from the county treasury at one-fourth the 3749
rate that is prescribed for the clerks of courts of common pleas 3750
as determined in accordance with the population of the county and 3751
the rates set forth in sections 325.08 and 325.18 of the Revised 3752
Code. 3753

(3) During the temporary absence of the clerk due to illness, 3754
vacation, or other proper cause, the court may appoint a temporary 3755
clerk, who shall be paid the same compensation, have the same 3756
authority, and perform the same duties as the clerk. 3757

(B) Except in the Hamilton county, Portage county, and Wayne 3758
county municipal courts, if a vacancy occurs in the office of the 3759
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 3760
court or occurs in the office of the clerk of a municipal court 3761
for which the population of the territory equals or exceeds one 3762
hundred thousand because the clerk ceases to hold the office 3763
before the end of the clerk's term or because a clerk-elect fails 3764

to take office, the vacancy shall be filled, until a successor is 3765
elected and qualified, by a person chosen by the residents of the 3766
territory of the court who are members of the county central 3767
committee of the political party by which the last occupant of 3768
that office or the clerk-elect was nominated. Not less than five 3769
nor more than fifteen days after a vacancy occurs, those members 3770
of that county central committee shall meet to make an appointment 3771
to fill the vacancy. At least four days before the date of the 3772
meeting, the chairperson or a secretary of the county central 3773
committee shall notify each such member of that county central 3774
committee by first class mail of the date, time, and place of the 3775
meeting and its purpose. A majority of all such members of that 3776
county central committee constitutes a quorum, and a majority of 3777
the quorum is required to make the appointment. If the office so 3778
vacated was occupied or was to be occupied by a person not 3779
nominated at a primary election, or if the appointment was not 3780
made by the committee members in accordance with this division, 3781
the court shall make an appointment to fill the vacancy. A 3782
successor shall be elected to fill the office for the unexpired 3783
term at the first municipal election that is held more than one 3784
hundred twenty days after the vacancy occurred. 3785

(C)(1) In a municipal court, other than the Auglaize county, 3786
the Brown county, the Columbiana county, the Holmes county, and 3787
the Lorain municipal courts, for which the population of the 3788
territory is less than one hundred thousand, the clerk of the 3789
municipal court shall receive the annual compensation that the 3790
presiding judge of the court prescribes, if the revenue of the 3791
court for the preceding calendar year, as certified by the auditor 3792
or chief fiscal officer of the municipal corporation in which the 3793
court is located or, in the case of a county-operated municipal 3794
court, the county auditor, is equal to or greater than the 3795
expenditures, including any debt charges, for the operation of the 3796
court payable under this chapter from the city treasury or, in the 3797

case of a county-operated municipal court, the county treasury for 3798
that calendar year, as also certified by the auditor or chief 3799
fiscal officer. If the revenue of a municipal court, other than 3800
the Auglaize county, the Brown county, the Columbiana county, and 3801
the Lorain municipal courts, for which the population of the 3802
territory is less than one hundred thousand for the preceding 3803
calendar year as so certified is not equal to or greater than 3804
those expenditures for the operation of the court for that 3805
calendar year as so certified, the clerk of a municipal court 3806
shall receive the annual compensation that the legislative 3807
authority prescribes. As used in this division, "revenue" means 3808
the total of all costs and fees that are collected and paid to the 3809
city treasury or, in a county-operated municipal court, the county 3810
treasury by the clerk of the municipal court under division (F) of 3811
this section and all interest received and paid to the city 3812
treasury or, in a county-operated municipal court, the county 3813
treasury in relation to the costs and fees under division (G) of 3814
this section. 3815

(2) In a municipal court, other than the Hamilton county, 3816
Portage county, and Wayne county municipal courts, for which the 3817
population of the territory is one hundred thousand or more, and 3818
in the Lorain municipal court, the clerk of the municipal court 3819
shall receive annual compensation in a sum equal to eighty-five 3820
per cent of the salary of a judge of the court. 3821

(3) The compensation of a clerk described in division (C)(1) 3822
or (2) of this section is payable in semimonthly installments from 3823
the same sources and in the same manner as provided in section 3824
1901.11 of the Revised Code, except that the compensation of the 3825
clerk of the Carroll county municipal court is payable in biweekly 3826
installments. 3827

(D) Before entering upon the duties of the clerk's office, 3828
the clerk of a municipal court shall give bond of not less than 3829

six thousand dollars to be determined by the judges of the court, 3830
conditioned upon the faithful performance of the clerk's duties. 3831

(E) The clerk of a municipal court may do all of the 3832
following: administer oaths, take affidavits, and issue executions 3833
upon any judgment rendered in the court, including a judgment for 3834
unpaid costs; issue, sign, and attach the seal of the court to all 3835
writs, process, subpoenas, and papers issuing out of the court; 3836
and approve all bonds, sureties, recognizances, and undertakings 3837
fixed by any judge of the court or by law. The clerk may refuse to 3838
accept for filing any pleading or paper submitted for filing by a 3839
person who has been found to be a vexatious litigator under 3840
section 2323.52 of the Revised Code and who has failed to obtain 3841
leave to proceed under that section. The clerk shall do all of the 3842
following: file and safely keep all journals, records, books, and 3843
papers belonging or appertaining to the court; record the 3844
proceedings of the court; perform all other duties that the judges 3845
of the court may prescribe; and keep a book showing all receipts 3846
and disbursements, which book shall be open for public inspection 3847
at all times. 3848

The clerk shall prepare and maintain a general index, a 3849
docket, and other records that the court, by rule, requires, all 3850
of which shall be the public records of the court. In the docket, 3851
the clerk shall enter, at the time of the commencement of an 3852
action, the names of the parties in full, the names of the 3853
counsel, and the nature of the proceedings. Under proper dates, 3854
the clerk shall note the filing of the complaint, issuing of 3855
summons or other process, returns, and any subsequent pleadings. 3856
The clerk also shall enter all reports, verdicts, orders, 3857
judgments, and proceedings of the court, clearly specifying the 3858
relief granted or orders made in each action. The court may order 3859
an extended record of any of the above to be made and entered, 3860
under the proper action heading, upon the docket at the request of 3861

any party to the case, the expense of which record may be taxed as 3862
costs in the case or may be required to be prepaid by the party 3863
demanding the record, upon order of the court. 3864

(F) The clerk of a municipal court shall receive, collect, 3865
and issue receipts for all costs, fees, fines, bail, and other 3866
moneys payable to the office or to any officer of the court. The 3867
clerk shall each month disburse to the proper persons or officers, 3868
and take receipts for, all costs, fees, fines, bail, and other 3869
moneys that the clerk collects. Subject to sections 3375.50 and 3870
4511.193 of the Revised Code and to any other section of the 3871
Revised Code that requires a specific manner of disbursement of 3872
any moneys received by a municipal court and except for the 3873
Hamilton county, Lawrence county, and Ottawa county municipal 3874
courts, the clerk shall pay all fines received for violation of 3875
municipal ordinances of a municipal corporation having a 3876
population of two hundred or more according to the most recent 3877
federal decennial census into the treasury of the municipal 3878
corporation the ordinance of which was violated and shall pay all 3879
fines received for violation of township resolutions adopted 3880
pursuant to section 503.52 or 503.53 or Chapter 504. of the 3881
Revised Code into the treasury of the township the resolution of 3882
which was violated. Subject to sections 1901.024 and 4511.193 of 3883
the Revised Code, in the Hamilton county, Lawrence county, and 3884
Ottawa county municipal courts, the clerk shall pay fifty per cent 3885
of the fines received for violation of municipal ordinances of a 3886
municipal corporation having a population of two hundred or more 3887
according to the most recent federal decennial census and fifty 3888
per cent of the fines received for violation of township 3889
resolutions adopted pursuant to section 503.52 or 503.53 or 3890
Chapter 504. of the Revised Code into the treasury of the county. 3891
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 3892
Revised Code and to any other section of the Revised Code that 3893
requires a specific manner of disbursement of any moneys received 3894

by a municipal court, the clerk shall pay all fines collected for 3895
the violation of state laws into the county treasury. Except in a 3896
county-operated municipal court, the clerk shall pay all costs and 3897
fees the disbursement of which is not otherwise provided for in 3898
the Revised Code into the city treasury. The clerk of a 3899
county-operated municipal court shall pay the costs and fees the 3900
disbursement of which is not otherwise provided for in the Revised 3901
Code into the county treasury. Moneys deposited as security for 3902
costs shall be retained pending the litigation. The clerk shall 3903
keep a separate account of all receipts and disbursements in civil 3904
and criminal cases, which shall be a permanent public record of 3905
the office. On the expiration of the term of the clerk, the clerk 3906
shall deliver the records to the clerk's successor. The clerk 3907
shall have other powers and duties as are prescribed by rule or 3908
order of the court. 3909

(G) All moneys paid into a municipal court shall be noted on 3910
the record of the case in which they are paid and shall be 3911
deposited in a state or national bank, or a domestic savings and 3912
loan association, as defined in section 1151.01 of the Revised 3913
Code, that is selected by the clerk. Any interest received upon 3914
the deposits shall be paid into the city treasury, except that, in 3915
a county-operated municipal court, the interest shall be paid into 3916
the treasury of the county in which the court is located. 3917

On the first Monday in January of each year, the clerk shall 3918
make a list of the titles of all cases in the court that were 3919
finally determined more than one year past in which there remains 3920
unclaimed in the possession of the clerk any funds, or any part of 3921
a deposit for security of costs not consumed by the costs in the 3922
case. The clerk shall give notice of the moneys to the parties who 3923
are entitled to the moneys or to their attorneys of record. All 3924
the moneys remaining unclaimed on the first day of April of each 3925
year shall be paid by the clerk to the city treasurer, except 3926

that, in a county-operated municipal court, the moneys shall be 3927
paid to the treasurer of the county in which the court is located. 3928
The treasurer shall pay any part of the moneys at any time to the 3929
person who has the right to the moneys upon proper certification 3930
of the clerk. 3931

(H) Deputy clerks of a municipal court other than the Carroll 3932
county municipal court may be appointed by the clerk and shall 3933
receive the compensation, payable in either biweekly installments 3934
or semimonthly installments, as determined by the payroll 3935
administrator, out of the city treasury, that the clerk may 3936
prescribe, except that the compensation of any deputy clerk of a 3937
county-operated municipal court shall be paid out of the treasury 3938
of the county in which the court is located. The judge of the 3939
Carroll county municipal court may appoint deputy clerks for the 3940
court, and the deputy clerks shall receive the compensation, 3941
payable in biweekly installments out of the county treasury, that 3942
the judge may prescribe. Each deputy clerk shall take an oath of 3943
office before entering upon the duties of the deputy clerk's 3944
office and, when so qualified, may perform the duties appertaining 3945
to the office of the clerk. The clerk may require any of the 3946
deputy clerks to give bond of not less than three thousand 3947
dollars, conditioned for the faithful performance of the deputy 3948
clerk's duties. 3949

(I) For the purposes of this section, whenever the population 3950
of the territory of a municipal court falls below one hundred 3951
thousand but not below ninety thousand, and the population of the 3952
territory prior to the most recent regular federal census exceeded 3953
one hundred thousand, the legislative authority of the municipal 3954
corporation may declare, by resolution, that the territory shall 3955
be considered to have a population of at least one hundred 3956
thousand. 3957

(J) The clerk or a deputy clerk shall be in attendance at all 3958

sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts.

Sec. 1905.41. (A) There is hereby created on January 1, 2009, a community court in each municipal corporation that on the effective date of this section has a legally functioning mayor's court, according to the most recent federal decennial census has a population of one thousand six hundred or more, and elects pursuant to division (C) of section 1905.42 of the Revised Code to have a community court.

(B) A community court is a court of record and is subject to superintendence by the supreme court and rules prescribed by the supreme court under Section 5 of Article IV of the Ohio Constitution.

(C) One or more magistrates shall preside over a community court. No person shall be appointed as a community court magistrate unless the person has been admitted to the practice of law in this state, meets the qualifications established by the supreme court for magistrates, and, for a total of at least four years preceding the person's appointment or the commencement of the person's service as magistrate, has been engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both.

(D)(1) If the charter of a municipal corporation that has a community court provides for the appointment, term, compensation, bond, or power and duties of the clerk of the community court or of a mayor's court, the charter provisions shall apply to the clerk of the community court. If the charter does not have provisions relating to the appointment, term, compensation, bond, or power and duties of the clerk of the community court or of a

mayor's court, division (D)(2) of this section shall apply. 3990

(2) Except as otherwise provided in division (D)(1) of this section, the legislative authority of a municipal corporation that has a community court that is created pursuant to this section shall appoint a clerk of the community court. The clerk shall serve at the pleasure of the legislative authority and shall receive compensation as set by the legislative authority. The compensation shall be payable at intervals determined by the legislative authority from the treasury of the municipal corporation. Before entering upon the duties of the office, an appointed clerk shall give bond of not less than five thousand dollars, as determined by the legislative authority of the municipal corporation, conditioned upon the faithful performance of the clerk's duties. The clerk shall have the same powers and duties as a clerk of a county court. 3991
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Sec. 1905.42. (A) All mayor's courts shall cease to exist at the end of the day on December 31, 2008. 4005
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(B) All proceedings pending in the mayor's court of a municipal corporation that on December 31, 2008, had a population of less than one thousand six hundred according to the most recent federal decennial census, except for proceedings in a mayor's court that is located on an island in Lake Erie, shall be transferred to the municipal court or the county court that has territorial jurisdiction over that municipal corporation. 4007
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(C)(1) Within ninety days after the effective date of this section, the legislative authority of a municipal corporation that had a legally functioning mayor's court on that effective date and either is located on an island in Lake Erie or according to the most recent federal decennial census has a population of one thousand six hundred or more shall elect to do one of the following: 4014
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(a) To have a community court; 4021

(b) To not have a community court and to have all proceedings pending in the mayor's court transferred to the municipal court or county court that has territorial jurisdiction over the municipal corporation. 4022
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(2) A legislative authority shall make an election under division (C)(1) of this section by resolution adopted and filed with the supreme court and with the municipal court or county court that has territorial jurisdiction over the municipal corporation not later than ninety days after the effective date of this section. If a legislative authority of a municipal corporation fails to make a timely election under division (C) of this section, the municipal corporation shall not have a community court, and all proceedings pending on December 31, 2008, in the mayor's court of that municipal corporation shall be transferred to the municipal court or county court that has territorial jurisdiction over the municipal corporation. 4026
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(D) At any time after January 1, 2009, the legislative authority of a municipal corporation that does not have a community court and that has a population of one thousand six hundred or more according to the most recent federal decennial census may adopt a resolution electing to establish a community court and file the resolution with the supreme court. Upon the filing of the resolution with the supreme court, the community court is established and shall hear and determine cases within its jurisdiction that arise on and after the establishment of the court. 4038
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(E)(1) Except as provided in division (E)(2) of this section, if the population of a municipal corporation served by a community court that is created pursuant to this section falls below one thousand six hundred according to the most recent federal decennial census, the community court shall cease to exist sixty 4048
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days after the official release of the census, and all causes, 4053
executions, and other proceedings then pending in the community 4054
court shall be transferred to the municipal court or county court 4055
that has territorial jurisdiction over the municipal corporation. 4056
The causes, executions, and other proceedings shall proceed as if 4057
originally instituted in the transferee court. Parties to those 4058
causes, executions, and proceedings may make any amendments to 4059
their pleadings that are required to conform them to the rules of 4060
the transferee court. The clerk or other custodian of the records 4061
of the community court shall transfer to the transferee court all 4062
pleadings, orders, entries, dockets, bonds, papers, records, 4063
books, exhibits, files, moneys, property, and persons that belong 4064
to, are in the possession of, or are subject to the jurisdiction 4065
of the community court, or any officer of that court, at the close 4066
of business on the sixtieth day after the release of the census 4067
and that pertain to those causes, executions, and proceedings. 4068

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(2) If the population of a municipal corporation served by a 4070
community court that is created pursuant to this section falls 4071
below one thousand six hundred according to the most recent 4072
federal decennial census, the legislative authority of the 4073
municipal corporation may by resolution adopted and filed with the 4074
supreme court not later than thirty days after the official 4075
release of the census request that the supreme court authorize the 4076
continued existence of the community court until the next federal 4077
decennial census. The supreme court, after considering the 4078
population of the municipal corporation, the caseload of the 4079
community court, and any other factors that it considers relevant, 4080
shall determine whether the community court should continue to 4081
exist and shall serve written notice of its determination on the 4082
legislative authority of the municipal corporation. If the supreme 4083
court determines that the community court should not continue to 4084
exist, the community court shall cease to exist sixty days after 4085

service of the supreme court's determination, and all causes, 4086
executions, and other proceedings then pending in the community 4087
court shall be transferred to the appropriate municipal court or 4088
county court in the manner provided in division (E)(1) of this 4089
section. 4090

(F) Division (E) of this section does not apply to a 4091
municipal corporation or community court that is located on an 4092
island in Lake Erie. 4093

(G) Nothing in this section shall preclude a municipal 4094
corporation from seeking the establishment pursuant to statute of 4095
a municipal court for the municipal corporation. 4096

Sec. 1905.43. (A) As used in this section, "urban township" 4097
means a township that has a population of fifteen thousand or more 4098
and that adopts a limited home rule government under section 4099
504.01 of the Revised Code. 4100

(B)(1) On or after January 1, 2009, the legislative authority 4101
of an urban township may establish a community court by adopting a 4102
resolution to establish a community court and filing the 4103
resolution with the supreme court. Upon the filing of the 4104
resolution with the supreme court, the community court is 4105
established and shall hear and determine cases within its 4106
jurisdiction that arise on and after the establishment of the 4107
court. The community court shall have jurisdiction to hear and 4108
determine all of the following: 4109

(a) Noncriminal cases arising under resolutions adopted 4110
pursuant to section 504.04 of the Revised Code by the urban 4111
township that establishes the court; 4112

(b) Forcible entry and detainer actions brought under Chapter 4113
1923. of the Revised Code that arise within the township; 4114

(c) Criminal actions arising under resolutions adopted 4115

pursuant to section 503.52 or 503.53 or division (E) of section 4116
504.04 of the Revised Code by the urban township that establishes 4117
the court, provided that jurisdiction is subject to the same 4118
limitations and conditions that apply to the community court of a 4119
municipal corporation under sections 1905.44 and 1905.45 of the 4120
Revised Code. 4121

(2) A community court of an urban township has jurisdiction 4122
within the township, excluding the territory of any municipal 4123
corporation within the township that has its own community court. 4124

(3) One or more magistrates shall preside over the community 4125
court. No person shall be appointed as a community court 4126
magistrate unless the person has been admitted to the practice of 4127
law in this state, meets the qualifications established by the 4128
supreme court for magistrates, and, for a total of at least four 4129
years preceding the person's appointment or the commencement of 4130
the person's service as magistrate, has been engaged in the 4131
practice of law in this state or served as a judge of a court of 4132
record in any jurisdiction in the United States, or both. 4133

(4) The legislative authority of an urban township that has a 4134
community court may appoint a clerk of the community court. The 4135
clerk shall serve at the pleasure of the legislative authority and 4136
shall receive compensation as set by the legislative authority. 4137
The compensation shall be payable at intervals determined by the 4138
legislative authority from the treasury of the township. Before 4139
entering upon the duties of the office, an appointed clerk shall 4140
give bond of not less than five thousand dollars, as determined by 4141
the legislative authority of the township, conditioned upon the 4142
faithful performance of the clerk's duties. The clerk shall have 4143
the same powers and duties as a clerk of a county court. 4144

(C)(1) Within ninety days after the effective date of this 4146
section, the legislative authority of a municipal corporation that 4147

had a legally functioning mayor's court on that effective date or 4148
on December 31, 2008, whichever is earlier, and according to the 4149
most recent federal decennial census had a population of less than 4150
one thousand six hundred and the legislative authority of an urban 4151
township may by municipal ordinance and township resolution agree 4152
to enter into a contract for the creation on or after January 1, 4153
2009, of a community court having territorial jurisdiction over 4154
the municipal corporation and the unincorporated areas of the 4155
township if the territory of the municipal corporation adjoins the 4156
territory of the township and all of the territory of the 4157
municipal corporation and of the township is within the 4158
territorial jurisdiction of a single municipal court or county 4159
court. The ordinance and resolution shall express the intent to 4160
enter into the contract and shall indicate the other municipal 4161
corporation or township with which the municipal corporation or 4162
township intends to contract. The municipal corporation shall 4163
provide a copy of the ordinance and the township shall provide a 4164
copy of the resolution to the supreme court. 4165

(2) Within ninety days after the effective date of this 4166
section, the legislative authority of a municipal corporation that 4167
had a legally functioning mayor's court on that effective date or 4168
on December 31, 2008, whichever is earlier, and according to the 4169
most recent federal decennial census had a population of less than 4170
one thousand six hundred and the legislative authority of a 4171
municipal corporation that elects to have a community court under 4172
division (C)(1) of section 1905.42 of the Revised Code may by 4173
ordinance adopted by each of the municipal corporations agree to 4174
enter into a contract for the creation on or after January 1, 4175
2009, of a community court having territorial jurisdiction over 4176
both municipal corporations if the territory of the municipal 4177
corporations adjoin and all of the territory of the two municipal 4178
corporations is within the territorial jurisdiction of a single 4179
municipal court or county court. Each ordinance shall express the 4180

intent to enter into the contract and shall indicate the other 4181
municipal corporation with which the municipal corporation intends 4182
to contract. Each municipal corporation shall provide a copy of 4183
its ordinance to the supreme court. 4184

(3) Within ninety days after the effective date of this 4185
section, the legislative authorities of two municipal corporations 4186
that elect to have a community court under division (C)(1) of 4187
section 1905.42 of the Revised Code may by ordinance adopted by 4188
each of the municipal corporations agree to enter into a contract 4189
for the creation on or after January 1, 2009, of a community court 4190
having territorial jurisdiction over both municipal corporations 4191
if the territory of the municipal corporations adjoin and all of 4192
the territory of the municipal corporations is within the 4193
territorial jurisdiction of a single municipal court or county 4194
court. Each ordinance shall express the intent to enter into the 4195
contract and shall indicate the other municipal corporation with 4196
which the municipal corporation intends to contract. Each 4197
municipal corporation shall provide a copy of its ordinance to the 4198
supreme court. 4199

(4) Within ninety days after the effective date of this 4200
section, the legislative authorities of two urban townships may by 4201
resolution adopted by each of the townships agree to enter into a 4202
contract for the creation on or after January 1, 2009, of a 4203
community court having territorial jurisdiction over the 4204
unincorporated areas of both townships if the territory of the 4205
townships adjoin and all of the territory of the townships is 4206
within the territorial jurisdiction of a single municipal court or 4207
county court. Each resolution shall express the intent to enter 4208
into the contract and shall indicate the other township with which 4209
the township intends to contract. Each township shall provide a 4210
copy of the resolution to the supreme court. 4211

(D) The legislative authority of each of the contracting 4212

municipal corporations and townships shall approve a contract 4213
creating a community court under division (C) of this section and 4214
shall approve the contract within one hundred eighty days after 4215
the effective date of this section. The contract shall provide for 4216
all of the following: 4217

(1) The location of the community court; 4218

(2) The manner in which the costs of establishing and 4219
operating the court will be shared and the manner in which the 4220
money collected by the court will be distributed, which shall be 4221
consistent with all provisions of the Revised Code that require 4222
the distribution of portions of that money to specific funds; 4223

(3) The manner in which employees of the court shall be 4224
appointed. 4225

(E)(1) Before the legislative authority of a municipal 4226
corporation or urban township passes an ordinance or resolution 4227
approving a contract to create a community court pursuant to this 4228
section, the legislative authority of each contracting municipal 4229
corporation or township shall hold a public hearing concerning the 4230
contract and shall provide public notice at least thirty days in 4231
advance of the time and place of the public hearing in a newspaper 4232
of general circulation within the territory of the contracting 4233
municipal corporation or township. A board of township trustees 4234
may provide additional notice to township residents in accordance 4235
with section 9.03 of the Revised Code, and any additional notice 4236
shall include the public hearing announcement, a summary of the 4237
terms of the contract, a statement that the entire text of the 4238
contract is on file for public examination in the office of the 4239
township fiscal officer, and information pertaining to any tax 4240
changes that will or may occur as a result of the contract. 4241

(2) During the thirty-day period prior to the public hearing, 4242
4243

a copy of the text of the contract shall be on file for public 4244
examination in the office of the clerk of the legislative 4245
authority of the municipal corporation or of the township fiscal 4246
officer. The public hearing shall allow for public comment and 4247
recommendations from the public on the proposed contract. The 4248
contracting municipal corporations and townships may include in 4249
the contract any of those recommendations prior to the approval of 4250
the contract. 4251

(F) The legislative authority of a municipal corporation or 4252
urban township may enter into a contract to create a community 4253
court pursuant to this section by adopting an ordinance or 4254
resolution approving the contract. The legislative authority shall 4255
provide a copy of the ordinance or resolution and of the contract 4256
to the supreme court. 4257

(G) Any resolution of a board of township trustees that 4258
approves a contract to create a community court pursuant to this 4259
section shall be subject to a referendum of the electors of the 4260
township. When a referendum petition that is signed by ten per 4261
cent of the number of electors in the township who voted for the 4262
office of governor at the most recent general election for the 4263
office of governor and that orders that the resolution be 4264
submitted to the electors of the township for their approval or 4265
rejection is presented to the board of township trustees within 4266
thirty days after the board of township trustees adopted the 4267
resolution, the board of township trustees shall, after ten days 4268
and not later than four p.m. of the seventy-fifth day before the 4269
election, certify the text of the resolution to the board of 4270
elections. The board of elections shall submit the resolution to 4271
the electors of the township for their approval or rejection at 4272
the next general, primary, or special election occurring 4273
subsequent to seventy-five days after the certifying of the 4274
petition to the board of elections. The board shall notify the 4275

supreme court of the results of the referendum. 4276

(H) A contract entered into pursuant to this section may be 4277
amended, and it may be renewed, canceled, or terminated as 4278
provided in the contract. 4279

(I) A community court created pursuant to a contract entered 4280
into under this section shall have with regard to each contracting 4281
municipal corporation the jurisdiction set forth in section 4282
1905.44 of the Revised Code and with regard to each contracting 4283
urban township the jurisdiction set forth in division (B) of this 4284
section. 4285

(J) One or more magistrates shall preside over the community 4286
court. No person shall be appointed as a community court 4287
magistrate unless the person has been admitted to the practice of 4288
law in this state, meets the qualifications established by the 4289
supreme court for magistrates, and, for a total of at least four 4290
years preceding the person's appointment or the commencement of 4291
the person's service as magistrate, has been engaged in the 4292
practice of law in this state or served as a judge of a court of 4293
record in any jurisdiction in the United States, or both. 4294
4295

(K) The provisions of this chapter apply to all community 4296
courts established pursuant to this section except where the 4297
context of a provision clearly indicates that the provision is not 4298
applicable to a particular type of community court. 4299

Sec. 1905.44. (A) Except as provided in divisions (B), (C), 4300
and (E) of this section, a community court established pursuant to 4301
section 1905.42 of the Revised Code has jurisdiction to hear and 4302
determine any prosecution for the violation of an ordinance of the 4303
municipal corporation, to hear and determine forcible entry and 4304
detainer actions brought under Chapter 1923. of the Revised Code, 4305
to hear and determine any case involving a violation of a vehicle 4306

parking or standing ordinance of the municipal corporation unless 4307
the violation is required to be handled by a parking violations 4308
bureau or joint parking violations bureau pursuant to Chapter 4309
4521. of the Revised Code, and to hear and determine all criminal 4310
causes involving any moving traffic violation occurring on a state 4311
highway located within the boundaries of the municipal 4312
corporation. 4313

(B)(1) A community court established pursuant to section 4314
1905.42 of the Revised Code has jurisdiction to hear and determine 4315
prosecutions involving a violation of an ordinance of the 4316
municipal corporation relating to operating a vehicle while under 4317
the influence of alcohol, a drug of abuse, or a combination of 4318
them or relating to operating a vehicle with a prohibited 4319
concentration of alcohol, a controlled substance, or a metabolite 4320
of a controlled substance in the whole blood, blood serum or 4321
plasma, breath, or urine and to hear and determine criminal causes 4322
involving a violation of section 4511.19 of the Revised Code that 4323
occur on a state highway located within the boundaries of the 4324
municipal corporation only if the person charged with the 4325
violation, within six years of the date of the violation charged, 4326
has not been convicted of or pleaded guilty to any of the 4327
following: 4328

(a) A violation of an ordinance of any municipal corporation 4329
relating to operating a vehicle while under the influence of 4330
alcohol, a drug of abuse, or a combination of them or relating to 4331
operating a vehicle with a prohibited concentration of alcohol, a 4332
controlled substance, or a metabolite of a controlled substance in 4333
the whole blood, blood serum or plasma, breath, or urine; 4334

(b) A violation of section 4511.19 of the Revised Code; 4335

(c) A violation of any ordinance of any municipal corporation 4336
or of any section of the Revised Code that regulates the operation 4337
of vehicles, streetcars, and trackless trolleys upon the highways 4338

or streets in a case to which all of the following apply: 4339

4340

(i) In the case in which the conviction was obtained or the 4341
plea of guilty was entered, the person had been charged with a 4342
violation of an ordinance of a type described in division 4343
(B)(1)(a) of this section or with a violation of section 4511.19 4344
of the Revised Code. 4345

(ii) The charge of the violation described in division 4346
(B)(1)(c)(i) of this section was dismissed or reduced. 4347

(iii) The violation of which the person was convicted or to 4348
which the person pleaded guilty arose out of the same facts and 4349
circumstances and the same act as did the charge that was 4350
dismissed or reduced. 4351

(d) A violation of a statute of the United States or of any 4352
other state or a municipal ordinance of a municipal corporation 4353
located in any other state that is substantially similar to 4354
section 4511.19 of the Revised Code. 4355

(2) A community court established pursuant to section 1905.42 4356
of the Revised Code does not have jurisdiction to hear and 4357
determine any prosecution or criminal cause involving a violation 4358
described in division (B)(1)(a) or (b) of this section, regardless 4359
of where the violation occurred, if the person charged with the 4360
violation, within six years of the violation charged, has been 4361
convicted of or pleaded guilty to any violation listed in division 4362
(B)(1)(a), (b), (c), or (d) of this section. 4363

If a magistrate of a community court established pursuant to 4364
section 1905.42 of the Revised Code determines in hearing a 4365
prosecution involving a violation of an ordinance of the municipal 4366
corporation the magistrate serves relating to operating a vehicle 4367
while under the influence of alcohol, a drug of abuse, or a 4368
combination of them or relating to operating a vehicle with a 4369

prohibited concentration of alcohol, a controlled substance, or a 4370
metabolite of a controlled substance in the whole blood, blood 4371
serum or plasma, breath, or urine or in hearing a criminal cause 4372
involving a violation of section 4511.19 of the Revised Code that 4373
the person charged, within six years of the violation charged, has 4374
been convicted of or pleaded guilty to any violation listed in 4375
division (B)(1)(a), (b), (c), or (d) of this section, the 4376
magistrate immediately shall transfer the case in accordance with 4377
section 1905.45 of the Revised Code to the county court or 4378
municipal court with jurisdiction over the violation charged. 4379

(C)(1) A community court established pursuant to section 4380
1905.42 of the Revised Code has jurisdiction to hear and determine 4381
prosecutions involving a violation of a municipal ordinance that 4382
is substantially equivalent to division (A) of section 4510.14 or 4383
section 4510.16 of the Revised Code and to hear and determine 4384
criminal causes that involve a moving traffic violation that 4385
involve a violation of division (A) of section 4510.14 or section 4386
4510.16 of the Revised Code and that occur on a state highway 4387
located within the boundaries of the municipal corporation only if 4388
all of the following apply regarding the violation and the person 4389
charged: 4390

(a) Regarding a violation of section 4510.16 of the Revised 4391
Code or a violation of a municipal ordinance that is substantially 4392
equivalent to that division, the person charged with the 4393
violation, within six years of the date of the violation charged, 4394
has not been convicted of or pleaded guilty to any of the 4395
following: 4396

(i) A violation of section 4510.16 of the Revised Code; 4397

(ii) A violation of a municipal ordinance that is 4398
substantially equivalent to section 4510.16 of the Revised Code; 4399

(iii) A violation of any municipal ordinance or section of 4400

the Revised Code that regulates the operation of vehicles, 4401
streetcars, and trackless trolleys upon the highways or streets in 4402
a case in which, after a charge against the person of a violation 4403
of a type described in division (C)(1)(a)(i) or (ii) of this 4404
section was dismissed or reduced, the person is convicted of or 4405
pleads guilty to a violation that arose out of the same facts and 4406
circumstances and the same act as did the charge that was 4407
dismissed or reduced. 4408

(b) Regarding a violation of division (A) of section 4510.14 4409
of the Revised Code or a violation of a municipal ordinance that 4410
is substantially equivalent to that division, the person charged 4411
with the violation, within six years of the date of the violation 4412
charged, has not been convicted of or pleaded guilty to any of the 4413
following: 4414

(i) A violation of division (A) of section 4510.14 of the 4415
Revised Code; 4416

(ii) A violation of a municipal ordinance that is 4417
substantially equivalent to division (A) of section 4510.14 of the 4418
Revised Code; 4419

(iii) A violation of any municipal ordinance or section of 4420
the Revised Code that regulates the operation of vehicles, 4421
streetcars, and trackless trolleys upon the highways or streets in 4422
a case in which, after a charge against the person of a violation 4423
of a type described in division (C)(1)(b)(i) or (ii) of this 4424
section was dismissed or reduced, the person is convicted of or 4425
pleads guilty to a violation that arose out of the same facts and 4426
circumstances and the same act as did the charge that was 4427
dismissed or reduced. 4428

(2) A community court established pursuant to section 1905.42 4429
of the Revised Code does not have jurisdiction to hear and 4430
determine any prosecution or criminal cause involving a violation 4431

described in division (C)(1)(a)(i) or (ii) of this section if the 4432
person charged with the violation, within six years of the 4433
violation charged, has been convicted of or pleaded guilty to any 4434
violation listed in division (C)(1)(a)(i), (ii), or (iii) of this 4435
section and does not have jurisdiction to hear and determine any 4436
prosecution or criminal cause involving a violation described in 4437
division (C)(1)(b)(i) or (ii) of this section if the person 4438
charged with the violation, within six years of the violation 4439
charged, has been convicted of or pleaded guilty to any violation 4440
listed in division (C)(1)(b)(i), (ii), or (iii) of this section. 4441

(3) If a magistrate of a community court established pursuant 4442
to section 1905.42 of the Revised Code hears a prosecution 4443
involving a violation of an ordinance of the municipal corporation 4444
the magistrate serves that is substantially equivalent to division 4445
(A) of section 4510.14 or section 4510.16 of the Revised Code or a 4446
violation of division (A) of section 4510.14 or section 4510.16 of 4447
the Revised Code and determines that under division (C)(2) of this 4448
section community courts do not have jurisdiction of the 4449
prosecution, the magistrate immediately shall transfer the case in 4450
accordance with section 1905.45 of the Revised Code to the county 4451
court or municipal court with jurisdiction over the violation. 4452

(D)(1) A community court established pursuant to section 4454
1905.42 of the Revised Code does not have jurisdiction to hear and 4455
determine any prosecution or criminal use involving any of the 4456
following: 4457

(a) A violation of section 2919.25 or 2919.27 of the Revised 4458
Code; 4459

(b) A violation of section 2903.11, 2903.12, 2903.13, 4460
2903.211, or 2911.211 of the Revised Code that involves a person 4461
who was a family or household member of the defendant at the time 4462
of the violation; 4463

(c) A violation of a municipal ordinance that is 4464
substantially equivalent to an offense described in division 4465
(E)(1)(a) or (b) of this section and that involves a person who 4466
was a family or household member of the defendant at the time of 4467
the violation. 4468

(2) A community court established pursuant to section 1905.42 4469
of the Revised Code does not have jurisdiction to hear and 4470
determine a motion filed pursuant to section 2919.26 of the 4471
Revised Code or filed pursuant to a municipal ordinance that is 4472
substantially equivalent to that section or to issue a protection 4473
order pursuant to that section or a substantially equivalent 4474
municipal ordinance. 4475

(3) A community court established pursuant to section 1905.42 4476
of the Revised Code has jurisdiction to hear and determine all of 4477
the following: 4478

(a) Cases arising under sections 925.21 to 925.32 of the 4479
Revised Code as provided in section 925.31 of the Revised Code; 4480

(b) If the municipal corporation lies within the territory of 4481
an urban township that has a community court, cases within the 4482
subject-matter jurisdiction of the community court of the township 4483
that arise within the municipal corporation; 4484

(c) Cases related to public utilities extending beyond the 4485
limits of a municipal corporation, as provided in section 743.14 4486
of the Revised Code. 4487

(4) The exercise of jurisdiction by a community court is 4488
subject to the defendant's right to demand a trial by jury 4489
pursuant to sections 1923.10, 2937.08, and 2938.04 of the Revised 4490
Code. 4491

(E) In keeping a docket and files, a community court shall be 4492
governed by the laws pertaining to municipal courts. 4493

(F) As used in this section, "family or household member" has 4494
the same meaning as in section 2919.25 of the Revised Code. 4495

Sec. 1905.45. (A)(1) If a person who is charged with a 4496
violation of a law, ordinance, or resolution is brought before a 4497
community court and the violation charged is not within the 4498
jurisdiction of the court as set forth in section 1905.43 or 4499
1905.44 of the Revised Code, the court promptly shall transfer the 4500
case to the municipal court, county court, or court of common 4501
pleas with jurisdiction over the alleged violation and shall 4502
require the person to post an appearance bond in accordance with 4503
the bond schedule of that court. 4504

(2) If a person who is charged with a violation of a law, 4505
ordinance, or resolution is brought before a community court and 4506
the violation charged is within the jurisdiction of the court as 4507
set forth in section 1905.43 or 1905.44 of the Revised Code, the 4508
court, at any time prior to the final disposition of the case, may 4509
transfer it to the municipal court, county court, or court of 4510
common pleas with concurrent jurisdiction over the alleged 4511
violation. If a community court transfers a case under this 4512
division, the court shall require the person charged to post an 4513
appearance bond in accordance with the bond schedule of the court 4514
to which the case is transferred. 4515

(3) A community court that has jurisdiction over a forcible 4516
entry and detainer action, at any time prior to the final 4517
disposition of the action, may transfer it to the municipal court, 4518
county court, or court of common pleas with concurrent 4519
jurisdiction over the action. 4520

(B) Upon the transfer of a case by a community court under 4521
division (A) of this section, all of the following apply: 4522

(1) The court shall certify all papers filed in the case, 4523
together with a transcript of all proceedings, accrued costs to 4524

date, and the recognizance given, to the court to which the case 4525
is transferred. 4526

(2) All further proceedings under the charge, complaint, 4527
information, or indictment in the transferred case shall be 4528
discontinued in the community court and shall be conducted in the 4529
court to which the case is transferred in accordance with the 4530
provisions governing proceedings in that court. 4531

(3) If the case is transferred to a municipal court that has 4532
an environmental division and the case is within the jurisdiction 4533
of the environmental division as set forth in division (A)(1) of 4534
section 1901.181 of the Revised Code, the case after the transfer 4535
shall be within the exclusive jurisdiction of the environmental 4536
division of the municipal court to which it is transferred. In all 4537
other situations, the case after the transfer shall be within the 4538
exclusive jurisdiction of the court to which it is transferred. 4539

Sec. 1905.46. A magistrate, clerk, or deputy clerk of a 4540
community court shall not be concerned as counsel or agent in the 4541
prosecution or defense of any case before the court. 4542

Sec. 1905.48. (A) When two municipal corporations adjoin each 4543
other on opposite sides of the line of any railroad, the boundary 4544
line between the municipal corporations, except where otherwise 4545
established by law, is along the middle of the right of way of the 4546
railroad. 4547

(B) When the line of a railroad adjoins or forms a part of 4548
the boundary line of a municipal corporation and the middle of the 4549
railroad right of way does not form the boundary line under 4550
division (A) of this section, the municipal corporation has 4551
jurisdiction over the entire width of the right of way of the line 4552
of the railroad for the punishment of the violation of the 4553
ordinances of the municipal corporation. 4554

Sec. 1905.49. A magistrate of a community court shall award 4555
and issue all writs and process that are necessary to enforce the 4556
administration of justice throughout the territorial jurisdiction 4557
of the court. The magistrate shall subscribe the magistrate's name 4558
to all writs, process, transcripts, and other official papers. 4559

Sec. 1905.50. A magistrate of a community court shall suspend 4560
in accordance with sections 4510.02, 4510.07, and 4511.19 of the 4561
Revised Code the driver's or commercial driver's license or permit 4562
or nonresident operating privilege of any person who is convicted 4563
of or pleads guilty to a violation of division (A) of section 4564
4511.19 of the Revised Code, of a municipal ordinance relating to 4565
operating a vehicle while under the influence of alcohol, a drug 4566
of abuse, or a combination of them, or of a municipal ordinance or 4567
township resolution relating to operating a vehicle with a 4568
prohibited concentration of alcohol, a controlled substance, or a 4569
metabolite of a controlled substance in the whole blood, blood 4570
serum or plasma, breath, or urine that is substantially equivalent 4571
to division (A) of section 4511.19 of the Revised Code. A 4572
magistrate of a community court shall suspend in accordance with 4573
sections 4510.02, 4510.07, and 4511.19 of the Revised Code the 4574
driver's or commercial driver's license or permit or nonresident 4575
operating privilege of any person who is convicted of or pleads 4576
guilty to a violation of division (B) of section 4511.19 of the 4577
Revised Code or of a municipal ordinance relating to operating a 4578
vehicle with a prohibited concentration of alcohol in the whole 4579
blood, blood serum or plasma, breath, or urine that is 4580
substantially equivalent to division (B) of section 4511.19 of the 4581
Revised Code. 4582

Suspension of a commercial driver's license under this 4583
section shall be concurrent with any period of disqualification or 4584
suspension under section 3123.58 or 4506.16 of the Revised Code. 4585

No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension. 4586
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Sec. 1905.51. Each magistrate of a community court shall keep a docket. A magistrate shall not retain or receive for the magistrate's own use any of the fines, forfeitures, fees, or costs the magistrate collects. A magistrate shall account for and dispose of all fines, forfeitures, fees, and costs the magistrate collects as provided in section 733.40 of the Revised Code. 4594
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A magistrate of a community court shall be paid a fixed annual salary that the legislative authority of the municipal corporation provides under sections 731.08 and 731.13 of the Revised Code or that the legislative authority of the township provides under section 504.04 of the Revised Code. 4600
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A magistrate of a community court shall keep an office that is provided by the legislative authority of the municipal corporation or township at a convenient place in the municipal corporation or township. 4605
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The municipal corporation or township shall pay the costs of operating the community court. 4609
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Sec. 1905.52. (A) Any party to a civil or criminal action in a community court may file written objections to the magistrate's decision with the clerk of the court in accordance with division (D)(3)(b) of Civil Rule 53. The clerk shall deliver the transcript of the proceedings or affidavit of evidence, the original papers 4611
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used on the trial, and the written objections to the magistrate's 4616
decision to the municipal or county court that has territorial 4617
jurisdiction over the municipal corporation or township in which 4618
the community court is located, and that court shall rule on the 4619
objections. In ruling on objections, the court shall undertake an 4620
independent review as to the objected matters to ascertain that 4621
the magistrate has properly determined the factual issues and 4622
appropriately applied the law. 4623

(B) Any appeal from a decision of a judge made pursuant to an 4624
objection filed under division (A) of this section shall be taken 4625
to the court of appeals of the appellate district in which the 4626
community court is located. 4627

(C) Within thirty days from the time a judge renders a 4628
decision and judgment, the appellant shall file with the community 4629
court a written notice of appeal designating the order or judgment 4630
appealed from and the court to which the appeal is taken. All 4631
further proceedings in the community court shall be stayed from 4632
the time of filing the notice of appeal. 4633

(D) Upon the filing of the notice of appeal, the clerk of the 4634
community court shall deliver the certified transcript of the 4635
proceedings, the original papers used on the trial, the written 4636
objections to the magistrate's decision, and the decision of the 4637
judge on review to the court to which the appeal is taken within 4638
fifteen days from the rendition of the decision and judgment 4639
appealed from. Upon receipt of the transcript and papers, the 4640
clerk of the court of appeals shall file them and docket the 4641
appeal. 4642

Sec. 1905.53. A community court magistrate presiding at any 4643
trial under this chapter may punish contempts and compel the 4644
attendance of witnesses. 4645

Sec. 1905.54. (A) When a fine is the whole or part of a 4646
sentence, a community court may order the person sentenced to 4647
remain confined in a county jail or workhouse of the municipal 4648
corporation until the fine is paid or secured to be paid or the 4649
offender is legally discharged if the offender is financially able 4650
to pay the fine and refuses to do so. 4651

(B) When a fine imposed for the violation of an ordinance of 4652
a municipal corporation or a resolution of a township is not paid, 4653
the party convicted may by order of the magistrate of the 4654
community court or other proper authority or on process issued for 4655
the purpose be committed until the fine and the costs of 4656
prosecution are paid or until the party convicted is legally 4657
discharged if the offender is financially able to pay the fine and 4658
refuses to do so. 4659

Sec. 1905.55. Fines, penalties, and forfeitures may in all 4660
cases and in addition to any other mode provided be recovered by 4661
action before any judge of a county court or any other court of 4662
competent jurisdiction in the name of the proper municipal 4663
corporation or township and for its use. In any action in which a 4664
pleading is necessary, it is sufficient if the petition sets forth 4665
generally the amount claimed to be due in respect to the violation 4666
of the ordinance of the municipal corporation or resolution of the 4667
township. The petition shall refer to the title of the ordinance 4668
or resolution, state the date of its adoption or passage, and show 4669
as near as is practicable the true time of the alleged violation. 4670

Sec. 1905.56. Imprisonment under the ordinances of a 4672
municipal corporation or resolutions of a township shall be in the 4673
workhouse or other jail of the municipal corporation or township. 4674
Any municipal corporation or township not provided with a 4675

workhouse or other jail may for the purpose of imprisonment use 4676
the county jail at the expense of the municipal corporation or 4677
township until the municipal corporation or township is provided 4678
with a prison, house of correction, or workhouse. Persons so 4679
imprisoned in the county jail are under the charge of the sheriff. 4680
The sheriff shall receive and hold the persons in the manner 4681
prescribed by the ordinances of the municipal corporation or 4682
resolutions of the township until the persons are legally 4683
discharged. 4684

Sec. 1905.57. If, by the attorney general's own inquiries or 4685
as a result of complaints, the attorney general has reasonable 4686
cause to believe that a mayor, municipal corporation, township, or 4687
other person is operating a mayor's court or community court that 4688
is not authorized by the Revised Code, the attorney general may 4689
bring an action in the court of common pleas of the county in 4690
which the mayor's court or community court is located to enjoin 4691
the operation of the mayor's court or community court. 4692

Sec. 1907.012. In addition to other jurisdiction granted a 4693
county court in the Revised Code, a county court has jurisdiction 4694
over violations of township resolutions adopted pursuant to 4695
section 503.52 or 503.53 or Chapter 504. of the Revised Code. For 4696
procedural purposes, a case in which a person is charged with the 4697
violation of a township resolution shall be treated as a civil 4698
case, except as otherwise provided in the Revised Code and except 4699
that a violation of a township resolution that is adopted pursuant 4700
to section 503.52 or 503.53 or division (E) of section 504.04 of 4701
the Revised Code and that creates a criminal offense or imposes 4702
criminal penalties shall be treated as a criminal case. 4703

Sec. 1907.20. (A) The clerk of courts shall be the clerk of 4704
the county court, except that the board of county commissioners, 4705

with the concurrence of the county court judges, may appoint a 4706
clerk for each county court judge, who shall serve at the pleasure 4707
of the board and shall receive compensation as set by the board, 4708
payable in semimonthly installments from the treasury of the 4709
county. An appointed clerk, before entering upon the duties of the 4710
office, shall give bond of not less than five thousand dollars, as 4711
determined by the board of county commissioners, conditioned upon 4712
the faithful performance of the clerk's duties. 4713

The clerks of courts of common pleas, when acting as the 4714
clerks of county courts, and upon assuming their county court 4715
duties, shall receive compensation at one-fourth the rate 4716
prescribed for the clerks of courts of common pleas as determined 4717
in accordance with the population of the county and the rates set 4718
forth in sections 325.08 and 325.18 of the Revised Code. This 4719
compensation shall be paid from the county treasury in semimonthly 4720
installments and is in addition to the annual compensation 4721
received for the performance of the duties of the clerk of a court 4722
of common pleas as provided in sections 325.08 and 325.18 of the 4723
Revised Code. 4724

(B) The clerk of a county court shall have general powers to 4725
administer oaths, take affidavits, and issue executions upon any 4726
judgment rendered in the county court, including a judgment for 4727
unpaid costs, power to issue and sign all writs, process, 4728
subpoenas, and papers issuing out of the court, and to attach the 4729
seal of the court to them, and power to approve all bonds, 4730
sureties, recognizances, and undertakings fixed by any judge of 4731
the court or by law. The clerk shall file and safely keep all 4732
journals, records, books, and papers belonging or appertaining to 4733
the court, record its proceedings, perform all other duties that 4734
the judges of the court may prescribe, and keep a book showing all 4735
receipts and disbursements, which shall be open for public 4736
inspection at all times. The clerk may refuse to accept for filing 4737

any pleading or paper submitted for filing by a person who has 4738
been found to be a vexatious litigator under section 2323.52 of 4739
the Revised Code and who has failed to obtain leave to proceed 4740
under that section. 4741

The clerk shall prepare and maintain a general index, a 4742
docket as prescribed by the court, which shall be furnished by the 4743
board of county commissioners, and such other records as the 4744
court, by rule, requires, all of which shall be the public records 4745
of the court. In the docket, the clerk shall enter at times of the 4746
commencement of an action, the names of the parties in full, the 4747
names of the counsel, and the nature of the proceedings. Under 4748
proper dates, the clerk shall note the filing of the complaint, 4749
issuing of summons or other process, returns, and pleadings 4750
subsequent thereto. The clerk also shall enter all reports, 4751
verdicts, orders, judgments, and proceedings of the court, clearly 4752
specifying the relief granted or orders made in each action. The 4753
court may order an extended record of any of the above to be made 4754
and entered, under the proper action heading, upon the docket at 4755
the request of any party to the case, the expense of which may be 4756
taxed as costs in the case or may be required to be prepaid by the 4757
party demanding the extended record, upon order of the court. 4758

(C) The clerk of a county court shall receive and collect all 4759
costs, fees, fines, penalties, bail, and other moneys payable to 4760
the office or to any officer of the court and issue receipts 4761
therefor, and shall each month disburse the costs, fees, fines, 4762
penalties, bail, and other moneys to the proper persons or 4763
officers and take receipts therefor. Subject to sections 3375.51, 4764
3375.53, 4511.19, 4511.193, and 5503.04 of the Revised Code and 4765
all other statutes that require a different distribution of fines, 4766
fines received for violations of municipal ordinances of a 4767
municipal corporation having a population of two hundred or more 4768
according to the most recent federal decennial census shall be 4769

paid into the treasury of the municipal corporation whose 4770
ordinance was violated, fines received for violations of township 4771
resolutions adopted pursuant to section 503.52 or 503.53 or 4772
Chapter 504. of the Revised Code shall be paid into the treasury 4773
of the township whose resolution was violated, and fines collected 4774
for the violation of state laws and fines the distribution of 4775
which is not otherwise provided for in this section shall be paid 4776
into the county treasury. Moneys deposited as security for costs 4777
shall be retained pending the litigation. 4778

The clerk shall keep a separate account of all receipts and 4779
disbursements in civil and criminal cases. The separate account 4780
shall be a permanent public record of the office. On the 4781
expiration of a clerk's term, those records shall be delivered to 4782
the clerk's successor. 4783

The clerk shall have such other powers and duties as are 4784
prescribed by rule or order of the court. 4785

(D) All moneys paid into a county court shall be noted on the 4786
record of the case in which they are paid and shall be deposited 4787
in a state or national bank selected by the clerk. On the first 4788
Monday in January of each year, the clerk shall make a list of the 4789
titles of all cases in the county court that were finally 4790
determined more than one year past in which there remains 4791
unclaimed in the possession of the clerk any funds, or any part of 4792
a deposit for security of costs not consumed by the costs in the 4793
case. The clerk shall give notice of the moneys to the parties 4794
entitled to them or to their attorneys of record. All the moneys 4795
remaining unclaimed on the first day of April of each year shall 4796
be paid by the clerk to the county treasurer. Any part of the 4797
moneys shall be paid by the county treasurer at any time to the 4798
person having the right to them, upon proper certification of the 4799
clerk. 4800

(E)(1) In county court districts having appointed clerks, 4801

deputy clerks may be appointed by the board of county 4802
commissioners. Clerks and deputy clerks shall receive such 4803
compensation payable in semimonthly installments out of the county 4804
treasury as the board may prescribe. Each deputy clerk shall take 4805
an oath of office before entering upon the duties of the deputy 4806
clerk's office and, when so qualified, may perform the duties 4807
appertaining to the office of the clerk. The clerk may require any 4808
of the deputy clerks to give bond of not less than three thousand 4809
dollars, conditioned for the faithful performance of the deputy 4810
clerk's duties. 4811

(2) A clerk of courts acting as clerk of the county court may 4812
appoint deputy clerks to perform the duties pertaining to the 4813
office of clerk of the county court. Each deputy clerk shall take 4814
an oath of office before entering upon the deputy clerk's duties, 4815
and the clerk of courts may require the deputy clerk to give bond 4816
of not less than three thousand dollars, conditioned for the 4817
faithful performance of the deputy clerk's duties. 4818

(3) The clerk or a deputy clerk of a county court shall be in 4819
attendance at all sessions of the court, although not necessarily 4820
in the courtroom, and may administer oaths to witnesses and jurors 4821
and receive verdicts. 4822

(F)(1) In county court districts having appointed clerks, the 4823
board of county commissioners may order the establishment of one 4824
or more branch offices of the clerk and, with the concurrence of 4825
the county judges, may appoint a special deputy clerk to 4826
administer each branch office. Each special deputy clerk shall 4827
take an oath of office before entering upon the duties of the 4828
deputy clerk's office and, when so qualified, may perform any one 4829
or more of the duties appertaining to the office of clerk, as the 4830
board prescribes. Special deputy clerks shall receive such 4831
compensation payable in semimonthly installments out of the county 4832
treasury as the board may prescribe. The board may require any of 4833

the special deputy clerks to give bond of not less than three 4834
thousand dollars, conditioned for the faithful performance of the 4835
deputy clerk's duties. 4836

The board of county commissioners may authorize the clerk of 4837
the county court to operate one or more branch offices, to divide 4838
the clerk's time between the offices, and to perform duties 4839
appertaining to the office of clerk in locations that the board 4840
prescribes. 4841

(2) A clerk of courts acting as clerk of the county court may 4842
establish one or more branch offices for the clerk's duties as 4843
clerk of the county court and, with the concurrence of the county 4844
court judges, may appoint a special deputy clerk to administer 4845
each branch office. Each special deputy clerk shall take an oath 4846
of office before entering upon the deputy clerk's duties and, when 4847
so qualified, may perform any of the duties pertaining to the 4848
office of clerk, as the clerk of courts prescribes. The clerk of 4849
courts may require any of the special deputy clerks to give bond 4850
of not less than three thousand dollars, conditioned for the 4851
faithful performance of the deputy clerk's duties. 4852

(G) The clerk of courts of the county shall fix the 4853
compensation of deputy clerks and special deputy clerks appointed 4854
by the clerk pursuant to this section. Those personnel shall be 4855
paid and be subject to the same requirements as other employees of 4856
the clerk under the provisions of section 325.17 of the Revised 4857
Code insofar as that section is applicable. 4858

Sec. 1923.01. (A) As provided in this chapter, any judge of a 4859
county or municipal court or a court of common pleas or magistrate 4860
of a community court, within the judge's or magistrate's proper 4861
area of jurisdiction, may inquire about persons who make unlawful 4862
and forcible entry into lands or tenements and detain them, and 4863
about persons who make a lawful and peaceable entry into lands or 4864

tenements and hold them unlawfully and by force. If, upon the inquiry, it is found that an unlawful and forcible entry has been made and the lands or tenements are detained, or that, after a lawful entry, lands or tenements are held unlawfully and by force, a judge or magistrate shall cause the plaintiff in an action under this chapter to have restitution of the lands or tenements.

(B) An action shall be brought under this chapter within two years after the cause of action accrues.

(C) As used in this chapter:

(1) "Tenant" means a person who is entitled under a rental agreement to the use or occupancy of premises, other than premises located in a manufactured home park, to the exclusion of others, except that as used in division (A)(6) of section 1923.02 and section 1923.051 of the Revised Code, "tenant" includes a manufactured home park resident.

(2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.

(3) "Resident" has the same meaning as in section 3733.01 of the Revised Code.

(4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section 3733.01 of the Revised Code.

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except

that "rental agreement," as used in division (A)(13) of section 4896
1923.02 of the Revised Code and where the context requires as used 4897
in this chapter, means a rental agreement as defined in division 4898
(D) of section 5322.01 of the Revised Code. 4899

(6) "Controlled substance" has the same meaning as in section 4900
3719.01 of the Revised Code. 4901

(7) "School premises" has the same meaning as in section 4902
2925.01 of the Revised Code. 4903

(8) "Sexually oriented offense" and "child-victim oriented 4904
offense" have the same meanings as in section 2950.01 of the 4905
Revised Code. 4906

(9) "Recreational vehicle" and "mobile home" have the same 4907
meanings as in section 4501.01 of the Revised Code. 4908

(10) "Manufactured home" has the same meaning as in section 4909
3781.06 of the Revised Code. 4910

(11) "Manufactured home park" has the same meaning as in 4911
section 3733.01 of the Revised Code and also means any tract of 4912
land upon which one or two manufactured or mobile homes used for 4913
habitation are parked, either free of charge or for revenue 4914
purposes, pursuant to rental agreements between the owners of the 4915
manufactured or mobile homes and the owner of the tract of land. 4916

(12) "Park operator" has the same meaning as in section 4917
3733.01 of the Revised Code and also means a landlord of premises 4918
upon which one or two manufactured or mobile homes used for 4919
habitation are parked, either free of charge or for revenue 4920
purposes, pursuant to rental agreements between the owners of the 4921
manufactured or mobile homes and a landlord who is not licensed as 4922
a manufactured home park operator pursuant to Chapter 3733. of the 4923
Revised Code. 4924

(13) "Personal property" means tangible personal property 4925

other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter.	4926 4927
(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.	4928 4929
Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:	4930 4931
(1) Against tenants or manufactured home park residents holding over their terms;	4932 4933
(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;	4934 4935 4936
(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which the sale was made;	4937 4938 4939 4940
(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;	4941 4942 4943 4944 4945
(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;	4946 4947 4948
(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:	4949 4950 4951 4952 4953
(a) A tenant fails to vacate residential premises within three days after both of the following occur:	4954 4955

(i) The tenant's landlord has actual knowledge of or has 4956
reasonable cause to believe that the tenant, any person in the 4957
tenant's household, or any person on the premises with the consent 4958
of the tenant previously has or presently is engaged in a 4959
violation of Chapter 2925. or 3719. of the Revised Code, or of a 4960
municipal ordinance or township resolution that is substantially 4961
similar to any section in either of those chapters, which involves 4962
a controlled substance and which occurred in, is occurring in, or 4963
otherwise was or is connected with the premises, whether or not 4964
the tenant or other person has been charged with, has pleaded 4965
guilty to or been convicted of, or has been determined to be a 4966
delinquent child for an act that, if committed by an adult, would 4967
be a violation as described in this division. For purposes of this 4968
division, a landlord has "actual knowledge of or has reasonable 4969
cause to believe" that a tenant, any person in the tenant's 4970
household, or any person on the premises with the consent of the 4971
tenant previously has or presently is engaged in a violation as 4972
described in this division if a search warrant was issued pursuant 4973
to Criminal Rule 41 or Chapter 2933. of the Revised Code; the 4974
affidavit presented to obtain the warrant named or described the 4975
tenant or person as the individual to be searched and particularly 4976
described the tenant's premises as the place to be searched, named 4977
or described one or more controlled substances to be searched for 4978
and seized, stated substantially the offense under Chapter 2925. 4979
or 3719. of the Revised Code or the substantially similar 4980
municipal ordinance or township resolution that occurred in, is 4981
occurring in, or otherwise was or is connected with the tenant's 4982
premises, and states the factual basis for the affiant's belief 4983
that the controlled substances are located on the tenant's 4984
premises; the warrant was properly executed by a law enforcement 4985
officer and any controlled substance described in the affidavit 4986
was found by that officer during the search and seizure; and, 4987
subsequent to the search and seizure, the landlord was informed by 4988

that or another law enforcement officer of the fact that the 4989
tenant or person has or presently is engaged in a violation as 4990
described in this division and it occurred in, is occurring in, or 4991
otherwise was or is connected with the tenant's premises. 4992

(ii) The landlord gives the tenant the notice required by 4993
division (C) of section 5321.17 of the Revised Code. 4994

(b) The court determines, by a preponderance of the evidence, 4995
that the tenant, any person in the tenant's household, or any 4996
person on the premises with the consent of the tenant previously 4997
has or presently is engaged in a violation as described in 4998
division (A)(6)(a)(i) of this section. 4999

(7) In cases arising out of Chapter 5313. of the Revised 5000
Code. In those cases, the court has the authority to declare a 5001
forfeiture of the vendee's rights under a land installment 5002
contract and to grant any other claims arising out of the 5003
contract. 5004

(8) Against tenants who have breached an obligation that is 5005
imposed by section 5321.05 of the Revised Code, other than the 5006
obligation specified in division (A)(9) of that section, and that 5007
materially affects health and safety. Prior to the commencement of 5008
an action under this division, notice shall be given to the tenant 5009
and compliance secured with section 5321.11 of the Revised Code. 5010

(9) Against tenants who have breached an obligation imposed 5011
upon them by a written rental agreement; 5012

(10) Against manufactured home park residents who have 5013
defaulted in the payment of rent or breached the terms of a rental 5014
agreement with a park operator. Nothing in this division precludes 5015
the commencement of an action under division (A)(12) of this 5016
section when the additional circumstances described in that 5017
division apply. 5018

(11) Against manufactured home park residents who have 5019

committed two material violations of the rules of the manufactured home park, of the public health council, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 3733.13 of the Revised Code;

(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator;

(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code;

(14) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within one thousand feet of any school premises or preschool or child day-care center premises and to whom both of the following apply:

(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that

offense. 5051

(15) Against any tenant who permits any person to occupy 5052
residential premises located within one thousand feet of any 5053
school premises or preschool or child day-care center premises if 5054
both of the following apply to the person: 5055

(a) The person's name appears on the state registry of sex 5056
offenders and child-victim offenders maintained under section 5057
2950.13 of the Revised Code. 5058

(b) The state registry of sex offenders and child-victim 5059
offenders indicates that the person was convicted of or pleaded 5060
guilty to a sexually oriented offense or a child-victim oriented 5061
offense in a criminal prosecution and was not sentenced to a 5062
serious youthful offender dispositional sentence for that offense. 5063
5064

(B) If a tenant or manufactured home park resident holding 5065
under an oral tenancy is in default in the payment of rent, the 5066
tenant or resident forfeits the right of occupancy, and the 5067
landlord may, at the landlord's option, terminate the tenancy by 5068
notifying the tenant or resident, as provided in section 1923.04 5069
of the Revised Code, to leave the premises, for the restitution of 5070
which an action may then be brought under this chapter. 5071

(C)(1) If a tenant or any other person with the tenant's 5072
permission resides in or occupies residential premises that are 5073
located within one thousand feet of any school premises and is a 5074
resident or occupant of the type described in division (A)(14) of 5075
this section or a person of the type described in division (A)(15) 5076
of this section, the landlord for those residential premises, upon 5077
discovery that the tenant or other person is a resident, occupant, 5078
or person of that nature, may terminate the rental agreement or 5079
tenancy for those residential premises by notifying the tenant and 5080
all other occupants, as provided in section 1923.04 of the Revised 5081

Code, to leave the premises. 5082

(2) If a landlord is authorized to terminate a rental 5083
agreement or tenancy pursuant to division (C)(1) of this section 5084
but does not so terminate the rental agreement or tenancy, the 5085
landlord is not liable in a tort or other civil action in damages 5086
for any injury, death, or loss to person or property that 5087
allegedly result from that decision. 5088

(D) This chapter does not apply to a student tenant as 5089
defined by division (H) of section 5321.01 of the Revised Code 5090
when the college or university proceeds to terminate a rental 5091
agreement pursuant to section 5321.031 of the Revised Code. 5092

Sec. 1923.10. (A) If a jury is demanded by either party in an 5093
action under this chapter, until the impaneling of the jury, the 5094
proceedings shall be in all respects as in other cases. The jury 5095
shall be sworn to try and determine whether the complaint, naming 5096
the plaintiff, about to be presented to them, is true according to 5097
the evidence. If the jury finds that the complaint is true, it 5098
shall render a general verdict against the defendant. If the jury 5099
finds that the complaint is not true, it shall render a general 5100
verdict in favor of the defendant. If the jury finds that the 5101
complaint is true in part, it shall render a verdict setting forth 5102
the facts that it finds are true. 5103

(B) If a jury is demanded by either party in an action in 5104
this chapter in a community court, the court promptly shall 5105
transfer the case to the municipal court or county court with 5106
jurisdiction over the action. Upon the transfer of the case, the 5107
court shall certify all papers filed in the case, together with a 5108
transcript of all proceedings and accrued costs to date, to the 5109
court to which the case is transferred. All further proceedings in 5110
the transferred case shall be discontinued in the community court 5111
and shall be conducted in the court to which the case is 5112

transferred in accordance with division (A) of this section and 5113
the provisions governing proceedings in that court. 5114

Sec. 2152.021. (A)(1) Subject to division (A)(2) of this 5115
section, any person having knowledge of a child who appears to be 5116
a juvenile traffic offender or to be a delinquent child may file a 5117
sworn complaint with respect to that child in the juvenile court 5118
of the county in which the child has a residence or legal 5119
settlement or in which the traffic offense or delinquent act 5120
allegedly occurred. The sworn complaint may be upon information 5121
and belief, and, in addition to the allegation that the child is a 5122
delinquent child or a juvenile traffic offender, the complaint 5123
shall allege the particular facts upon which the allegation that 5124
the child is a delinquent child or a juvenile traffic offender is 5125
based. 5126

If a child appears to be a delinquent child who is eligible 5127
for a serious youthful offender dispositional sentence under 5128
section 2152.11 of the Revised Code and if the prosecuting 5129
attorney desires to seek a serious youthful offender dispositional 5130
sentence under section 2152.13 of the Revised Code in regard to 5131
the child, the prosecuting attorney of the county in which the 5132
alleged delinquency occurs may initiate a case in the juvenile 5133
court of the county by presenting the case to a grand jury for 5134
indictment, by charging the child in a bill of information as a 5135
serious youthful offender pursuant to section 2152.13 of the 5136
Revised Code, by requesting a serious youthful offender 5137
dispositional sentence in the original complaint alleging that the 5138
child is a delinquent child, or by filing with the juvenile court 5139
a written notice of intent to seek a serious youthful offender 5140
dispositional sentence. 5141

(2) Any person having knowledge of a child who appears to be 5142
a delinquent child for being an habitual or chronic truant may 5143

file a sworn complaint with respect to that child and the parent, 5144
guardian, or other person having care of the child in the juvenile 5145
court of the county in which the child has a residence or legal 5146
settlement or in which the child is supposed to attend public 5147
school. The sworn complaint may be upon information and belief and 5148
shall contain the following allegations: 5149

(a) That the child is a delinquent child for being a chronic 5150
truant or an habitual truant who previously has been adjudicated 5151
an unruly child for being a habitual truant and, in addition, the 5152
particular facts upon which that allegation is based; 5153

(b) That the parent, guardian, or other person having care of 5154
the child has failed to cause the child's attendance at school in 5155
violation of section 3321.38 of the Revised Code and, in addition, 5156
the particular facts upon which that allegation is based. 5157

(B) Any person with standing under applicable law may file a 5158
complaint for the determination of any other matter over which the 5159
juvenile court is given jurisdiction by section 2151.23 of the 5160
Revised Code. The complaint shall be filed in the county in which 5161
the child who is the subject of the complaint is found or was last 5162
known to be found. 5163

(C) Within ten days after the filing of a complaint or the 5164
issuance of an indictment, the court shall give written notice of 5165
the filing of the complaint or the issuance of an indictment and 5166
of the substance of the complaint or indictment to the 5167
superintendent of a city, local, exempted village, or joint 5168
vocational school district if the complaint or indictment alleges 5169
that a child committed an act that would be a criminal offense if 5170
committed by an adult, that the child was sixteen years of age or 5171
older at the time of the commission of the alleged act, and that 5172
the alleged act is any of the following: 5173

(1) A violation of section 2923.122 of the Revised Code that 5174

relates to property owned or controlled by, or to an activity held 5175
under the auspices of, the board of education of that school 5176
district; 5177

(2) A violation of section 2923.12 of the Revised Code, of a 5178
substantially similar municipal ordinance or township resolution, 5179
or of section 2925.03 of the Revised Code that was committed on 5180
property owned or controlled by, or at an activity held under the 5181
auspices of, the board of education of that school district; 5182

(3) A violation of section 2925.11 of the Revised Code that 5183
was committed on property owned or controlled by, or at an 5184
activity held under the auspices of, the board of education of 5185
that school district, other than a violation of that section that 5186
would be a minor drug possession offense if committed by an adult; 5187

(4) A violation of section 2903.01, 2903.02, 2903.03, 5188
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 5189
Code, or a violation of former section 2907.12 of the Revised 5190
Code, that was committed on property owned or controlled by, or at 5191
an activity held under the auspices of, the board of education of 5192
that school district, if the victim at the time of the commission 5193
of the alleged act was an employee of the board of education of 5194
that school district; 5195

(5) Complicity in any violation described in division (C)(1), 5196
(2), (3), or (4) of this section that was alleged to have been 5197
committed in the manner described in division (C)(1), (2), (3), or 5198
(4) of this section, regardless of whether the act of complicity 5199
was committed on property owned or controlled by, or at an 5200
activity held under the auspices of, the board of education of 5201
that school district. 5202

(D) A public children services agency, acting pursuant to a 5203
complaint or an action on a complaint filed under this section, is 5204
not subject to the requirements of section 3127.23 of the Revised 5205

Code. 5206

(E) For purposes of the record to be maintained by the clerk 5207
under division (B) of section 2152.71 of the Revised Code, when a 5208
complaint is filed that alleges that a child is a delinquent 5209
child, the court shall determine if the victim of the alleged 5210
delinquent act was sixty-five years of age or older or permanently 5211
and totally disabled at the time of the alleged commission of the 5212
act. 5213

Sec. 2152.03. When a child is arrested under any charge, 5214
complaint, affidavit, or indictment for a felony or a misdemeanor, 5215
proceedings regarding the child initially shall be in the juvenile 5216
court in accordance with this chapter. If the child is taken 5217
before a judge of a county court, a ~~mayer~~ magistrate of a 5218
community court, a judge of a municipal court, or a judge of a 5219
court of common pleas other than a juvenile court, the judge of 5220
the county court, ~~mayer~~ magistrate of the community court, judge 5221
of the municipal court, or judge of the court of common pleas 5222
shall transfer the case to the juvenile court, and, upon the 5223
transfer, the proceedings shall be in accordance with this 5224
chapter. Upon the transfer, all further proceedings under the 5225
charge, complaint, information, or indictment shall be 5226
discontinued in the court of the judge of the county court, ~~mayer~~ 5227
magistrate of the community court, municipal judge, or judge of 5228
the court of common pleas other than a juvenile court subject to 5229
section 2152.12 of the Revised Code. The case relating to the 5230
child then shall be within the exclusive jurisdiction of the 5231
juvenile court, subject to section 2152.12 of the Revised Code. 5232

Sec. 2152.16. (A)(1) If a child is adjudicated a delinquent 5233
child for committing an act that would be a felony if committed by 5234
an adult, the juvenile court may commit the child to the legal 5235
custody of the department of youth services for secure confinement 5236

as follows: 5237

(a) For an act that would be aggravated murder or murder if 5238
committed by an adult, until the offender attains twenty-one years 5239
of age; 5240

(b) For a violation of section 2923.02 of the Revised Code 5241
that involves an attempt to commit an act that would be aggravated 5242
murder or murder if committed by an adult, a minimum period of six 5243
to seven years as prescribed by the court and a maximum period not 5244
to exceed the child's attainment of twenty-one years of age; 5245

(c) For a violation of section 2903.03, 2905.01, 2909.02, or 5246
2911.01 or division (A) of section 2903.04 of the Revised Code or 5247
for a violation of any provision of section 2907.02 of the Revised 5248
Code other than division (A)(1)(b) of that section when the sexual 5249
conduct or insertion involved was consensual and when the victim 5250
of the violation of division (A)(1)(b) of that section was older 5251
than the delinquent child, was the same age as the delinquent 5252
child, or was less than three years younger than the delinquent 5253
child, for an indefinite term consisting of a minimum period of 5254
one to three years, as prescribed by the court, and a maximum 5255
period not to exceed the child's attainment of twenty-one years of 5256
age; 5257

(d) If the child is adjudicated a delinquent child for 5258
committing an act that is not described in division (A)(1)(b) or 5259
(c) of this section and that would be a felony of the first or 5260
second degree if committed by an adult, for an indefinite term 5261
consisting of a minimum period of one year and a maximum period 5262
not to exceed the child's attainment of twenty-one years of age. 5263

(e) For committing an act that would be a felony of the 5264
third, fourth, or fifth degree if committed by an adult or for a 5265
violation of division (A) of section 2923.211 of the Revised Code, 5266
for an indefinite term consisting of a minimum period of six 5267

months and a maximum period not to exceed the child's attainment 5268
of twenty-one years of age. 5269

(2) In each case in which a court makes a disposition under 5270
this section, the court retains control over the commitment for 5271
the minimum period specified by the court in divisions (A)(1)(a) 5272
to (e) of this section. During the minimum period, the department 5273
of youth services shall not move the child to a nonsecure setting 5274
without the permission of the court that imposed the disposition. 5275

(B)(1) Subject to division (B)(2) of this section, if a 5276
delinquent child is committed to the department of youth services 5277
under this section, the department may release the child at any 5278
time after the minimum period specified by the court in division 5279
(A)(1) of this section ends. 5280

(2) A commitment under this section is subject to a 5281
supervised release or to a discharge of the child from the custody 5282
of the department for medical reasons pursuant to section 5139.54 5283
of the Revised Code, but, during the minimum period specified by 5284
the court in division (A)(1) of this section, the department shall 5285
obtain court approval of a supervised release or discharge under 5286
that section. 5287

(C) If a child is adjudicated a delinquent child, at the 5288
dispositional hearing and prior to making any disposition pursuant 5289
to this section, the court shall determine whether the delinquent 5290
child previously has been adjudicated a delinquent child for a 5291
violation of a law ~~or~~, ordinance, or resolution. If the delinquent 5292
child previously has been adjudicated a delinquent child for a 5293
violation of a law ~~or~~, ordinance, or resolution, the court, for 5294
purposes of entering an order of disposition of the delinquent 5295
child under this section, shall consider the previous delinquent 5296
child adjudication as a conviction of a violation of the law ~~or~~, 5297
ordinance, or resolution in determining the degree of the offense 5298
the current act would be had it been committed by an adult. This 5299

division also shall apply in relation to the imposition of any 5300
financial sanction under section 2152.19 of the Revised Code. 5301

Sec. 2152.18. (A) When a juvenile court commits a delinquent 5302
child to the custody of the department of youth services pursuant 5303
to this chapter, the court shall not designate the specific 5304
institution in which the department is to place the child but 5305
instead shall specify that the child is to be institutionalized in 5306
a secure facility. 5307

(B) When a juvenile court commits a delinquent child to the 5308
custody of the department of youth services pursuant to this 5309
chapter, the court shall state in the order of commitment the 5310
total number of days that the child has been held in detention in 5311
connection with the delinquent child complaint upon which the 5312
order of commitment is based. The department shall reduce the 5313
minimum period of institutionalization that was ordered by both 5314
the total number of days that the child has been so held in 5315
detention as stated by the court in the order of commitment and 5316
the total number of any additional days that the child has been 5317
held in detention subsequent to the order of commitment but prior 5318
to the transfer of physical custody of the child to the 5319
department. 5320

(C)(1) When a juvenile court commits a delinquent child to 5321
the custody of the department of youth services pursuant to this 5322
chapter, the court shall provide the department with the child's 5323
medical records, a copy of the report of any mental examination of 5324
the child ordered by the court, the Revised Code section or 5325
sections the child violated and the degree of each violation, the 5326
warrant to convey the child to the department, a copy of the 5327
court's journal entry ordering the commitment of the child to the 5328
legal custody of the department, a copy of the arrest record 5329
pertaining to the act for which the child was adjudicated a 5330

delinquent child, a copy of any victim impact statement pertaining 5331
to the act, and any other information concerning the child that 5332
the department reasonably requests. The court also shall complete 5333
the form for the standard predisposition investigation report that 5334
the department furnishes pursuant to section 5139.04 of the 5335
Revised Code and provide the department with the completed form. 5336

The department may refuse to accept physical custody of a 5337
delinquent child who is committed to the legal custody of the 5338
department until the court provides to the department the 5339
documents specified in this division. No officer or employee of 5340
the department who refuses to accept physical custody of a 5341
delinquent child who is committed to the legal custody of the 5342
department shall be subject to prosecution or contempt of court 5343
for the refusal if the court fails to provide the documents 5344
specified in this division at the time the court transfers the 5345
physical custody of the child to the department. 5346

(2) Within twenty working days after the department of youth 5347
services receives physical custody of a delinquent child from a 5348
juvenile court, the court shall provide the department with a 5349
certified copy of the child's birth certificate and the child's 5350
social security number or, if the court made all reasonable 5351
efforts to obtain the information but was unsuccessful, with 5352
documentation of the efforts it made to obtain the information. 5353

(3) If an officer is preparing pursuant to section 2947.06 or 5354
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 5355
investigation report pertaining to a person, the department shall 5356
make available to the officer, for use in preparing the report, 5357
any records or reports it possesses regarding that person that it 5358
received from a juvenile court pursuant to division (C)(1) of this 5359
section or that pertain to the treatment of that person after the 5360
person was committed to the custody of the department as a 5361
delinquent child. 5362

(D)(1) Within ten days after an adjudication that a child is a delinquent child, the court shall give written notice of the adjudication to the superintendent of a city, local, exempted village, or joint vocational school district, and to the principal of the school the child attends, if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult, if the act was committed by the delinquent child when the child was fourteen years of age or older, and if the act is any of the following:

(a) An act that would be a felony or an offense of violence if committed by an adult, an act in the commission of which the child used or brandished a firearm, or an act that is a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 2907.241 of the Revised Code and that would be a misdemeanor if committed by an adult;

(b) A violation of section 2923.12 of the Revised Code or of a substantially similar municipal ordinance or township resolution that would be a misdemeanor if committed by an adult and that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district;

(c) A violation of division (A) of section 2925.03 or 2925.11 of the Revised Code that would be a misdemeanor if committed by an adult, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, and that is not a minor drug possession offense;

(d) An act that would be a criminal offense if committed by an adult and that results in serious physical harm to persons or serious physical harm to property while the child is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any

other school program or activity; 5395

(e) Complicity in any violation described in division 5396
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 5397
have been committed in the manner described in division (D)(1)(a), 5398
(b), (c), or (d) of this section, regardless of whether the act of 5399
complicity was committed on property owned or controlled by, or at 5400
an activity held under the auspices of, the board of education of 5401
that school district. 5402

(2) The notice given pursuant to division (D)(1) of this 5403
section shall include the name of the child who was adjudicated to 5404
be a delinquent child, the child's age at the time the child 5405
committed the act that was the basis of the adjudication, and 5406
identification of the violation of the law or ordinance that was 5407
the basis of the adjudication. 5408

(3) Within fourteen days after committing a delinquent child 5409
to the custody of the department of youth services, the court 5410
shall give notice to the school attended by the child of the 5411
child's commitment by sending to that school a copy of the court's 5412
journal entry ordering the commitment. As soon as possible after 5413
receipt of the notice described in this division, the school shall 5414
provide the department with the child's school transcript. 5415
However, the department shall not refuse to accept a child 5416
committed to it, and a child committed to it shall not be held in 5417
a county or district detention facility, because of a school's 5418
failure to provide the school transcript that it is required to 5419
provide under this division. 5420

(4) Within fourteen days after discharging or releasing a 5421
child from an institution under its control, the department of 5422
youth services shall provide the court and the superintendent of 5423
the school district in which the child is entitled to attend 5424
school under section 3313.64 or 3313.65 of the Revised Code with 5425
the following: 5426

(a) An updated copy of the child's school transcript;	5427
(b) A report outlining the child's behavior in school while in the custody of the department;	5428 5429
(c) The child's current individualized education program, as defined in section 3323.01 of the Revised Code, if such a program has been developed for the child;	5430 5431 5432
(d) A summary of the institutional record of the child's behavior.	5433 5434
The department also shall provide the court with a copy of any portion of the child's institutional record that the court specifically requests, within five working days of the request.	5435 5436 5437
(E) At any hearing at which a child is adjudicated a delinquent child or as soon as possible after the hearing, the court shall notify all victims of the delinquent act who may be entitled to a recovery under any of the following sections of the right of the victims to recover, pursuant to section 3109.09 of the Revised Code, compensatory damages from the child's parents; of the right of the victims to recover, pursuant to section 3109.10 of the Revised Code, compensatory damages from the child's parents for willful and malicious assaults committed by the child; and of the right of the victims to recover an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code.	5438 5439 5440 5441 5442 5443 5444 5445 5446 5447 5448
Sec. 2152.21. (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:	5449 5450 5451
(1) Impose costs and one or more financial sanctions in accordance with section 2152.20 of the Revised Code;	5452 5453
(2) Suspend the child's driver's license, probationary driver's license, or temporary instruction permit for a definite period not exceeding two years or suspend the registration of all	5454 5455 5456

motor vehicles registered in the name of the child for a definite 5457
period not exceeding two years. A child whose license or permit is 5458
so suspended is ineligible for issuance of a license or permit 5459
during the period of suspension. At the end of the period of 5460
suspension, the child shall not be reissued a license or permit 5461
until the child has paid any applicable reinstatement fee and 5462
complied with all requirements governing license reinstatement. 5463

(3) Place the child on community control; 5464

(4) If the child is adjudicated a juvenile traffic offender 5465
for an act other than an act that would be a minor misdemeanor if 5466
committed by an adult and other than an act that could be disposed 5467
of by the juvenile traffic violations bureau serving the court 5468
under Traffic Rule 13.1 if the court has established a juvenile 5469
traffic violations bureau, require the child to make restitution 5470
pursuant to division (A)(3) of section 2152.20 of the Revised 5471
Code; 5472

(5)(a) If the child is adjudicated a juvenile traffic 5473
offender for committing a violation of division (A) of section 5474
4511.19 of the Revised Code or of a municipal ordinance or 5475
township resolution that is substantially equivalent to that 5476
division, commit the child, for not longer than five days, to 5477
either of the following: 5478

(i) The temporary custody of a detention facility or district 5479
detention facility established under section 2152.41 of the 5480
Revised Code; 5481

(ii) The temporary custody of any school, camp, institution, 5482
or other facility for children operated in whole or in part for 5483
the care of juvenile traffic offenders of that nature by the 5484
county, by a district organized under section 2151.65 or 2152.41 5485
of the Revised Code, or by a private agency or organization within 5486
the state that is authorized and qualified to provide the care, 5487

treatment, or placement required. 5488

(b) If an order of disposition committing a child to the 5489
temporary custody of a home, school, camp, institution, or other 5490
facility of that nature is made under division (A)(5)(a) of this 5491
section, the length of the commitment shall not be reduced or 5492
diminished as a credit for any time that the child was held in a 5493
place of detention or shelter care, or otherwise was detained, 5494
prior to entry of the order of disposition. 5495

(6) If, after making a disposition under divisions (A)(1) to 5496
(5) of this section, the court finds upon further hearing that the 5497
child has failed to comply with the orders of the court and the 5498
child's operation of a motor vehicle constitutes the child a 5499
danger to the child and to others, the court may make any 5500
disposition authorized by divisions (A)(1), (4), (5), and (8) of 5501
section 2152.19 of the Revised Code, except that the child may not 5502
be committed to or placed in a secure correctional facility unless 5503
authorized by division (A)(5) of this section, and commitment to 5504
or placement in a detention facility may not exceed twenty-four 5505
hours. 5506

(B) If a child is adjudicated a juvenile traffic offender for 5507
violating division (A) or (B) of section 4511.19 of the Revised 5508
Code, in addition to any order of disposition made under division 5509
(A) of this section, the court shall impose a class six suspension 5510
of the temporary instruction permit, probationary driver's 5511
license, or driver's license issued to the child from the range 5512
specified in division (A)(6) of section 4510.02 of the Revised 5513
Code. The court, in its discretion, may terminate the suspension 5514
if the child attends and satisfactorily completes a drug abuse or 5515
alcohol abuse education, intervention, or treatment program 5516
specified by the court. During the time the child is attending a 5517
program as described in this division, the court shall retain the 5518
child's temporary instruction permit, probationary driver's 5519

license, or driver's license issued, and the court shall return 5520
the permit or license if it terminates the suspension as described 5521
in this division. 5522

(C) If a child is adjudicated a juvenile traffic offender for 5523
violating division (B)(1) of section 4513.263 of the Revised Code, 5524
the court shall impose the appropriate fine set forth in division 5525
(G) of that section. If a child is adjudicated a juvenile traffic 5526
offender for violating division (B)(3) of section 4513.263 of the 5527
Revised Code and if the child is sixteen years of age or older, 5528
the court shall impose the fine set forth in division (G)(2) of 5529
that section. If a child is adjudicated a juvenile traffic 5530
offender for violating division (B)(3) of section 4513.263 of the 5531
Revised Code and if the child is under sixteen years of age, the 5532
court shall not impose a fine but may place the child on probation 5533
or community control. 5534

(D) A juvenile traffic offender is subject to sections 5535
4509.01 to 4509.78 of the Revised Code. 5536

Sec. 2152.41. (A) Upon the recommendation of the judge, the 5537
board of county commissioners shall provide, by purchase, lease, 5538
construction, or otherwise, a detention facility that shall be 5539
within a convenient distance of the juvenile court. The facility 5540
shall not be used for the confinement of adults charged with 5541
criminal offenses. The facility may be used to detain alleged 5542
delinquent children until final disposition for evaluation 5543
pursuant to section 2152.04 of the Revised Code, to confine 5544
children who are adjudicated delinquent children and placed in the 5545
facility pursuant to division (A)(3) of section 2152.19 of the 5546
Revised Code, and to confine children who are adjudicated juvenile 5547
traffic offenders and committed to the facility under division 5548
(A)(5) or (6) of section 2152.21 of the Revised Code. 5549

(B) Upon the joint recommendation of the juvenile judges of 5550

two or more neighboring counties, the boards of county 5551
commissioners of the counties shall form themselves into a joint 5552
board and proceed to organize a district for the establishment and 5553
support of a detention facility for the use of the juvenile courts 5554
of those counties, in which alleged delinquent children may be 5555
detained as provided in division (A) of this section, by using a 5556
site or buildings already established in one of the counties or by 5557
providing for the purchase of a site and the erection of the 5558
necessary buildings on the site. 5559

A child who is adjudicated to be a juvenile traffic offender 5560
for having committed a violation of division (A) of section 5561
4511.19 of the Revised Code or of a municipal ordinance or 5562
township resolution that is substantially comparable to that 5563
division may be confined in a detention facility or district 5564
detention facility pursuant to division (A)(5) of section 2152.21 5565
of the Revised Code, provided the child is kept separate and apart 5566
from alleged delinquent children. 5567

Except as otherwise provided by law, district detention 5568
facilities shall be established, operated, maintained, and managed 5569
in the same manner so far as applicable as county detention 5570
facilities. 5571

Members of the board of county commissioners who meet by 5572
appointment to consider the organization of a district detention 5573
home, upon presentation of properly certified accounts, shall be 5574
paid their necessary expenses upon a warrant drawn by the county 5575
auditor of their county. 5576

The county auditor of the county having the greatest 5577
population or, with the unanimous concurrence of the county 5578
auditors of the counties composing a district, the auditor of the 5579
county in which the detention facility is located shall be the 5580
fiscal officer of a detention facility district. The county 5581
auditors of the several counties composing a detention facility 5582

district shall meet at the district detention facility, not less 5583
than once in six months, to review accounts and to transact any 5584
other duties in connection with the institution that pertain to 5585
the business of their office. 5586

(C) In any county in which there is no detention facility or 5587
that is not served by a district detention facility, the juvenile 5588
court may enter into a contract, subject to the approval of the 5589
board of county commissioners, with another juvenile court, 5590
another county's detention facility, or a joint county detention 5591
facility. Alternately, the board of county commissioners shall 5592
provide funds for the boarding of children, who would be eligible 5593
for detention under division (A) of this section, temporarily in 5594
private homes or in certified foster homes approved by the court 5595
for a period not exceeding sixty days or until final disposition 5596
of their cases, whichever comes first. The court also may arrange 5597
with any public children services agency or private child placing 5598
agency to receive, or private noncustodial agency for temporary 5599
care of, children within the jurisdiction of the court. 5600

If the court arranges for the board of children temporarily 5601
detained in certified foster homes or through any private child 5602
placing agency, the county shall pay a reasonable sum to be fixed 5603
by the court for the board of those children. In order to have 5604
certified foster homes available for service, an agreed monthly 5605
subsidy may be paid and a fixed rate per day for care of children 5606
actually residing in the certified foster home. 5607

(D) The board of county commissioners of any county within a 5608
detention facility district, upon the recommendation of the 5609
juvenile court of that county, may withdraw from the district and 5610
sell or lease its right, title, and interest in the site, 5611
buildings, furniture, and equipment of the facility to any 5612
counties in the district, at any price and upon any such terms 5613
that are agreed upon among the boards of county commissioners of 5614

the counties concerned. Section 307.10 of the Revised Code does 5615
not apply to this division. The net proceeds of any sale or lease 5616
under this division shall be paid into the treasury of the 5617
withdrawing county. 5618

The members of the board of trustees of a district detention 5619
facility who are residents of a county withdrawing from the 5620
district are deemed to have resigned their positions upon the 5621
completion of the withdrawal procedure provided by this division. 5622
The vacancies then created shall be filled as provided in this 5623
section. 5624

(E) The children to be admitted for care in a county or 5625
district detention facility established under this section, the 5626
period during which they shall be cared for in the facility, and 5627
the removal and transfer of children from the facility shall be 5628
determined by the juvenile court that ordered the child's 5629
detention. 5630

Sec. 2325.15. When a judgment, ~~including judgments rendered~~ 5631
~~by a judge of a county court or mayor,~~ a transcript of which has 5632
been filed in the court of common pleas for execution, is dormant, 5633
or when a finding for money in equitable proceedings remains 5634
unpaid in whole or in part, under the order of the court ~~therein~~ 5635
that made the finding, such the judgment may be revived, or ~~such~~ 5636
the finding may be made subject to execution in the same manner as 5637
are judgments at law ~~are,~~ either in the manner prescribed for 5638
reviving actions before judgment, or by action in the court in 5639
which ~~such the~~ judgment was rendered or finding made, or in which 5640
transcript of judgment was filed. 5641

Sec. 2335.06. Each witness in civil cases shall receive the 5642
following fees: 5643

(A) Twelve dollars for each full day's attendance and six 5644

dollars for each half day's attendance at a court of record~~,~~ 5645
~~mayor's court,~~ or before a person authorized to take depositions, 5646
to be taxed in the bill of costs. Each witness shall also receive 5647
ten cents for each mile necessarily traveled to and from ~~his~~ the 5648
witness's place of residence to the place of giving ~~his~~ testimony, 5649
to be taxed in the bill of costs. 5650

(B) For attending a coroner's inquest, the same fees and 5651
mileage provided by division (A) of this section, payable from the 5652
county treasury on the certificate of the coroner. 5653

(C) As used in this section, "full day's attendance" means a 5654
day on which a witness is required or requested to be present at 5655
proceedings before and after twelve noon regardless of whether ~~he~~ 5656
the witness actually testifies; "half day's attendance" means a 5657
day on which a witness is required or requested to be present at 5658
proceedings either before or after twelve noon, but not both, 5659
regardless of whether ~~he~~ the witness actually testifies. 5660

Sec. 2335.08. Each witness attending, under recognizance or 5661
subpoena issued by order of the prosecuting attorney or defendant, 5662
before the grand jury or any court ~~of record,~~ in criminal causes~~,~~ 5663
shall be allowed the same fees as provided by section 2335.06 of 5664
the Revised Code in civil causes, to be taxed in only one cause 5665
when ~~such~~ the witness is attending in more causes than one on the 5666
same days, unless otherwise directed by special order of the 5667
court. When certified to the county auditor by the clerk of the 5668
court, ~~such~~ the fees shall be paid from the county treasury, and 5669
except as to the grand jury, taxed in the bill of costs. Each 5670
witness attending before a judge of a county court~~,~~ or magistrate~~,~~ 5671
~~or mayor,~~ under subpoena in criminal cases~~,~~ shall be allowed the 5672
fees provided by ~~such~~ that section for witnesses in the court of 5673
common pleas. In state cases ~~such~~ the fees shall be paid out of 5674
the county treasury, and in ordinance and resolution cases they 5675

shall be paid out of the treasury of the municipal corporation or 5676
township, upon the certificates of the judge or magistrate, and 5677
they shall be taxed in the bill of costs. 5678

When the fees enumerated by this section have been collected 5679
from the judgment debtor, they shall be paid to the public 5680
treasury from which ~~such~~ the fees were advanced. 5681

Sec. 2335.09. Whenever, in any criminal proceeding or 5682
prosecution for the violation of an ordinance or resolution, or in 5683
a hearing before a coroner, an interpreter is necessary, the 5684
judge, magistrate, or coroner may appoint interpreters, who shall 5685
receive fees as witnesses in the case or proceeding. ~~Such~~ The fees 5686
shall be taxed and paid as provided by sections 2335.05 to 5687
2335.08, ~~inclusive~~, of the Revised Code for other witness fees. 5688
This section shall not apply if, by law, an interpreter is 5689
otherwise provided. 5690

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 5691
Revised Code: 5692

(A) "Claimant" means both of the following categories of 5693
persons: 5694

(1) Any of the following persons who claim an award of 5695
reparations under sections 2743.51 to 2743.72 of the Revised Code: 5696

(a) A victim who was one of the following at the time of the 5697
criminally injurious conduct: 5698

(i) A resident of the United States; 5699

(ii) A resident of a foreign country the laws of which permit 5700
residents of this state to recover compensation as victims of 5701
offenses committed in that country. 5702

(b) A dependent of a deceased victim who is described in 5703
division (A)(1)(a) of this section; 5704

(c) A third person, other than a collateral source, who 5705
legally assumes or voluntarily pays the obligations of a victim, 5706
or of a dependent of a victim, who is described in division 5707
(A)(1)(a) of this section, which obligations are incurred as a 5708
result of the criminally injurious conduct that is the subject of 5709
the claim and may include, but are not limited to, medical or 5710
burial expenses; 5711

(d) A person who is authorized to act on behalf of any person 5712
who is described in division (A)(1)(a), (b), or (c) of this 5713
section; 5714

(e) The estate of a deceased victim who is described in 5715
division (A)(1)(a) of this section. 5716

(2) Any of the following persons who claim an award of 5717
reparations under sections 2743.51 to 2743.72 of the Revised Code: 5718

(a) A victim who had a permanent place of residence within 5719
this state at the time of the criminally injurious conduct and 5720
who, at the time of the criminally injurious conduct, complied 5721
with any one of the following: 5722

(i) Had a permanent place of employment in this state; 5723

(ii) Was a member of the regular armed forces of the United 5724
States or of the United States coast guard or was a full-time 5725
member of the Ohio organized militia or of the United States army 5726
reserve, naval reserve, or air force reserve; 5727

(iii) Was retired and receiving social security or any other 5728
retirement income; 5729

(iv) Was sixty years of age or older; 5730

(v) Was temporarily in another state for the purpose of 5731
receiving medical treatment; 5732

(vi) Was temporarily in another state for the purpose of 5733
performing employment-related duties required by an employer 5734

located within this state as an express condition of employment or 5735
employee benefits; 5736

(vii) Was temporarily in another state for the purpose of 5737
receiving occupational, vocational, or other job-related training 5738
or instruction required by an employer located within this state 5739
as an express condition of employment or employee benefits; 5740

(viii) Was a full-time student at an academic institution, 5741
college, or university located in another state; 5742

(ix) Had not departed the geographical boundaries of this 5743
state for a period exceeding thirty days or with the intention of 5744
becoming a citizen of another state or establishing a permanent 5745
place of residence in another state. 5746

(b) A dependent of a deceased victim who is described in 5747
division (A)(2)(a) of this section; 5748

(c) A third person, other than a collateral source, who 5749
legally assumes or voluntarily pays the obligations of a victim, 5750
or of a dependent of a victim, who is described in division 5751
(A)(2)(a) of this section, which obligations are incurred as a 5752
result of the criminally injurious conduct that is the subject of 5753
the claim and may include, but are not limited to, medical or 5754
burial expenses; 5755

(d) A person who is authorized to act on behalf of any person 5756
who is described in division (A)(2)(a), (b), or (c) of this 5757
section; 5758

(e) The estate of a deceased victim who is described in 5759
division (A)(2)(a) of this section. 5760

(B) "Collateral source" means a source of benefits or 5761
advantages for economic loss otherwise reparable that the victim 5762
or claimant has received, or that is readily available to the 5763
victim or claimant, from any of the following sources: 5764

(1) The offender;	5765
(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;	5766 5767 5768 5769 5770
(3) Social security, medicare, and medicaid;	5771
(4) State-required, temporary, nonoccupational disability insurance;	5772 5773
(5) Workers' compensation;	5774
(6) Wage continuation programs of any employer;	5775
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	5776 5777 5778
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	5779 5780
(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;	5781 5782 5783
(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.	5784 5785 5786 5787
"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.	5788 5789 5790 5791 5792
(C) "Criminally injurious conduct" means one of the following:	5793 5794

(1) For the purposes of any person described in division 5795
(A)(1) of this section, any conduct that occurs or is attempted in 5796
this state; poses a substantial threat of personal injury or 5797
death; and is punishable by fine, imprisonment, or death, or would 5798
be so punishable but for the fact that the person engaging in the 5799
conduct lacked capacity to commit the crime under the laws of this 5800
state. Criminally injurious conduct does not include conduct 5801
arising out of the ownership, maintenance, or use of a motor 5802
vehicle, except when any of the following applies: 5803

(a) The person engaging in the conduct intended to cause 5804
personal injury or death; 5805

(b) The person engaging in the conduct was using the vehicle 5806
to flee immediately after committing a felony or an act that would 5807
constitute a felony but for the fact that the person engaging in 5808
the conduct lacked the capacity to commit the felony under the 5809
laws of this state; 5810

(c) The person engaging in the conduct was using the vehicle 5811
in a manner that constitutes an OVI violation; 5812

(d) The conduct occurred on or after July 25, 1990, and the 5813
person engaging in the conduct was using the vehicle in a manner 5814
that constitutes a violation of section 2903.08 of the Revised 5815
Code; 5816

(e) The person engaging in the conduct acted in a manner that 5817
caused serious physical harm to a person and that constituted a 5818
violation of section 4549.02 or 4549.021 of the Revised Code. 5819

(2) For the purposes of any person described in division 5820
(A)(2) of this section, any conduct that occurs or is attempted in 5821
another state, district, territory, or foreign country; poses a 5822
substantial threat of personal injury or death; and is punishable 5823
by fine, imprisonment, or death, or would be so punishable but for 5824
the fact that the person engaging in the conduct lacked capacity 5825

to commit the crime under the laws of the state, district, 5826
territory, or foreign country in which the conduct occurred or was 5827
attempted. Criminally injurious conduct does not include conduct 5828
arising out of the ownership, maintenance, or use of a motor 5829
vehicle, except when any of the following applies: 5830

(a) The person engaging in the conduct intended to cause 5831
personal injury or death; 5832

(b) The person engaging in the conduct was using the vehicle 5833
to flee immediately after committing a felony or an act that would 5834
constitute a felony but for the fact that the person engaging in 5835
the conduct lacked the capacity to commit the felony under the 5836
laws of the state, district, territory, or foreign country in 5837
which the conduct occurred or was attempted; 5838

(c) The person engaging in the conduct was using the vehicle 5839
in a manner that constitutes an OVI violation; 5840

(d) The conduct occurred on or after July 25, 1990, the 5841
person engaging in the conduct was using the vehicle in a manner 5842
that constitutes a violation of any law of the state, district, 5843
territory, or foreign country in which the conduct occurred, and 5844
that law is substantially similar to a violation of section 5845
2903.08 of the Revised Code; 5846

(e) The person engaging in the conduct acted in a manner that 5847
caused serious physical harm to a person and that constituted a 5848
violation of any law of the state, district, territory, or foreign 5849
country in which the conduct occurred, and that law is 5850
substantially similar to section 4549.02 or 4549.021 of the 5851
Revised Code. 5852

(3) For the purposes of any person described in division 5853
(A)(1) or (2) of this section, terrorism that occurs within or 5854
outside the territorial jurisdiction of the United States. 5855

(D) "Dependent" means an individual wholly or partially 5856

dependent upon the victim for care and support, and includes a 5857
child of the victim born after the victim's death. 5858

(E) "Economic loss" means economic detriment consisting only 5859
of allowable expense, work loss, funeral expense, unemployment 5860
benefits loss, replacement services loss, cost of crime scene 5861
cleanup, and cost of evidence replacement. If criminally injurious 5862
conduct causes death, economic loss includes a dependent's 5863
economic loss and a dependent's replacement services loss. 5864
Noneconomic detriment is not economic loss; however, economic loss 5865
may be caused by pain and suffering or physical impairment. 5866

(F)(1) "Allowable expense" means reasonable charges incurred 5867
for reasonably needed products, services, and accommodations, 5868
including those for medical care, rehabilitation, rehabilitative 5869
occupational training, and other remedial treatment and care and 5870
including replacement costs for eyeglasses and other corrective 5871
lenses. It does not include that portion of a charge for a room in 5872
a hospital, clinic, convalescent home, nursing home, or any other 5873
institution engaged in providing nursing care and related services 5874
in excess of a reasonable and customary charge for semiprivate 5875
accommodations, unless accommodations other than semiprivate 5876
accommodations are medically required. 5877

(2) An immediate family member of a victim of criminally 5878
injurious conduct that consists of a homicide, a sexual assault, 5879
domestic violence, or a severe and permanent incapacitating injury 5880
resulting in paraplegia or a similar life-altering condition, who 5881
requires psychiatric care or counseling as a result of the 5882
criminally injurious conduct, may be reimbursed for that care or 5883
counseling as an allowable expense through the victim's 5884
application. The cumulative allowable expense for care or 5885
counseling of that nature shall not exceed two thousand five 5886
hundred dollars for each immediate family member of a victim of 5887
that type and seven thousand five hundred dollars in the aggregate 5888

for all immediate family members of a victim of that type. 5889

(3) A family member of a victim who died as a proximate 5890
result of criminally injurious conduct may be reimbursed as an 5891
allowable expense through the victim's application for wages lost 5892
and travel expenses incurred in order to attend criminal justice 5893
proceedings arising from the criminally injurious conduct. The 5894
cumulative allowable expense for wages lost and travel expenses 5895
incurred by a family member to attend criminal justice proceedings 5896
shall not exceed five hundred dollars for each family member of 5897
the victim and two thousand dollars in the aggregate for all 5898
family members of the victim. 5899

(4) "Allowable expense" includes attorney's fees not 5900
exceeding two thousand five hundred dollars, at a rate not 5901
exceeding one hundred fifty dollars per hour, incurred to 5902
successfully obtain a restraining order, custody order, or other 5903
order to physically separate a victim from an offender, if the 5904
attorney has not received payment under section 2743.65 of the 5905
Revised Code for assisting a claimant with an application for an 5906
award of reparations under sections 2743.51 to 2743.72 of the 5907
Revised Code. 5908

(G) "Work loss" means loss of income from work that the 5909
injured person would have performed if the person had not been 5910
injured and expenses reasonably incurred by the person to obtain 5911
services in lieu of those the person would have performed for 5912
income, reduced by any income from substitute work actually 5913
performed by the person, or by income the person would have earned 5914
in available appropriate substitute work that the person was 5915
capable of performing but unreasonably failed to undertake. 5916

(H) "Replacement services loss" means expenses reasonably 5917
incurred in obtaining ordinary and necessary services in lieu of 5918
those the injured person would have performed, not for income, but 5919
for the benefit of the person's self or family, if the person had 5920

not been injured. 5921

(I) "Dependent's economic loss" means loss after a victim's 5922
death of contributions of things of economic value to the victim's 5923
dependents, not including services they would have received from 5924
the victim if the victim had not suffered the fatal injury, less 5925
expenses of the dependents avoided by reason of the victim's 5926
death. If a minor child of a victim is adopted after the victim's 5927
death, the minor child continues after the adoption to incur a 5928
dependent's economic loss as a result of the victim's death. If 5929
the surviving spouse of a victim remarries, the surviving spouse 5930
continues after the remarriage to incur a dependent's economic 5931
loss as a result of the victim's death. 5932

(J) "Dependent's replacement services loss" means loss 5933
reasonably incurred by dependents after a victim's death in 5934
obtaining ordinary and necessary services in lieu of those the 5935
victim would have performed for their benefit if the victim had 5936
not suffered the fatal injury, less expenses of the dependents 5937
avoided by reason of the victim's death and not subtracted in 5938
calculating the dependent's economic loss. If a minor child of a 5939
victim is adopted after the victim's death, the minor child 5940
continues after the adoption to incur a dependent's replacement 5941
services loss as a result of the victim's death. If the surviving 5942
spouse of a victim remarries, the surviving spouse continues after 5943
the remarriage to incur a dependent's replacement services loss as 5944
a result of the victim's death. 5945

(K) "Noneconomic detriment" means pain, suffering, 5946
inconvenience, physical impairment, or other nonpecuniary damage. 5947

(L) "Victim" means a person who suffers personal injury or 5948
death as a result of any of the following: 5949

(1) Criminally injurious conduct; 5950

(2) The good faith effort of any person to prevent criminally 5951

injurious conduct; 5952

(3) The good faith effort of any person to apprehend a person 5953
suspected of engaging in criminally injurious conduct. 5954

(M) "Contributory misconduct" means any conduct of the 5955
claimant or of the victim through whom the claimant claims an 5956
award of reparations that is unlawful or intentionally tortious 5957
and that, without regard to the conduct's proximity in time or 5958
space to the criminally injurious conduct, has a causal 5959
relationship to the criminally injurious conduct that is the basis 5960
of the claim. 5961

(N)(1) "Funeral expense" means any reasonable charges that 5962
are not in excess of seven thousand five hundred dollars per 5963
funeral and that are incurred for expenses directly related to a 5964
victim's funeral, cremation, or burial and any wages lost or 5965
travel expenses incurred by a family member of a victim in order 5966
to attend the victim's funeral, cremation, or burial. 5967

(2) An award for funeral expenses shall be applied first to 5968
expenses directly related to the victim's funeral, cremation, or 5969
burial. An award for wages lost or travel expenses incurred by a 5970
family member of the victim shall not exceed five hundred dollars 5971
for each family member and shall not exceed in the aggregate the 5972
difference between seven thousand five hundred dollars and 5973
expenses that are reimbursed by the program and that are directly 5974
related to the victim's funeral, cremation, or burial. 5975

(O) "Unemployment benefits loss" means a loss of unemployment 5976
benefits pursuant to Chapter 4141. of the Revised Code when the 5977
loss arises solely from the inability of a victim to meet the able 5978
to work, available for suitable work, or the actively seeking 5979
suitable work requirements of division (A)(4)(a) of section 5980
4141.29 of the Revised Code. 5981

(P) "OVI violation" means any of the following: 5982

(1) A violation of section 4511.19 of the Revised Code, of 5983
any municipal ordinance prohibiting the operation of a vehicle 5984
while under the influence of alcohol, a drug of abuse, or a 5985
combination of them, or of any municipal ordinance prohibiting the 5986
operation of a vehicle with a prohibited concentration of alcohol, 5987
a controlled substance, or a metabolite of a controlled substance 5988
in the whole blood, blood serum or plasma, breath, or urine; 5989

(2) A violation of division (A)(1) of section 2903.06 of the 5990
Revised Code; 5991

(3) A violation of division (A)(2), (3), or (4) of section 5992
2903.06 of the Revised Code or of a municipal ordinance or 5993
township resolution substantially similar to any of those 5994
divisions, if the offender was under the influence of alcohol, a 5995
drug of abuse, or a combination of them, at the time of the 5996
commission of the offense; 5997

(4) For purposes of any person described in division (A)(2) 5998
of this section, a violation of any law of the state, district, 5999
territory, or foreign country in which the criminally injurious 6000
conduct occurred, if that law is substantially similar to a 6001
violation described in division (P)(1) or (2) of this section or 6002
if that law is substantially similar to a violation described in 6003
division (P)(3) of this section and the offender was under the 6004
influence of alcohol, a drug of abuse, or a combination of them, 6005
at the time of the commission of the offense. 6006

(Q) "Pendency of the claim" for an original reparations 6007
application or supplemental reparations application means the 6008
period of time from the date the criminally injurious conduct upon 6009
which the application is based occurred until the date a final 6010
decision, order, or judgment concerning that original reparations 6011
application or supplemental reparations application is issued. 6012

(R) "Terrorism" means any activity to which all of the 6013

following apply: 6014

(1) The activity involves a violent act or an act that is 6015
dangerous to human life. 6016

(2) The act described in division (R)(1) of this section is 6017
committed within the territorial jurisdiction of the United States 6018
and is a violation of the criminal laws of the United States, this 6019
state, or any other state or the act described in division (R)(1) 6020
of this section is committed outside the territorial jurisdiction 6021
of the United States and would be a violation of the criminal laws 6022
of the United States, this state, or any other state if committed 6023
within the territorial jurisdiction of the United States. 6024

(3) The activity appears to be intended to do any of the 6025
following: 6026

(a) Intimidate or coerce a civilian population; 6027

(b) Influence the policy of any government by intimidation or 6028
coercion; 6029

(c) Affect the conduct of any government by assassination or 6030
kidnapping. 6031

(4) The activity occurs primarily outside the territorial 6032
jurisdiction of the United States or transcends the national 6033
boundaries of the United States in terms of the means by which the 6034
activity is accomplished, the person or persons that the activity 6035
appears intended to intimidate or coerce, or the area or locale in 6036
which the perpetrator or perpetrators of the activity operate or 6037
seek asylum. 6038

(S) "Transcends the national boundaries of the United States" 6039
means occurring outside the territorial jurisdiction of the United 6040
States in addition to occurring within the territorial 6041
jurisdiction of the United States. 6042

(T) "Cost of crime scene cleanup" means reasonable and 6043

necessary costs of cleaning the scene and repairing, for the 6044
purpose of personal security, property damaged at the scene where 6045
the criminally injurious conduct occurred, not to exceed seven 6046
hundred fifty dollars in the aggregate per claim. 6047

(U) "Cost of evidence replacement" means costs for 6048
replacement of property confiscated for evidentiary purposes 6049
related to the criminally injurious conduct, not to exceed seven 6050
hundred fifty dollars in the aggregate per claim. 6051

(V) "Provider" means any person who provides a victim or 6052
claimant with a product, service, or accommodations that are an 6053
allowable expense or a funeral expense. 6054

(W) "Immediate family member" means an individual who resided 6055
in the same permanent household as a victim at the time of the 6056
criminally injurious conduct and who is related to the victim by 6057
affinity or consanguinity. 6058

(X) "Family member" means an individual who is related to a 6059
victim by affinity or consanguinity. 6060

Sec. 2743.60. (A) The attorney general, a court of claims 6061
panel of commissioners, or a judge of the court of claims shall 6062
not make or order an award of reparations to any claimant who, if 6063
the victim of the criminally injurious conduct was an adult, did 6064
not file an application for an award of reparations within two 6065
years after the date of the occurrence of the criminally injurious 6066
conduct that caused the injury or death for which the victim is 6067
seeking an award of reparations or who, if the victim of that 6068
criminally injurious conduct was a minor, did not file an 6069
application for an award of reparations within the period provided 6070
by division (B)(1) of section 2743.56 of the Revised Code. An 6071
award of reparations shall not be made to a claimant if the 6072
criminally injurious conduct upon which the claimant bases a claim 6073
was not reported to a law enforcement officer or agency within 6074

seventy-two hours after the occurrence of the conduct, unless it 6075
is determined that good cause existed for the failure to report 6076
the conduct within the seventy-two-hour period. 6077

(B)(1) The attorney general, a panel of commissioners, or a 6078
judge of the court of claims shall not make or order an award of 6079
reparations to a claimant if any of the following apply: 6080

(a) The claimant is the offender or an accomplice of the 6081
offender who committed the criminally injurious conduct, or the 6082
award would unjustly benefit the offender or accomplice. 6083

(b) Except as provided in division (B)(2) of this section, 6084
both of the following apply: 6085

(i) The victim was a passenger in a motor vehicle and knew or 6086
reasonably should have known that the driver was under the 6087
influence of alcohol, a drug of abuse, or both. 6088

(ii) The claimant is seeking compensation for injuries 6089
proximately caused by the driver described in division 6090
(B)(1)(b)(i) of this section being under the influence of alcohol, 6091
a drug of abuse, or both. 6092

(c) Both of the following apply: 6093

(i) The victim was under the influence of alcohol, a drug of 6094
abuse, or both and was a passenger in a motor vehicle and, if 6095
sober, should have reasonably known that the driver was under the 6096
influence of alcohol, a drug of abuse, or both. 6097

(ii) The claimant is seeking compensation for injuries 6098
proximately caused by the driver described in division 6099
(B)(1)(b)(i) of this section being under the influence of alcohol, 6100
a drug of abuse, or both. 6101

(2) Division (B)(1)(b) of this section does not apply if on 6102
the date of the occurrence of the criminally injurious conduct, 6103
the victim was under sixteen years of age or was at least sixteen 6104

years of age but less than eighteen years of age and was riding 6105
with a parent, guardian, or care-provider. 6106

(C) The attorney general, a panel of commissioners, or a 6107
judge of the court of claims, upon a finding that the claimant or 6108
victim has not fully cooperated with appropriate law enforcement 6109
agencies, may deny a claim or reconsider and reduce an award of 6110
reparations. 6111

(D) The attorney general, a panel of commissioners, or a 6112
judge of the court of claims shall reduce an award of reparations 6113
or deny a claim for an award of reparations that is otherwise 6114
payable to a claimant to the extent that the economic loss upon 6115
which the claim is based is recouped from other persons, including 6116
collateral sources. If an award is reduced or a claim is denied 6117
because of the expected recoupment of all or part of the economic 6118
loss of the claimant from a collateral source, the amount of the 6119
award or the denial of the claim shall be conditioned upon the 6120
claimant's economic loss being recouped by the collateral source. 6121
If the award or denial is conditioned upon the recoupment of the 6122
claimant's economic loss from a collateral source and it is 6123
determined that the claimant did not unreasonably fail to present 6124
a timely claim to the collateral source and will not receive all 6125
or part of the expected recoupment, the claim may be reopened and 6126
an award may be made in an amount equal to the amount of expected 6127
recoupment that it is determined the claimant will not receive 6128
from the collateral source. 6129

If the claimant recoups all or part of the economic loss upon 6130
which the claim is based from any other person or entity, 6131
including a collateral source, the attorney general may recover 6132
pursuant to section 2743.72 of the Revised Code the part of the 6133
award that represents the economic loss for which the claimant 6134
received the recoupment from the other person or entity. 6135

(E)(1) Except as otherwise provided in division (E)(2) of 6136

this section, the attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award to a claimant if any of the following applies:

(a) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

(b) The claimant was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

(c) It is proved by a preponderance of the evidence that the victim or the claimant engaged, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the claim, in an offense of violence, a violation of section 2925.03 of the Revised Code, or any substantially similar offense that also would constitute a felony under the laws of this state, another state, or the United States.

(d) The claimant was convicted of a violation of section 2919.22 or 2919.25 of the Revised Code, or of any state law ~~or~~ municipal ordinance, or township resolution substantially similar to either section, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the claim.

(e) It is proved by a preponderance of the evidence that the victim at the time of the criminally injurious conduct that gave rise to the claim engaged in conduct that was a felony violation of section 2925.11 of the Revised Code or engaged in any substantially similar conduct that would constitute a felony under the laws of this state, another state, or the United States.

(2) The attorney general, a panel of commissioners, or a

judge of the court of claims may make an award to a minor 6168
dependent of a deceased victim for dependent's economic loss or 6169
for counseling pursuant to division (F)(2) of section 2743.51 of 6170
the Revised Code if the minor dependent is not ineligible under 6171
division (E)(1) of this section due to the minor dependent's 6172
criminal history and if the victim was not killed while engaging 6173
in illegal conduct that contributed to the criminally injurious 6174
conduct that gave rise to the claim. For purposes of this section, 6175
the use of illegal drugs by the deceased victim shall not be 6176
deemed to have contributed to the criminally injurious conduct 6177
that gave rise to the claim. 6178

(F) In determining whether to make an award of reparations 6179
pursuant to this section, the attorney general or panel of 6180
commissioners shall consider whether there was contributory 6181
misconduct by the victim or the claimant. The attorney general, a 6182
panel of commissioners, or a judge of the court of claims shall 6183
reduce an award of reparations or deny a claim for an award of 6184
reparations to the extent it is determined to be reasonable 6185
because of the contributory misconduct of the claimant or the 6186
victim. 6187

When the attorney general decides whether a claim should be 6188
denied because of an allegation of contributory misconduct, the 6189
burden of proof on the issue of that alleged contributory 6190
misconduct shall be upon the claimant, if either of the following 6191
apply: 6192

(1) The victim was convicted of a felony more than ten years 6193
prior to the criminally injurious conduct that is the subject of 6194
the claim or has a record of felony arrests under the laws of this 6195
state, another state, or the United States. 6196

(2) There is good cause to believe that the victim engaged in 6197
an ongoing course of criminal conduct within five years or less of 6198
the criminally injurious conduct that is the subject of the claim. 6199

(G) The attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award of reparations to a claimant if the criminally injurious conduct that caused the injury or death that is the subject of the claim occurred to a victim who was an adult and while the victim, after being convicted of or pleading guilty to an offense, was serving a sentence of imprisonment in any detention facility, as defined in section 2921.01 of the Revised Code.

(H) If a claimant unreasonably fails to present a claim timely to a source of benefits or advantages that would have been a collateral source and that would have reimbursed the claimant for all or a portion of a particular expense, the attorney general, a panel of commissioners, or a judge of the court of claims may reduce an award of reparations or deny a claim for an award of reparations to the extent that it is reasonable to do so.

(I) Reparations payable to a victim and to all other claimants sustaining economic loss because of injury to or the death of that victim shall not exceed fifty thousand dollars in the aggregate. If the attorney general, a panel of commissioners, or a judge of the court of claims reduces an award under division (F) of this section, the maximum aggregate amount of reparations payable under this division shall be reduced proportionately to the reduction under division (F) of this section.

Sec. 2743.70. (A)(1) The court, in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a moving violation, shall impose the following sum as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender:

(a) Thirty dollars, if the offense is a felony;

(b) Nine dollars, if the offense is a misdemeanor.

The court shall not waive the payment of the thirty or nine dollars court costs, unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. All such moneys shall be transmitted on the first business day of each month by the clerk of the court to the treasurer of state and deposited by the treasurer in the reparations fund.

(2) The juvenile court in which a child is found to be a delinquent child or a juvenile traffic offender for an act which, if committed by an adult, would be an offense other than a traffic offense that is not a moving violation, shall impose the following sum as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender:

(a) Thirty dollars, if the act, if committed by an adult, would be a felony;

(b) Nine dollars, if the act, if committed by an adult, would be a misdemeanor.

The thirty or nine dollars court costs shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the thirty or nine dollars court costs is waived. All such moneys collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer in the reparations fund.

(B) Whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail pursuant to sections 2937.22 to 2937.46 of the Revised Code,

Criminal Rule 46, or Traffic Rule 4, the court shall add to the 6261
amount of the bail the thirty or nine dollars required to be paid 6262
by division (A)(1) of this section. The thirty or nine dollars 6263
shall be retained by the clerk of the court until the person is 6264
convicted, pleads guilty, forfeits bail, is found not guilty, or 6265
has the charges dismissed. If the person is convicted, pleads 6266
guilty, or forfeits bail, the clerk shall transmit the thirty or 6267
nine dollars to the treasurer of state, who shall deposit it in 6268
the reparations fund. If the person is found not guilty or the 6269
charges are dismissed, the clerk shall return the thirty or nine 6270
dollars to the person. 6271

(C) No person shall be placed or held in jail for failing to 6272
pay the additional thirty or nine dollars court costs or bail that 6273
are required to be paid by this section. 6274

(D) As used in this section: 6275

(1) "Moving violation" means any violation of any statute ~~or~~, 6276
ordinance, or resolution, other than section 4513.263 of the 6277
Revised Code or an ordinance or resolution that is substantially 6278
equivalent to that section, that regulates the operation of 6279
vehicles, streetcars, or trackless trolleys on highways or streets 6280
or that regulates size or load limitations or fitness requirements 6281
of vehicles. "Moving violation" does not include the violation of 6282
any statute ~~or~~, ordinance, or resolution that regulates 6283
pedestrians or the parking of vehicles. 6284

(2) "Bail" means cash, a check, a money order, a credit card, 6285
or any other form of money that is posted by or for an offender 6286
pursuant to sections 2937.22 to 2937.46 of the Revised Code, 6287
Criminal Rule 46, or Traffic Rule 4 to prevent the offender from 6288
being placed or held in a detention facility, as defined in 6289
section 2921.01 of the Revised Code. 6290

Sec. 2901.01. (A) As used in the Revised Code: 6291

(1) "Force" means any violence, compulsion, or constraint	6292
physically exerted by any means upon or against a person or thing.	6293
(2) "Deadly force" means any force that carries a substantial	6294
risk that it will proximately result in the death of any person.	6295
(3) "Physical harm to persons" means any injury, illness, or	6296
other physiological impairment, regardless of its gravity or	6297
duration.	6298
(4) "Physical harm to property" means any tangible or	6299
intangible damage to property that, in any degree, results in loss	6300
to its value or interferes with its use or enjoyment. "Physical	6301
harm to property" does not include wear and tear occasioned by	6302
normal use.	6303
(5) "Serious physical harm to persons" means any of the	6304
following:	6305
(a) Any mental illness or condition of such gravity as would	6306
normally require hospitalization or prolonged psychiatric	6307
treatment;	6308
(b) Any physical harm that carries a substantial risk of	6309
death;	6310
(c) Any physical harm that involves some permanent	6311
incapacity, whether partial or total, or that involves some	6312
temporary, substantial incapacity;	6313
(d) Any physical harm that involves some permanent	6314
disfigurement or that involves some temporary, serious	6315
disfigurement;	6316
(e) Any physical harm that involves acute pain of such	6317
duration as to result in substantial suffering or that involves	6318
any degree of prolonged or intractable pain.	6319
(6) "Serious physical harm to property" means any physical	6320
harm to property that does either of the following:	6321

(a) Results in substantial loss to the value of the property 6322
or requires a substantial amount of time, effort, or money to 6323
repair or replace; 6324

(b) Temporarily prevents the use or enjoyment of the property 6325
or substantially interferes with its use or enjoyment for an 6326
extended period of time. 6327

(7) "Risk" means a significant possibility, as contrasted 6328
with a remote possibility, that a certain result may occur or that 6329
certain circumstances may exist. 6330

(8) "Substantial risk" means a strong possibility, as 6331
contrasted with a remote or significant possibility, that a 6332
certain result may occur or that certain circumstances may exist. 6333

(9) "Offense of violence" means any of the following: 6334

(a) A violation of section 2903.01, 2903.02, 2903.03, 6335
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 6336
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 6337
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 6338
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 6339
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 6340
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 6341
Revised Code or felonious sexual penetration in violation of 6342
former section 2907.12 of the Revised Code; 6343

(b) A violation of an existing or former municipal ordinance, 6344
township resolution, or law of this or any other state or the 6345
United States, substantially equivalent to any section, division, 6346
or offense listed in division (A)(9)(a) of this section; 6347

(c) An offense, other than a traffic offense, under an 6348
existing or former municipal ordinance, township resolution, or 6349
law of this or any other state or the United States, committed 6350
purposely or knowingly, and involving physical harm to persons or 6351
a risk of serious physical harm to persons; 6352

(d) A conspiracy or attempt to commit, or complicity in committing, any offense under division (A)(9)(a), (b), or (c) of this section.

(10)(a) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.

(b) As used in division (A)(10) of this section, "trade secret" has the same meaning as in section 1333.61 of the Revised Code, and "telecommunications service" and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(c) As used in divisions (A)(10) and (13) of this section, "cable television service," "computer," "computer software," "computer system," "computer network," "data," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(11) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy

marshal, municipal police officer, member of a police force 6384
employed by a metropolitan housing authority under division (D) of 6385
section 3735.31 of the Revised Code, or state highway patrol 6386
trooper; 6387

(b) An officer, agent, or employee of the state or any of its 6388
agencies, instrumentalities, or political subdivisions, upon whom, 6389
by statute, a duty to conserve the peace or to enforce all or 6390
certain laws is imposed and the authority to arrest violators is 6391
conferred, within the limits of that statutory duty and authority; 6392

(c) A mayor, in the mayor's capacity as chief conservator of 6393
the peace within the mayor's municipal corporation; 6394

(d) A member of an auxiliary police force organized by 6395
county, township, or municipal law enforcement authorities, within 6396
the scope of the member's appointment or commission; 6397

(e) A person lawfully called pursuant to section 311.07 of 6398
the Revised Code to aid a sheriff in keeping the peace, for the 6399
purposes and during the time when the person is called; 6400

(f) A person appointed by a mayor pursuant to section 737.01 6401
of the Revised Code as a special patrolling officer during riot or 6402
emergency, for the purposes and during the time when the person is 6403
appointed; 6404

(g) A member of the organized militia of this state or the 6405
armed forces of the United States, lawfully called to duty to aid 6406
civil authorities in keeping the peace or protect against domestic 6407
violence; 6408

(h) A prosecuting attorney, assistant prosecuting attorney, 6409
secret service officer, or municipal prosecutor; 6410

(i) A veterans' home police officer appointed under section 6411
5907.02 of the Revised Code; 6412

(j) A member of a police force employed by a regional transit 6413

authority under division (Y) of section 306.35 of the Revised Code; 6414
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(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; 6416
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(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms; 6418
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(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended. 6422
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(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity. 6431
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(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, resolution, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following: 6435
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(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia; 6441
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(b) Any unlawful gambling device or paraphernalia; 6443

(c) Any dangerous ordnance or obscene material. 6444

(14) A person is "not guilty by reason of insanity" relative 6445
to a charge of an offense only if the person proves, in the manner 6446
specified in section 2901.05 of the Revised Code, that at the time 6447
of the commission of the offense, the person did not know, as a 6448
result of a severe mental disease or defect, the wrongfulness of 6449
the person's acts. 6450

(B)(1)(a) Subject to division (B)(2) of this section, as used 6451
in any section contained in Title XXIX of the Revised Code that 6452
sets forth a criminal offense, "person" includes all of the 6453
following: 6454

(i) An individual, corporation, business trust, estate, 6455
trust, partnership, and association; 6456

(ii) An unborn human who is viable. 6457

(b) As used in any section contained in Title XXIX of the 6458
Revised Code that does not set forth a criminal offense, "person" 6459
includes an individual, corporation, business trust, estate, 6460
trust, partnership, and association. 6461

(c) As used in division (B)(1)(a) of this section: 6462

(i) "Unborn human" means an individual organism of the 6463
species *Homo sapiens* from fertilization until live birth. 6464

(ii) "Viable" means the stage of development of a human fetus 6465
at which there is a realistic possibility of maintaining and 6466
nourishing of a life outside the womb with or without temporary 6467
artificial life-sustaining support. 6468

(2) Notwithstanding division (B)(1)(a) of this section, in no 6469
case shall the portion of the definition of the term "person" that 6470
is set forth in division (B)(1)(a)(ii) of this section be applied 6471
or construed in any section contained in Title XXIX of the Revised 6472
Code that sets forth a criminal offense in any of the following 6473

manners: 6474

(a) Except as otherwise provided in division (B)(2)(a) of 6475
this section, in a manner so that the offense prohibits or is 6476
construed as prohibiting any pregnant woman or her physician from 6477
performing an abortion with the consent of the pregnant woman, 6478
with the consent of the pregnant woman implied by law in a medical 6479
emergency, or with the approval of one otherwise authorized by law 6480
to consent to medical treatment on behalf of the pregnant woman. 6481
An abortion that violates the conditions described in the 6482
immediately preceding sentence may be punished as a violation of 6483
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 6484
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 6485
of the Revised Code, as applicable. An abortion that does not 6486
violate the conditions described in the second immediately 6487
preceding sentence, but that does violate section 2919.12, 6488
division (B) of section 2919.13, or section 2919.151, 2919.17, or 6489
2919.18 of the Revised Code, may be punished as a violation of 6490
section 2919.12, division (B) of section 2919.13, or section 6491
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 6492
Consent is sufficient under this division if it is of the type 6493
otherwise adequate to permit medical treatment to the pregnant 6494
woman, even if it does not comply with section 2919.12 of the 6495
Revised Code. 6496

(b) In a manner so that the offense is applied or is 6497
construed as applying to a woman based on an act or omission of 6498
the woman that occurs while she is or was pregnant and that 6499
results in any of the following: 6500

(i) Her delivery of a stillborn baby; 6501

(ii) Her causing, in any other manner, the death in utero of 6502
a viable, unborn human that she is carrying; 6503

(iii) Her causing the death of her child who is born alive 6504

but who dies from one or more injuries that are sustained while 6505
the child is a viable, unborn human; 6506

(iv) Her causing her child who is born alive to sustain one 6507
or more injuries while the child is a viable, unborn human; 6508

(v) Her causing, threatening to cause, or attempting to 6509
cause, in any other manner, an injury, illness, or other 6510
physiological impairment, regardless of its duration or gravity, 6511
or a mental illness or condition, regardless of its duration or 6512
gravity, to a viable, unborn human that she is carrying. 6513

(C) As used in Title XXIX of the Revised Code: 6514

(1) "School safety zone" consists of a school, school 6515
building, school premises, school activity, and school bus. 6516

(2) "School," "school building," and "school premises" have 6517
the same meanings as in section 2925.01 of the Revised Code. 6518

(3) "School activity" means any activity held under the 6519
auspices of a board of education of a city, local, exempted 6520
village, joint vocational, or cooperative education school 6521
district; a governing authority of a community school established 6522
under Chapter 3314. of the Revised Code; a governing board of an 6523
educational service center, or the governing body of a school for 6524
which the state board of education prescribes minimum standards 6525
under section 3301.07 of the Revised Code. 6526

(4) "School bus" has the same meaning as in section 4511.01 6527
of the Revised Code. 6528

Sec. 2903.04. (A) No person shall cause the death of another 6529
or the unlawful termination of another's pregnancy as a proximate 6530
result of the offender's committing or attempting to commit a 6531
felony. 6532

(B) No person shall cause the death of another or the 6533
unlawful termination of another's pregnancy as a proximate result 6534

of the offender's committing or attempting to commit a misdemeanor 6535
of any degree, a regulatory offense, or a minor misdemeanor other 6536
than a violation of any section contained in Title XLV of the 6537
Revised Code that is a minor misdemeanor and other than a 6538
violation of an ordinance of a municipal corporation or a 6539
resolution of a township that, regardless of the penalty set by 6540
ordinance or resolution for the violation, is substantially 6541
equivalent to any section contained in Title XLV of the Revised 6542
Code that is a minor misdemeanor. 6543

(C) Whoever violates this section is guilty of involuntary 6544
manslaughter. Violation of division (A) of this section is a 6545
felony of the first degree. Violation of division (B) of this 6546
section is a felony of the third degree. 6547

(D) If an offender is convicted of or pleads guilty to a 6548
violation of division (A) or (B) of this section and if the 6549
felony, misdemeanor, or regulatory offense that the offender 6550
committed or attempted to commit, that proximately resulted in the 6551
death of the other person or the unlawful termination of another's 6552
pregnancy, and that is the basis of the offender's violation of 6553
division (A) or (B) of this section was a violation of division 6554
(A) or (B) of section 4511.19 of the Revised Code or of a 6555
substantially equivalent municipal ordinance or township 6556
resolution or included, as an element of that felony, misdemeanor, 6557
or regulatory offense, the offender's operation or participation 6558
in the operation of a snowmobile, locomotive, watercraft, or 6559
aircraft while the offender was under the influence of alcohol, a 6560
drug of abuse, or alcohol and a drug of abuse, both of the 6561
following apply: 6562

(1) The court shall impose a class one suspension of the 6563
offender's driver's or commercial driver's license or permit or 6564
nonresident operating privilege as specified in division (A)(1) of 6565
section 4510.02 of the Revised Code. 6566

(2) The court shall impose a mandatory prison term for the 6567
violation of division (A) or (B) of this section from the range of 6568
prison terms authorized for the level of the offense under section 6569
2929.14 of the Revised Code. 6570

Sec. 2903.06. (A) No person, while operating or participating 6571
in the operation of a motor vehicle, motorcycle, snowmobile, 6572
locomotive, watercraft, or aircraft, shall cause the death of 6573
another or the unlawful termination of another's pregnancy in any 6574
of the following ways: 6575

(1)(a) As the proximate result of committing a violation of 6576
division (A) of section 4511.19 of the Revised Code or of a 6577
substantially equivalent municipal ordinance or township 6578
resolution; 6579

(b) As the proximate result of committing a violation of 6580
division (A) of section 1547.11 of the Revised Code or of a 6581
substantially equivalent municipal ordinance; 6582

(c) As the proximate result of committing a violation of 6583
division (A)(3) of section 4561.15 of the Revised Code or of a 6584
substantially equivalent municipal ordinance or township 6585
resolution. 6586

(2) In one of the following ways: 6587

(a) Recklessly; 6588

(b) As the proximate result of committing, while operating or 6589
participating in the operation of a motor vehicle or motorcycle in 6590
a construction zone, a reckless operation offense, provided that 6591
this division applies only if the person whose death is caused or 6592
whose pregnancy is unlawfully terminated is in the construction 6593
zone at the time of the offender's commission of the reckless 6594
operation offense in the construction zone and does not apply as 6595
described in division (F) of this section. 6596

(3) In one of the following ways: 6597

(a) Negligently; 6598

(b) As the proximate result of committing, while operating or 6599
participating in the operation of a motor vehicle or motorcycle in 6600
a construction zone, a speeding offense, provided that this 6601
division applies only if the person whose death is caused or whose 6602
pregnancy is unlawfully terminated is in the construction zone at 6603
the time of the offender's commission of the speeding offense in 6604
the construction zone and does not apply as described in division 6605
(F) of this section. 6606

(4) As the proximate result of committing a violation of any 6607
provision of any section contained in Title XLV of the Revised 6608
Code that is a minor misdemeanor or of a municipal ordinance or 6609
township resolution that, regardless of the penalty set by 6610
ordinance for the violation, is substantially equivalent to any 6611
provision of any section contained in Title XLV of the Revised 6612
Code that is a minor misdemeanor. 6613

(B)(1) Whoever violates division (A)(1) or (2) of this 6614
section is guilty of aggravated vehicular homicide and shall be 6615
punished as provided in divisions (B)(2) and (3) of this section. 6616

(2)(a) Except as otherwise provided in division (B)(2)(b) or 6617
(c) of this section, aggravated vehicular homicide committed in 6618
violation of division (A)(1) of this section is a felony of the 6619
second degree and the court shall impose a mandatory prison term 6620
on the offender as described in division (E) of this section. 6621

(b) Except as otherwise provided in division (B)(2)(c) of 6622
this section, aggravated vehicular homicide committed in violation 6623
of division (A)(1) of this section is a felony of the first 6624
degree, and the court shall impose a mandatory prison term on the 6625
offender as described in division (E) of this section, if any of 6626
the following apply: 6627

(i) At the time of the offense, the offender was driving 6628
under a suspension imposed under Chapter 4510. or any other 6629
provision of the Revised Code. 6630

(ii) The offender previously has been convicted of or pleaded 6631
guilty to a violation of this section. 6632

(iii) The offender previously has been convicted of or 6633
pleaded guilty to any traffic-related homicide, manslaughter, or 6634
assault offense. 6635

(c) Aggravated vehicular homicide committed in violation of 6636
division (A)(1) of this section is a felony of the first degree, 6637
and the court shall sentence the offender to a mandatory prison 6638
term as provided in section 2929.142 of the Revised Code and 6639
described in division (E) of this section if any of the following 6640
apply: 6641

(i) The offender previously has been convicted of or pleaded 6642
guilty to three or more prior violations of section 4511.19 of the 6643
Revised Code or of a substantially equivalent municipal ordinance 6644
or township resolution within the previous six years. 6645

(ii) The offender previously has been convicted of or pleaded 6646
guilty to three or more prior violations of division (A) of 6647
section 1547.11 of the Revised Code or of a substantially 6648
equivalent municipal ordinance within the previous six years. 6649

(iii) The offender previously has been convicted of or 6650
pleaded guilty to three or more prior violations of division 6651
(A)(3) of section 4561.15 of the Revised Code or of a 6652
substantially equivalent municipal ordinance or township 6653
resolution within the previous six years. 6654

(iv) The offender previously has been convicted of or pleaded 6655
guilty to three or more prior violations of division (A)(1) of 6656
this section within the previous six years. 6657

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

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

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

(viii) 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.

(d) In addition to any other sanctions imposed pursuant to division (B)(2)(a), (b), or (c) of this section for aggravated vehicular homicide committed in violation of division (A)(1) of this section, the court shall impose upon the offender a class one 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)(1) of section 4510.02 of the Revised Code.

(3) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the third degree. Aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the second degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision 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, 6689
manslaughter, or assault offense. The court shall impose a 6690
mandatory prison term on the offender when required by division 6691
(E) of this section. 6692

In addition to any other sanctions imposed pursuant to this 6693
division for a violation of division (A)(2) of this section, the 6694
court shall impose upon the offender a class two suspension of the 6695
offender's driver's license, commercial driver's license, 6696
temporary instruction permit, probationary license, or nonresident 6697
operating privilege from the range specified in division (A)(2) of 6698
section 4510.02 of the Revised Code or, if the offender previously 6699
has been convicted of or pleaded guilty to a traffic-related 6700
murder, felonious assault, or attempted murder offense, a class 6701
one suspension of the offender's driver's license, commercial 6702
driver's license, temporary instruction permit, probationary 6703
license, or nonresident operating privilege as specified in 6704
division (A)(1) of that section. 6705

(C) Whoever violates division (A)(3) of this section is 6706
guilty of vehicular homicide. Except as otherwise provided in this 6707
division, vehicular homicide is a misdemeanor of the first degree. 6708
Vehicular homicide committed in violation of division (A)(3) of 6709
this section is a felony of the fourth degree if, at the time of 6710
the offense, the offender was driving under a suspension or 6711
revocation imposed under Chapter 4507. or any other provision of 6712
the Revised Code or if the offender previously has been convicted 6713
of or pleaded guilty to a violation of this section or any 6714
traffic-related homicide, manslaughter, or assault offense. The 6715
court shall impose a mandatory jail term or a mandatory prison 6716
term on the offender when required by division (E) of this 6717
section. 6718

In addition to any other sanctions imposed pursuant to this 6719
division, the court shall impose upon the offender a class four 6720

suspension of the offender's driver's license, commercial driver's 6721
license, temporary instruction permit, probationary license, or 6722
nonresident operating privilege from the range specified in 6723
division (A)(4) of section 4510.02 of the Revised Code, or, if the 6724
offender previously has been convicted of or pleaded guilty to a 6725
violation of this section or any traffic-related homicide, 6726
manslaughter, or assault offense, a class three suspension of the 6727
offender's driver's license, commercial driver's license, 6728
temporary instruction permit, probationary license, or nonresident 6729
operating privilege from the range specified in division (A)(3) of 6730
that section, or, if the offender previously has been convicted of 6731
or pleaded guilty to a traffic-related murder, felonious assault, 6732
or attempted murder offense, a class two suspension of the 6733
offender's driver's license, commercial driver's license, 6734
temporary instruction permit, probationary license, or nonresident 6735
operating privilege as specified in division (A)(2) of that 6736
section. 6737

(D) Whoever violates division (A)(4) of this section is 6738
guilty of vehicular manslaughter. Except as otherwise provided in 6739
this division, vehicular manslaughter is a misdemeanor of the 6740
second degree. Vehicular manslaughter is a misdemeanor of the 6741
first degree if, at the time of the offense, the offender was 6742
driving under a suspension imposed under Chapter 4510. or any 6743
other provision of the Revised Code or if the offender previously 6744
has been convicted of or pleaded guilty to a violation of this 6745
section or any traffic-related homicide, manslaughter, or assault 6746
offense. 6747

In addition to any other sanctions imposed pursuant to this 6748
division, the court shall impose upon the offender a class six 6749
suspension of the offender's driver's license, commercial driver's 6750
license, temporary instruction permit, probationary license, or 6751
nonresident operating privilege from the range specified in 6752

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, 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.

(F) Divisions (A)(2)(b) and (3)(b) of this section do not

apply in a particular construction zone unless signs of the type 6785
described in section 2903.081 of the Revised Code are erected in 6786
that construction zone in accordance with the guidelines and 6787
design specifications established by the director of 6788
transportation under section 5501.27 of the Revised Code. The 6789
failure to erect signs of the type described in section 2903.081 6790
of the Revised Code in a particular construction zone in 6791
accordance with those guidelines and design specifications does 6792
not limit or affect the application of division (A)(1), (A)(2)(a), 6793
(A)(3)(a), or (A)(4) of this section in that construction zone or 6794
the prosecution of any person who violates any of those divisions 6795
in that construction zone. 6796

(G)(1) As used in this section: 6797

(a) "Mandatory prison term" and "mandatory jail term" have 6798
the same meanings as in section 2929.01 of the Revised Code. 6799

(b) "Traffic-related homicide, manslaughter, or assault 6800
offense" means a violation of section 2903.04 of the Revised Code 6801
in circumstances in which division (D) of that section applies, a 6802
violation of section 2903.06 or 2903.08 of the Revised Code, or a 6803
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 6804
Code as they existed prior to March 23, 2000. 6805

(c) "Construction zone" has the same meaning as in section 6806
5501.27 of the Revised Code. 6807

(d) "Reckless operation offense" means a violation of section 6808
4511.20 of the Revised Code or a municipal ordinance or township 6809
resolution substantially equivalent to section 4511.20 of the 6810
Revised Code. 6811

(e) "Speeding offense" means a violation of section 4511.21 6812
of the Revised Code or a municipal ordinance pertaining to speed. 6813

(f) "Traffic-related murder, felonious assault, or attempted 6814
murder offense" means a violation of section 2903.01 or 2903.02 of 6815

the Revised Code in circumstances in which the offender used a 6816
motor vehicle as the means to commit the violation, a violation of 6817
division (A)(2) of section 2903.11 of the Revised Code in 6818
circumstances in which the deadly weapon used in the commission of 6819
the violation is a motor vehicle, or an attempt to commit 6820
aggravated murder or murder in violation of section 2923.02 of the 6821
Revised Code in circumstances in which the offender used a motor 6822
vehicle as the means to attempt to commit the aggravated murder or 6823
murder. 6824

(g) "Motor vehicle" has the same meaning as in section 6825
4501.01 of the Revised Code. 6826

(2) For the purposes of this section, when a penalty or 6827
suspension is enhanced because of a prior or current violation of 6828
a specified law or a prior or current specified offense, the 6829
reference to the violation of the specified law or the specified 6830
offense includes any violation of any substantially equivalent 6831
municipal ordinance, township resolution, former law of this 6832
state, or current or former law of another state or the United 6833
States. 6834

Sec. 2903.08. (A) No person, while operating or participating 6835
in the operation of a motor vehicle, motorcycle, snowmobile, 6836
locomotive, watercraft, or aircraft, shall cause serious physical 6837
harm to another person or another's unborn in any of the following 6838
ways: 6839

(1)(a) As the proximate result of committing a violation of 6840
division (A) of section 4511.19 of the Revised Code or of a 6841
substantially equivalent municipal ordinance or township 6842
resolution; 6843

(b) As the proximate result of committing a violation of 6844
division (A) of section 1547.11 of the Revised Code or of a 6845
substantially equivalent municipal ordinance; 6846

(c) As the proximate result of committing a violation of 6847
division (A)(3) of section 4561.15 of the Revised Code or of a 6848
substantially equivalent municipal ordinance or township 6849
resolution. 6850

(2) In one of the following ways: 6851

(a) As the proximate result of committing, while operating or 6852
participating in the operation of a motor vehicle or motorcycle in 6853
a construction zone, a reckless operation offense, provided that 6854
this division applies only if the person to whom the serious 6855
physical harm is caused or to whose unborn the serious physical 6856
harm is caused is in the construction zone at the time of the 6857
offender's commission of the reckless operation offense in the 6858
construction zone and does not apply as described in division (E) 6859
of this section; 6860

(b) Recklessly. 6861

(3) As the proximate result of committing, while operating or 6862
participating in the operation of a motor vehicle or motorcycle in 6863
a construction zone, a speeding offense, provided that this 6864
division applies only if the person to whom the serious physical 6865
harm is caused or to whose unborn the serious physical harm is 6866
caused is in the construction zone at the time of the offender's 6867
commission of the speeding offense in the construction zone and 6868
does not apply as described in division (E) of this section. 6869

(B)(1) Whoever violates division (A)(1) of this section is 6870
guilty of aggravated vehicular assault. Except as otherwise 6871
provided in this division, aggravated vehicular assault is a 6872
felony of the third degree. Aggravated vehicular assault is a 6873
felony of the second degree if any of the following apply: 6874

(a) At the time of the offense, the offender was driving 6875
under a suspension imposed under Chapter 4510. or any other 6876
provision of the Revised Code. 6877

(b) The offender previously has been convicted of or pleaded guilty to a violation of this section. 6878
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(c) The offender previously has been convicted of or pleaded guilty to any traffic-related homicide, manslaughter, or assault offense. 6880
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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 or township resolution within the previous six years. 6883
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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. 6887
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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 or township resolution within the previous six years. 6891
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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. 6896
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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. 6900
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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 driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range 6903
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specified in division (A)(3) of section 4510.02 of the Revised Code. If the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or any traffic-related murder, felonious assault, or attempted murder offense, the court shall impose either a class two 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 that section or a class one suspension as specified in division (A)(1) of that section.

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

(2) Except as otherwise provided in this division, vehicular assault committed in violation of division (A)(2) of this section is a felony of the fourth degree. Vehicular assault committed in violation of division (A)(2) of this section is a felony of the third degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code, 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 if, in the same course of conduct that resulted in the violation of division (A)(2) of this section, the offender also violated section 4549.02, 4549.021, or 4549.03 of the Revised Code.

In addition to any other sanctions imposed, the court shall impose upon the offender 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 or, if the offender previously has 6941
been convicted of or pleaded guilty to a violation of this 6942
section, any traffic-related homicide, manslaughter, or assault 6943
offense, or any traffic-related murder, felonious assault, or 6944
attempted murder offense, a class three suspension of the 6945
offender's driver's license, commercial driver's license, 6946
temporary instruction permit, probationary license, or nonresident 6947
operating privilege from the range specified in division (A)(3) of 6948
that section. 6949

(3) Except as otherwise provided in this division, vehicular 6950
assault committed in violation of division (A)(3) of this section 6951
is a misdemeanor of the first degree. Vehicular assault committed 6952
in violation of division (A)(3) of this section is a felony of the 6953
fourth degree if, at the time of the offense, the offender was 6954
driving under a suspension imposed under Chapter 4510. or any 6955
other provision of the Revised Code or if the offender previously 6956
has been convicted of or pleaded guilty to a violation of this 6957
section or any traffic-related homicide, manslaughter, or assault 6958
offense. 6959

In addition to any other sanctions imposed, the court shall 6960
impose upon the offender a class four suspension of the offender's 6961
driver's license, commercial driver's license, temporary 6962
instruction permit, probationary license, or nonresident operating 6963
privilege from the range specified in division (A)(4) of section 6964
4510.02 of the Revised Code or, if the offender previously has 6965
been convicted of or pleaded guilty to a violation of this 6966
section, any traffic-related homicide, manslaughter, or assault 6967
offense, or any traffic-related murder, felonious assault, or 6968
attempted murder offense, a class three suspension of the 6969
offender's driver's license, commercial driver's license, 6970
temporary instruction permit, probationary license, or nonresident 6971
operating privilege from the range specified in division (A)(3) of 6972

section 4510.02 of the Revised Code. 6973

(D)(1) The court shall impose a mandatory prison term on an 6974
offender who is convicted of or pleads guilty to a violation of 6975
division (A)(1) of this section. 6976

(2) The court shall impose a mandatory prison term on an 6977
offender who is convicted of or pleads guilty to a violation of 6978
division (A)(2) of this section or a felony violation of division 6979
(A)(3) of this section if either of the following applies: 6980

(a) The offender previously has been convicted of or pleaded 6981
guilty to a violation of this section or section 2903.06 of the 6982
Revised Code. 6983

(b) At the time of the offense, the offender was driving 6984
under suspension under Chapter 4510. or any other provision of the 6985
Revised Code. 6986

(3) The court shall impose a mandatory jail term of at least 6987
seven days on an offender who is convicted of or pleads guilty to 6988
a misdemeanor violation of division (A)(3) of this section and may 6989
impose upon the offender a longer jail term as authorized pursuant 6990
to section 2929.24 of the Revised Code. 6991

(E) Divisions (A)(2)(a) and (3) of this section do not apply 6992
in a particular construction zone unless signs of the type 6993
described in section 2903.081 of the Revised Code are erected in 6994
that construction zone in accordance with the guidelines and 6995
design specifications established by the director of 6996
transportation under section 5501.27 of the Revised Code. The 6997
failure to erect signs of the type described in section 2903.081 6998
of the Revised Code in a particular construction zone in 6999
accordance with those guidelines and design specifications does 7000
not limit or affect the application of division (A)(1) or (2)(b) 7001
of this section in that construction zone or the prosecution of 7002
any person who violates either of those divisions in that 7003

construction zone. 7004

(F) As used in this section: 7005

(1) "Mandatory prison term" and "mandatory jail term" have 7006
the same meanings as in section 2929.01 of the Revised Code. 7007

(2) "Traffic-related homicide, manslaughter, or assault 7008
offense" and "traffic-related murder, felonious assault, or 7009
attempted murder offense" have the same meanings as in section 7010
2903.06 of the Revised Code. 7011

(3) "Construction zone" has the same meaning as in section 7012
5501.27 of the Revised Code. 7013

(4) "Reckless operation offense" and "speeding offense" have 7014
the same meanings as in section 2903.06 of the Revised Code. 7015

(G) For the purposes of this section, when a penalty or 7016
suspension is enhanced because of a prior or current violation of 7017
a specified law or a prior or current specified offense, the 7018
reference to the violation of the specified law or the specified 7019
offense includes any violation of any substantially equivalent 7020
municipal ordinance, township resolution, former law of this 7021
state, or current or former law of another state or the United 7022
States. 7023

Sec. 2903.212. (A) Except when the complaint involves a 7024
person who is a family or household member as defined in section 7025
2919.25 of the Revised Code, if a person is charged with a 7026
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 7027
the Revised Code, a violation of a municipal ordinance or township 7028
resolution that is substantially similar to one of those sections, 7029
or a sexually oriented offense and if the person, at the time of 7030
the alleged violation, was subject to the terms of any order 7031
issued pursuant to section 2903.213, ~~2933.08~~, or 2945.04 of the 7032
Revised Code or previously had been convicted of or pleaded guilty 7033

to a violation of section 2903.21, 2903.211, 2903.22, or 2911.211 7034
of the Revised Code that involves the same complainant, a 7035
violation of a municipal ordinance or township resolution that is 7036
substantially similar to one of those sections and that involves 7037
the same complainant, or a sexually oriented offense that involves 7038
the same complainant, the court shall consider all of the 7039
following, in addition to any other circumstances considered by 7040
the court and notwithstanding any provisions to the contrary 7041
contained in Criminal Rule 46, before setting the amount and 7042
conditions of the bail for the person: 7043

(1) Whether the person has a history of violence toward the 7044
complainant or a history of other violent acts; 7045

(2) The mental health of the person; 7046

(3) Whether the person has a history of violating the orders 7047
of any court or governmental entity; 7048

(4) Whether the person is potentially a threat to any other 7049
person; 7050

(5) Whether setting bail at a high level will interfere with 7051
any treatment or counseling that the person is undergoing. 7052

(B) Any court that has jurisdiction over violations of 7053
section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised 7054
Code, violations of a municipal ordinance or township resolution 7055
that is substantially similar to one of those sections, or 7056
sexually oriented offenses may set a schedule for bail to be used 7057
in cases involving those violations. The schedule shall require 7058
that a judge consider all of the factors listed in division (A) of 7059
this section and may require judges to set bail at a certain level 7060
or impose other reasonable conditions related to a release on bail 7061
or on recognizance if the history of the alleged offender or the 7062
circumstances of the alleged offense meet certain criteria in the 7063
schedule. 7064

(C) As used in this section, "sexually oriented offense" has 7065
the same meaning as in section 2950.01 of the Revised Code. 7066

Sec. 2903.213. (A) Except when the complaint involves a 7067
person who is a family or household member as defined in section 7068
2919.25 of the Revised Code, upon the filing of a complaint that 7069
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7070
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7071
a municipal ordinance or township resolution substantially similar 7072
to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 7073
Revised Code, or the commission of a sexually oriented offense, 7074
the complainant, the alleged victim, or a family or household 7075
member of an alleged victim may file a motion that requests the 7076
issuance of a protection order as a pretrial condition of release 7077
of the alleged offender, in addition to any bail set under 7078
Criminal Rule 46. The motion shall be filed with the clerk of the 7079
court that has jurisdiction of the case at any time after the 7080
filing of the complaint. If the complaint involves a person who is 7081
a family or household member, the complainant, the alleged victim, 7082
or the family or household member may file a motion for a 7083
temporary protection order pursuant to section 2919.26 of the 7084
Revised Code. 7085

(B) A motion for a protection order under this section shall 7086
be prepared on a form that is provided by the clerk of the court, 7087
and the form shall be substantially as follows: 7088

"Motion for Protection Order 7089

..... 7090

Name and address of court 7091

State of Ohio 7092

v. No. 7093

..... 7094

Name of Defendant 7095

(Name of person), moves the court to issue a protection order 7096
containing terms designed to ensure the safety and protection of 7097
the complainant or the alleged victim in the above-captioned case, 7098
in relation to the named defendant, pursuant to its authority to 7099
issue a protection order under section 2903.213 of the Revised 7100
Code. 7101

A complaint, a copy of which has been attached to this 7102
motion, has been filed in this court charging the named defendant 7103
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7104
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7105
a municipal ordinance or township resolution substantially similar 7106
to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 7107
Revised Code, or the commission of a sexually oriented offense. 7108

I understand that I must appear before the court, at a time 7109
set by the court not later than the next day that the court is in 7110
session after the filing of this motion, for a hearing on the 7111
motion, and that any protection order granted pursuant to this 7112
motion is a pretrial condition of release and is effective only 7113
until the disposition of the criminal proceeding arising out of 7114
the attached complaint or until the issuance under section 7115
2903.214 of the Revised Code of a protection order arising out of 7116
the same activities as those that were the basis of the attached 7117
complaint. 7118

..... 7119

Signature of person 7120

..... 7121

Address of person" 7122

(C)(1) As soon as possible after the filing of a motion that 7123
requests the issuance of a protection order under this section, 7124
but not later than the next day that the court is in session after 7125
the filing of the motion, the court shall conduct a hearing to 7126

determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance or township resolution substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(D)(1) Except when the complaint involves a person who is a

family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation specified in division (A) of this section, the court, upon its own motion, may issue a protection order under this section as a pretrial condition of release of the alleged offender if it finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender.

(2) If the court issues a protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order but not later than the next day that the court is in session after its issuance, a hearing to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a

preliminary hearing that there is probable cause to believe that 7191
the felony has been committed and that the alleged offender 7192
committed it, as a result of the alleged offender having been 7193
indicted for the felony, or in any other manner. 7194

(E) A protection order that is issued as a pretrial condition 7195
of release under this section: 7196

(1) Is in addition to, but shall not be construed as a part 7197
of, any bail set under Criminal Rule 46; 7198

(2) Is effective only until the disposition, by the court 7199
that issued the order or, in the circumstances described in 7200
division (D)(3) of this section, by the court of common pleas to 7201
which the alleged offender is bound over for prosecution, of the 7202
criminal proceeding arising out of the complaint upon which the 7203
order is based or until the issuance under section 2903.214 of the 7204
Revised Code of a protection order arising out of the same 7205
activities as those that were the basis of the complaint filed 7206
under this section; 7207

(3) Shall not be construed as a finding that the alleged 7208
offender committed the alleged offense and shall not be introduced 7209
as evidence of the commission of the offense at the trial of the 7210
alleged offender on the complaint upon which the order is based. 7211

(F) A person who meets the criteria for bail under Criminal 7212
Rule 46 and who, if required to do so pursuant to that rule, 7213
executes or posts bond or deposits cash or securities as bail, 7214
shall not be held in custody pending a hearing before the court on 7215
a motion requesting a protection order under this section. 7216

(G)(1) A copy of a protection order that is issued under this 7217
section shall be issued by the court to the complainant, to the 7218
alleged victim, to the person who requested the order, to the 7219
defendant, and to all law enforcement agencies that have 7220
jurisdiction to enforce the order. The court shall direct that a 7221

copy of the order be delivered to the defendant on the same day 7222
that the order is entered. If a municipal court or a county court 7223
issues a protection order under this section and if, subsequent to 7224
the issuance of the order, the defendant who is the subject of the 7225
order is bound over to the court of common pleas for prosecution 7226
as described in division (D)(3) of this section, the municipal 7227
court or county court shall direct that a copy of the order be 7228
delivered to the court of common pleas to which the defendant is 7229
bound over. 7230

(2) All law enforcement agencies shall establish and maintain 7231
an index for the protection orders delivered to the agencies 7232
pursuant to division (G)(1) of this section. With respect to each 7233
order delivered, each agency shall note on the index the date and 7234
time of the agency's receipt of the order. 7235

(3) Regardless of whether the petitioner has registered the 7236
protection order in the county in which the officer's agency has 7237
jurisdiction, any officer of a law enforcement agency shall 7238
enforce a protection order issued pursuant to this section in 7239
accordance with the provisions of the order. 7240

(H) Upon a violation of a protection order issued pursuant to 7241
this section, the court may issue another protection order under 7242
this section, as a pretrial condition of release, that modifies 7243
the terms of the order that was violated. 7244

(I) Notwithstanding any provision of law to the contrary and 7245
regardless of whether a protection order is issued or a consent 7246
agreement is approved by a court of another county or by a court 7247
of another state, no court or unit of state or local government 7248
shall charge any fee, cost, deposit, or money in connection with 7249
the filing of a motion pursuant to this section, in connection 7250
with the filing, issuance, registration, or service of a 7251
protection order or consent agreement, or for obtaining certified 7252
copies of a protection order or consent agreement. 7253

(J) As used in this section, "sexually oriented offense" has 7254
the same meaning as in section 2950.01 of the Revised Code. 7255

Sec. 2903.214. (A) As used in this section: 7256

(1) "Court" means the court of common pleas of the county in 7257
which the person to be protected by the protection order resides. 7258

(2) "Victim advocate" means a person who provides support and 7259
assistance for a person who files a petition under this section. 7260

(3) "Family or household member" has the same meaning as in 7261
section 3113.31 of the Revised Code. 7262

(4) "Protection order issued by a court of another state" has 7263
the same meaning as in section 2919.27 of the Revised Code. 7264

(5) "Sexually oriented offense" has the same meaning as in 7265
section 2950.01 of the Revised Code. 7266

(B) The court has jurisdiction over all proceedings under 7267
this section. 7268

(C) A person may seek relief under this section for the 7269
person, or any parent or adult household member may seek relief 7270
under this section on behalf of any other family or household 7271
member, by filing a petition with the court. The petition shall 7272
contain or state both of the following: 7273

(1) An allegation that the respondent engaged in a violation 7274
of section 2903.211 of the Revised Code against the person to be 7275
protected by the protection order or committed a sexually oriented 7276
offense against the person to be protected by the protection 7277
order, including a description of the nature and extent of the 7278
violation; 7279

(2) A request for relief under this section. 7280

(D)(1) If a person who files a petition pursuant to this 7281
section requests an ex parte order, the court shall hold an ex 7282

parte hearing as soon as possible after the petition is filed, but 7283
not later than the next day that the court is in session after the 7284
petition is filed. The court, for good cause shown at the ex parte 7285
hearing, may enter any temporary orders, with or without bond, 7286
that the court finds necessary for the safety and protection of 7287
the person to be protected by the order. Immediate and present 7288
danger to the person to be protected by the protection order 7289
constitutes good cause for purposes of this section. Immediate and 7290
present danger includes, but is not limited to, situations in 7291
which the respondent has threatened the person to be protected by 7292
the protection order with bodily harm or in which the respondent 7293
previously has been convicted of or pleaded guilty to a violation 7294
of section 2903.211 of the Revised Code or a sexually oriented 7295
offense against the person to be protected by the protection 7296
order. 7297

(2)(a) If the court, after an ex parte hearing, issues a 7298
protection order described in division (E) of this section, the 7299
court shall schedule a full hearing for a date that is within ten 7300
court days after the ex parte hearing. The court shall give the 7301
respondent notice of, and an opportunity to be heard at, the full 7302
hearing. The court shall hold the full hearing on the date 7303
scheduled under this division unless the court grants a 7304
continuance of the hearing in accordance with this division. Under 7305
any of the following circumstances or for any of the following 7306
reasons, the court may grant a continuance of the full hearing to 7307
a reasonable time determined by the court: 7308

(i) Prior to the date scheduled for the full hearing under 7309
this division, the respondent has not been served with the 7310
petition filed pursuant to this section and notice of the full 7311
hearing. 7312

(ii) The parties consent to the continuance. 7313

(iii) The continuance is needed to allow a party to obtain 7314

counsel. 7315

(iv) The continuance is needed for other good cause. 7316

(b) An ex parte order issued under this section does not 7317
expire because of a failure to serve notice of the full hearing 7318
upon the respondent before the date set for the full hearing under 7319
division (D)(2)(a) of this section or because the court grants a 7320
continuance under that division. 7321

(3) If a person who files a petition pursuant to this section 7322
does not request an ex parte order, or if a person requests an ex 7323
parte order but the court does not issue an ex parte order after 7324
an ex parte hearing, the court shall proceed as in a normal civil 7325
action and grant a full hearing on the matter. 7326

(E)(1) After an ex parte or full hearing, the court may issue 7327
any protection order, with or without bond, that contains terms 7328
designed to ensure the safety and protection of the person to be 7329
protected by the protection order, including, but not limited to, 7330
a requirement that the respondent refrain from entering the 7331
residence, school, business, or place of employment of the 7332
petitioner or family or household member. If the court includes a 7333
requirement that the respondent refrain from entering the 7334
residence, school, business, or place of employment of the 7335
petitioner or family or household member in the order, it also 7336
shall include in the order provisions of the type described in 7337
division (E)(5) of this section. 7338

(2)(a) Any protection order issued pursuant to this section 7339
shall be valid until a date certain but not later than five years 7340
from the date of its issuance. 7341

(b) Any protection order issued pursuant to this section may 7342
be renewed in the same manner as the original order was issued. 7343

(3) A court may not issue a protection order that requires a 7344
petitioner to do or to refrain from doing an act that the court 7345

may require a respondent to do or to refrain from doing under 7346
division (E)(1) of this section unless all of the following apply: 7347

(a) The respondent files a separate petition for a protection 7348
order in accordance with this section. 7349

(b) The petitioner is served with notice of the respondent's 7350
petition at least forty-eight hours before the court holds a 7351
hearing with respect to the respondent's petition, or the 7352
petitioner waives the right to receive this notice. 7353

(c) If the petitioner has requested an ex parte order 7354
pursuant to division (D) of this section, the court does not delay 7355
any hearing required by that division beyond the time specified in 7356
that division in order to consolidate the hearing with a hearing 7357
on the petition filed by the respondent. 7358

(d) After a full hearing at which the respondent presents 7359
evidence in support of the request for a protection order and the 7360
petitioner is afforded an opportunity to defend against that 7361
evidence, the court determines that the petitioner has committed a 7362
violation of section 2903.211 of the Revised Code against the 7363
person to be protected by the protection order issued pursuant to 7364
this section, has committed a sexually oriented offense against 7365
the person to be protected by the protection order, or has 7366
violated a protection order issued pursuant to section 2903.213 of 7367
the Revised Code relative to the person to be protected by the 7368
protection order issued pursuant to this section. 7369

(4) No protection order issued pursuant to this section shall 7370
in any manner affect title to any real property. 7371

(5)(a) If the court issues a protection order under this 7372
section that includes a requirement that the alleged offender 7373
refrain from entering the residence, school, business, or place of 7374
employment of the petitioner or a family or household member, the 7375
order shall clearly state that the order cannot be waived or 7376

nullified by an invitation to the alleged offender from the complainant to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the petitioner or family or household member.

(b) Division (E)(5)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance or township resolution substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(F)(1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent on the same day that the order is entered.

(2) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(3) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G) Any proceeding under this section shall be conducted in 7408
accordance with the Rules of Civil Procedure, except that a 7409
protection order may be obtained under this section with or 7410
without bond. An order issued under this section, other than an ex 7411
parte order, that grants a protection order, or that refuses to 7412
grant a protection order, is a final, appealable order. The 7413
remedies and procedures provided in this section are in addition 7414
to, and not in lieu of, any other available civil or criminal 7415
remedies. 7416

(H) The filing of proceedings under this section does not 7417
excuse a person from filing any report or giving any notice 7418
required by section 2151.421 of the Revised Code or by any other 7419
law. 7420

(I) Any law enforcement agency that investigates an alleged 7421
violation of section 2903.211 of the Revised Code or an alleged 7422
commission of a sexually oriented offense shall provide 7423
information to the victim and the family or household members of 7424
the victim regarding the relief available under this section and 7425
section 2903.213 of the Revised Code. 7426

(J) Notwithstanding any provision of law to the contrary and 7427
regardless of whether a protection order is issued or a consent 7428
agreement is approved by a court of another county or by a court 7429
of another state, no court or unit of state or local government 7430
shall charge any fee, cost, deposit, or money in connection with 7431
the filing of a petition pursuant to this section, in connection 7432
with the filing, issuance, registration, or service of a 7433
protection order or consent agreement, or for obtaining a 7434
certified copy of a protection order or consent agreement. 7435

(K)(1) A person who violates a protection order issued under 7436
this section is subject to the following sanctions: 7437

(a) Criminal prosecution for a violation of section 2919.27 7438

of the Revised Code, if the violation of the protection order 7439
constitutes a violation of that section; 7440

(b) Punishment for contempt of court. 7441

(2) The punishment of a person for contempt of court for 7442
violation of a protection order issued under this section does not 7443
bar criminal prosecution of the person for a violation of section 7444
2919.27 of the Revised Code. However, a person punished for 7445
contempt of court is entitled to credit for the punishment imposed 7446
upon conviction of a violation of that section, and a person 7447
convicted of a violation of that section shall not subsequently be 7448
punished for contempt of court arising out of the same activity. 7449

(L) In all stages of a proceeding under this section, a 7450
petitioner may be accompanied by a victim advocate. 7451

(M)(1) A petitioner who obtains a protection order under this 7452
section or a protection order under section 2903.213 of the 7453
Revised Code may provide notice of the issuance or approval of the 7454
order to the judicial and law enforcement officials in any county 7455
other than the county in which the order is issued by registering 7456
that order in the other county pursuant to division (M)(2) of this 7457
section and filing a copy of the registered order with a law 7458
enforcement agency in the other county in accordance with that 7459
division. A person who obtains a protection order issued by a 7460
court of another state may provide notice of the issuance of the 7461
order to the judicial and law enforcement officials in any county 7462
of this state by registering the order in that county pursuant to 7463
section 2919.272 of the Revised Code and filing a copy of the 7464
registered order with a law enforcement agency in that county. 7465

(2) A petitioner may register a protection order issued 7466
pursuant to this section or section 2903.213 of the Revised Code 7467
in a county other than the county in which the court that issued 7468
the order is located in the following manner: 7469

(a) The petitioner shall obtain a certified copy of the order 7470
from the clerk of the court that issued the order and present that 7471
certified copy to the clerk of the court of common pleas or the 7472
clerk of a municipal court or county court in the county in which 7473
the order is to be registered. 7474

(b) Upon accepting the certified copy of the order for 7475
registration, the clerk of the court of common pleas, municipal 7476
court, or county court shall place an endorsement of registration 7477
on the order and give the petitioner a copy of the order that 7478
bears that proof of registration. 7479

(3) The clerk of each court of common pleas, municipal court, 7480
or county court shall maintain a registry of certified copies of 7481
protection orders that have been issued by courts in other 7482
counties pursuant to this section or section 2903.213 of the 7483
Revised Code and that have been registered with the clerk. 7484

Sec. 2907.24. (A) No person shall solicit another to engage 7485
with such other person in sexual activity for hire. 7486

(B) No person, with knowledge that the person has tested 7487
positive as a carrier of a virus that causes acquired 7488
immunodeficiency syndrome, shall engage in conduct in violation of 7489
division (A) of this section. 7490

(C)(1) Whoever violates division (A) of this section is 7491
guilty of soliciting, a misdemeanor of the third degree. 7492

(2) Whoever violates division (B) of this section is guilty 7493
of engaging in solicitation after a positive HIV test. If the 7494
offender commits the violation prior to July 1, 1996, engaging in 7495
solicitation after a positive HIV test is a felony of the second 7496
degree. If the offender commits the violation on or after July 1, 7497
1996, engaging in solicitation after a positive HIV test is a 7498
felony of the third degree. 7499

(D) If a person is convicted of or pleads guilty to a violation of any provision of this section, an attempt to commit a violation of any provision of this section, or a violation of or an attempt to commit a violation of a municipal ordinance or township resolution that is substantially equivalent to any provision of this section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person'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.

Sec. 2907.27. (A)(1) If a person is charged with a violation of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance or township resolution that is substantially equivalent to any of those sections, the arresting authorities or a court, upon the request of the prosecutor in the case or upon the request of the victim, shall cause the accused to submit to one or more appropriate tests to determine if the accused is suffering from a venereal disease.

(2) If the accused is found to be suffering from a venereal disease in an infectious stage, the accused shall be required to submit to medical treatment for that disease. The cost of the medical treatment shall be charged to and paid by the accused who undergoes the treatment. If the accused is indigent, the court shall order the accused to report to a facility operated by a city health district or a general health district for treatment. If the accused is convicted of or pleads guilty to the offense with which the accused is charged and is placed under a community control

sanction, a condition of community control shall be that the 7532
offender submit to and faithfully follow a course of medical 7533
treatment for the venereal disease. If the offender does not seek 7534
the required medical treatment, the court may revoke the 7535
offender's community control and order the offender to undergo 7536
medical treatment during the period of the offender's 7537
incarceration and to pay the cost of that treatment. 7538

(B)(1)(a) Notwithstanding the requirements for informed 7539
consent in section 3701.242 of the Revised Code, if a person is 7540
charged with a violation of division (B) of section 2903.11 or of 7541
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 7542
2907.241, or 2907.25 of the Revised Code or with a violation of a 7543
municipal ordinance or township resolution that is substantially 7544
equivalent to that division or any of those sections, the court, 7545
upon the request of the prosecutor in the case, upon the request 7546
of the victim, or upon the request of any other person whom the 7547
court reasonably believes had contact with the accused in 7548
circumstances related to the violation that could have resulted in 7549
the transmission to that person of a virus that causes acquired 7550
immunodeficiency syndrome, shall cause the accused to submit to 7551
one or more tests designated by the director of health under 7552
section 3701.241 of the Revised Code to determine if the accused 7553
is a carrier of a virus that causes acquired immunodeficiency 7554
syndrome. The court, upon the request of the prosecutor in the 7555
case, upon the request of the victim with the agreement of the 7556
prosecutor, or upon the request of any other person with the 7557
agreement of the prosecutor, may cause an accused who is charged 7558
with a violation of any other section of the Revised Code or with 7559
a violation of any other municipal ordinance to submit to one or 7560
more tests so designated by the director of health if the 7561
circumstances of the violation indicate probable cause to believe 7562
that the accused, if the accused is infected with the virus that 7563
causes acquired immunodeficiency syndrome, might have transmitted 7564

the virus to any of the following persons in committing the violation: 7565
7566

(i) In relation to a request made by the prosecuting attorney, to the victim or to any other person; 7567
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(ii) In relation to a request made by the victim, to the victim making the request; 7569
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(iii) In relation to a request made by any other person, to the person making the request. 7571
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(b) The results of a test performed under division (B)(1)(a) of this section shall be communicated in confidence to the court, and the court shall inform the accused of the result. The court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. If the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request. Additionally, regardless of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of the virus to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request. If the accused tests positive for a virus that causes acquired immunodeficiency syndrome, the test results shall be reported to the department of health in accordance with section 3701.24 of the Revised Code and to the sheriff, head of the state correctional institution, or other person in charge of any jail or prison in which the accused is incarcerated. If the accused tests positive for a virus that causes acquired immunodeficiency syndrome and the accused was charged with, and was convicted of or 7573
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pleaded guilty to, a violation of section 2907.24, 2907.241, or 7597
2907.25 of the Revised Code or a violation of a municipal 7598
ordinance or township resolution that is substantially equivalent 7599
to any of those sections, the test results also shall be reported 7600
to the law enforcement agency that arrested the accused, and the 7601
law enforcement agency may use the test results as the basis for 7602
any future charge of a violation of division (B) of any of those 7603
sections or a violation of a municipal ordinance or township 7604
resolution that is substantially equivalent to division (B) of any 7605
of those sections. No other disclosure of the test results or the 7606
fact that a test was performed shall be made, other than as 7607
evidence in a grand jury proceeding or as evidence in a judicial 7608
proceeding in accordance with the Rules of Evidence. If the test 7609
result is negative, and the charge has not been dismissed or if 7610
the accused has been convicted of the charge or a different 7611
offense arising out of the same circumstances as the offense 7612
charged, the court shall order that the test be repeated not 7613
earlier than three months nor later than six months after the 7614
original test. 7615

(2) If an accused who is free on bond refuses to submit to a 7616
test ordered by the court pursuant to division (B)(1) of this 7617
section, the court may order that the accused's bond be revoked 7618
and that the accused be incarcerated until the test is performed. 7619
If an accused who is incarcerated refuses to submit to a test 7620
ordered by the court pursuant to division (B)(1) of this section, 7621
the court shall order the person in charge of the jail or prison 7622
in which the accused is incarcerated to take any action necessary 7623
to facilitate the performance of the test, including the forcible 7624
restraint of the accused for the purpose of drawing blood to be 7625
used in the test. 7626

(3) A state agency, a political subdivision of the state, or 7627
an employee of a state agency or of a political subdivision of the 7628

state is immune from liability in a civil action to recover 7629
damages for injury, death, or loss to person or property allegedly 7630
caused by any act or omission in connection with the performance 7631
of the duties required under division (B)(2) of this section 7632
unless the acts or omissions are with malicious purpose, in bad 7633
faith, or in a wanton or reckless manner. 7634

(C) As used in this section, "community control sanction" has 7635
the same meaning as in section 2929.01 of the Revised Code. 7636

Sec. 2907.28. (A) Any cost incurred by a hospital or 7637
emergency medical facility in conducting a medical examination of 7638
a victim of an offense under any provision of sections 2907.02 to 7639
2907.06 of the Revised Code for the purpose of gathering physical 7640
evidence for a possible prosecution, including the cost of any 7641
antibiotics administered as part of the examination, shall be paid 7642
out of the reparations fund established pursuant to section 7643
2743.191 of the Revised Code, subject to the following conditions: 7644

(1) The hospital or emergency facility shall follow a 7645
protocol for conducting such medical examinations that is 7646
identified by the attorney general in rule adopted in accordance 7647
with Chapter 119. of the Revised Code. 7648

(2) The hospital or emergency facility shall submit requests 7649
for payment to the attorney general on a monthly basis, through a 7650
procedure determined by the attorney general and on forms approved 7651
by the attorney general. The requests shall identify the number of 7652
sexual assault examinations performed and shall verify that all 7653
required protocols were met for each examination form submitted 7654
for payment in the request. 7655

(3) The attorney general shall review all requests for 7656
payment that are submitted under division (A)(2) of this section 7657
and shall submit for payment as described in division (A)(5) of 7658
this section all requests that meet the requirements of this 7659

section. 7660

(4) The hospital or emergency facility shall accept a flat 7661
fee payment for conducting each examination in the amount 7662
determined by the attorney general pursuant to Chapter 119. of the 7663
Revised Code as payment in full for any cost incurred in 7664
conducting a medical examination and test of a victim of an 7665
offense under any provision of sections 2907.02 to 2907.06 of the 7666
Revised Code for the purpose of gathering physical evidence for a 7667
possible prosecution of a person. The attorney general shall 7668
determine a flat fee payment amount to be paid under this division 7669
that is reasonable. 7670

(5) In approving a payment under this section, the attorney 7671
general shall order the payment against the state. The payment 7672
shall be accomplished only through the following procedure, and 7673
the procedure may be enforced through a mandamus action and a writ 7674
of mandamus directed to the appropriate official: 7675

(a) The attorney general shall provide for payment in the 7676
amount set forth in the order. 7677

(b) The expense of the payment of the amount described in 7678
this section shall be charged against all available unencumbered 7679
moneys in the reparations fund. 7680

(B) No costs incurred by a hospital or emergency facility in 7681
conducting a medical examination and test of any victim of an 7682
offense under any provision of sections 2907.02 to 2907.06 of the 7683
Revised Code for the purpose of gathering physical evidence for a 7684
possible prosecution of a person shall be billed or charged 7685
directly or indirectly to the victim or the victim's insurer. 7686

(C) Any cost incurred by a hospital or emergency medical 7687
facility in conducting a medical examination and test of any 7688
person who is charged with a violation of division (B) of section 7689
2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 7690

2907.241, or 2907.25 of the Revised Code or with a violation of a 7691
municipal ordinance or township resolution that is substantially 7692
equivalent to that division or any of those sections, pursuant to 7693
division (B) of section 2907.27 of the Revised Code, shall be 7694
charged to and paid by the accused who undergoes the examination 7695
and test, unless the court determines that the accused is unable 7696
to pay, in which case the cost shall be charged to and paid by the 7697
municipal corporation in which the offense allegedly was 7698
committed, ~~or charged to and paid by the township in which the~~ 7699
offense allegedly was committed if the offense is a violation of a 7700
township resolution, or by the county if the offense allegedly was 7701
committed within an unincorporated area and is not a violation of 7702
a township resolution. If separate counts of an alleged offense or 7703
alleged separate offenses under section 2907.02, 2907.03, 2907.04, 7704
2907.05, 2907.24, 2907.241, or 2907.25 of the Revised Code or 7705
under a municipal ordinance or township resolution that is 7706
substantially equivalent to any of those sections took place in 7707
more than one municipal corporation or more than one 7708
unincorporated area, or both, the local governments shall share 7709
the cost of the examination and test. If a hospital or other 7710
emergency medical facility has submitted charges for the cost of a 7711
medical examination and test to an accused and has been unable to 7712
collect payment for the charges after making good faith attempts 7713
to collect for a period of six months or more, the cost shall be 7714
charged to and paid by the appropriate municipal corporation or 7715
county as specified in division (C) of this section. 7716

Sec. 2907.41. (A) Subject to division (D) of this section, a 7717
person who is charged with the commission of any sexually oriented 7718
offense or with a violation of section 2907.09 of the Revised Code 7719
shall appear before the court for the setting of bail if the 7720
person charged previously was convicted of or pleaded guilty to a 7721
sexually oriented offense, a violation of section 2907.09 of the 7722

Revised Code, or a violation of an existing or former municipal 7723
ordinance, township resolution, or law of this or any other state 7724
or the United States that is substantially similar to section 7725
2907.09 of the Revised Code. 7726

(B) To the extent that information about any of the following 7727
is available to the court, the court, in addition to any other 7728
circumstances considered by the court and notwithstanding any 7729
provisions to the contrary contained in Criminal Rule 46, shall 7730
consider all of the following before setting bail for a person who 7731
appears before the court pursuant to division (A) of this section: 7732

(1) Whether the person previously has been adjudicated a 7733
sexual predator or child-victim predator pursuant to Chapter 2950. 7734
of the Revised Code, previously has been determined to be a 7735
habitual sex offender or habitual child-victim offender pursuant 7736
to that ~~Chapter~~ chapter, has a history of committing sexually 7737
oriented offenses or child-victim oriented offenses, or has a 7738
history of committing violations of section 2907.09 of the Revised 7739
Code or violations of an existing or former municipal ordinance, 7740
township resolution, or law of this or any other state or the 7741
United States that is substantially similar to that section; 7742

(2) The mental health of the person; 7743

(3) Whether the person has a history of violating the orders 7744
of any court or governmental entity; 7745

(4) Whether the person is potentially a threat to any other 7746
person; 7747

(5) Whether the person has access to deadly weapons or a 7748
history of using deadly weapons; 7749

(6) Whether the person has a history of abusing alcohol or 7750
any controlled substance; 7751

(7) The severity of the alleged conduct of the person that is 7752

the basis of the offense, including but not limited to, the 7753
duration of the alleged conduct, and whether the alleged conduct 7754
involved physical injury, assault, violence, or forcible entry to 7755
gain access to an alleged victim; 7756

(8) Whether the person has exhibited obsessive or controlling 7757
behaviors toward another person, including, but not limited to, 7758
stalking, surveillance, or isolation of another person; 7759

(9) Whether the person has expressed suicidal or homicidal 7760
ideations; 7761

(10) Any information contained in the complaint and any 7762
police reports, affidavits, or other documents accompanying the 7763
complaint. 7764

(C) Any court that has jurisdiction over charges alleging the 7765
commission of a sexually oriented offense or a violation of 7766
section 2907.09 of the Revised Code, in circumstances in which the 7767
person charged previously was convicted of or pleaded guilty to 7768
any of the offenses or violations described in division (A) of 7769
this section, may set a schedule for bail to be used in cases 7770
involving those offenses and violations. The schedule shall 7771
require that a judge consider all of the factors listed in 7772
division (B) of this section and may require judges to set bail at 7773
a certain level if the history of the alleged offender or the 7774
circumstances of the alleged offense meet certain criteria in the 7775
schedule. 7776

(D)(1) Upon the court's own motion or the motion of a party 7777
and upon any terms that the court may direct, a court may permit a 7778
person who is required to appear before it by division (A) of this 7779
section to appear by video conferencing equipment. 7780

(2) If, in the opinion of the court, the appearance in person 7781
or by video conferencing equipment of a person who is charged with 7782
a misdemeanor and who is required to appear before the court by 7783

division (A) of this section is not practicable, the court may 7784
waive the appearance and release the person on bail in accordance 7785
with the court's schedule for bail set under division (C) of this 7786
section or, if the court has not set a schedule for bail under 7787
that division, on one or both of the following types of bail in an 7788
amount set by the court: 7789

(a) A bail bond secured by a deposit of ten per cent of the 7790
amount of the bond in cash; 7791

(b) A surety bond, a bond secured by real estate or 7792
securities as allowed by law, or the deposit of cash, at the 7793
option of the person. 7794

(3) Division (A) of this section does not create a right in a 7795
person to appear before the court for the setting of bail or 7796
prohibit a court from requiring any person charged with a sexually 7797
oriented offense or a violation of section 2907.09 of the Revised 7798
Code who is not described in that division from appearing before 7799
the court for the setting of bail. 7800

(E) As used in this section, "child-victim oriented offense," 7801
"child-victim predator," "habitual child-victim offender," 7802
"habitual sex offender," "sexually oriented offense," and "sexual 7803
predator" have the same meanings as in section 2950.01 of the 7804
Revised Code. 7805

Sec. 2913.01. As used in this chapter, unless the context 7806
requires that a term be given a different meaning: 7807

(A) "Deception" means knowingly deceiving another or causing 7808
another to be deceived by any false or misleading representation, 7809
by withholding information, by preventing another from acquiring 7810
information, or by any other conduct, act, or omission that 7811
creates, confirms, or perpetuates a false impression in another, 7812
including a false impression as to law, value, state of mind, or 7813

other objective or subjective fact. 7814

(B) "Defraud" means to knowingly obtain, by deception, some 7815
benefit for oneself or another, or to knowingly cause, by 7816
deception, some detriment to another. 7817

(C) "Deprive" means to do any of the following: 7818

(1) Withhold property of another permanently, or for a period 7819
that appropriates a substantial portion of its value or use, or 7820
with purpose to restore it only upon payment of a reward or other 7821
consideration; 7822

(2) Dispose of property so as to make it unlikely that the 7823
owner will recover it; 7824

(3) Accept, use, or appropriate money, property, or services, 7825
with purpose not to give proper consideration in return for the 7826
money, property, or services, and without reasonable justification 7827
or excuse for not giving proper consideration. 7828

(D) "Owner" means, unless the context requires a different 7829
meaning, any person, other than the actor, who is the owner of, 7830
who has possession or control of, or who has any license or 7831
interest in property or services, even though the ownership, 7832
possession, control, license, or interest is unlawful. 7833

(E) "Services" include labor, personal services, professional 7834
services, public utility services including wireless service as 7835
defined in division (F)(1) of section 4931.40 of the Revised Code, 7836
common carrier services, and food, drink, transportation, 7837
entertainment, and cable television services and, for purposes of 7838
section 2913.04 of the Revised Code, include cable services as 7839
defined in that section. 7840

(F) "Writing" means any computer software, document, letter, 7841
memorandum, note, paper, plate, data, film, or other thing having 7842
in or upon it any written, typewritten, or printed matter, and any 7843

token, stamp, seal, credit card, badge, trademark, label, or other 7844
symbol of value, right, privilege, license, or identification. 7845

(G) "Forge" means to fabricate or create, in whole or in part 7846
and by any means, any spurious writing, or to make, execute, 7847
alter, complete, reproduce, or otherwise purport to authenticate 7848
any writing, when the writing in fact is not authenticated by that 7849
conduct. 7850

(H) "Utter" means to issue, publish, transfer, use, put or 7851
send into circulation, deliver, or display. 7852

(I) "Coin machine" means any mechanical or electronic device 7853
designed to do both of the following: 7854

(1) Receive a coin, bill, or token made for that purpose; 7855

(2) In return for the insertion or deposit of a coin, bill, 7856
or token, automatically dispense property, provide a service, or 7857
grant a license. 7858

(J) "Slug" means an object that, by virtue of its size, 7859
shape, composition, or other quality, is capable of being inserted 7860
or deposited in a coin machine as an improper substitute for a 7861
genuine coin, bill, or token made for that purpose. 7862

(K) "Theft offense" means any of the following: 7863

(1) A violation of section 2911.01, 2911.02, 2911.11, 7864
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 7865
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 7866
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 7867
2913.47, former section 2913.47 or 2913.48, or section 2913.51, 7868
2915.05, or 2921.41 of the Revised Code; 7869

(2) A violation of an existing or former municipal ordinance 7870
or law of this or any other state, or of the United States, 7871
substantially equivalent to any section listed in division (K)(1) 7872
of this section or a violation of section 2913.41, 2913.81, or 7873

2915.06 of the Revised Code as it existed prior to July 1, 1996; 7874

(3) An offense under an existing or former municipal 7875
ordinance, township resolution, or law of this or any other state, 7876
or of the United States, involving robbery, burglary, breaking and 7877
entering, theft, embezzlement, wrongful conversion, forgery, 7878
counterfeiting, deceit, or fraud; 7879

(4) A conspiracy or attempt to commit, or complicity in 7880
committing, any offense under division (K)(1), (2), or (3) of this 7881
section. 7882

(L) "Computer services" includes, but is not limited to, the 7883
use of a computer system, computer network, computer program, data 7884
that is prepared for computer use, or data that is contained 7885
within a computer system or computer network. 7886

(M) "Computer" means an electronic device that performs 7887
logical, arithmetic, and memory functions by the manipulation of 7888
electronic or magnetic impulses. "Computer" includes, but is not 7889
limited to, all input, output, processing, storage, computer 7890
program, or communication facilities that are connected, or 7891
related, in a computer system or network to an electronic device 7892
of that nature. 7893

(N) "Computer system" means a computer and related devices, 7894
whether connected or unconnected, including, but not limited to, 7895
data input, output, and storage devices, data communications 7896
links, and computer programs and data that make the system capable 7897
of performing specified special purpose data processing tasks. 7898

(O) "Computer network" means a set of related and remotely 7899
connected computers and communication facilities that includes 7900
more than one computer system that has the capability to transmit 7901
among the connected computers and communication facilities through 7902
the use of computer facilities. 7903

(P) "Computer program" means an ordered set of data 7904

representing coded instructions or statements that, when executed 7905
by a computer, cause the computer to process data. 7906

(Q) "Computer software" means computer programs, procedures, 7907
and other documentation associated with the operation of a 7908
computer system. 7909

(R) "Data" means a representation of information, knowledge, 7910
facts, concepts, or instructions that are being or have been 7911
prepared in a formalized manner and that are intended for use in a 7912
computer, computer system, or computer network. For purposes of 7913
section 2913.47 of the Revised Code, "data" has the additional 7914
meaning set forth in division (A) of that section. 7915

(S) "Cable television service" means any services provided by 7916
or through the facilities of any cable television system or other 7917
similar closed circuit coaxial cable communications system, or any 7918
microwave or similar transmission service used in connection with 7919
any cable television system or other similar closed circuit 7920
coaxial cable communications system. 7921

(T) "Gain access" means to approach, instruct, communicate 7922
with, store data in, retrieve data from, or otherwise make use of 7923
any resources of a computer, computer system, or computer network, 7924
or any cable service or cable system both as defined in section 7925
2913.04 of the Revised Code. 7926

(U) "Credit card" includes, but is not limited to, a card, 7927
code, device, or other means of access to a customer's account for 7928
the purpose of obtaining money, property, labor, or services on 7929
credit, or for initiating an electronic fund transfer at a 7930
point-of-sale terminal, an automated teller machine, or a cash 7931
dispensing machine. It also includes a county procurement card 7932
issued under section 301.29 of the Revised Code. 7933

(V) "Electronic fund transfer" has the same meaning as in 92 7934
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 7935

(W) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.

(X) "Telecommunication" means the origination, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.

(Y) "Telecommunications device" means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.

(Z) "Telecommunications service" means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

(AA) "Counterfeit telecommunications device" means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. "Counterfeit telecommunications device" includes, but is not

limited to, a clone telephone, clone microchip, tumbler telephone, 7968
or tumbler microchip; a wireless scanning device capable of 7969
acquiring, intercepting, receiving, or otherwise facilitating the 7970
use of telecommunications service or information service without 7971
immediate detection; or a device, equipment, hardware, or software 7972
designed for, or capable of, altering or changing the electronic 7973
serial number in a wireless telephone. 7974

(BB)(1) "Information service" means, subject to division 7975
(BB)(2) of this section, the offering of a capability for 7976
generating, acquiring, storing, transforming, processing, 7977
retrieving, utilizing, or making available information via 7978
telecommunications, including, but not limited to, electronic 7979
publishing. 7980

(2) "Information service" does not include any use of a 7981
capability of a type described in division (BB)(1) of this section 7982
for the management, control, or operation of a telecommunications 7983
system or the management of a telecommunications service. 7984

(CC) "Elderly person" means a person who is sixty-five years 7985
of age or older. 7986

(DD) "Disabled adult" means a person who is eighteen years of 7987
age or older and has some impairment of body or mind that makes 7988
the person unable to work at any substantially remunerative 7989
employment that the person otherwise would be able to perform and 7990
that will, with reasonable probability, continue for a period of 7991
at least twelve months without any present indication of recovery 7992
from the impairment, or who is eighteen years of age or older and 7993
has been certified as permanently and totally disabled by an 7994
agency of this state or the United States that has the function of 7995
so classifying persons. 7996

(EE) "Firearm" and "dangerous ordnance" have the same 7997
meanings as in section 2923.11 of the Revised Code. 7998

(FF) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	7999 8000
(GG) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.	8001 8002
(HH) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.	8003 8004
(II)(1) "Computer hacking" means any of the following:	8005
(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime;	8006 8007 8008 8009
(b) Misusing computer or network services including, but not limited to, mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes, but is not limited to, the unauthorized use of any of the following:	8010 8011 8012 8013 8014 8015 8016
(i) Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;	8017 8018
(ii) File transfer program proxy services or proxy servers to access other computers, computer systems, or computer networks;	8019 8020
(iii) Web servers to redirect users to other web pages or web servers.	8021 8022
(c)(i) Subject to division (II)(1)(c)(ii) of this section, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer	8023 8024 8025 8026 8027 8028

programs referred to in this division includes, but is not limited 8029
to, those computer programs that use a computer network to access 8030
a computer, computer system, or another computer network to 8031
determine any of the following: the presence or types of computers 8032
or computer systems on a network; the computer network's 8033
facilities and capabilities; the availability of computer or 8034
network services; the presence or versions of computer software 8035
including, but not limited to, operating systems, computer 8036
services, or computer contaminants; the presence of a known 8037
computer software deficiency that can be used to gain unauthorized 8038
access to a computer, computer system, or computer network; or any 8039
other information about a computer, computer system, or computer 8040
network not necessary for the normal and lawful operation of the 8041
computer initiating the access. 8042

(ii) The group of computer programs referred to in division 8043
(II)(1)(c)(i) of this section does not include standard computer 8044
software used for the normal operation, administration, 8045
management, and test of a computer, computer system, or computer 8046
network including, but not limited to, domain name services, mail 8047
transfer services, and other operating system services, computer 8048
programs commonly called "ping," "tcpdump," and "traceroute" and 8049
other network monitoring and management computer software, and 8050
computer programs commonly known as "nslookup" and "whois" and 8051
other systems administration computer software. 8052

(d) The intentional use of a computer, computer system, or a 8053
computer network in a manner that exceeds any right or permission 8054
granted by the owner of the computer, computer system, or computer 8055
network or other person authorized to give consent. 8056

(2) "Computer hacking" does not include the introduction of a 8057
computer contaminant, as defined in section 2909.02 of the Revised 8058
Code, into a computer, computer system, computer program, or 8059
computer network. 8060

(JJ) "Police dog or horse" has the same meaning as in section 2921.321 of the Revised Code. 8061
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(KK) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this division. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen. 8063
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(LL) "Assistance dog" has the same meaning as in section 955.011 of the Revised Code. 8070
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(MM) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code. 8072
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Sec. 2915.01. As used in this chapter: 8074

(A) "Bookmaking" means the business of receiving or paying off bets. 8075
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(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk. 8077
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(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. 8080
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(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo. 8085
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(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or 8089
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operates the game of chance, but does not include bingo.	8091
(F) "Gambling device" means any of the following:	8092
(1) A book, totalizer, or other equipment for recording bets;	8093
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	8094 8095
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	8096 8097 8098
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	8099 8100
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	8101 8102
(G) "Gambling offense" means any of the following:	8103
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	8104 8105 8106
(2) A violation of an existing or former municipal ordinance, <u>township resolution</u> , or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	8107 8108 8109 8110 8111
(3) An offense under an existing or former municipal ordinance, <u>township resolution</u> , or law of this or any other state or the United States, of which gambling is an element;	8112 8113 8114
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	8115 8116 8117
(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational,	8118 8119

veteran's, fraternal, sporting, service, nonprofit medical, 8120
volunteer rescue service, volunteer firefighter's, senior 8121
citizen's, historic railroad educational, youth athletic, amateur 8122
athletic, or youth athletic park organization. An organization is 8123
tax exempt if the organization is, and has received from the 8124
internal revenue service a determination letter that currently is 8125
in effect stating that the organization is, exempt from federal 8126
income taxation under subsection 501(a) and described in 8127
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 8128
501(c)(19) of the Internal Revenue Code, or if the organization is 8129
a sporting organization that is exempt from federal income 8130
taxation under subsection 501(a) and is described in subsection 8131
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 8132
organization, an organization, except a volunteer rescue service 8133
or volunteer firefighter's organization, shall have been in 8134
continuous existence as such in this state for a period of two 8135
years immediately preceding either the making of an application 8136
for a bingo license under section 2915.08 of the Revised Code or 8137
the conducting of any game of chance as provided in division (D) 8138
of section 2915.02 of the Revised Code. A charitable organization 8139
that is exempt from federal income taxation under subsection 8140
501(a) and described in subsection 501(c)(3) of the Internal 8141
Revenue Code and that is created by a veteran's organization, a 8142
fraternal organization, or a sporting organization does not have 8143
to have been in continuous existence as such in this state for a 8144
period of two years immediately preceding either the making of an 8145
application for a bingo license under section 2915.08 of the 8146
Revised Code or the conducting of any game of chance as provided 8147
in division (D) of section 2915.02 of the Revised Code. 8148

(I) "Religious organization" means any church, body of 8149
communicants, or group that is not organized or operated for 8150
profit and that gathers in common membership for regular worship 8151
and religious observances. 8152

(J) "Educational organization" means any organization within 8153
this state that is not organized for profit, the primary purpose 8154
of which is to educate and develop the capabilities of individuals 8155
through instruction by means of operating or contributing to the 8156
support of a school, academy, college, or university. 8157

(K) "Veteran's organization" means any individual post or 8158
state headquarters of a national veteran's association or an 8159
auxiliary unit of any individual post of a national veteran's 8160
association, which post, state headquarters, or auxiliary unit has 8161
been in continuous existence in this state for at least two years 8162
and incorporated as a nonprofit corporation and either has 8163
received a letter from the state headquarters of the national 8164
veteran's association indicating that the individual post or 8165
auxiliary unit is in good standing with the national veteran's 8166
association or has received a letter from the national veteran's 8167
association indicating that the state headquarters is in good 8168
standing with the national veteran's association. As used in this 8169
division, "national veteran's association" means any veteran's 8170
association that has been in continuous existence as such for a 8171
period of at least five years and either is incorporated by an act 8172
of the United States congress or has a national dues-paying 8173
membership of at least five thousand persons. 8174

(L) "Volunteer firefighter's organization" means any 8175
organization of volunteer firefighters, as defined in section 8176
146.01 of the Revised Code, that is organized and operated 8177
exclusively to provide financial support for a volunteer fire 8178
department or a volunteer fire company and that is recognized or 8179
ratified by a county, municipal corporation, or township. 8180

(M) "Fraternal organization" means any society, order, state 8181
headquarters, or association within this state, except a college 8182
or high school fraternity, that is not organized for profit, that 8183
is a branch, lodge, or chapter of a national or state 8184

organization, that exists exclusively for the common business or 8185
sodality of its members, and that has been in continuous existence 8186
in this state for a period of five years. 8187

(N) "Volunteer rescue service organization" means any 8188
organization of volunteers organized to function as an emergency 8189
medical service organization, as defined in section 4765.01 of the 8190
Revised Code. 8191

(O) "Service organization" means either of the following: 8192

(1) Any organization, not organized for profit, that is 8193
organized and operated exclusively to provide, or to contribute to 8194
the support of organizations or institutions organized and 8195
operated exclusively to provide, medical and therapeutic services 8196
for persons who are crippled, born with birth defects, or have any 8197
other mental or physical defect or those organized and operated 8198
exclusively to protect, or to contribute to the support of 8199
organizations or institutions organized and operated exclusively 8200
to protect, animals from inhumane treatment or provide immediate 8201
shelter to victims of domestic violence; 8202

(2) Any organization that is described in subsection 8203
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 8204
and is either a governmental unit or an organization that is tax 8205
exempt under subsection 501(a) and described in subsection 8206
501(c)(3) of the Internal Revenue Code and that is an 8207
organization, not organized for profit, that is organized and 8208
operated primarily to provide, or to contribute to the support of 8209
organizations or institutions organized and operated primarily to 8210
provide, medical and therapeutic services for persons who are 8211
crippled, born with birth defects, or have any other mental or 8212
physical defect. 8213

(P) "Nonprofit medical organization" means either of the 8214
following: 8215

(1) Any organization that has been incorporated as a non-profit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research, or therapeutic services for the public;

(2) Any organization that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code, that has been incorporated as a non-profit corporation for at least five years, and that has continuously operated and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, hospital, medical, research, or therapeutic services for the public.

(Q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(R) "Charitable bingo game" means any bingo game described in division (S)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(S) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the

central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, punch boards, and raffles.

(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and

numbers, distributing prizes, selling or redeeming instant bingo	8278
tickets or cards, supervising the operation of a punch board,	8279
selling raffle tickets, selecting raffle tickets from a receptacle	8280
and announcing the winning numbers in a raffle, and preparing,	8281
selling, and serving food or beverages.	8282
(V) "Participant" means any person who plays bingo.	8283
(W) "Bingo session" means a period that includes both of the	8284
following:	8285
(1) Not to exceed five continuous hours for the conduct of	8286
one or more games described in division (S)(1) of this section,	8287
instant bingo, and seal cards;	8288
(2) A period for the conduct of instant bingo and seal cards	8289
for not more than two hours before and not more than two hours	8290
after the period described in division (W)(1) of this section.	8291
(X) "Gross receipts" means all money or assets, including	8292
admission fees, that a person receives from bingo without the	8293
deduction of any amounts for prizes paid out or for the expenses	8294
of conducting bingo. "Gross receipts" does not include any money	8295
directly taken in from the sale of food or beverages by a	8296
charitable organization conducting bingo, or by a bona fide	8297
auxiliary unit or society of a charitable organization conducting	8298
bingo, provided all of the following apply:	8299
(1) The auxiliary unit or society has been in existence as a	8300
bona fide auxiliary unit or society of the charitable organization	8301
for at least two years prior to conducting bingo.	8302
(2) The person who purchases the food or beverage receives	8303
nothing of value except the food or beverage and items customarily	8304
received with the purchase of that food or beverage.	8305
(3) The food and beverages are sold at customary and	8306
reasonable prices.	8307

(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(Z) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to

schools, youth groups, or other bona fide nonprofit organizations, 8340
promotion of patriotism, or disaster relief; 8341

(3) A fraternal organization that has been in continuous 8342
existence in this state for fifteen years and that uses the net 8343
profit exclusively for religious, charitable, scientific, 8344
literary, or educational purposes, or for the prevention of 8345
cruelty to children or animals, if contributions for such use 8346
would qualify as a deductible charitable contribution under 8347
subsection 170 of the Internal Revenue Code; 8348

(4) A volunteer firefighter's organization that uses the net 8349
profit for the purposes set forth in division (L) of this section. 8350

(AA) "Internal Revenue Code" means the "Internal Revenue Code 8351
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 8352
amended. 8353

(BB) "Youth athletic organization" means any organization, 8354
not organized for profit, that is organized and operated 8355
exclusively to provide financial support to, or to operate, 8356
athletic activities for persons who are twenty-one years of age or 8357
younger by means of sponsoring, organizing, operating, or 8358
contributing to the support of an athletic team, club, league, or 8359
association. 8360

(CC) "Youth athletic park organization" means any 8361
organization, not organized for profit, that satisfies both of the 8362
following: 8363

(1) It owns, operates, and maintains playing fields that 8364
satisfy both of the following: 8365

(a) The playing fields are used at least one hundred days per 8366
year for athletic activities by one or more organizations, not 8367
organized for profit, each of which is organized and operated 8368
exclusively to provide financial support to, or to operate, 8369
athletic activities for persons who are eighteen years of age or 8370

younger by means of sponsoring, organizing, operating, or 8371
contributing to the support of an athletic team, club, league, or 8372
association. 8373

(b) The playing fields are not used for any profit-making 8374
activity at any time during the year. 8375

(2) It uses the proceeds of bingo it conducts exclusively for 8376
the operation, maintenance, and improvement of its playing fields 8377
of the type described in division (CC)(1) of this section. 8378

(DD) "Amateur athletic organization" means any organization, 8379
not organized for profit, that is organized and operated 8380
exclusively to provide financial support to, or to operate, 8381
athletic activities for persons who are training for amateur 8382
athletic competition that is sanctioned by a national governing 8383
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 8384
3045, 36 U.S.C.A. 373. 8385

(EE) "Bingo supplies" means bingo cards or sheets; instant 8386
bingo tickets or cards; electronic bingo aids; raffle tickets; 8387
punch boards; seal cards; instant bingo ticket dispensers; and 8388
devices for selecting or displaying the combination of bingo 8389
letters and numbers or raffle tickets. Items that are "bingo 8390
supplies" are not gambling devices if sold or otherwise provided, 8391
and used, in accordance with this chapter. For purposes of this 8392
chapter, "bingo supplies" are not to be considered equipment used 8393
to conduct a bingo game. 8394

(FF) "Instant bingo" means a form of bingo that uses folded 8395
or banded tickets or paper cards with perforated break-open tabs, 8396
a face of which is covered or otherwise hidden from view to 8397
conceal a number, letter, or symbol, or set of numbers, letters, 8398
or symbols, some of which have been designated in advance as prize 8399
winners. "Instant bingo" includes seal cards. "Instant bingo" does 8400
not include any device that is activated by the insertion of a 8401

coin, currency, token, or an equivalent, and that contains as one 8402
of its components a video display monitor that is capable of 8403
displaying numbers, letters, symbols, or characters in winning or 8404
losing combinations. 8405

(GG) "Seal card" means a form of instant bingo that uses 8406
instant bingo tickets in conjunction with a board or placard that 8407
contains one or more seals that, when removed or opened, reveal 8408
predesignated winning numbers, letters, or symbols. 8409

(HH) "Raffle" means a form of bingo in which the one or more 8410
prizes are won by one or more persons who have purchased a raffle 8411
ticket. The one or more winners of the raffle are determined by 8412
drawing a ticket stub or other detachable section from a 8413
receptacle containing ticket stubs or detachable sections 8414
corresponding to all tickets sold for the raffle. 8415

(II) "Punch board" means a board containing a number of holes 8416
or receptacles of uniform size in which are placed, mechanically 8417
and randomly, serially numbered slips of paper that may be punched 8418
or drawn from the hole or receptacle when used in conjunction with 8419
instant bingo. A player may punch or draw the numbered slips of 8420
paper from the holes or receptacles and obtain the prize 8421
established for the game if the number drawn corresponds to a 8422
winning number or, if the punch board includes the use of a seal 8423
card, a potential winning number. 8424

(JJ) "Gross profit" means gross receipts minus the amount 8425
actually expended for the payment of prize awards. 8426

(KK) "Net profit" means gross profit minus expenses. 8427

(LL) "Expenses" means the reasonable amount of gross profit 8428
actually expended for all of the following: 8429

(1) The purchase or lease of bingo supplies; 8430

(2) The annual license fee required under section 2915.08 of 8431

the Revised Code;	8432
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	8433 8434
(4) Audits and accounting services;	8435
(5) Safes;	8436
(6) Cash registers;	8437
(7) Hiring security personnel;	8438
(8) Advertising bingo;	8439
(9) Renting premises in which to conduct a bingo session;	8440
(10) Tables and chairs;	8441
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	8442 8443 8444 8445
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	8446 8447 8448 8449
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	8450 8451 8452
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	8453 8454 8455 8456
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	8457 8458 8459 8460

(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	8461 8462
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	8463 8464 8465
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	8466 8467 8468
(QQ) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.	8469 8470 8471 8472
(RR) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (S)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (S)(2) of this section.	8473 8474 8475 8476
(SS) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:	8477 8478 8479 8480
(1) It is activated upon the insertion of United States currency.	8481 8482
(2) It performs no gaming functions.	8483
(3) It does not contain a video display monitor or generate noise.	8484 8485
(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.	8486 8487
(5) It does not simulate or display rolling or spinning reels.	8488 8489
(6) It is incapable of determining whether a dispensed bingo	8490

ticket or card is a winning or nonwinning ticket or card and 8491
requires a winning ticket or card to be paid by a bingo game 8492
operator. 8493

(7) It may provide accounting and security features to aid in 8494
accounting for the instant bingo tickets or cards it dispenses. 8495

(8) It is not part of an electronic network and is not 8496
interactive. 8497

(TT)(1) "Electronic bingo aid" means an electronic device 8498
used by a participant to monitor bingo cards or sheets purchased 8499
at the time and place of a bingo session and that does all of the 8500
following: 8501

(a) It provides a means for a participant to input numbers 8502
and letters announced by a bingo caller. 8503

(b) It compares the numbers and letters entered by the 8504
participant to the bingo faces previously stored in the memory of 8505
the device. 8506

(c) It identifies a winning bingo pattern. 8507

(2) "Electronic bingo aid" does not include any device into 8508
which a coin, currency, token, or an equivalent is inserted to 8509
activate play. 8510

(UU) "Deal of instant bingo tickets" means a single game of 8511
instant bingo tickets all with the same serial number. 8512

(VV)(1) "Slot machine" means either of the following: 8513

(a) Any mechanical, electronic, video, or digital device that 8514
is capable of accepting anything of value, directly or indirectly, 8515
from or on behalf of a player who gives the thing of value in the 8516
hope of gain; 8517

(b) Any mechanical, electronic, video, or digital device that 8518
is capable of accepting anything of value, directly or indirectly, 8519
from or on behalf of a player to conduct or dispense bingo or a 8520

scheme or game of chance.	8521
(2) "Slot machine" does not include a skill-based amusement machine.	8522 8523
(WW) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.	8524 8525 8526 8527
(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.	8528 8529 8530 8531 8532 8533 8534 8535 8536 8537 8538 8539 8540
(YY) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:	8541 8542 8543
(1) The name of the game;	8544
(2) The manufacturer's name or distinctive logo;	8545
(3) The form number;	8546
(4) The ticket count;	8547
(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo	8548 8549 8550

tickets; 8551

(6) The cost per play; 8552

(7) The serial number of the game. 8553

(ZZ) "Historic railroad educational organization" means an 8554
organization that is exempt from federal income taxation under 8555
subsection 501(a) and described in subsection 501(c)(3) of the 8556
Internal Revenue Code, that owns in fee simple the tracks and the 8557
right of way of a historic railroad that the organization restores 8558
or maintains and on which the organization provides excursions as 8559
part of a program to promote tourism and educate visitors 8560
regarding the role of railroad transportation in Ohio history, and 8561
that received as donations from a charitable organization that 8562
holds a license to conduct bingo under this chapter an amount 8563
equal to at least fifty per cent of that licensed charitable 8564
organization's net proceeds from the conduct of bingo during each 8565
of the five years preceding June 30, 2003. "Historic railroad" 8566
means all or a portion of the tracks and right-of-way of a 8567
railroad that was owned and operated by a for-profit common 8568
carrier in this state at any time prior to January 1, 1950. 8569

(AAA)(1) "Skill-based amusement machine" means a mechanical, 8570
video, digital, or electronic device that rewards the player or 8571
players, if at all, only with merchandise prizes or with 8572
redeemable vouchers redeemable only for merchandise prizes, 8573
provided that with respect to rewards for playing the game all of 8574
the following apply: 8575

(a) The wholesale value of a merchandise prize awarded as a 8576
result of the single play of a machine does not exceed ten 8577
dollars; 8578

(b) Redeemable vouchers awarded for any single play of a 8579
machine are not redeemable for a merchandise prize with a 8580
wholesale value of more than ten dollars; 8581

(c) Redeemable vouchers are not redeemable for a merchandise 8582
prize that has a wholesale value of more than ten dollars times 8583
the fewest number of single plays necessary to accrue the 8584
redeemable vouchers required to obtain that prize; and 8585

(d) Any redeemable vouchers or merchandise prizes are 8586
distributed at the site of the skill-based amusement machine at 8587
the time of play. 8588

(2) A device shall not be considered a skill-based amusement 8589
machine and shall be considered a slot machine if it pays cash or 8590
one or more of the following apply: 8591

(a) The ability of a player to succeed at the game is 8592
impacted by the number or ratio of prior wins to prior losses of 8593
players playing the game. 8594

(b) Any reward of redeemable vouchers is not based solely on 8595
the player achieving the object of the game or the ~~players~~ 8596
player's score; 8597

(c) The outcome of the game, or the value of the redeemable 8598
voucher or merchandise prize awarded for winning the game, can be 8599
controlled by a source other than any player playing the game. 8600

(d) The success of any player is or may be determined by a 8601
chance event that cannot be altered by player actions. 8602

(e) The ability of any player to succeed at the game is 8603
determined by game features not visible or known to the player. 8604

(f) The ability of the player to succeed at the game is 8605
impacted by the exercise of a skill that no reasonable player 8606
could exercise. 8607

(3) All of the following apply to any machine that is 8608
operated as described in division (AAA)(1) of this section: 8609

(a) As used in this section, "game" and "play" mean one event 8610
from the initial activation of the machine until the results of 8611

play are determined without payment of additional consideration. 8612
An individual utilizing a machine that involves a single game, 8613
play, contest, competition, or tournament may be awarded 8614
redeemable vouchers or merchandise prizes based on the results of 8615
play. 8616

(b) Advance play for a single game, play, contest, 8617
competition, or tournament participation may be purchased. The 8618
cost of the contest, competition, or tournament participation may 8619
be greater than a single noncontest, competition, or tournament 8620
play. 8621

(c) To the extent that the machine is used in a contest, 8622
competition, or tournament, that contest, competition, or 8623
tournament has a defined starting and ending date and is open to 8624
participants in competition for scoring and ranking results toward 8625
the awarding of redeemable vouchers or merchandise prizes that are 8626
stated prior to the start of the contest, competition, or 8627
tournament. 8628

(4) For purposes of division (AAA)(1) of this section, the 8629
mere presence of a device, such as a pin-setting, ball-releasing, 8630
or scoring mechanism, that does not contribute to or affect the 8631
outcome of the play of the game does not make the device a 8632
skill-based amusement machine. 8633

(BBB) "Merchandise prize" means any item of value, but shall 8634
not include any of the following: 8635

(1) Cash, gift cards, or any equivalent thereof; 8636

(2) Plays on games of chance, state lottery tickets, bingo, 8637
or instant bingo; 8638

(3) Firearms, tobacco, or alcoholic beverages; or 8639

(4) A redeemable voucher that is redeemable for any of the 8640
items listed in division (BBB)(1), (2), or (3) of this section. 8641

(CCC) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(DDD) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(EEE) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio league of sportsmen, and that has been in continuous existence in this state for a period of three years.

(FFF) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

Sec. 2917.11. (A) No person shall recklessly cause inconvenience, annoyance, or alarm to another by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Making unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person;

(3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful

and reasonable purpose of the offender; 8672

(5) Creating a condition that is physically offensive to 8673
persons or that presents a risk of physical harm to persons or 8674
property, by any act that serves no lawful and reasonable purpose 8675
of the offender. 8676

(B) No person, while voluntarily intoxicated, shall do either 8677
of the following: 8678

(1) In a public place or in the presence of two or more 8679
persons, engage in conduct likely to be offensive or to cause 8680
inconvenience, annoyance, or alarm to persons of ordinary 8681
sensibilities, which conduct the offender, if the offender were 8682
not intoxicated, should know is likely to have that effect on 8683
others; 8684

(2) Engage in conduct or create a condition that presents a 8685
risk of physical harm to the offender or another, or to the 8686
property of another. 8687

(C) Violation of any statute ~~or~~, ordinance, or resolution of 8688
which an element is operating a motor vehicle, locomotive, 8689
watercraft, aircraft, or other vehicle while under the influence 8690
of alcohol or any drug of abuse, is not a violation of division 8691
(B) of this section. 8692

(D) If a person appears to an ordinary observer to be 8693
intoxicated, it is probable cause to believe that person is 8694
voluntarily intoxicated for purposes of division (B) of this 8695
section. 8696

(E)(1) Whoever violates this section is guilty of disorderly 8697
conduct. 8698

(2) Except as otherwise provided in division (E)(3) of this 8699
section, disorderly conduct is a minor misdemeanor. 8700

(3) Disorderly conduct is a misdemeanor of the fourth degree 8701

if any of the following applies: 8702

(a) The offender persists in disorderly conduct after 8703
reasonable warning or request to desist. 8704

(b) The offense is committed in the vicinity of a school or 8705
in a school safety zone. 8706

(c) The offense is committed in the presence of any law 8707
enforcement officer, firefighter, rescuer, medical person, 8708
emergency medical services person, or other authorized person who 8709
is engaged in the person's duties at the scene of a fire, 8710
accident, disaster, riot, or emergency of any kind. 8711

(d) The offense is committed in the presence of any emergency 8712
facility person who is engaged in the person's duties in an 8713
emergency facility. 8714

(F) As used in this section: 8715

(1) "Emergency medical services person" is the singular of 8716
"emergency medical services personnel" as defined in section 8717
2133.21 of the Revised Code. 8718

(2) "Emergency facility person" is the singular of "emergency 8719
facility personnel" as defined in section 2909.04 of the Revised 8720
Code. 8721

(3) "Emergency facility" has the same meaning as in section 8722
2909.04 of the Revised Code. 8723

(4) "Committed in the vicinity of a school" has the same 8724
meaning as in section 2925.01 of the Revised Code. 8725

Sec. 2917.41. (A) No person shall evade the payment of the 8726
known fares of a public transportation system. 8727

(B) No person shall alter any transfer, pass, ticket, or 8728
token of a public transportation system with the purpose of 8729
evading the payment of fares or of defrauding the system. 8730

(C) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:

(1) Play sound equipment without the proper use of a private earphone;

(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited;

(3) Expectorate upon a person, facility, or vehicle.

(D) No person shall write, deface, draw, or otherwise mark on any facility or vehicle of a public transportation system.

(E) No person shall fail to comply with a lawful order of a public transportation system police officer, and no person shall resist, obstruct, or abuse a public transportation police officer in the performance of the officer's duties.

(F) Whoever violates this section is guilty of misconduct involving a public transportation system.

(1) Violation of division (A), (B), or (E) of this section is a misdemeanor of the fourth degree.

(2) Violation of division (C) of this section is a minor misdemeanor on a first offense. If a person previously has been convicted of or pleaded guilty to a violation of any division of this section or of a municipal ordinance or township resolution that is substantially similar to any division of this section, violation of division (C) of this section is a misdemeanor of the fourth degree.

(3) Violation of division (D) of this section is a misdemeanor of the third degree.

(G) Notwithstanding any other provision of law, seventy-five per cent of each fine paid to satisfy a sentence imposed for a violation of this section shall be deposited into the treasury of the county in which the violation occurred and twenty-five per

cent shall be deposited with the county transit board, regional 8761
transit authority, or regional transit commission that operates 8762
the public transportation system involved in the violation, unless 8763
the board of county commissioners operates the public 8764
transportation system, in which case one hundred per cent of each 8765
fine shall be deposited into the treasury of the county. 8766

(H) As used in this section, "public transportation system" 8767
means a county transit system operated in accordance with sections 8768
306.01 to 306.13 of the Revised Code, a regional transit authority 8769
operated in accordance with sections 306.30 to 306.71 of the 8770
Revised Code, or a regional transit commission operated in 8771
accordance with sections 306.80 to 306.90 of the Revised Code. 8772

Sec. 2919.25. (A) No person shall knowingly cause or attempt 8773
to cause physical harm to a family or household member. 8774

(B) No person shall recklessly cause serious physical harm to 8775
a family or household member. 8776

(C) No person, by threat of force, shall knowingly cause a 8777
family or household member to believe that the offender will cause 8778
imminent physical harm to the family or household member. 8779

(D)(1) Whoever violates this section is guilty of domestic 8780
violence. 8781

(2) Except as otherwise provided in division (D)(3) or (4) of 8782
this section, a violation of division (C) of this section is a 8783
misdemeanor of the fourth degree, and a violation of division (A) 8784
or (B) of this section is a misdemeanor of the first degree. 8785

(3) Except as otherwise provided in division (D)(4) of this 8786
section, if the offender previously has pleaded guilty to or been 8787
convicted of domestic violence, a violation of an existing or 8788
former municipal ordinance, township resolution, or law of this or 8789
any other state or the United States that is substantially similar 8790

to domestic violence, a violation of section 2903.14, 2909.06, 8791
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the 8792
victim of the violation was a family or household member at the 8793
time of the violation, a violation of an existing or former 8794
municipal ordinance, township resolution, or law of this or any 8795
other state or the United States that is substantially similar to 8796
any of those sections if the victim of the violation was a family 8797
or household member at the time of the commission of the 8798
violation, or any offense of violence if the victim of the offense 8799
was a family or household member at the time of the commission of 8800
the offense, a violation of division (A) or (B) of this section is 8801
a felony of the fourth degree, and a violation of division (C) of 8802
this section is a misdemeanor of the second degree. 8803

(4) If the offender previously has pleaded guilty to or been 8804
convicted of two or more offenses of domestic violence or two or 8805
more violations or offenses of the type described in division 8806
(D)(3) of this section involving a person who was a family or 8807
household member at the time of the violations or offenses, a 8808
violation of division (A) or (B) of this section is a felony of 8809
the third degree, and a violation of division (C) of this section 8810
is a misdemeanor of the first degree. 8811

(E) Notwithstanding any provision of law to the contrary, no 8812
court or unit of state or local government shall charge any fee, 8813
cost, deposit, or money in connection with the filing of charges 8814
against a person alleging that the person violated this section or 8815
a municipal ordinance or township resolution substantially similar 8816
to this section or in connection with the prosecution of any 8817
charges so filed. 8818

(F) As used in this section and sections 2919.251 and 2919.26 8819
of the Revised Code: 8820

(1) "Family or household member" means any of the following: 8821

(a) Any of the following who is residing or has resided with the offender:	8822
	8823
(i) A spouse, a person living as a spouse, or a former spouse of the offender;	8824
	8825
(ii) A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;	8826
	8827
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.	8828
	8829
	8830
	8831
(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.	8832
	8833
(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.	8834
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Sec. 2919.251. (A) Subject to division (D) of this section, a person who is charged with the commission of any offense of violence shall appear before the court for the setting of bail if the alleged victim of the offense charged was a family or household member at the time of the offense and if any of the following applies:	8840
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(1) The person charged, at the time of the alleged offense, was subject to the terms of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code or previously was convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a violation of section 2919.27 of the Revised Code involving a protection order	8846
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	8849
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	8851

or consent agreement of that type, a violation of an existing or 8852
former municipal ordinance, township resolution, or law of this or 8853
any other state or the United States that is substantially similar 8854
to either section, a violation of section 2909.06, 2909.07, 8855
2911.12, or 2911.211 of the Revised Code if the victim of the 8856
violation was a family or household member at the time of the 8857
violation, a violation of an existing or former municipal 8858
ordinance, township resolution, or law of this or any other state 8859
or the United States that is substantially similar to any of those 8860
sections if the victim of the violation was a family or household 8861
member at the time of the commission of the violation, or any 8862
offense of violence if the victim of the offense was a family or 8863
household member at the time of the offense; 8864

(2) The arresting officer indicates in a police report or 8865
other document accompanying the complaint any of the following: 8866

(a) That the arresting officer observed on the alleged victim 8867
objective manifestations of physical harm that the arresting 8868
officer reasonably believes are a result of the alleged offense; 8869

(b) That the arresting officer reasonably believes that the 8870
person had on the person's person at the time of the alleged 8871
offense a deadly weapon or dangerous ordnance; 8872

(c) That the arresting officer reasonably believes that the 8873
person presents a credible threat of serious physical harm to the 8874
alleged victim or to any other person if released on bail before 8875
trial. 8876

(B) To the extent that information about any of the following 8877
is available to the court, the court shall consider all of the 8878
following, in addition to any other circumstances considered by 8879
the court and notwithstanding any provisions to the contrary 8880
contained in Criminal Rule 46, before setting bail for a person 8881
who appears before the court pursuant to division (A) of this 8882

section:	8883
(1) Whether the person has a history of domestic violence or a history of other violent acts;	8884 8885
(2) The mental health of the person;	8886
(3) Whether the person has a history of violating the orders of any court or governmental entity;	8887 8888
(4) Whether the person is potentially a threat to any other person;	8889 8890
(5) Whether the person has access to deadly weapons or a history of using deadly weapons;	8891 8892
(6) Whether the person has a history of abusing alcohol or any controlled substance;	8893 8894
(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;	8895 8896 8897 8898 8899 8900
(8) Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;	8901 8902 8903
(9) Whether the person has exhibited obsessive or controlling behaviors toward the alleged victim, including but not limited to, stalking, surveillance, or isolation of the alleged victim;	8904 8905 8906
(10) Whether the person has expressed suicidal or homicidal ideations;	8907 8908
(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.	8909 8910 8911

(C) Any court that has jurisdiction over charges alleging the commission of an offense of violence in circumstances in which the alleged victim of the offense was a family or household member at the time of the offense may set a schedule for bail to be used in cases involving those offenses. The schedule shall require that a judge consider all of the factors listed in division (B) of this section and may require judges to set bail at a certain level if the history of the alleged offender or the circumstances of the alleged offense meet certain criteria in the schedule.

(D)(1) Upon the court's own motion or the motion of a party and upon any terms that the court may direct, a court may permit a person who is required to appear before it by division (A) of this section to appear by video conferencing equipment.

(2) If in the opinion of the court the appearance in person or by video conferencing equipment of a person who is charged with a misdemeanor and who is required to appear before the court by division (A) of this section is not practicable, the court may waive the appearance and release the person on bail in accordance with the court's schedule for bail set under division (C) of this section or, if the court has not set a schedule for bail under that division, on one or both of the following types of bail in an amount set by the court:

(a) A bail bond secured by a deposit of ten per cent of the amount of the bond in cash;

(b) A surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of cash, at the option of the person.

(3) Division (A) of this section does not create a right in a person to appear before the court for the setting of bail or prohibit a court from requiring any person charged with an offense of violence who is not described in that division from appearing

before the court for the setting of bail. 8943

(E) As used in this section: 8944

(1) "Controlled substance" has the same meaning as in section 8945
3719.01 of the Revised Code. 8946

(2) "Dangerous ordnance" and "deadly weapon" have the same 8947
meanings as in section 2923.11 of the Revised Code. 8948

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 8949
alleges a violation of section 2909.06, 2909.07, 2911.12, or 8950
2911.211 of the Revised Code if the alleged victim of the 8951
violation was a family or household member at the time of the 8952
violation, a violation of a municipal ordinance or township 8953
resolution that is substantially similar to any of those sections 8954
if the alleged victim of the violation was a family or household 8955
member at the time of the violation, any offense of violence if 8956
the alleged victim of the offense was a family or household member 8957
at the time of the commission of the offense, or any sexually 8958
oriented offense if the alleged victim of the offense was a family 8959
or household member at the time of the commission of the offense, 8960
the complainant, the alleged victim, or a family or household 8961
member of an alleged victim may file, or, if in an emergency the 8962
alleged victim is unable to file, a person who made an arrest for 8963
the alleged violation or offense under section 2935.03 of the 8964
Revised Code may file on behalf of the alleged victim, a motion 8965
that requests the issuance of a temporary protection order as a 8966
pretrial condition of release of the alleged offender, in addition 8967
to any bail set under Criminal Rule 46. The motion shall be filed 8968
with the clerk of the court that has jurisdiction of the case at 8969
any time after the filing of the complaint. 8970

(2) For purposes of section 2930.09 of the Revised Code, all 8971
stages of a proceeding arising out of a complaint alleging the 8972
commission of a violation, offense of violence, or sexually 8973

oriented offense described in division (A)(1) of this section, 8974
including all proceedings on a motion for a temporary protection 8975
order, are critical stages of the case, and a victim may be 8976
accompanied by a victim advocate or another person to provide 8977
support to the victim as provided in that section. 8978

(B) The motion shall be prepared on a form that is provided 8979
by the clerk of the court, which form shall be substantially as 8980
follows: 8981

"MOTION FOR TEMPORARY PROTECTION ORDER 8982

..... Court 8983

Name and address of court 8984

State of Ohio 8985

v. No. 8986

..... 8987

Name of Defendant 8988

(name of person), moves the court to issue a temporary protection 8989
order containing terms designed to ensure the safety and 8990
protection of the complainant, alleged victim, and other family or 8991
household members, in relation to the named defendant, pursuant to 8992
its authority to issue such an order under section 2919.26 of the 8993
Revised Code. 8994

A complaint, a copy of which has been attached to this 8995
motion, has been filed in this court charging the named defendant 8996
with (name of the specified violation, 8997
the offense of violence, or sexually oriented offense charged) in 8998
circumstances in which the victim was a family or household member 8999
in violation of (section of the Revised Code designating the 9000
specified violation, offense of violence, or sexually oriented 9001
offense charged), or charging the named defendant with a violation 9002
of a municipal ordinance or township resolution that is 9003
substantially similar to (section of the 9004

Revised Code designating the specified violation, offense of 9005
violence, or sexually oriented offense charged) involving a family 9006
or household member. 9007

I understand that I must appear before the court, at a time 9008
set by the court within twenty-four hours after the filing of this 9009
motion, for a hearing on the motion or that, if I am unable to 9010
appear because of hospitalization or a medical condition resulting 9011
from the offense alleged in the complaint, a person who can 9012
provide information about my need for a temporary protection order 9013
must appear before the court in lieu of my appearing in court. I 9014
understand that any temporary protection order granted pursuant to 9015
this motion is a pretrial condition of release and is effective 9016
only until the disposition of the criminal proceeding arising out 9017
of the attached complaint, or the issuance of a civil protection 9018
order or the approval of a consent agreement, arising out of the 9019
same activities as those that were the basis of the complaint, 9020
under section 3113.31 of the Revised Code. 9021

..... 9022

Signature of person 9023

(or signature of the arresting officer who filed the motion on 9024
behalf of the alleged victim) 9025

..... 9026

Address of person (or office address of the arresting officer who 9027
filed the motion on behalf of the alleged victim)" 9028

(C)(1) As soon as possible after the filing of a motion that 9029
requests the issuance of a temporary protection order, but not 9030
later than twenty-four hours after the filing of the motion, the 9031
court shall conduct a hearing to determine whether to issue the 9032
order. The person who requested the order shall appear before the 9033
court and provide the court with the information that it requests 9034
concerning the basis of the motion. If the person who requested 9035

the order is unable to appear and if the court finds that the 9036
failure to appear is because of the person's hospitalization or 9037
medical condition resulting from the offense alleged in the 9038
complaint, another person who is able to provide the court with 9039
the information it requests may appear in lieu of the person who 9040
requested the order. If the court finds that the safety and 9041
protection of the complainant, alleged victim, or any other family 9042
or household member of the alleged victim may be impaired by the 9043
continued presence of the alleged offender, the court may issue a 9044
temporary protection order, as a pretrial condition of release, 9045
that contains terms designed to ensure the safety and protection 9046
of the complainant, alleged victim, or the family or household 9047
member, including a requirement that the alleged offender refrain 9048
from entering the residence, school, business, or place of 9049
employment of the complainant, alleged victim, or the family or 9050
household member. 9051

(2)(a) If the court issues a temporary protection order that 9052
includes a requirement that the alleged offender refrain from 9053
entering the residence, school, business, or place of employment 9054
of the complainant, the alleged victim, or the family or household 9055
member, the order shall state clearly that the order cannot be 9056
waived or nullified by an invitation to the alleged offender from 9057
the complainant, alleged victim, or family or household member to 9058
enter the residence, school, business, or place of employment or 9059
by the alleged offender's entry into one of those places otherwise 9060
upon the consent of the complainant, alleged victim, or family or 9061
household member. 9062

(b) Division (C)(2)(a) of this section does not limit any 9063
discretion of a court to determine that an alleged offender 9064
charged with a violation of section 2919.27 of the Revised Code, 9065
with a violation of a municipal ordinance or township resolution 9066
substantially equivalent to that section, or with contempt of 9067

court, which charge is based on an alleged violation of a 9068
temporary protection order issued under this section, did not 9069
commit the violation or was not in contempt of court. 9070

(D)(1) Upon the filing of a complaint that alleges a 9071
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 9072
Revised Code if the alleged victim of the violation was a family 9073
or household member at the time of the violation, a violation of a 9074
municipal ordinance or township resolution that is substantially 9075
similar to any of those sections if the alleged victim of the 9076
violation was a family or household member at the time of the 9077
violation, any offense of violence if the alleged victim of the 9078
offense was a family or household member at the time of the 9079
commission of the offense, or any sexually oriented offense if the 9080
alleged victim of the offense was a family or household member at 9081
the time of the commission of the offense, the court, upon its own 9082
motion, may issue a temporary protection order as a pretrial 9083
condition of release if it finds that the safety and protection of 9084
the complainant, alleged victim, or other family or household 9085
member of the alleged offender may be impaired by the continued 9086
presence of the alleged offender. 9087

(2) If the court issues a temporary protection order under 9088
this section as an ex parte order, it shall conduct, as soon as 9089
possible after the issuance of the order, a hearing in the 9090
presence of the alleged offender not later than the next day on 9091
which the court is scheduled to conduct business after the day on 9092
which the alleged offender was arrested or at the time of the 9093
appearance of the alleged offender pursuant to summons to 9094
determine whether the order should remain in effect, be modified, 9095
or be revoked. The hearing shall be conducted under the standards 9096
set forth in division (C) of this section. 9097

(3) An order issued under this section shall contain only 9098
those terms authorized in orders issued under division (C) of this 9099

section. 9100

(4) If a municipal court or a county court issues a temporary 9101
protection order under this section and if, subsequent to the 9102
issuance of the order, the alleged offender who is the subject of 9103
the order is bound over to the court of common pleas for 9104
prosecution of a felony arising out of the same activities as 9105
those that were the basis of the complaint upon which the order is 9106
based, notwithstanding the fact that the order was issued by a 9107
municipal court or county court, the order shall remain in effect, 9108
as though it were an order of the court of common pleas, while the 9109
charges against the alleged offender are pending in the court of 9110
common pleas, for the period of time described in division (E)(2) 9111
of this section, and the court of common pleas has exclusive 9112
jurisdiction to modify the order issued by the municipal court or 9113
county court. This division applies when the alleged offender is 9114
bound over to the court of common pleas as a result of the person 9115
waiving a preliminary hearing on the felony charge, as a result of 9116
the municipal court or county court having determined at a 9117
preliminary hearing that there is probable cause to believe that 9118
the felony has been committed and that the alleged offender 9119
committed it, as a result of the alleged offender having been 9120
indicted for the felony, or in any other manner. 9121

(E) A temporary protection order that is issued as a pretrial 9122
condition of release under this section: 9123

(1) Is in addition to, but shall not be construed as a part 9124
of, any bail set under Criminal Rule 46; 9125

(2) Is effective only until the occurrence of either of the 9126
following: 9127

(a) The disposition, by the court that issued the order or, 9128
in the circumstances described in division (D)(4) of this section, 9129
by the court of common pleas to which the alleged offender is 9130

bound over for prosecution, of the criminal proceeding arising out 9131
of the complaint upon which the order is based; 9132

(b) The issuance of a protection order or the approval of a 9133
consent agreement, arising out of the same activities as those 9134
that were the basis of the complaint upon which the order is 9135
based, under section 3113.31 of the Revised Code; 9136

(3) Shall not be construed as a finding that the alleged 9137
offender committed the alleged offense, and shall not be 9138
introduced as evidence of the commission of the offense at the 9139
trial of the alleged offender on the complaint upon which the 9140
order is based. 9141

(F) A person who meets the criteria for bail under Criminal 9142
Rule 46 and who, if required to do so pursuant to that rule, 9143
executes or posts bond or deposits cash or securities as bail, 9144
shall not be held in custody pending a hearing before the court on 9145
a motion requesting a temporary protection order. 9146

(G)(1) A copy of any temporary protection order that is 9147
issued under this section shall be issued by the court to the 9148
complainant, to the alleged victim, to the person who requested 9149
the order, to the defendant, and to all law enforcement agencies 9150
that have jurisdiction to enforce the order. The court shall 9151
direct that a copy of the order be delivered to the defendant on 9152
the same day that the order is entered. If a municipal court or a 9153
county court issues a temporary protection order under this 9154
section and if, subsequent to the issuance of the order, the 9155
defendant who is the subject of the order is bound over to the 9156
court of common pleas for prosecution as described in division 9157
(D)(4) of this section, the municipal court or county court shall 9158
direct that a copy of the order be delivered to the court of 9159
common pleas to which the defendant is bound over. 9160

(2) All law enforcement agencies shall establish and maintain 9161

an index for the temporary protection orders delivered to the 9162
agencies pursuant to division (G)(1) of this section. With respect 9163
to each order delivered, each agency shall note on the index, the 9164
date and time of the receipt of the order by the agency. 9165

9166

(3) A complainant, alleged victim, or other person who 9167
obtains a temporary protection order under this section may 9168
provide notice of the issuance of the temporary protection order 9169
to the judicial and law enforcement officials in any county other 9170
than the county in which the order is issued by registering that 9171
order in the other county in accordance with division (N) of 9172
section 3113.31 of the Revised Code and filing a copy of the 9173
registered protection order with a law enforcement agency in the 9174
other county in accordance with that division. 9175

(4) Any officer of a law enforcement agency shall enforce a 9176
temporary protection order issued by any court in this state in 9177
accordance with the provisions of the order, including removing 9178
the defendant from the premises, regardless of whether the order 9179
is registered in the county in which the officer's agency has 9180
jurisdiction as authorized by division (G)(3) of this section. 9181

(H) Upon a violation of a temporary protection order, the 9182
court may issue another temporary protection order, as a pretrial 9183
condition of release, that modifies the terms of the order that 9184
was violated. 9185

(I)(1) As used in divisions (I)(1) and (2) of this section, 9186
"defendant" means a person who is alleged in a complaint to have 9187
committed a violation, offense of violence, or sexually oriented 9188
offense of the type described in division (A) of this section. 9189

(2) If a complaint is filed that alleges that a person 9190
committed a violation, offense of violence, or sexually oriented 9191
offense of the type described in division (A) of this section, the 9192

court may not issue a temporary protection order under this 9193
section that requires the complainant, the alleged victim, or 9194
another family or household member of the defendant to do or 9195
refrain from doing an act that the court may require the defendant 9196
to do or refrain from doing under a temporary protection order 9197
unless both of the following apply: 9198

(a) The defendant has filed a separate complaint that alleges 9199
that the complainant, alleged victim, or other family or household 9200
member in question who would be required under the order to do or 9201
refrain from doing the act committed a violation or offense of 9202
violence of the type described in division (A) of this section. 9203

(b) The court determines that both the complainant, alleged 9204
victim, or other family or household member in question who would 9205
be required under the order to do or refrain from doing the act 9206
and the defendant acted primarily as aggressors, that neither the 9207
complainant, alleged victim, or other family or household member 9208
in question who would be required under the order to do or refrain 9209
from doing the act nor the defendant acted primarily in 9210
self-defense, and, in accordance with the standards and criteria 9211
of this section as applied in relation to the separate complaint 9212
filed by the defendant, that it should issue the order to require 9213
the complainant, alleged victim, or other family or household 9214
member in question to do or refrain from doing the act. 9215

(J) Notwithstanding any provision of law to the contrary and 9216
regardless of whether a protection order is issued or a consent 9217
agreement is approved by a court of another county or a court of 9218
another state, no court or unit of state or local government shall 9219
charge any fee, cost, deposit, or money in connection with the 9220
filing of a motion pursuant to this section, in connection with 9221
the filing, issuance, registration, or service of a protection 9222
order or consent agreement, or for obtaining a certified copy of a 9223
protection order or consent agreement. 9224

(K) As used in this section:	9225
(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	9226 9227
(2) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.	9228 9229
Sec. 2919.271. (A)(1)(a) If a defendant is charged with a violation of section 2919.27 of the Revised Code or of a municipal ordinance <u>or township resolution</u> that is substantially similar to that section, the court may order an evaluation of the mental condition of the defendant if the court determines that either of the following criteria apply:	9230 9231 9232 9233 9234 9235
(i) If the alleged violation is a violation of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of a family or household member covered by the order or agreement, or conduct by the defendant that caused a family or household member to believe that the defendant would cause physical harm to that member or that member's property.	9236 9237 9238 9239 9240 9241 9242 9243 9244
(ii) If the alleged violation is a violation of a protection order issued pursuant to section 2903.213 or 2903.214 of the Revised Code or a protection order issued by a court of another state, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of the person covered by the order, or conduct by the defendant that caused the person covered by the order to believe that the defendant would cause physical harm to that person or that person's property.	9245 9246 9247 9248 9249 9250 9251 9252 9253
(b) If a defendant is charged with a violation of section	9254

2903.211 of the Revised Code or of a municipal ordinance or 9255
township resolution that is substantially similar to that section, 9256
the court may order an evaluation of the mental condition of the 9257
defendant. 9258

(2) An evaluation ordered under division (A)(1) of this 9259
section shall be completed no later than thirty days from the date 9260
the order is entered pursuant to that division. In that order, the 9261
court shall do either of the following: 9262

(a) Order that the evaluation of the mental condition of the 9263
defendant be preceded by an examination conducted either by a 9264
forensic center that is designated by the department of mental 9265
health to conduct examinations and make evaluations of defendants 9266
charged with violations of section 2903.211 or 2919.27 of the 9267
Revised Code or of substantially similar municipal ordinances or 9268
township resolutions in the area in which the court is located, or 9269
by any other program or facility that is designated by the 9270
department of mental health or the department of mental 9271
retardation and developmental disabilities to conduct examinations 9272
and make evaluations of defendants charged with violations of 9273
section 2903.211 or 2919.27 of the Revised Code or of 9274
substantially similar municipal ordinances or township 9275
resolutions, and that is operated by either department or is 9276
certified by either department as being in compliance with the 9277
standards established under division (I) of section 5119.01 of the 9278
Revised Code or division (C) of section 5123.04 of the Revised 9279
Code. 9280

(b) Designate a center, program, or facility other than one 9281
designated by the department of mental health or the department of 9282
mental retardation and developmental disabilities, as described in 9283
division (A)(2)(a) of this section, to conduct the evaluation and 9284
preceding examination of the mental condition of the defendant. 9285

Whether the court acts pursuant to division (A)(2)(a) or (b) 9286

of this section, the court may designate examiners other than the 9287
personnel of the center, program, facility, or department involved 9288
to make the evaluation and preceding examination of the mental 9289
condition of the defendant. 9290

(B) If the court considers that additional evaluations of the 9291
mental condition of a defendant are necessary following the 9292
evaluation authorized by division (A) of this section, the court 9293
may order up to two additional similar evaluations. These 9294
evaluations shall be completed no later than thirty days from the 9295
date the applicable court order is entered. If more than one 9296
evaluation of the mental condition of the defendant is ordered 9297
under this division, the prosecutor and the defendant may 9298
recommend to the court an examiner whom each prefers to perform 9299
one of the evaluations and preceding examinations. 9300

(C)(1) The court may order a defendant who has been released 9301
on bail to submit to an examination under division (A) or (B) of 9302
this section. The examination shall be conducted either at the 9303
detention facility in which the defendant would have been confined 9304
if the defendant had not been released on bail, or, if so 9305
specified by the center, program, facility, or examiners involved, 9306
at the premises of the center, program, or facility. Additionally, 9307
the examination shall be conducted at the times established by the 9308
examiners involved. If such a defendant refuses to submit to an 9309
examination or a complete examination as required by the court or 9310
the center, program, facility, or examiners involved, the court 9311
may amend the conditions of the bail of the defendant and order 9312
the sheriff to take the defendant into custody and deliver the 9313
defendant to the detention facility in which the defendant would 9314
have been confined if the defendant had not been released on bail, 9315
or, if so specified by the center, program, facility, or examiners 9316
involved, to the premises of the center, program, or facility, for 9317
purposes of the examination. 9318

(2) A defendant who has not been released on bail shall be examined at the detention facility in which the defendant is confined or, if so specified by the center, program, facility, or examiners involved, at the premises of the center, program, or facility.

(D) The examiner of the mental condition of a defendant under division (A) or (B) of this section shall file a written report with the court within thirty days after the entry of an order for the evaluation of the mental condition of the defendant. The report shall contain the findings of the examiner; the facts in reasonable detail on which the findings are based; the opinion of the examiner as to the mental condition of the defendant; the opinion of the examiner as to whether the defendant represents a substantial risk of physical harm to other persons as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that placed other persons in reasonable fear of violent behavior and serious physical harm, or evidence of present dangerousness; and the opinion of the examiner as to the types of treatment or counseling that the defendant needs. The court shall provide copies of the report to the prosecutor and defense counsel.

(E) The costs of any evaluation and preceding examination of a defendant that is ordered pursuant to division (A) or (B) of this section shall be taxed as court costs in the criminal case.

(F) If the examiner considers it necessary in order to make an accurate evaluation of the mental condition of a defendant, an examiner under division (A) or (B) of this section may request any family or household member of the defendant to provide the examiner with information. A family or household member may, but is not required to, provide information to the examiner upon receipt of the request.

(G) As used in this section:

- (1) "Bail" includes a recognizance. 9351
- (2) "Examiner" means a psychiatrist, a licensed independent 9352
social worker who is employed by a forensic center that is 9353
certified as being in compliance with the standards established 9354
under division (I) of section 5119.01 or division (C) of section 9355
5123.04 of the Revised Code, a licensed professional clinical 9356
counselor who is employed at a forensic center that is certified 9357
as being in compliance with such standards, or a licensed clinical 9358
psychologist, except that in order to be an examiner, a licensed 9359
clinical psychologist shall meet the criteria of division (I)(1) 9360
of section 5122.01 of the Revised Code or be employed to conduct 9361
examinations by the department of mental health or by a forensic 9362
center certified as being in compliance with the standards 9363
established under division (I) of section 5119.01 or division (C) 9364
of section 5123.04 of the Revised Code that is designated by the 9365
department of mental health. 9366
- (3) "Family or household member" has the same meaning as in 9367
section 2919.25 of the Revised Code. 9368
- (4) "Prosecutor" has the same meaning as in section 2935.01 9369
of the Revised Code. 9370
- (5) "Psychiatrist" and "licensed clinical psychologist" have 9371
the same meanings as in section 5122.01 of the Revised Code. 9372
- (6) "Protection order issued by a court of another state" has 9373
the same meaning as in section 2919.27 of the Revised Code. 9374
- Sec. 2921.25.** (A) No judge ~~of a or community court of record,~~ 9375
~~or mayor presiding over a mayor's court,~~ magistrate shall order a 9376
peace officer, parole officer, prosecuting attorney, assistant 9377
prosecuting attorney, correctional employee, or youth services 9378
employee who is a witness in a criminal case, to disclose the 9379
peace officer's, parole officer's, prosecuting attorney's, 9380

assistant prosecuting attorney's, correctional employee's, or 9381
youth services employee's home address during the peace officer's, 9382
parole officer's, prosecuting attorney's, assistant prosecuting 9383
attorney's, correctional employee's, or youth services employee's 9384
examination in the case, unless the judge or ~~mayer~~ magistrate 9385
determines that the defendant has a right to the disclosure. 9386

(B) As used in this section: 9387

(1) "Peace officer" has the same meaning as in section 9388
2935.01 of the Revised Code. 9389

(2) "Correctional employee" and "youth services employee" 9390
have the same meanings as in section 149.43 of the Revised Code. 9391

Sec. 2921.51. (A) As used in this section: 9392

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 9393
deputy marshal, member of the organized police department of a 9394
municipal corporation, or township constable, who is employed by a 9395
political subdivision of this state, a member of a police force 9396
employed by a metropolitan housing authority under division (D) of 9397
section 3735.31 of the Revised Code, a member of a police force 9398
employed by a regional transit authority under division (Y) of 9399
section 306.35 of the Revised Code, a state university law 9400
enforcement officer appointed under section 3345.04 of the Revised 9401
Code, a veterans' home police officer appointed under section 9402
5907.02 of the Revised Code, a special police officer employed by 9403
a port authority under section 4582.04 or 4582.28 of the Revised 9404
Code, or a state highway patrol trooper and whose primary duties 9405
are to preserve the peace, to protect life and property, and to 9406
enforce the laws, ordinances, resolutions, or rules of the state 9407
or any of its political subdivisions. 9408

(2) "Private police officer" means any security guard, 9409
special police officer, private detective, or other person who is 9410

privately employed in a police capacity. 9411

(3) "Federal law enforcement officer" means an employee of 9412
the United States who serves in a position the duties of which are 9413
primarily the investigation, apprehension, or detention of 9414
individuals suspected or convicted of offenses under the criminal 9415
laws of the United States. 9416

(4) "Impersonate" means to act the part of, assume the 9417
identity of, wear the uniform or any part of the uniform of, or 9418
display the identification of a particular person or of a member 9419
of a class of persons with purpose to make another person believe 9420
that the actor is that particular person or is a member of that 9421
class of persons. 9422

(5) "Investigator of the bureau of criminal identification 9423
and investigation" has the same meaning as in section 2903.11 of 9424
the Revised Code. 9425

(B) No person shall impersonate a peace officer, private 9426
police officer, ~~or~~ a federal law enforcement officer, or 9427
investigator of the bureau of criminal identification and 9428
investigation. 9429

(C) No person, by impersonating a peace officer, private 9430
police officer, ~~or~~ a federal law enforcement officer, or 9431
investigator of the bureau of criminal identification and 9432
investigation, shall arrest or detain any person, search any 9433
person, or search the property of any person. 9434

(D) No person, with purpose to commit or facilitate the 9435
commission of an offense, shall impersonate a peace officer, 9436
private police officer, a federal law enforcement officer, 9437
officer, agent, or employee of the state, or investigator of the 9438
bureau of criminal identification and investigation. 9439

(E) No person shall commit a felony while impersonating a 9440
peace officer, private police officer, a federal law enforcement 9441

officer, officer, agent, or employee of the state, or investigator 9442
of the bureau of criminal identification and investigation. 9443

9444

(F) It is an affirmative defense to a charge under division 9445
(B) of this section that the impersonation of the peace officer, 9446
private police officer, or investigator of the bureau of criminal 9447
identification and investigation was for a lawful purpose. 9448

(G) Whoever violates division (B) of this section is guilty 9449
of a misdemeanor of the fourth degree. Whoever violates division 9450
(C) or (D) of this section is guilty of a misdemeanor of the first 9451
degree. If the purpose of a violation of division (D) of this 9452
section is to commit or facilitate the commission of a felony, a 9453
violation of division (D) is a felony of the fourth degree. 9454
Whoever violates division (E) of this section is guilty of a 9455
felony of the third degree. 9456

Sec. 2921.52. (A) As used in this section: 9457

(1) "Lawfully issued" means adopted, issued, or rendered in 9458
accordance with the United States constitution, the constitution 9459
of a state, and the applicable statutes, rules, regulations, 9460
resolutions, and ordinances of the United States, a state, and the 9461
political subdivisions of a state. 9462

(2) "State" means a state of the United States, including 9463
without limitation, the state legislature, the highest court of 9464
the state that has statewide jurisdiction, the offices of all 9465
elected state officers, and all departments, boards, offices, 9466
commissions, agencies, institutions, and other instrumentalities 9467
of the state. "State" does not include the political subdivisions 9468
of the state. 9469

(3) "Political subdivisions" means municipal corporations, 9470
townships, counties, school districts, and all other bodies 9471

corporate and politic that are organized under state law and are 9472
responsible for governmental activities only in geographical areas 9473
smaller than that of a state. 9474

(4) "Sham legal process" means an instrument that meets all 9475
of the following conditions: 9476

(a) It is not lawfully issued. 9477

(b) It purports to do any of the following: 9478

(i) To be a summons, subpoena, judgment, or order of a court, 9479
a law enforcement officer, or a legislative, executive, or 9480
administrative body. 9481

(ii) To assert jurisdiction over or determine the legal or 9482
equitable status, rights, duties, powers, or privileges of any 9483
person or property. 9484

(iii) To require or authorize the search, seizure, 9485
indictment, arrest, trial, or sentencing of any person or 9486
property. 9487

(c) It is designed to make another person believe that it is 9488
lawfully issued. 9489

(B) No person shall, knowing the sham legal process to be 9490
sham legal process, do any of the following: 9491

(1) Knowingly issue, display, deliver, distribute, or 9492
otherwise use sham legal process; 9493

(2) Knowingly use sham legal process to arrest, detain, 9494
search, or seize any person or the property of another person; 9495

(3) Knowingly commit or facilitate the commission of an 9496
offense, using sham legal process; 9497

(4) Knowingly commit a felony by using sham legal process. 9498

(C) It is an affirmative defense to a charge under division 9499
(B)(1) or (2) of this section that the use of sham legal process 9500

was for a lawful purpose. 9501

(D) Whoever violates this section is guilty of using sham 9502
legal process. A violation of division (B)(1) of this section is a 9503
misdemeanor of the fourth degree. A violation of division (B)(2) 9504
or (3) of this section is a misdemeanor of the first degree, 9505
except that, if the purpose of a violation of division (B)(3) of 9506
this section is to commit or facilitate the commission of a 9507
felony, a violation of division (B)(3) of this section is a felony 9508
of the fourth degree. A violation of division (B)(4) of this 9509
section is a felony of the third degree. 9510

(E) A person who violates this section is liable in a civil 9511
action to any person harmed by the violation for injury, death, or 9512
loss to person or property incurred as a result of the commission 9513
of the offense and for reasonable attorney's fees, court costs, 9514
and other expenses incurred as a result of prosecuting the civil 9515
action commenced under this division. A civil action under this 9516
division is not the exclusive remedy of a person who incurs 9517
injury, death, or loss to person or property as a result of a 9518
violation of this section. 9519

Sec. 2929.142. Notwithstanding the definite prison term 9520
specified in division (A) of section 2929.14 of the Revised Code 9521
for a felony of the first degree, if an offender is convicted of 9522
or pleads guilty to aggravated vehicular homicide in violation of 9523
division (A)(1) of section 2903.06 of the Revised Code, the court 9524
shall impose upon the offender a mandatory prison term of ten, 9525
eleven, twelve, thirteen, fourteen, or fifteen years if any of the 9526
following apply: 9527

(A) The offender previously has been convicted of or pleaded 9528
guilty to three or more prior violations of section 4511.19 of the 9529
Revised Code or of a substantially equivalent municipal ordinance 9530
or township resolution within the previous six years. 9531

(B) The offender previously has been convicted of or pleaded 9532
guilty to three or more prior violations of division (A) of 9533
section 1547.11 of the Revised Code or of a substantially 9534
equivalent municipal ordinance within the previous six years. 9535

(C) The offender previously has been convicted of or pleaded 9536
guilty to three or more prior violations of division (A)(3) of 9537
section 4561.15 of the Revised Code or of a substantially 9538
equivalent municipal ordinance or township resolution within the 9539
previous six years. 9540

(D) The offender previously has been convicted of or pleaded 9541
guilty to three or more prior violations of division (A)(1) of 9542
section 2903.06 of the Revised Code. 9543

(E) The offender previously has been convicted of or pleaded 9544
guilty to three or more prior violations of division (A)(1) of 9545
section 2903.08 of the Revised Code. 9546

(F) The offender previously has been convicted of or pleaded 9547
guilty to three or more prior violations of section 2903.04 of the 9548
Revised Code in circumstances in which division (D) of that 9549
section applied regarding the violations. 9550

(G) The offender previously has been convicted of or pleaded 9551
guilty to three or more violations of any combination of the 9552
offenses listed in division (A), (B), (C), (D), (E), or (F) of 9553
this section. 9554

(H) The offender previously has been convicted of or pleaded 9555
guilty to a second or subsequent felony violation of division (A) 9556
of section 4511.19 of the Revised Code. 9557

Sec. 2929.21. (A) A court that sentences an offender for a 9558
misdemeanor or minor misdemeanor violation of any provision of the 9559
Revised Code, or of any municipal ordinance or township resolution 9560
that is substantially similar to a misdemeanor or minor 9561

misdemeanor violation of a provision of the Revised Code, shall be 9562
guided by the overriding purposes of misdemeanor sentencing. The 9563
overriding purposes of misdemeanor sentencing are to protect the 9564
public from future crime by the offender and others and to punish 9565
the offender. To achieve those purposes, the sentencing court 9566
shall consider the impact of the offense upon the victim and the 9567
need for changing the offender's behavior, rehabilitating the 9568
offender, and making restitution to the victim of the offense, the 9569
public, or the victim and the public. 9570

(B) A sentence imposed for a misdemeanor or minor misdemeanor 9571
violation of a Revised Code provision or for a violation of a 9572
municipal ordinance that is subject to division (A) of this 9573
section shall be reasonably calculated to achieve the two 9574
overriding purposes of misdemeanor sentencing set forth in 9575
division (A) of this section, commensurate with and not demeaning 9576
to the seriousness of the offender's conduct and its impact upon 9577
the victim, and consistent with sentences imposed for similar 9578
offenses committed by similar offenders. 9579

(C) A court that imposes a sentence upon an offender for a 9580
misdemeanor or minor misdemeanor violation of a Revised Code 9581
provision or for a violation of a municipal ordinance that is 9582
subject to division (A) of this section shall not base the 9583
sentence upon the race, ethnic background, gender, or religion of 9584
the offender. 9585

(D) Divisions (A) and (B) of this section shall not apply to 9586
any offense that is disposed of by a traffic violations bureau of 9587
any court pursuant to Traffic Rule 13 and shall not apply to any 9588
violation of any provision of the Revised Code that is a minor 9589
misdemeanor and that is disposed of without a court appearance. 9590
Divisions (A) to (C) of this section do not affect any penalties 9591
established by a municipal corporation for a violation of its 9592

ordinances.	9593
Sec. 2930.01. As used in this chapter:	9594
(A) "Crime" means any of the following:	9595
(1) A felony;	9596
(2) A violation of section 2903.05, 2903.06, 2903.13,	9597
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the	9598
Revised Code, a violation of section 2903.07 of the Revised Code	9599
as it existed prior to March 23, 2000, or a violation of a	9600
substantially equivalent municipal ordinance <u>or township</u>	9601
<u>resolution</u> ;	9602
(3) A violation of division (A) or (B) of section 4511.19,	9603
division (A) or (B) of section 1547.11, or division (A)(3) of	9604
section 4561.15 of the Revised Code or of a municipal ordinance <u>or</u>	9605
<u>township resolution</u> substantially similar to any of those	9606
divisions that is the proximate cause of a vehicle, streetcar,	9607
trackless trolley, aquatic device, or aircraft accident in which	9608
the victim receives injuries for which the victim receives medical	9609
treatment either at the scene of the accident by emergency medical	9610
services personnel or at a hospital, ambulatory care facility,	9611
physician's office, specialist's office, or other medical care	9612
facility.	9613
(4) A motor vehicle accident to which both of the following	9614
apply:	9615
(a) The motor vehicle accident is caused by a violation of a	9616
provision of the Revised Code that is a misdemeanor of the first	9617
degree or higher.	9618
(b) As a result of the motor vehicle accident, the victim	9619
receives injuries for which the victim receives medical treatment	9620
either at the scene of the accident by emergency medical services	9621
personnel or at a hospital, ambulatory care facility, physician's	9622

office, specialist's office, or other medical care facility.	9623
(B) "Custodial agency" means one of the following:	9624
(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a crime, is under detention for the commission of a specified delinquent act, or who is detained after a finding of incompetence to stand trial or not guilty by reason of insanity relative to a crime, including any of the following:	9625 9626 9627 9628 9629 9630
(a) The department of rehabilitation and correction or the adult parole authority;	9631 9632
(b) A county sheriff;	9633
(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;	9634 9635
(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;	9636 9637 9638
(e) The department of mental health or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.	9639 9640 9641
(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile court, including the department of youth services or a school, camp, institution, or other facility operated for the care of delinquent children.	9642 9643 9644 9645 9646
(C) "Defendant" means a person who is alleged to be the perpetrator of a crime in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution and subsequent proceedings to which this chapter makes reference.	9647 9648 9649 9650 9651
(D) "Member of the victim's family" means a spouse, child,	9652

stepchild, sibling, parent, stepparent, grandparent, or other 9653
relative of a victim but does not include a person who is charged 9654
with, convicted of, or adjudicated to be a delinquent child for 9655
the crime or specified delinquent act against the victim or 9656
another crime or specified delinquent act arising from the same 9657
conduct, criminal episode, or plan. 9658

(E) "Prosecutor" means one of the following: 9659

(1) With respect to a criminal case, it has the same meaning 9660
as in section 2935.01 of the Revised Code and also includes the 9661
attorney general and, when appropriate, the employees of any 9662
person listed in section 2935.01 of the Revised Code or of the 9663
attorney general. 9664

(2) With respect to a delinquency proceeding, it includes any 9665
person listed in division (C) of section 2935.01 of the Revised 9666
Code or an employee of a person listed in that division who 9667
prosecutes a delinquency proceeding. 9668

(F) "Public agency" means an office, agency, department, 9669
bureau, or other governmental entity of the state or of a 9670
political subdivision of the state. 9671

(G) "Public official" has the same meaning as in section 9672
2921.01 of the Revised Code. 9673

(H) "Victim" means either of the following: 9674

(1) A person who is identified as the victim of a crime or 9675
specified delinquent act in a police report or in a complaint, 9676
indictment, or information that charges the commission of a crime 9677
and that provides the basis for the criminal prosecution or 9678
delinquency proceeding and subsequent proceedings to which this 9679
chapter makes reference. 9680

(2) A person who receives injuries as a result of a vehicle, 9681
streetcar, trackless trolley, aquatic device, or aircraft accident 9682

that is proximately caused by a violation described in division 9683
(A)(3) of this section or a motor vehicle accident that is 9684
proximately caused by a violation described in division (A)(4) of 9685
this section and who receives medical treatment as described in 9686
division (A)(3) or (4) of this section, whichever is applicable. 9687

(I) "Victim's representative" means a member of the victim's 9688
family or another person who pursuant to the authority of section 9689
2930.02 of the Revised Code exercises the rights of a victim under 9690
this chapter. 9691

(J) "Court" means a court of common pleas, juvenile court, 9692
municipal court, or county court. 9693

(K) "Delinquency proceeding" means all proceedings in a 9694
juvenile court that are related to a case in which a complaint has 9695
been filed alleging that a child is a delinquent child. 9696

(L) "Case" means a delinquency proceeding and all related 9697
activity or a criminal prosecution and all related activity. 9698

(M) The "defense" means the defense against criminal charges 9699
in a criminal prosecution or the defense against a delinquent 9700
child complaint in a delinquency proceeding. 9701

(N) The "prosecution" means the prosecution of criminal 9702
charges in a criminal prosecution or the prosecution of a 9703
delinquent child complaint in a delinquency proceeding. 9704

(O) "Specified delinquent act" means any of the following: 9705

(1) An act committed by a child that if committed by an adult 9706
would be a felony; 9707

(2) An act committed by a child that is a violation of a 9708
section listed in division (A)(1) or (2) of this section or is a 9709
violation of a substantially equivalent municipal ordinance or 9710
township resolution; 9711

(3) An act committed by a child that is described in division 9712

(A)(3) or (4) of this section.	9713
(P)(1) "Alleged juvenile offender" means a child who is	9714
alleged to have committed a specified delinquent act in a police	9715
report or in a complaint in juvenile court that charges the	9716
commission of a specified delinquent act and that provides the	9717
basis for the delinquency proceeding and all subsequent	9718
proceedings to which this chapter makes reference.	9719
(2) As used in divisions (O) and (P)(1) of this section,	9720
"child" has the same meaning as in section 2151.011 of the Revised	9721
Code.	9722
(Q) "Motor vehicle accident" means any accident involving a	9723
motor vehicle.	9724
(R) "Motor vehicle" has the same meaning as in section	9725
4509.01 of the Revised Code.	9726
(S) "Aircraft" has the same meaning as in section 4561.01 of	9727
the Revised Code.	9728
(T) "Aquatic device" means any vessel, or any water skis,	9729
aquaplane, or similar device.	9730
(U) "Vehicle," "streetcar," and "trackless trolley" have the	9731
same meanings as in section 4511.01 of the Revised Code.	9732
(V) "Vehicle, streetcar, trackless trolley, aquatic device,	9733
or aircraft accident" means any accident involving a vehicle,	9734
streetcar, trackless trolley, aquatic device, or aircraft.	9735
(W) "Vessel" has the same meaning as in section 1547.01 of	9736
the Revised Code.	9737
Sec. 2931.01. As used in Chapters 2931. to 2953. of the	9738
Revised Code:	9739
(A) "Magistrate" includes county court judges, police	9740
justices, mayors of municipal corporation <u>community court</u>	9741

magistrates, and judges of other courts inferior to the court of
common pleas. 9742
9743

(B) "Judge" does not include the probate judge. 9744

(C) "Court" does not include the probate court. 9745

(D) "Clerk" does not include the clerk of the probate court. 9746

Sec. 2933.02. When a complaint is made in writing and upon 9747
oath, filed with a municipal ~~or~~, county, or community court ~~or a~~ 9748
~~mayor sitting as the judge of a mayor's court~~, and states that the 9749
complainant has just cause to fear and fears that another 9750
individual will commit an offense against the person or property 9751
of the complainant or ~~his~~ the ward or child of the complainant, a 9752
municipal or county court judge or ~~mayor~~ community court 9753
magistrate shall issue to the sheriff or to any other appropriate 9754
peace officer, as defined in section 2935.01 of the Revised Code, 9755
within the territorial jurisdiction of the court, a warrant in the 9756
name of the state that commands ~~him~~ the sheriff or peace officer 9757
forthwith to arrest and take the individual complained of before 9758
the court to answer the complaint. 9759

Sec. 2933.03. Warrants issued under section 2933.02 of the 9760
Revised Code shall be substantially in the following form: 9761

The State of Ohio, County, ss: 9762

To the sheriff or other appropriate peace officer, greeting: 9763

Whereas, a complaint has been filed by one C.D., in writing 9764
and upon oath, stating that ~~he~~ such individual has just cause to 9765
fear and does fear that one E.F. will (here state the threatened 9766
injury or violence according to the fact as sworn to). 9767

~~These~~ You are therefore ~~to command you~~ commanded to forthwith 9768
arrest E.F. and bring ~~him~~ such individual before this court to 9769
show cause why ~~he~~ such individual should not ~~find surety post a~~ 9770

cash or security bond with the court in a sum fixed by the judge 9771
to keep the peace and be of good behavior toward the citizens of 9772
the state generally, and C.D. especially, and for ~~his~~ such 9773
individual's appearance before the proper court. 9774

Given under my hand, this day of 9775
A.B., Judge, County Court; 9776
Judge, Municipal Court; 9777
~~Mayor~~ Magistrate, ~~Mayor's~~ 9778
Community Court

Sec. 2933.04. When the accused ~~in~~ is brought before the 9779
municipal, county, or ~~mayer's~~ community court pursuant to sections 9780
2933.02 and 2933.03 of the Revised Code, ~~he~~ the accused shall be 9781
heard in ~~his~~ the accused's own defense. If it is necessary for 9782
just cause to adjourn the hearing, the municipal or county court 9783
judge or ~~mayer~~ community court magistrate involved may order such 9784
adjournment. The judge or ~~mayer~~ magistrate also may direct the 9785
sheriff or other peace officer having custody of the accused to 9786
detain ~~him~~ the accused in the county jail or other appropriate 9787
detention facility until the cause of delay is removed, unless a 9788
bond in a sum fixed by the judge or ~~mayer~~ but not to exceed five 9789
~~hundred dollars~~ magistrate, with sufficient surety, is given by 9790
the accused. A delay shall not exceed two days. 9791

Sec. 2933.05. The municipal or county court judge or ~~mayer~~ 9792
~~sitting as the judge of a mayer's court~~ community court 9793
magistrate, upon the appearance of the parties pursuant to 9794
sections 2933.02 to 2933.04 of the Revised Code, shall hear the 9795
witnesses under oath and do one of the following: 9796

(A) Discharge the accused, render judgment against the 9797
complainant for costs, and award execution for the costs; 9798

(B) Order the accused to enter into a bond ~~of not less than~~ 9799

~~fifty or more than five hundred dollars~~ in a sum fixed by the 9800
judge or magistrate, with sufficient surety, to keep the peace and 9801
be of good behavior for such time as may be just, render judgment 9802
against ~~him~~ the accused for costs, and award execution for the 9803
costs. 9804

In default of such bond, the judge or ~~mayor~~ magistrate shall 9805
commit the accused to the county jail or other appropriate 9806
detention facility, until such order is complied with or ~~he~~ the 9807
accused is discharged. 9808

Sec. 2933.06. The accused under sections 2933.02 to 2933.05 9809
of the Revised Code may appeal from the decision of a municipal or 9810
county court judge to the appropriate court of appeals ~~or from the~~ 9811
~~decision of a mayor sitting as the judge of a mayor's court to the~~ 9812
~~appropriate municipal or county court.~~ An appeal ~~from the decision~~ 9813
~~of a municipal or county court judge to the appropriate court of~~ 9814
~~appeals~~ shall be only as to questions of law and, to the extent 9815
~~that sections 2933.06 to 2933.09 of the Revised Code do~~ this 9816
section does not contain relevant provisions, shall be made and 9817
proceed in accordance with the Rules of Appellate Procedure. ~~An~~ 9818
~~appeal from the decision of a mayor sitting as the judge of a~~ 9819
~~mayor's court to the appropriate municipal or county court shall~~ 9820
~~be as to questions of law and fact, and shall be made and proceed~~ 9821
~~in accordance with sections 2933.06 to 2933.09 of the Revised~~ 9822
~~Code.~~ 9823

In connection with ~~either type of~~ an appeal, the accused 9824
shall file with the clerk of the municipal, or county, ~~or mayor's~~ 9825
court, within ~~ten~~ thirty days after the decision is rendered, an 9826
appeal bond in a sum to be fixed by the judge ~~or mayor at not less~~ 9827
~~than fifty or more than five hundred dollars~~, with surety to be 9828
approved by the judge ~~or mayor~~, conditioned that, pending the 9829
determination of the appeal, the accused will keep the peace and 9830

will be of good behavior generally and especially towards the 9831
person named in the complaint. Upon the filing of the appeal bond, 9832
the clerk of the municipal, or county, ~~or mayor's~~ court forthwith 9833
shall make a certified transcript of the proceedings in the 9834
action, the appeal bond to be included. Upon the payment by the 9835
appellant of the fee for the transcript, the clerk immediately 9836
shall file the transcript and all the original papers in the 9837
action in the office of the clerk of the appellate court. 9838

Sec. 2933.10. Whoever, in the presence of a municipal or 9839
county court judge, ~~or a mayor sitting as the judge of a mayor's~~ 9840
~~court~~ community court magistrate, makes an affray, threatens to 9841
beat or kill another or to commit an offense against the person or 9842
property of another, or contends with angry words to the 9843
disturbance of the peace, may be ordered without process or other 9844
proof to enter into a bond under section 2933.05 of the Revised 9845
Code. In default of such a bond, the person may be committed under 9846
that section. 9847

Sec. 2935.01. As used in this chapter: 9848

(A) "Magistrate" has the same meaning as in section 2931.01 9849
of the Revised Code. 9850

(B) "Peace officer" includes, except as provided in section 9851
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 9852
deputy marshal; member of the organized police department of any 9853
municipal corporation, including a member of the organized police 9854
department of a municipal corporation in an adjoining state 9855
serving in Ohio under a contract pursuant to section 737.04 of the 9856
Revised Code; member of a police force employed by a metropolitan 9857
housing authority under division (D) of section 3735.31 of the 9858
Revised Code; member of a police force employed by a regional 9859
transit authority under division (Y) of section 306.05 of the 9860

Revised Code; state university law enforcement officer appointed 9861
under section 3345.04 of the Revised Code; enforcement agent of 9862
the department of public safety designated under section 5502.14 9863
of the Revised Code; employee of the department of taxation to 9864
whom investigation powers have been delegated under section 9865
5743.45 of the Revised Code; employee of the department of natural 9866
resources who is a natural resources law enforcement staff officer 9867
designated pursuant to section 1501.013 of the Revised Code, a 9868
forest officer designated pursuant to section 1503.29 of the 9869
Revised Code, a preserve officer designated pursuant to section 9870
1517.10 of the Revised Code, a wildlife officer designated 9871
pursuant to section 1531.13 of the Revised Code, a park officer 9872
designated pursuant to section 1541.10 of the Revised Code, or a 9873
state watercraft officer designated pursuant to section 1547.521 9874
of the Revised Code; individual designated to perform law 9875
enforcement duties under section 511.232, 1545.13, or 6101.75 of 9876
the Revised Code; veterans' home police officer appointed under 9877
section 5907.02 of the Revised Code; special police officer 9878
employed by a port authority under section 4582.04 or 4582.28 of 9879
the Revised Code; police constable of any township; police officer 9880
of a township or joint township police district; a special police 9881
officer employed by a municipal corporation at a municipal 9882
airport, or other municipal air navigation facility, that has 9883
scheduled operations, as defined in section 119.3 of Title 14 of 9884
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 9885
that is required to be under a security program and is governed by 9886
aviation security rules of the transportation security 9887
administration of the United States department of transportation 9888
as provided in Parts 1542. and 1544. of Title 49 of the Code of 9889
Federal Regulations, as amended; the house of representatives 9890
sergeant at arms if the house of representatives sergeant at arms 9891
has arrest authority pursuant to division (E)(1) of section 9892
101.311 of the Revised Code; and an assistant house of 9893

representatives sergeant at arms; officer or employee of the 9894
bureau of criminal identification and investigation established 9895
pursuant to section 109.51 of the Revised Code who has been 9896
awarded a certificate by the executive director of the Ohio peace 9897
officer training commission attesting to the officer's or 9898
employee's satisfactory completion of an approved state, county, 9899
municipal, or department of natural resources peace officer basic 9900
training program and who is providing assistance upon request to a 9901
law enforcement officer or emergency assistance to a peace officer 9902
pursuant to section 109.54 or 109.541 of the Revised Code; and, 9903
for the purpose of arrests within those areas, for the purposes of 9904
Chapter 5503. of the Revised Code, and the filing of and service 9905
of process relating to those offenses witnessed or investigated by 9906
them, the superintendent and troopers of the state highway patrol. 9907

(C) "Prosecutor" includes the county prosecuting attorney and 9908
any assistant prosecutor designated to assist the county 9909
prosecuting attorney, and, in the case of courts inferior to 9910
courts of common pleas, includes the village solicitor, city 9911
director of law, or similar chief legal officer of a municipal 9912
corporation, any such officer's assistants, or any attorney 9913
designated by the prosecuting attorney of the county to appear for 9914
the prosecution of a given case. 9915

(D) "Offense," except where the context specifically 9916
indicates otherwise, includes felonies, misdemeanors, and 9917
violations of ordinances and resolutions of municipal 9918
corporations, townships, and other public bodies authorized by law 9919
to adopt penal regulations. 9920

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 9921
deputy marshal, municipal police officer, township constable, 9922
police officer of a township or joint township police district, 9923
member of a police force employed by a metropolitan housing 9924

authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, state university law enforcement officer appointed under section 3345.04 of the Revised Code, veterans' home police officer appointed under section 5907.02 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, or a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended, shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(2) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the peace officer's or

individual's territorial jurisdiction, a law of this state. 9958

(3) The house sergeant at arms if the house sergeant at arms 9959
has arrest authority pursuant to division (E)(1) of section 9960
101.311 of the Revised Code and an assistant house sergeant at 9961
arms shall arrest and detain, until a warrant can be obtained, a 9962
person found violating, within the limits of the sergeant at 9963
arms's or assistant sergeant at arms's territorial jurisdiction 9964
specified in division (D)(1)(a) of section 101.311 of the Revised 9965
Code or while providing security pursuant to division (D)(1)(f) of 9966
section 101.311 of the Revised Code, a law of this state, an 9967
ordinance of a municipal corporation, or a resolution of a 9968
township. 9969

(B)(1) When there is reasonable ground to believe that an 9970
offense of violence, the offense of criminal child enticement as 9971
defined in section 2905.05 of the Revised Code, the offense of 9972
public indecency as defined in section 2907.09 of the Revised 9973
Code, the offense of domestic violence as defined in section 9974
2919.25 of the Revised Code, the offense of violating a protection 9975
order as defined in section 2919.27 of the Revised Code, the 9976
offense of menacing by stalking as defined in section 2903.211 of 9977
the Revised Code, the offense of aggravated trespass as defined in 9978
section 2911.211 of the Revised Code, a theft offense as defined 9979
in section 2913.01 of the Revised Code, or a felony drug abuse 9980
offense as defined in section 2925.01 of the Revised Code, has 9981
been committed within the limits of the political subdivision, 9982
metropolitan housing authority housing project, regional transit 9983
authority facilities or those areas of a municipal corporation 9984
that have been agreed to by a regional transit authority and a 9985
municipal corporation located within its territorial jurisdiction, 9986
college, university, veterans' home operated under Chapter 5907. 9987
of the Revised Code, port authority, or municipal airport or other 9988
municipal air navigation facility, in which the peace officer is 9989

appointed, employed, or elected or within the limits of the 9990
territorial jurisdiction of the peace officer, a peace officer 9991
described in division (A) of this section may arrest and detain 9992
until a warrant can be obtained any person who the peace officer 9993
has reasonable cause to believe is guilty of the violation. 9994

(2) For purposes of division (B)(1) of this section, the 9995
execution of any of the following constitutes reasonable ground to 9996
believe that the offense alleged in the statement was committed 9997
and reasonable cause to believe that the person alleged in the 9998
statement to have committed the offense is guilty of the 9999
violation: 10000

(a) A written statement by a person alleging that an alleged 10001
offender has committed the offense of menacing by stalking or 10002
aggravated trespass; 10003

(b) A written statement by the administrator of the 10004
interstate compact on mental health appointed under section 10005
5119.51 of the Revised Code alleging that a person who had been 10006
hospitalized, institutionalized, or confined in any facility under 10007
an order made pursuant to or under authority of section 2945.37, 10008
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 10009
Revised Code has escaped from the facility, from confinement in a 10010
vehicle for transportation to or from the facility, or from 10011
supervision by an employee of the facility that is incidental to 10012
hospitalization, institutionalization, or confinement in the 10013
facility and that occurs outside of the facility, in violation of 10014
section 2921.34 of the Revised Code; 10015

(c) A written statement by the administrator of any facility 10016
in which a person has been hospitalized, institutionalized, or 10017
confined under an order made pursuant to or under authority of 10018
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 10019
2945.402 of the Revised Code alleging that the person has escaped 10020
from the facility, from confinement in a vehicle for 10021

transportation to or from the facility, or from supervision by an 10022
employee of the facility that is incidental to hospitalization, 10023
institutionalization, or confinement in the facility and that 10024
occurs outside of the facility, in violation of section 2921.34 of 10025
the Revised Code. 10026

(3)(a) For purposes of division (B)(1) of this section, a 10027
peace officer described in division (A) of this section has 10028
reasonable grounds to believe that the offense of domestic 10029
violence or the offense of violating a protection order has been 10030
committed and reasonable cause to believe that a particular person 10031
is guilty of committing the offense if any of the following 10032
occurs: 10033

(i) A person executes a written statement alleging that the 10034
person in question has committed the offense of domestic violence 10035
or the offense of violating a protection order against the person 10036
who executes the statement or against a child of the person who 10037
executes the statement. 10038

(ii) No written statement of the type described in division 10039
(B)(3)(a)(i) of this section is executed, but the peace officer, 10040
based upon the peace officer's own knowledge and observation of 10041
the facts and circumstances of the alleged incident of the offense 10042
of domestic violence or the alleged incident of the offense of 10043
violating a protection order or based upon any other information, 10044
including, but not limited to, any reasonably trustworthy 10045
information given to the peace officer by the alleged victim of 10046
the alleged incident of the offense or any witness of the alleged 10047
incident of the offense, concludes that there are reasonable 10048
grounds to believe that the offense of domestic violence or the 10049
offense of violating a protection order has been committed and 10050
reasonable cause to believe that the person in question is guilty 10051
of committing the offense. 10052

(iii) No written statement of the type described in division 10053

(B)(3)(a)(i) of this section is executed, but the peace officer 10054
witnessed the person in question commit the offense of domestic 10055
violence or the offense of violating a protection order. 10056

(b) If pursuant to division (B)(3)(a) of this section a peace 10057
officer has reasonable grounds to believe that the offense of 10058
domestic violence or the offense of violating a protection order 10059
has been committed and reasonable cause to believe that a 10060
particular person is guilty of committing the offense, it is the 10061
preferred course of action in this state that the officer arrest 10062
and detain that person pursuant to division (B)(1) of this section 10063
until a warrant can be obtained. 10064

If pursuant to division (B)(3)(a) of this section a peace 10065
officer has reasonable grounds to believe that the offense of 10066
domestic violence or the offense of violating a protection order 10067
has been committed and reasonable cause to believe that family or 10068
household members have committed the offense against each other, 10069
it is the preferred course of action in this state that the 10070
officer, pursuant to division (B)(1) of this section, arrest and 10071
detain until a warrant can be obtained the family or household 10072
member who committed the offense and whom the officer has 10073
reasonable cause to believe is the primary physical aggressor. 10074
There is no preferred course of action in this state regarding any 10075
other family or household member who committed the offense and 10076
whom the officer does not have reasonable cause to believe is the 10077
primary physical aggressor, but, pursuant to division (B)(1) of 10078
this section, the peace officer may arrest and detain until a 10079
warrant can be obtained any other family or household member who 10080
committed the offense and whom the officer does not have 10081
reasonable cause to believe is the primary physical aggressor. 10082

(c) If a peace officer described in division (A) of this 10083
section does not arrest and detain a person whom the officer has 10084
reasonable cause to believe committed the offense of domestic 10085

violence or the offense of violating a protection order when it is 10086
the preferred course of action in this state pursuant to division 10087
(B)(3)(b) of this section that the officer arrest that person, the 10088
officer shall articulate in the written report of the incident 10089
required by section 2935.032 of the Revised Code a clear statement 10090
of the officer's reasons for not arresting and detaining that 10091
person until a warrant can be obtained. 10092

(d) In determining for purposes of division (B)(3)(b) of this 10093
section which family or household member is the primary physical 10094
aggressor in a situation in which family or household members have 10095
committed the offense of domestic violence or the offense of 10096
violating a protection order against each other, a peace officer 10097
described in division (A) of this section, in addition to any 10098
other relevant circumstances, should consider all of the 10099
following: 10100

(i) Any history of domestic violence or of any other violent 10101
acts by either person involved in the alleged offense that the 10102
officer reasonably can ascertain; 10103

(ii) If violence is alleged, whether the alleged violence was 10104
caused by a person acting in self-defense; 10105

(iii) Each person's fear of physical harm, if any, resulting 10106
from the other person's threatened use of force against any person 10107
or resulting from the other person's use or history of the use of 10108
force against any person, and the reasonableness of that fear; 10109

(iv) The comparative severity of any injuries suffered by the 10110
persons involved in the alleged offense. 10111

(e)(i) A peace officer described in division (A) of this 10112
section shall not require, as a prerequisite to arresting or 10113
charging a person who has committed the offense of domestic 10114
violence or the offense of violating a protection order, that the 10115
victim of the offense specifically consent to the filing of 10116

charges against the person who has committed the offense or sign a 10117
complaint against the person who has committed the offense. 10118

(ii) If a person is arrested for or charged with committing 10119
the offense of domestic violence or the offense of violating a 10120
protection order and if the victim of the offense does not 10121
cooperate with the involved law enforcement or prosecuting 10122
authorities in the prosecution of the offense or, subsequent to 10123
the arrest or the filing of the charges, informs the involved law 10124
enforcement or prosecuting authorities that the victim does not 10125
wish the prosecution of the offense to continue or wishes to drop 10126
charges against the alleged offender relative to the offense, the 10127
involved prosecuting authorities, in determining whether to 10128
continue with the prosecution of the offense or whether to dismiss 10129
charges against the alleged offender relative to the offense and 10130
notwithstanding the victim's failure to cooperate or the victim's 10131
wishes, shall consider all facts and circumstances that are 10132
relevant to the offense, including, but not limited to, the 10133
statements and observations of the peace officers who responded to 10134
the incident that resulted in the arrest or filing of the charges 10135
and of all witnesses to that incident. 10136

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 10137
this section whether to arrest a person pursuant to division 10138
(B)(1) of this section, a peace officer described in division (A) 10139
of this section shall not consider as a factor any possible 10140
shortage of cell space at the detention facility to which the 10141
person will be taken subsequent to the person's arrest or any 10142
possibility that the person's arrest might cause, contribute to, 10143
or exacerbate overcrowding at that detention facility or at any 10144
other detention facility. 10145

(g) If a peace officer described in division (A) of this 10146
section intends pursuant to divisions (B)(3)(a) to (g) of this 10147
section to arrest a person pursuant to division (B)(1) of this 10148

section and if the officer is unable to do so because the person 10149
is not present, the officer promptly shall seek a warrant for the 10150
arrest of the person. 10151

(h) If a peace officer described in division (A) of this 10152
section responds to a report of an alleged incident of the offense 10153
of domestic violence or an alleged incident of the offense of 10154
violating a protection order and if the circumstances of the 10155
incident involved the use or threatened use of a deadly weapon or 10156
any person involved in the incident brandished a deadly weapon 10157
during or in relation to the incident, the deadly weapon that was 10158
used, threatened to be used, or brandished constitutes contraband, 10159
and, to the extent possible, the officer shall seize the deadly 10160
weapon as contraband pursuant to Chapter 2981. of the Revised 10161
Code. Upon the seizure of a deadly weapon pursuant to division 10162
(B)(3)(h) of this section, section 2981.12 of the Revised Code 10163
shall apply regarding the treatment and disposition of the deadly 10164
weapon. For purposes of that section, the "underlying criminal 10165
offense" that was the basis of the seizure of a deadly weapon 10166
under division (B)(3)(h) of this section and to which the deadly 10167
weapon had a relationship is any of the following that is 10168
applicable: 10169

(i) The alleged incident of the offense of domestic violence 10170
or the alleged incident of the offense of violating a protection 10171
order to which the officer who seized the deadly weapon responded; 10172

(ii) Any offense that arose out of the same facts and 10173
circumstances as the report of the alleged incident of the offense 10174
of domestic violence or the alleged incident of the offense of 10175
violating a protection order to which the officer who seized the 10176
deadly weapon responded. 10177

(4) If, in the circumstances described in divisions (B)(3)(a) 10178
to (g) of this section, a peace officer described in division (A) 10179
of this section arrests and detains a person pursuant to division 10180

(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 10181
this section, a peace officer described in division (A) of this 10182
section seizes a deadly weapon, the officer, to the extent 10183
described in and in accordance with section 9.86 or 2744.03 of the 10184
Revised Code, is immune in any civil action for damages for 10185
injury, death, or loss to person or property that arises from or 10186
is related to the arrest and detention or the seizure. 10187

(C) When there is reasonable ground to believe that a 10188
violation of division (A)(1), (2), (3), (4), or (5) of section 10189
4506.15 or a violation of section 4511.19 of the Revised Code has 10190
been committed by a person operating a motor vehicle subject to 10191
regulation by the public utilities commission of Ohio under Title 10192
XLIX of the Revised Code, a peace officer with authority to 10193
enforce that provision of law may stop or detain the person whom 10194
the officer has reasonable cause to believe was operating the 10195
motor vehicle in violation of the division or section and, after 10196
investigating the circumstances surrounding the operation of the 10197
vehicle, may arrest and detain the person. 10198

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 10199
municipal police officer, member of a police force employed by a 10200
metropolitan housing authority under division (D) of section 10201
3735.31 of the Revised Code, member of a police force employed by 10202
a regional transit authority under division (Y) of section 306.35 10203
of the Revised Code, special police officer employed by a port 10204
authority under section 4582.04 or 4582.28 of the Revised Code, 10205
special police officer employed by a municipal corporation at a 10206
municipal airport or other municipal air navigation facility 10207
described in division (A) of this section, township constable, 10208
police officer of a township or joint township police district, 10209
state university law enforcement officer appointed under section 10210
3345.04 of the Revised Code, peace officer of the department of 10211
natural resources, individual designated to perform law 10212

enforcement duties under section 511.232, 1545.13, or 6101.75 of 10213
the Revised Code, the house sergeant at arms if the house sergeant 10214
at arms has arrest authority pursuant to division (E)(1) of 10215
section 101.311 of the Revised Code, or an assistant house 10216
sergeant at arms is authorized by division (A) or (B) of this 10217
section to arrest and detain, within the limits of the political 10218
subdivision, metropolitan housing authority housing project, 10219
regional transit authority facilities or those areas of a 10220
municipal corporation that have been agreed to by a regional 10221
transit authority and a municipal corporation located within its 10222
territorial jurisdiction, port authority, municipal airport or 10223
other municipal air navigation facility, college, or university in 10224
which the officer is appointed, employed, or elected or within the 10225
limits of the territorial jurisdiction of the peace officer, a 10226
person until a warrant can be obtained, the peace officer, outside 10227
the limits of that territory, may pursue, arrest, and detain that 10228
person until a warrant can be obtained if all of the following 10229
apply: 10230

(1) The pursuit takes place without unreasonable delay after 10231
the offense is committed; 10232

(2) The pursuit is initiated within the limits of the 10233
political subdivision, metropolitan housing authority housing 10234
project, regional transit authority facilities or those areas of a 10235
municipal corporation that have been agreed to by a regional 10236
transit authority and a municipal corporation located within its 10237
territorial jurisdiction, port authority, municipal airport or 10238
other municipal air navigation facility, college, or university in 10239
which the peace officer is appointed, employed, or elected or 10240
within the limits of the territorial jurisdiction of the peace 10241
officer; 10242

(3) The offense involved is a felony, a misdemeanor of the 10243
first degree or a substantially equivalent municipal ordinance or 10244

township resolution, a misdemeanor of the second degree or a 10245
substantially equivalent municipal ordinance or township 10246
resolution, or any offense for which points are chargeable 10247
pursuant to section 4510.036 of the Revised Code. 10248

(E) In addition to the authority granted under division (A) 10249
or (B) of this section: 10250

(1) A sheriff or deputy sheriff may arrest and detain, until 10251
a warrant can be obtained, any person found violating section 10252
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 10253
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 10254
portion of any street or highway that is located immediately 10255
adjacent to the boundaries of the county in which the sheriff or 10256
deputy sheriff is elected or appointed. 10257

(2) A member of the police force of a township police 10258
district created under section 505.48 of the Revised Code, a 10259
member of the police force of a joint township police district 10260
created under section 505.481 of the Revised Code, or a township 10261
constable appointed in accordance with section 509.01 of the 10262
Revised Code, who has received a certificate from the Ohio peace 10263
officer training commission under section 109.75 of the Revised 10264
Code, may arrest and detain, until a warrant can be obtained, any 10265
person found violating any section or chapter of the Revised Code 10266
listed in division (E)(1) of this section, other than sections 10267
4513.33 and 4513.34 of the Revised Code, on the portion of any 10268
street or highway that is located immediately adjacent to the 10269
boundaries of the township police district or joint township 10270
police district, in the case of a member of a township police 10271
district or joint township police district police force, or the 10272
unincorporated territory of the township, in the case of a 10273
township constable. However, if the population of the township 10274
that created the township police district served by the member's 10275
police force, or the townships that created the joint township 10276

police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the lands and waters that constitute the territorial jurisdiction of the peace officer.

(F)(1) A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person found committing on the premises of any institution under the jurisdiction of the particular department a misdemeanor under a law of the state.

A department of mental health special police officer or a

department of mental retardation and developmental disabilities 10309
special police officer may arrest without a warrant and detain 10310
until a warrant can be obtained any person who has been 10311
hospitalized, institutionalized, or confined in an institution 10312
under the jurisdiction of the particular department pursuant to or 10313
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 10314
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 10315
found committing on the premises of any institution under the 10316
jurisdiction of the particular department a violation of section 10317
2921.34 of the Revised Code that involves an escape from the 10318
premises of the institution. 10319

(2)(a) If a department of mental health special police 10320
officer or a department of mental retardation and developmental 10321
disabilities special police officer finds any person who has been 10322
hospitalized, institutionalized, or confined in an institution 10323
under the jurisdiction of the particular department pursuant to or 10324
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 10325
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 10326
violation of section 2921.34 of the Revised Code that involves an 10327
escape from the premises of the institution, or if there is 10328
reasonable ground to believe that a violation of section 2921.34 10329
of the Revised Code has been committed that involves an escape 10330
from the premises of an institution under the jurisdiction of the 10331
department of mental health or the department of mental 10332
retardation and developmental disabilities and if a department of 10333
mental health special police officer or a department of mental 10334
retardation and developmental disabilities special police officer 10335
has reasonable cause to believe that a particular person who has 10336
been hospitalized, institutionalized, or confined in the 10337
institution pursuant to or under authority of section 2945.37, 10338
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 10339
Revised Code is guilty of the violation, the special police 10340
officer, outside of the premises of the institution, may pursue, 10341

arrest, and detain that person for that violation of section 10342
2921.34 of the Revised Code, until a warrant can be obtained, if 10343
both of the following apply: 10344

(i) The pursuit takes place without unreasonable delay after 10345
the offense is committed; 10346

(ii) The pursuit is initiated within the premises of the 10347
institution from which the violation of section 2921.34 of the 10348
Revised Code occurred. 10349

(b) For purposes of division (F)(2)(a) of this section, the 10350
execution of a written statement by the administrator of the 10351
institution in which a person had been hospitalized, 10352
institutionalized, or confined pursuant to or under authority of 10353
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 10354
2945.402 of the Revised Code alleging that the person has escaped 10355
from the premises of the institution in violation of section 10356
2921.34 of the Revised Code constitutes reasonable ground to 10357
believe that the violation was committed and reasonable cause to 10358
believe that the person alleged in the statement to have committed 10359
the offense is guilty of the violation. 10360

(G) As used in this section: 10361

(1) A "department of mental health special police officer" 10362
means a special police officer of the department of mental health 10363
designated under section 5119.14 of the Revised Code who is 10364
certified by the Ohio peace officer training commission under 10365
section 109.77 of the Revised Code as having successfully 10366
completed an approved peace officer basic training program. 10367

(2) A "department of mental retardation and developmental 10368
disabilities special police officer" means a special police 10369
officer of the department of mental retardation and developmental 10370
disabilities designated under section 5123.13 of the Revised Code 10371
who is certified by the Ohio peace officer training council under 10372

section 109.77 of the Revised Code as having successfully 10373
completed an approved peace officer basic training program. 10374

(3) "Deadly weapon" has the same meaning as in section 10375
2923.11 of the Revised Code. 10376

(4) "Family or household member" has the same meaning as in 10377
section 2919.25 of the Revised Code. 10378

(5) "Street" or "highway" has the same meaning as in section 10379
4511.01 of the Revised Code. 10380

(6) "Interstate system" has the same meaning as in section 10381
5516.01 of the Revised Code. 10382

(7) "Peace officer of the department of natural resources" 10383
means an employee of the department of natural resources who is a 10384
natural resources law enforcement staff officer designated 10385
pursuant to section 1501.013 of the Revised Code, a forest officer 10386
designated pursuant to section 1503.29 of the Revised Code, a 10387
preserve officer designated pursuant to section 1517.10 of the 10388
Revised Code, a wildlife officer designated pursuant to section 10389
1531.13 of the Revised Code, a park officer designated pursuant to 10390
section 1541.10 of the Revised Code, or a state watercraft officer 10391
designated pursuant to section 1547.521 of the Revised Code. 10392

(8) "Portion of any street or highway" means all lanes of the 10393
street or highway irrespective of direction of travel, including 10394
designated turn lanes, and any berm, median, or shoulder. 10395

Sec. 2935.13. Upon the arrest of any person pursuant to 10396
warrant, ~~he~~ the person shall forthwith be taken before the court 10397
or magistrate issuing the same, if such court be in session or 10398
such magistrate available, and proceedings had as provided in 10399
sections 2937.01 to 2937.46, inclusive, of the Revised Code. If 10400
such court be not in session and a misdemeanor or violation of an 10401
ordinance ~~violation~~ or resolution is charged, ~~he~~ the defendant 10402

shall be taken before the clerk or deputy clerk of the court and 10403
let to bail, as provided in sections 2937.22 to 2937.46, 10404
~~inclusive~~, of the Revised Code, if the magistrate be not 10405
available, or if the defendant is arrested in a county other than 10406
that of the issuing court or magistrate ~~he~~ the defendant shall 10407
forthwith be taken before the most convenient magistrate, clerk, 10408
or deputy clerk of a court ~~of record~~, and there let to bail for 10409
~~his~~ the defendant's appearance before the issuing court or 10410
magistrate within a reasonable time to be set by such clerk. 10411

Sec. 2935.14. If the person arrested is unable to offer 10412
sufficient bail or, if the offense charged be a felony, ~~he~~ the 10413
person arrested shall, prior to being confined or removed from the 10414
county of arrest, as the case may be, be speedily permitted 10415
facilities to communicate with an attorney at law of ~~his~~ the 10416
person's own choice, or to communicate with at least one relative 10417
or other person for the purpose of obtaining counsel (or in cases 10418
of misdemeanors or ~~ordinance~~ violation of an ordinance or 10419
resolution for the purpose of arranging bail). ~~He~~ The person 10420
arrested shall not thereafter be confined or removed from the 10421
county or from the situs of initial detention until such attorney 10422
has had reasonable opportunity to confer with ~~him~~ the person 10423
privately, or other person to arrange bail, under such security 10424
measures as may be necessary under the circumstances. 10425

Whoever, being a police officer in charge of a prisoner, or 10426
the custodian of any jail or place of confinement, violates this 10427
section shall be fined not less than one hundred nor more than 10428
five hundred dollars or imprisoned not more than thirty days, or 10429
both. 10430

Sec. 2935.17. (A) An affidavit in either of the following 10431
forms is sufficient: 10432

(1) "State of Ohio, 10433
..... County, ss: 10434
Before me, A.B., personally came C.D., who being duly sworn 10435
according to law deposes and says that on or about the day of 10436
.....,, at the county of one E.F. (here 10437
describe the offense as nearly according to the nature thereof as 10438
the case will admit, in ordinary concise language) C.D. 10439
Sworn to and subscribed before me this day of 10440
....., 10441
A.B., County Judge 10442
Clerk of Court" 10443
(2) "State of Ohio, 10444
..... County, ss: 10445
Before me, A.B., personally came C.D., who being duly sworn 10446
according to law says that on or about the day of 10447
.....,, one E.F. did: (here listing several common 10448
offenses, plainly but tersely described as: fail to stop at stop 10449
sign, pass at crest of grade, etc., with a ruled box before each, 10450
and then showing an X or distinctive mark in front of the offense 10451
claimed to be committed). C.D. 10452
Sworn to before me and subscribed in my presence this day 10453
of, 10454
A.B., County Judge 10455
Clerk of Court" 10456
(B) A complaint in the following form is sufficient: 10457
"State of Ohio, 10458
..... County, ss: 10459
The undersigned (assistant) prosecuting attorney of 10460
..... County complains that on or about the day of 10461
.....,, one E.F. did (here describing the offense 10462

committed as above) based on affidavit of filed 10463
with me. 10464

..... 10465
Prosecuting Attorney/City 10466
Director of Law" 10467

Provided, that the supreme court of Ohio, may, by rule, 10468
provide for the uniform type and language to be used in any 10469
affidavit or complaint to be filed in any court inferior to the 10470
court of common pleas for violations of the motor vehicle and 10471
traffic acts and related ordinances and resolutions and in any 10472
notice to violator to appear in such courts, and may require that 10473
such forms and no other, shall be received in such courts, and 10474
issued to violators. 10475

Sec. 2935.27. (A)(1) If a law enforcement officer issues a 10476
citation to a person pursuant to section 2935.26 of the Revised 10477
Code and if the minor misdemeanor offense for which the citation 10478
is issued is an act prohibited by Chapter 4511., 4513., or 4549. 10479
of the Revised Code or an act prohibited by any municipal 10480
ordinance or township resolution that is substantially similar to 10481
any section contained in Chapter 4511., 4513., or 4549. of the 10482
Revised Code, the officer shall inform the person, if the person 10483
has a current valid Ohio driver's or commercial driver's license, 10484
of the possible consequences of the person's actions as required 10485
under division (E) of this section, and also shall inform the 10486
person that the person is required either to appear at the time 10487
and place stated in the citation or to comply with division (C) of 10488
section 2935.26 of the Revised Code. 10489

(2) If the person is an Ohio resident but does not have a 10490
current valid Ohio driver's or commercial driver's license or if 10491
the person is a resident of a state that is not a member of the 10492
nonresident violator compact of which this state is a member 10493

pursuant to section 4510.71 of the Revised Code, and if the court, 10494
by local rule, has prescribed a procedure for the setting of a 10495
reasonable security pursuant to division (F) of this section, 10496
security shall be set in accordance with that local rule and that 10497
division. 10498

A court by local rule may prescribe a procedure for the 10499
setting of reasonable security as described in this division. As 10500
an alternative to this procedure, a court by local rule may 10501
prescribe a procedure for the setting of a reasonable security by 10502
the person without the person appearing before the court. 10503

(B) A person who has security set under division (A)(2) of 10504
this section shall be given a receipt or other evidence of the 10505
deposit of the security by the court. 10506

(C) Upon compliance with division (C) of section 2935.26 of 10507
the Revised Code by a person who was issued a citation, the clerk 10508
of the court shall notify the court. The court shall immediately 10509
return any sum of money, license, or other security deposited in 10510
relation to the citation to the person, or to any other person who 10511
deposited the security. 10512

(D) If a person who has a current valid Ohio driver's or 10513
commercial driver's license and who was issued a citation fails to 10514
appear at the time and place specified on the citation, fails to 10515
comply with division (C) of section 2935.26 of the Revised Code, 10516
or fails to comply with or satisfy any judgment of the court 10517
within the time allowed by the court, the court shall declare the 10518
forfeiture of the person's license. Thirty days after the 10519
declaration of forfeiture, the court shall enter information 10520
relative to the forfeiture on a form approved and furnished by the 10521
registrar of motor vehicles, and forward the form to the 10522
registrar. The registrar shall suspend the person's driver's or 10523
commercial driver's license, send written notification of the 10524
suspension to the person at the person's last known address, and 10525

order the person to surrender the person's driver's or commercial 10526
driver's license to the registrar within forty-eight hours. No 10527
valid driver's or commercial driver's license shall be granted to 10528
the person until the court having jurisdiction of the offense that 10529
led to the forfeiture orders that the forfeiture be terminated. 10530
The court shall so order if the person, after having failed to 10531
appear in court at the required time and place to answer the 10532
charge or after having pleaded guilty to or been found guilty of 10533
the violation and having failed within the time allowed by the 10534
court to pay the fine imposed by the court, thereafter appears to 10535
answer the charge and pays any fine imposed by the court or pays 10536
the fine originally imposed by the court. The court shall inform 10537
the registrar of the termination of the forfeiture by entering 10538
information relative to the termination on a form approved and 10539
furnished by the registrar and sending the form to the registrar 10540
as provided in this division. The person shall pay to the bureau 10541
of motor vehicles a fifteen-dollar reinstatement fee to cover the 10542
costs of the bureau in administering this section. The registrar 10543
shall deposit the fees so paid into the state bureau of motor 10544
vehicles fund created by section 4501.25 of the Revised Code. 10545

In addition, upon receipt of the copy of the declaration of 10546
forfeiture from the court, neither the registrar nor any deputy 10547
registrar shall accept any application for the registration or 10548
transfer of registration of any motor vehicle owned or leased by 10549
the person named in the declaration of forfeiture until the court 10550
having jurisdiction of the offense that led to the forfeiture 10551
orders that the forfeiture be terminated. However, for a motor 10552
vehicle leased by a person named in a declaration of forfeiture, 10553
the registrar shall not implement the preceding sentence until the 10554
registrar adopts procedures for that implementation under section 10555
4503.39 of the Revised Code. Upon receipt by the registrar of an 10556
order terminating the forfeiture, the registrar shall take such 10557
measures as may be necessary to permit the person to register a 10558

motor vehicle owned or leased by the person or to transfer the 10559
registration of such a motor vehicle, if the person later makes 10560
application to take such action and the person otherwise is 10561
eligible to register the motor vehicle or to transfer the 10562
registration of it. 10563

The registrar is not required to give effect to any 10564
declaration of forfeiture or order terminating a forfeiture unless 10565
the order is transmitted to the registrar by means of an 10566
electronic transfer system. The registrar shall not restore the 10567
person's driving or vehicle registration privileges until the 10568
person pays the reinstatement fee as provided in this division. 10569

If the person who was issued the citation fails to appear at 10570
the time and place specified on the citation and fails to comply 10571
with division (C) of section 2935.26 of the Revised Code and the 10572
person has deposited a sum of money or other security in relation 10573
to the citation under division (A)(2) of this section, the deposit 10574
immediately shall be forfeited to the court. 10575

This section does not preclude further action as authorized 10576
by division (F) of section 2935.26 of the Revised Code. 10577

(E) A law enforcement officer who issues a person a minor 10578
misdemeanor citation for an act prohibited by Chapter 4511., 10579
4513., or 4549. of the Revised Code or an act prohibited by a 10580
municipal ordinance or township resolution that is substantially 10581
similar to any section contained in Chapter 4511., 4513., or 4549. 10582
of the Revised Code shall inform the person that if the person 10583
does not appear at the time and place stated on the citation or 10584
does not comply with division (C) of section 2935.26 of the 10585
Revised Code, the person's driver's or commercial driver's license 10586
will be suspended, the person will not be eligible for the 10587
reissuance of the license or the issuance of a new license or the 10588
issuance of a certificate of registration for a motor vehicle 10589
owned or leased by the person, until the person appears and 10590

complies with all orders of the court. The person also is subject 10591
to any applicable criminal penalties. 10592

(F) A court setting security under division (A)(2) of this 10593
section shall do so in conformity with sections 2937.22 and 10594
2937.23 of the Revised Code and the Rules of Criminal Procedure. 10595

Sec. 2935.33. (A) If a person charged with a misdemeanor is 10596
taken before a judge of a court of record and if it appears to the 10597
judge that the person is an alcoholic or is suffering from acute 10598
alcohol intoxication and that the person would benefit from 10599
services provided by an alcohol and drug addiction program 10600
certified under Chapter 3793. of the Revised Code, the judge may 10601
place the person temporarily in a program certified under that 10602
chapter in the area in which the court has jurisdiction for 10603
inpatient care and treatment for an indefinite period not 10604
exceeding five days. The commitment does not limit the right to 10605
release on bail. The judge may dismiss a charge of a violation of 10606
division (B) of section 2917.11 of the Revised Code or of a 10607
municipal ordinance or township resolution substantially 10608
equivalent to that division if the defendant complies with all the 10609
conditions of treatment ordered by the court. 10610

The court may order that any fines or court costs collected 10611
by the court from defendants who have received inpatient care from 10612
an alcohol and drug addiction program be paid, for the benefit of 10613
the program, to the board of alcohol, drug addiction, and mental 10614
health services of the alcohol, drug addiction, and mental health 10615
service district in which the program is located or to the 10616
director of alcohol and drug addiction services. 10617

(B) If a person is being sentenced for a violation of 10618
division (B) of section 2917.11 or section 4511.19 of the Revised 10619
Code, a misdemeanor violation of section 2919.25 of the Revised 10620
Code, a misdemeanor violation of section 2919.27 of the Revised 10621

Code involving a protection order issued or consent agreement 10622
approved pursuant to section 2919.26 or 3113.31 of the Revised 10623
Code, or a violation of a municipal ordinance or township 10624
resolution substantially equivalent to that division or any of 10625
those sections and if it appears to the judge at the time of 10626
sentencing that the person is an alcoholic or is suffering from 10627
acute alcohol intoxication and that, in lieu of imprisonment, the 10628
person would benefit from services provided by an alcohol and drug 10629
addiction program certified under Chapter 3793. of the Revised 10630
Code, the court may commit the person to close supervision in any 10631
facility in the area in which the court has jurisdiction that is, 10632
or is operated by, such a program. Such close supervision may 10633
include outpatient services and part-time release, except that a 10634
person convicted of a violation of division (A) of section 4511.19 10635
of the Revised Code shall be confined to the facility for at least 10636
three days and except that a person convicted of a misdemeanor 10637
violation of section 2919.25 of the Revised Code, a misdemeanor 10638
violation of section 2919.27 of the Revised Code involving a 10639
protection order issued or consent agreement approved pursuant to 10640
section 2919.26 or 3113.31 of the Revised Code, or a violation of 10641
a substantially equivalent municipal ordinance or township 10642
resolution shall be confined to the facility in accordance with 10643
the order of commitment. A commitment of a person to a facility 10644
for purposes of close supervision shall not exceed the maximum 10645
term for which the person could be imprisoned. 10646

(C) A law enforcement officer who finds a person subject to 10647
prosecution for violation of division (B) of section 2917.11 of 10648
the Revised Code or a municipal ordinance or township resolution 10649
substantially equivalent to that division and who has reasonable 10650
cause to believe that the person is an alcoholic or is suffering 10651
from acute alcohol intoxication and would benefit from immediate 10652
treatment immediately may place the person in an alcohol and drug 10653
addiction program certified under Chapter 3793. of the Revised 10654

Code in the area in which the person is found, for emergency 10655
treatment, in lieu of other arrest procedures, for a maximum 10656
period of forty-eight hours. During that time, if the person 10657
desires to leave such custody, the person shall be released 10658
forthwith. 10659

(D) As used in this section: 10660

(1) "Alcoholic" has the same meaning as in section 3793.01 of 10661
the Revised Code; 10662

(2) "Acute alcohol intoxication" means a heavy consumption of 10663
alcohol over a relatively short period of time, resulting in 10664
dysfunction of the brain centers controlling behavior, speech, and 10665
memory and causing characteristic withdrawal symptoms. 10666

Sec. 2935.36. (A) The prosecuting attorney may establish 10667
pre-trial diversion programs for adults who are accused of 10668
committing criminal offenses and whom the prosecuting attorney 10669
believes probably will not offend again. The prosecuting attorney 10670
may require, as a condition of an accused's participation in the 10671
program, the accused to pay a reasonable fee for supervision 10672
services that include, but are not limited to, monitoring and drug 10673
testing. The programs shall be operated pursuant to written 10674
standards approved by journal entry by the presiding judge or, in 10675
courts with only one judge, the judge of the court of common pleas 10676
and shall not be applicable to any of the following: 10677

(1) Repeat offenders or dangerous offenders; 10678

(2) Persons accused of an offense of violence, of a violation 10679
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 10680
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 10681
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 10682
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 10683
Code that, had it occurred prior to July 1, 1996, would have been 10684

a violation of section 2905.04 of the Revised Code as it existed 10685
prior to that date, with the exception that the prosecuting 10686
attorney may permit persons accused of any such offense to enter a 10687
pre-trial diversion program, if the prosecuting attorney finds any 10688
of the following: 10689

(a) The accused did not cause, threaten, or intend serious 10690
physical harm to any person; 10691

(b) The offense was the result of circumstances not likely to 10692
recur; 10693

(c) The accused has no history of prior delinquency or 10694
criminal activity; 10695

(d) The accused has led a law-abiding life for a substantial 10696
time before commission of the alleged offense; 10697

(e) Substantial grounds tending to excuse or justify the 10698
alleged offense. 10699

(3) Persons accused of a violation of Chapter 2925. or 3719. 10700
of the Revised Code; 10701

(4) Drug dependent persons or persons in danger of becoming 10702
drug dependent persons, as defined in section 3719.011 of the 10703
Revised Code. However, this division does not affect the 10704
eligibility of such persons for intervention in lieu of conviction 10705
pursuant to section 2951.041 of the Revised Code. 10706

(5) Persons accused of a violation of section 4511.19 of the 10707
Revised Code or a violation of any substantially similar municipal 10708
ordinance or township resolution. 10709

(B) An accused who enters a diversion program shall do all of 10710
the following: 10711

(1) Waive, in writing and contingent upon the accused's 10712
successful completion of the program, the accused's right to a 10713
speedy trial, the preliminary hearing, the time period within 10714

which the grand jury may consider an indictment against the 10715
accused, and arraignment, unless the hearing, indictment, or 10716
arraignment has already occurred; 10717

(2) Agree, in writing, to the tolling while in the program of 10718
all periods of limitation established by statutes or rules of 10719
court, that are applicable to the offense with which the accused 10720
is charged and to the conditions of the diversion program 10721
established by the prosecuting attorney; 10722

(3) Agree, in writing, to pay any reasonable fee for 10723
supervision services established by the prosecuting attorney. 10724

(C) The trial court, upon the application of the prosecuting 10725
attorney, shall order the release from confinement of any accused 10726
who has agreed to enter a pre-trial diversion program and shall 10727
discharge and release any existing bail and release any sureties 10728
on recognizances and shall release the accused on a recognizance 10729
bond conditioned upon the accused's compliance with the terms of 10730
the diversion program. The prosecuting attorney shall notify every 10731
victim of the crime and the arresting officers of the prosecuting 10732
attorney's intent to permit the accused to enter a pre-trial 10733
diversion program. The victim of the crime and the arresting 10734
officers shall have the opportunity to file written objections 10735
with the prosecuting attorney prior to the commencement of the 10736
pre-trial diversion program. 10737

(D) If the accused satisfactorily completes the diversion 10738
program, the prosecuting attorney shall recommend to the trial 10739
court that the charges against the accused be dismissed, and the 10740
court, upon the recommendation of the prosecuting attorney, shall 10741
dismiss the charges. If the accused chooses not to enter the 10742
prosecuting attorney's diversion program, or if the accused 10743
violates the conditions of the agreement pursuant to which the 10744
accused has been released, the accused may be brought to trial 10745
upon the charges in the manner provided by law, and the waiver 10746

executed pursuant to division (B)(1) of this section shall be void 10747
on the date the accused is removed from the program for the 10748
violation. 10749

(E) As used in this section: 10750

(1) "Repeat offender" means a person who has a history of 10751
persistent criminal activity and whose character and condition 10752
reveal a substantial risk that the person will commit another 10753
offense. It is prima-facie evidence that a person is a repeat 10754
offender if any of the following applies: 10755

(a) Having been convicted of one or more offenses of violence 10756
and having been imprisoned pursuant to sentence for any such 10757
offense, the person commits a subsequent offense of violence; 10758

(b) Having been convicted of one or more sexually oriented 10759
offenses or child-victim oriented offenses, both as defined in 10760
section 2950.01 of the Revised Code, and having been imprisoned 10761
pursuant to sentence for one or more of those offenses, the person 10762
commits a subsequent sexually oriented offense or child-victim 10763
oriented offense; 10764

(c) Having been convicted of one or more theft offenses as 10765
defined in section 2913.01 of the Revised Code and having been 10766
imprisoned pursuant to sentence for one or more of those theft 10767
offenses, the person commits a subsequent theft offense; 10768

(d) Having been convicted of one or more felony drug abuse 10769
offenses as defined in section 2925.01 of the Revised Code and 10770
having been imprisoned pursuant to sentence for one or more of 10771
those felony drug abuse offenses, the person commits a subsequent 10772
felony drug abuse offense; 10773

(e) Having been convicted of two or more felonies and having 10774
been imprisoned pursuant to sentence for one or more felonies, the 10775
person commits a subsequent offense; 10776

(f) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.

(2) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.

Sec. 2937.08. Upon a plea of not guilty or a plea of once in jeopardy, if the charge be a misdemeanor in a court ~~of record~~ other than a community court, the court shall proceed to set the matter for trial at a future time, pursuant to Chapter 2938. of the Revised Code, and shall let accused to bail pending such trial. Or ~~he~~ the court may, but only if both prosecutor and accused expressly consent, set the matter for trial forthwith.

Upon the entry of such pleas to a charge of misdemeanor in a community court ~~not of record~~, the magistrate shall forthwith set the matter for future trial or, with the consent of both state and defendant may set trial forthwith, both pursuant to Chapter 2938. of the Revised Code, provided that if the nature of the offense is such that right to jury trial exists, such matter shall not be tried before ~~him~~ the magistrate unless the accused, by writing subscribed by ~~him~~ the accused, waives a jury and consents to be tried by the magistrate.

If the defendant in such event does not waive right to jury trial, then the magistrate shall require the accused to enter into recognizance to appear before a the municipal court ~~of record in the or county, set by such magistrate court that has territorial~~

jurisdiction over the municipal corporation in which the community 10808
court is located, and the magistrate shall thereupon certify all 10809
papers filed, together with transcript of proceedings and accrued 10810
costs to date, and such recognizance if given, to such ~~designated~~ 10811
court ~~of record~~. Such transfer shall not require the filing of 10812
indictment or information and trial shall proceed in the 10813
transferee court pursuant to Chapter 2938. of the Revised Code. 10814

Sec. 2937.221. (A) A person arrested without warrant for any 10815
violation listed in division (B) of this section, and having a 10816
current valid Ohio driver's or commercial driver's license, if the 10817
person has been notified of the possible consequences of the 10818
person's actions as required by division (C) of this section, may 10819
post bond by depositing the license with the arresting officer if 10820
the officer and person so choose, or with the local court having 10821
jurisdiction if the court and person so choose. The license may be 10822
used as bond only during the period for which it is valid. 10823

When an arresting officer accepts the driver's or commercial 10824
driver's license as bond, the officer shall note the date, time, 10825
and place of the court appearance on "the violator's notice to 10826
appear," and the notice shall serve as a valid Ohio driver's or 10827
commercial driver's license until the date and time appearing 10828
thereon. The arresting officer immediately shall forward the 10829
license to the appropriate court. 10830

When a local court accepts the license as bond or continues 10831
the case to another date and time, it shall provide the person 10832
with a card in a form approved by the registrar of motor vehicles 10833
setting forth the license number, name, address, the date and time 10834
of the court appearance, and a statement that the license is being 10835
held as bond. The card shall serve as a valid license until the 10836
date and time contained in the card. 10837

The court may accept other bond at any time and return the 10838

license to the person. The court shall return the license to the 10839
person when judgment is satisfied, including, but not limited to, 10840
compliance with any court orders, unless a suspension or 10841
cancellation is part of the penalty imposed. 10842

Neither "the violator's notice to appear" nor a court- 10843
granted card shall continue driving privileges beyond the 10844
expiration date of the license. 10845

If the person arrested fails to appear in court at the date 10846
and time set by the court or fails to satisfy the judgment of the 10847
court, including, but not limited to, compliance with all court 10848
orders within the time allowed by the court, the court may declare 10849
the forfeiture of the person's license. Thirty days after the 10850
declaration of the forfeiture, the court shall forward the 10851
person's license to the registrar. The court also shall enter 10852
information relative to the forfeiture on a form approved and 10853
furnished by the registrar and send the form to the registrar. The 10854
registrar shall suspend the person's license and send written 10855
notification of the suspension to the person at the person's last 10856
known address. No valid driver's or commercial driver's license 10857
shall be granted to the person until the court having jurisdiction 10858
orders that the forfeiture be terminated. The court shall inform 10859
the registrar of the termination of the forfeiture by entering 10860
information relative to the termination on a form approved and 10861
furnished by the registrar and sending the form to the registrar. 10862
Upon the termination, the person shall pay to the bureau of motor 10863
vehicles a reinstatement fee of fifteen dollars to cover the costs 10864
of the bureau in administering this section. The registrar shall 10865
deposit the fees so paid into the state bureau of motor vehicles 10866
fund created by section 4501.25 of the Revised Code. 10867

In addition, upon receipt from the court of the copy of the 10868
declaration of forfeiture, neither the registrar nor any deputy 10869
registrar shall accept any application for the registration or 10870

transfer of registration of any motor vehicle owned by or leased 10871
in the name of the person named in the declaration of forfeiture 10872
until the court having jurisdiction over the offense that led to 10873
the suspension issues an order terminating the forfeiture. 10874
However, for a motor vehicle leased in the name of a person named 10875
in a declaration of forfeiture, the registrar shall not implement 10876
the preceding sentence until the registrar adopts procedures for 10877
that implementation under section 4503.39 of the Revised Code. 10878
Upon receipt by the registrar of such an order, the registrar also 10879
shall take the measures necessary to permit the person to register 10880
a motor vehicle the person owns or leases or to transfer the 10881
registration of a motor vehicle the person owns or leases if the 10882
person later makes a proper application and otherwise is eligible 10883
to be issued or to transfer a motor vehicle registration. 10884

(B) Division (A) of this section applies to persons arrested 10885
for violation of: 10886

(1) Any of the provisions of Chapter 4511. or 4513. of the 10887
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 10888
4513.36 of the Revised Code; 10889

(2) Any municipal ordinance or township resolution 10890
substantially similar to a section included in division (B)(1) of 10891
this section; 10892

(3) Any bylaw, rule, or regulation of the Ohio turnpike 10893
commission substantially similar to a section included in division 10894
(B)(1) of this section. 10895

Division (A) of this section does not apply to those persons 10896
issued a citation for the commission of a minor misdemeanor under 10897
section 2935.26 of the Revised Code. 10898

(C) No license shall be accepted as bond by an arresting 10899
officer or by a court under this section until the officer or 10900
court has notified the person that, if the person deposits the 10901

license with the officer or court and either does not appear on 10902
the date and at the time set by the officer or the court, if the 10903
court sets a time, or does not satisfy any judgment rendered, 10904
including, but not limited to, compliance with all court orders, 10905
the license will be suspended, and the person will not be eligible 10906
for reissuance of the license or issuance of a new license, or the 10907
issuance of a certificate of registration for a motor vehicle 10908
owned or leased by the person until the person appears and 10909
complies with any order issued by the court. The person also is 10910
subject to any criminal penalties that may apply to the person. 10911

(D) The registrar shall not restore the person's driving or 10912
vehicle registration privileges until the person pays the 10913
reinstatement fee as provided in this section. 10914

Sec. 2937.23. (A)(1) In a case involving a felony or a 10915
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 10916
Code when the victim of the offense is a peace officer, the judge 10917
or magistrate shall fix the amount of bail. 10918

(2) In a case involving a misdemeanor or a violation of a 10919
municipal ordinance and not involving a felony or a violation of 10920
section 2903.11, 2903.12, or 2903.13 of the Revised Code when the 10921
victim of the offense is a peace officer, the judge, magistrate, 10922
or clerk of the court may fix the amount of bail and may do so in 10923
accordance with a schedule previously fixed by the judge or 10924
magistrate. If the judge, magistrate, or clerk of the court is not 10925
readily available, the sheriff, deputy sheriff, marshal, deputy 10926
marshal, police officer, or jailer having custody of the person 10927
charged may fix the amount of bail in accordance with a schedule 10928
previously fixed by the judge or magistrate and shall take the 10929
bail only in the county courthouse, the municipal or township 10930
building, or the county or municipal jail. 10931

(3) In all cases, the bail shall be fixed with consideration 10932

of the seriousness of the offense charged, the previous criminal 10933
record of the defendant, and the probability of the defendant 10934
appearing at the trial of the case. 10935

(B) In any case involving an alleged violation of section 10936
2903.211 of the Revised Code or of a municipal ordinance or 10937
township resolution that is substantially similar to that section, 10938
the court shall determine whether it will order an evaluation of 10939
the mental condition of the defendant pursuant to section 2919.271 10940
of the Revised Code and, if it decides to so order, shall issue 10941
the order requiring the evaluation before it sets bail for the 10942
person charged with the violation. In any case involving an 10943
alleged violation of section 2919.27 of the Revised Code or of a 10944
municipal ordinance or township resolution that is substantially 10945
similar to that section and in which the court finds that either 10946
of the following criteria applies, the court shall determine 10947
whether it will order an evaluation of the mental condition of the 10948
defendant pursuant to section 2919.271 of the Revised Code and, if 10949
it decides to so order, shall issue the order requiring that 10950
evaluation before it sets bail for the person charged with the 10951
violation: 10952

(1) Regarding an alleged violation of a protection order 10953
issued or consent agreement approved pursuant to section 2919.26 10954
or 3113.31 of the Revised Code, that the violation allegedly 10955
involves conduct by the defendant that caused physical harm to the 10956
person or property of a family or household member covered by the 10957
order or agreement or conduct by that defendant that caused a 10958
family or household member to believe that the defendant would 10959
cause physical harm to that member or that member's property; 10960

(2) Regarding an alleged violation of a protection order 10961
issued pursuant to section 2903.213 or 2903.214 of the Revised 10962
Code, or a protection order issued by a court of another state, as 10963
defined in section 2919.27 of the Revised Code, that the violation 10964

allegedly involves conduct by the defendant that caused physical 10965
harm to the person or property of the person covered by the order 10966
or conduct by that defendant that caused the person covered by the 10967
order to believe that the defendant would cause physical harm to 10968
that person or that person's property. 10969

(C) As used in this section, "peace officer" has the same 10970
meaning as in section 2935.01 of the Revised Code. 10971

Sec. 2937.46. (A) The supreme court of Ohio, in the interest 10972
of uniformity of procedure in the various courts and for the 10973
purpose of promoting prompt and efficient disposition of cases 10974
arising under the traffic laws of this state and related 10975
ordinances and resolutions, may make uniform rules for practice 10976
and procedure in courts inferior to the court of common pleas not 10977
inconsistent with the provisions of Chapter 2937. of the Revised 10978
Code, including, but not limited to: 10979

(1) Separation of arraignment and trial of traffic and other 10980
types of cases; 10981

(2) Consolidation of cases for trial; 10982

(3) Transfer of cases within the same county for the purpose 10983
of trial; 10984

(4) Designation of special referees for hearings or for 10985
receiving pleas or bail at times when courts are not in session; 10986

(5) Fixing of reasonable bonds, and disposition of cases in 10987
which bonds have been forfeited. 10988

(B) Except as otherwise specified in division (N) of section 10989
4511.19 of the Revised Code, all of the rules described in 10990
division (A) of this section, when promulgated by the supreme 10991
court, shall be fully binding on all courts inferior to the court 10992
of common pleas and on the court of common pleas in relation to 10993
felony violations of division (A) of section 4511.19 of the 10994

Revised Code and shall effect a cancellation of any local court 10995
rules inconsistent with the supreme court's rules. 10996

Sec. 2937.99. (A) No person shall fail to appear as required, 10997
after having been released pursuant to section 2937.29 of the 10998
Revised Code. Whoever violates this section is guilty of failure 10999
to appear and shall be punished as set forth in division (B) or 11000
(C) of this section. 11001

(B) If the release was in connection with a felony charge or 11002
pending appeal after conviction of a felony, failure to appear is 11003
a felony of the fourth degree. 11004

(C) If the release was in connection with a misdemeanor 11005
charge or for appearance as a witness, failure to appear is a 11006
misdemeanor of the first degree. 11007

(D) This section does not apply to misdemeanors and related 11008
ordinance and resolution offenses arising under Chapters 4501., 11009
4503., 4505., 4507., 4509., 4510., 4511., 4513., 4517., 4549., and 11010
5577. of the Revised Code, except that this section does apply to 11011
violations of sections 4511.19, 4549.02, and 4549.021 of the 11012
Revised Code and ordinance and resolution offenses related to 11013
sections 4511.19, 4549.02, and 4549.021 of the Revised Code. 11014

Sec. 2938.02. The provisions of Chapter 2938. of the Revised 11015
Code shall apply to trial on the merits of any misdemeanor, 11016
ordinance or resolution offense, prosecution for the violation of 11017
any rule or regulation of any governmental body authorized to 11018
adopt penal regulations, or to complaints to keep the peace, which 11019
may be instituted in and retained for trial on the merits in any 11020
court or before any magistrate inferior to the court of common 11021
pleas; provided that in juvenile courts, where the conduct of any 11022
person under the age of eighteen years is made the subject of 11023
inquiry and for which special provision is made by Chapter 2151. 11024

or 2152. of the Revised Code, such matters shall be tried, 11025
adjusted, or disposed of pursuant to Chapter 2151. or 2152. of the 11026
Revised Code. 11027

Sec. 2938.04. In courts ~~of record~~ other than community 11028
courts, the right to trial by jury as defined in section 2945.17 11029
of the Revised Code shall be claimed by making demand in writing 11030
therefor and filing the same with the clerk of the court not less 11031
than three days prior to the date set for trial or on the day 11032
following receipt of notice whichever is the later. Failure to 11033
claim jury trial as provided in this section is a complete waiver 11034
of right thereto. In community courts ~~not of record~~ jury trial may 11035
not be had, but failure to waive jury in writing where right to 11036
jury trial may be asserted shall require the magistrate to certify 11037
such case to a another court ~~of record~~ as provided in section 11038
1923.10 or 2937.08 of the Revised Code. 11039

Sec. 2941.51. (A) Counsel appointed to a case or selected by 11040
an indigent person under division (E) of section 120.16 or 11041
division (E) of section 120.26 of the Revised Code, or otherwise 11042
appointed by the court, except for counsel appointed by the court 11043
to provide legal representation for a person charged with a 11044
violation of an ordinance of a municipal corporation or resolution 11045
of a township, shall be paid for their services by the county the 11046
compensation and expenses that the trial court approves. Each 11047
request for payment shall be accompanied by a financial disclosure 11048
form and an affidavit of indigency that are completed by the 11049
indigent person on forms prescribed by the state public defender. 11050
Compensation and expenses shall not exceed the amounts fixed by 11051
the board of county commissioners pursuant to division (B) of this 11052
section. 11053

(B) The board of county commissioners shall establish a 11054

schedule of fees by case or on an hourly basis to be paid by the 11055
county for legal services provided by appointed counsel. Prior to 11056
establishing such schedule, the board shall request the bar 11057
association or associations of the county to submit a proposed 11058
schedule. The schedule submitted shall be subject to the review, 11059
amendment, and approval of the board of county commissioners. 11060

(C) In a case where counsel have been appointed to conduct an 11061
appeal under Chapter 120. of the Revised Code, such compensation 11062
shall be fixed by the court of appeals or the supreme court, as 11063
provided in divisions (A) and (B) of this section. 11064

(D) The fees and expenses approved by the court under this 11065
section shall not be taxed as part of the costs and shall be paid 11066
by the county. However, if the person represented has, or 11067
reasonably may be expected to have, the means to meet some part of 11068
the cost of the services rendered to the person, the person shall 11069
pay the county an amount that the person reasonably can be 11070
expected to pay. Pursuant to section 120.04 of the Revised Code, 11071
the county shall pay to the state public defender a percentage of 11072
the payment received from the person in an amount proportionate to 11073
the percentage of the costs of the person's case that were paid to 11074
the county by the state public defender pursuant to this section. 11075
The money paid to the state public defender shall be credited to 11076
the client payment fund created pursuant to division (B)(5) of 11077
section 120.04 of the Revised Code. 11078

(E) The county auditor shall draw a warrant on the county 11079
treasurer for the payment of such counsel in the amount fixed by 11080
the court, plus the expenses that the court fixes and certifies to 11081
the auditor. The county auditor shall report periodically, but not 11082
less than annually, to the board of county commissioners and to 11083
the Ohio public defender commission the amounts paid out pursuant 11084
to the approval of the court under this section, separately 11085
stating costs and expenses that are reimbursable under section 11086

120.35 of the Revised Code. The board, after review and approval 11087
of the auditor's report, may then certify it to the state public 11088
defender for reimbursement. The request for reimbursement shall be 11089
accompanied by a financial disclosure form completed by each 11090
indigent person for whom counsel was provided on a form prescribed 11091
by the state public defender. The state public defender shall 11092
review the report and, in accordance with the standards, 11093
guidelines, and maximums established pursuant to divisions (B)(7) 11094
and (8) of section 120.04 of the Revised Code, pay fifty per cent 11095
of the total cost, other than costs and expenses that are 11096
reimbursable under section 120.35 of the Revised Code, if any, of 11097
paying appointed counsel in each county and pay fifty per cent of 11098
costs and expenses that are reimbursable under section 120.35 of 11099
the Revised Code, if any, to the board. 11100

(F) If any county system for paying appointed counsel fails 11101
to maintain the standards for the conduct of the system 11102
established by the rules of the Ohio public defender commission 11103
pursuant to divisions (B) and (C) of section 120.03 of the Revised 11104
Code or the standards established by the state public defender 11105
pursuant to division (B)(7) of section 120.04 of the Revised Code, 11106
the commission shall notify the board of county commissioners of 11107
the county that the county system for paying appointed counsel has 11108
failed to comply with its rules. Unless the board corrects the 11109
conduct of its appointed counsel system to comply with the rules 11110
within ninety days after the date of the notice, the state public 11111
defender may deny all or part of the county's reimbursement from 11112
the state provided for in this section. 11113

Sec. 2945.17. (A) At any trial, in any court, for the 11114
violation of any statute of this state, ~~or of~~ any ordinance of any 11115
municipal corporation, or any resolution of any township, except 11116
as provided in divisions (B) and (C) of this section, the accused 11117
has the right to be tried by a jury. 11118

(B) The right to be tried by a jury that is granted under 11119
division (A) of this section does not apply to a violation of a 11120
statute ~~or~~, ordinance, or resolution that is any of the following: 11121

(1) A violation that is a minor misdemeanor; 11122

(2) A violation for which the potential penalty does not 11123
include the possibility of a prison term or jail term and for 11124
which the possible fine does not exceed one thousand dollars. 11125

(C) Division (A) of this section does not apply to, and there 11126
is no right to a jury trial for, a person who is the subject of a 11127
complaint filed under section 2151.27 of the Revised Code against 11128
both a child and the parent, guardian, or other person having care 11129
of the child. 11130

Sec. 2947.23. (A)(1) In all criminal cases, including 11131
violations of ordinances or resolutions, the judge or magistrate 11132
shall include in the sentence the costs of prosecution and render 11133
a judgment against the defendant for such costs. At the time the 11134
judge or magistrate imposes sentence, the judge or magistrate 11135
shall notify the defendant of both of the following: 11136

(a) If the defendant fails to pay that judgment or fails to 11137
timely make payments towards that judgment under a payment 11138
schedule approved by the court, the court may order the defendant 11139
to perform community service in an amount of not more than forty 11140
hours per month until the judgment is paid or until the court is 11141
satisfied that the defendant is in compliance with the approved 11142
payment schedule. 11143

(b) If the court orders the defendant to perform the 11144
community service, the defendant will receive credit upon the 11145
judgment at the specified hourly credit rate per hour of community 11146
service performed, and each hour of community service performed 11147
will reduce the judgment by that amount. 11148

(2) The following shall apply in all criminal cases: 11149

(a) If a jury has been sworn at the trial of a case, the fees 11150
of the jurors shall be included in the costs, which shall be paid 11151
to the public treasury from which the jurors were paid. 11152

(b) If a jury has not been sworn at the trial of a case 11153
because of a defendant's failure to appear without good cause, the 11154
costs incurred in summoning jurors for that particular trial may 11155
be included in the costs of prosecution. If the costs incurred in 11156
summoning jurors are assessed against the defendant, those costs 11157
shall be paid to the public treasury from which the jurors were 11158
paid. 11159

(B) If a judge or magistrate has reason to believe that a 11160
defendant has failed to pay the judgment described in division (A) 11161
of this section or has failed to timely make payments towards that 11162
judgment under a payment schedule approved by the judge or 11163
magistrate, the judge or magistrate shall hold a hearing to 11164
determine whether to order the offender to perform community 11165
service for that failure. The judge or magistrate shall notify 11166
both the defendant and the prosecuting attorney of the place, 11167
time, and date of the hearing and shall give each an opportunity 11168
to present evidence. If, after the hearing, the judge or 11169
magistrate determines that the defendant has failed to pay the 11170
judgment or to timely make payments under the payment schedule and 11171
that imposition of community service for the failure is 11172
appropriate, the judge or magistrate may order the offender to 11173
perform community service in an amount of not more than forty 11174
hours per month until the judgment is paid or until the judge or 11175
magistrate is satisfied that the offender is in compliance with 11176
the approved payment schedule. If the judge or magistrate orders 11177
the defendant to perform community service under this division, 11178
the defendant shall receive credit upon the judgment at the 11179
specified hourly credit rate per hour of community service 11180

performed, and each hour of community service performed shall 11181
reduce the judgment by that amount. Except for the credit and 11182
reduction provided in this division, ordering an offender to 11183
perform community service under this division does not lessen the 11184
amount of the judgment and does not preclude the state from taking 11185
any other action to execute the judgment. 11186

(C) As used in this section, "specified hourly credit rate" 11187
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 11188
under the federal Fair Labor Standards Act of 1938, that then is 11189
in effect, and that an employer subject to that provision must pay 11190
per hour to each of the employer's employees who is subject to 11191
that provision. 11192

Sec. 2949.02. (A) If a person is convicted of any bailable 11193
offense, including, but not limited to, a violation of an 11194
ordinance of a municipal corporation or resolution of a township, 11195
in a municipal or county court or in a court of common pleas and 11196
if the person gives to the trial judge or magistrate a written 11197
notice of the person's intention to file or apply for leave to 11198
file an appeal to the court of appeals, the trial judge or 11199
magistrate may suspend, subject to division (A)(2)(b) of section 11200
2953.09 of the Revised Code, execution of the sentence or judgment 11201
imposed for any fixed time that will give the person time either 11202
to prepare and file, or to apply for leave to file, the appeal. In 11203
all bailable cases, except as provided in division (B) of this 11204
section, the trial judge or magistrate may release the person on 11205
bail in accordance with Criminal Rule 46, and the bail shall at 11206
least be conditioned that the person will appeal without delay and 11207
abide by the judgment and sentence of the court. 11208

(B) Notwithstanding any provision of Criminal Rule 46 to the 11209
contrary, a trial judge of a court of common pleas shall not 11210
release on bail pursuant to division (A) of this section a person 11211

who is convicted of a bailable offense if the person is sentenced 11212
to imprisonment for life or if that offense is a violation of 11213
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 11214
2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 11215
of the Revised Code or is felonious sexual penetration in 11216
violation of former section 2907.12 of the Revised Code. 11217

(C) If a trial judge of a court of common pleas is prohibited 11218
by division (B) of this section from releasing on bail pursuant to 11219
division (A) of this section a person who is convicted of a 11220
bailable offense and not sentenced to imprisonment for life, the 11221
appropriate court of appeals or two judges of it, upon motion of 11222
such a person and for good cause shown, may release the person on 11223
bail in accordance with Appellate Rule 8 and Criminal Rule 46, and 11224
the bail shall at least be conditioned as described in division 11225
(A) of this section. 11226

Sec. 2950.01. As used in this chapter, unless the context 11227
clearly requires otherwise: 11228

(A) "Sexually oriented offense" means any of the following 11229
violations or offenses committed by a person, regardless of the 11230
person's age: 11231

(1) A violation of section 2907.02, 2907.03, 2907.05, 11232
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 11233
or 2907.323 of the Revised Code; 11234

(2) A violation of section 2907.04 of the Revised Code when 11235
the offender is less than four years older than the other person 11236
with whom the offender engaged in sexual conduct, the other person 11237
did not consent to the sexual conduct, and the offender previously 11238
has not been convicted of or pleaded guilty to a violation of 11239
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 11240
violation of former section 2907.12 of the Revised Code; 11241

(3) A violation of section 2907.04 of the Revised Code when 11242
the offender is at least four years older than the other person 11243
with whom the offender engaged in sexual conduct or when the 11244
offender is less than four years older than the other person with 11245
whom the offender engaged in sexual conduct and the offender 11246
previously has been convicted of or pleaded guilty to a violation 11247
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 11248
violation of former section 2907.12 of the Revised Code; 11249

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 11250
the Revised Code when the violation was committed with a sexual 11251
motivation; 11252

(5) A violation of division (A) of section 2903.04 of the 11253
Revised Code when the offender committed or attempted to commit 11254
the felony that is the basis of the violation with a sexual 11255
motivation; 11256

(6) A violation of division (A)(3) of section 2903.211 of the 11257
Revised Code; 11258

(7) A violation of division (A)(1), (2), (3), or (5) of 11259
section 2905.01 of the Revised Code when the offense is committed 11260
with a sexual motivation; 11261

(8) A violation of division (A)(4) of section 2905.01 of the 11262
Revised Code; 11263

(9) A violation of division (B) of section 2905.01 of the 11264
Revised Code when the victim of the offense is under eighteen 11265
years of age and the offender is not a parent of the victim of the 11266
offense; 11267

(10) A violation of division (B) of section 2905.02, of 11268
division (B) of section 2905.03, of division (B) of section 11269
2905.05, or of division (B)(5) of section 2919.22 of the Revised 11270
Code; 11271

(11) A violation of any former law of this state, any 11272
existing or former municipal ordinance, township resolution, or 11273
law of another state or the United States, any existing or former 11274
law applicable in a military court or in an Indian tribal court, 11275
or any existing or former law of any nation other than the United 11276
States that is or was substantially equivalent to any offense 11277
listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), 11278
or (10) of this section; 11279

(12) Any attempt to commit, conspiracy to commit, or 11280
complicity in committing any offense listed in division (A)(1), 11281
(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this 11282
section. 11283

(B)(1) "Sex offender" means, subject to division (B)(2) of 11284
this section, a person who is convicted of, pleads guilty to, has 11285
been convicted of, has pleaded guilty to, is adjudicated a 11286
delinquent child for committing, or has been adjudicated a 11287
delinquent child for committing any sexually oriented offense. 11288

(2) "Sex offender" does not include a person who is convicted 11289
of, pleads guilty to, has been convicted of, has pleaded guilty 11290
to, is adjudicated a delinquent child for committing, or has been 11291
adjudicated a delinquent child for committing a sexually oriented 11292
offense if the offense involves consensual sexual conduct or 11293
consensual sexual contact and either of the following applies: 11294

(a) The victim of the sexually oriented offense was eighteen 11295
years of age or older and at the time of the sexually oriented 11296
offense was not under the custodial authority of the person who is 11297
convicted of, pleads guilty to, has been convicted of, has pleaded 11298
guilty to, is adjudicated a delinquent child for committing, or 11299
has been adjudicated a delinquent child for committing the 11300
sexually oriented offense. 11301

(b) The victim of the offense was thirteen years of age or 11302

older, and the person who is convicted of, pleads guilty to, has 11303
been convicted of, has pleaded guilty to, is adjudicated a 11304
delinquent child for committing, or has been adjudicated a 11305
delinquent child for committing the sexually oriented offense is 11306
not more than four years older than the victim. 11307

(C) "Child-victim oriented offense" means any of the 11308
following violations or offenses committed by a person, regardless 11309
of the person's age, when the victim is under eighteen years of 11310
age and is not a child of the person who commits the violation: 11311

(1) A violation of division (A)(1), (2), (3), or (5) of 11312
section 2905.01 of the Revised Code when the violation is not 11313
included in division (A)(7) of this section; 11314

(2) A violation of division (A) of section 2905.02, division 11315
(A) of section 2905.03, or division (A) of section 2905.05 of the 11316
Revised Code; 11317

(3) A violation of any former law of this state, any existing 11318
or former municipal ordinance, township resolution, or law of 11319
another state or the United States, any existing or former law 11320
applicable in a military court or in an Indian tribal court, or 11321
any existing or former law of any nation other than the United 11322
States that is or was substantially equivalent to any offense 11323
listed in division (C)(1) or (2) of this section; 11324

(4) Any attempt to commit, conspiracy to commit, or 11325
complicity in committing any offense listed in division (C)(1), 11326
(2), or (3) of this section. 11327

(D) "Child-victim offender" means a person who is convicted 11328
of, pleads guilty to, has been convicted of, has pleaded guilty 11329
to, is adjudicated a delinquent child for committing, or has been 11330
adjudicated a delinquent child for committing any child-victim 11331
oriented offense. 11332

(E) "Tier I sex offender/child-victim offender" means any of 11333

the following: 11334

(1) A sex offender who is convicted of, pleads guilty to, has 11335
been convicted of, or has pleaded guilty to any of the following 11336
sexually oriented offenses: 11337

(a) A violation of section 2907.06, 2907.07, 2907.08, or 11338
2907.32 of the Revised Code; 11339

(b) A violation of section 2907.04 of the Revised Code when 11340
the offender is less than four years older than the other person 11341
with whom the offender engaged in sexual conduct, the other person 11342
did not consent to the sexual conduct, and the offender previously 11343
has not been convicted of or pleaded guilty to a violation of 11344
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 11345
violation of former section 2907.12 of the Revised Code; 11346

(c) A violation of division (A)(1), (2), (3), or (5) of 11347
section 2907.05 of the Revised Code; 11348

(d) A violation of division (A)(3) of section 2907.323 of the 11349
Revised Code; 11350

(e) A violation of division (A)(3) of section 2903.211, of 11351
division (B) of section 2905.03, or of division (B) of section 11352
2905.05 of the Revised Code; 11353

(f) A violation of any former law of this state, any existing 11354
or former municipal ordinance, township resolution, or law of 11355
another state or the United States, any existing or former law 11356
applicable in a military court or in an Indian tribal court, or 11357
any existing or former law of any nation other than the United 11358
States, that is or was substantially equivalent to any offense 11359
listed in division (E)(1)(a), (b), (c), (d), or (e) of this 11360
section; 11361

(g) Any attempt to commit, conspiracy to commit, or 11362
complicity in committing any offense listed in division (E)(1)(a), 11363

(b), (c), (d), (e), or (f) of this section. 11364

(2) A child-victim offender who is convicted of, pleads 11365
guilty to, has been convicted of, or has pleaded guilty to a 11366
child-victim oriented offense and who is not within either 11367
category of child-victim offender described in division (F)(2) or 11368
(G)(2) of this section. 11369

(3) A sex offender who is adjudicated a delinquent child for 11370
committing or has been adjudicated a delinquent child for 11371
committing any sexually oriented offense and who a juvenile court, 11372
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 11373
Revised Code, classifies a tier I sex offender/child-victim 11374
offender relative to the offense. 11375

(4) A child-victim offender who is adjudicated a delinquent 11376
child for committing or has been adjudicated a delinquent child 11377
for committing any child-victim oriented offense and who a 11378
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 11379
2152.85 of the Revised Code, classifies a tier I sex 11380
offender/child-victim offender relative to the offense. 11381

(F) "Tier II sex offender/child-victim offender" means any of 11382
the following: 11383

(1) A sex offender who is convicted of, pleads guilty to, has 11384
been convicted of, or has pleaded guilty to any of the following 11385
sexually oriented offenses: 11386

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 11387
the Revised Code; 11388

(b) A violation of section 2907.04 of the Revised Code when 11389
the offender is at least four years older than the other person 11390
with whom the offender engaged in sexual conduct, or when the 11391
offender is less than four years older than the other person with 11392
whom the offender engaged in sexual conduct and the offender 11393
previously has been convicted of or pleaded guilty to a violation 11394

of section 2907.02, 2907.03, or 2907.04 of the Revised Code or	11395
former section 2907.12 of the Revised Code;	11396
(c) A violation of division (A)(4) of section 2907.05 or of	11397
division (A)(1) or (2) of section 2907.323 of the Revised Code;	11398
(d) A violation of division (A)(1), (2), (3), or (5) of	11399
section 2905.01 of the Revised Code when the offense is committed	11400
with a sexual motivation;	11401
(e) A violation of division (A)(4) of section 2905.01 of the	11402
Revised Code when the victim of the offense is eighteen years of	11403
age or older;	11404
(f) A violation of division (B) of section 2905.02 or of	11405
division (B)(5) of section 2919.22 of the Revised Code;	11406
(g) A violation of any former law of this state, any existing	11407
or former municipal ordinance, <u>township resolution</u> , or law of	11408
another state or the United States, any existing or former law	11409
applicable in a military court or in an Indian tribal court, or	11410
any existing or former law of any nation other than the United	11411
States that is or was substantially equivalent to any offense	11412
listed in division (F)(1)(a), (b), (c), (d), (e), or (f) of this	11413
section;	11414
(h) Any attempt to commit, conspiracy to commit, or	11415
complicity in committing any offense listed in division (F)(1)(a),	11416
(b), (c), (d), (e), (f), or (g) of this section;	11417
(i) Any sexually oriented offense that is committed after the	11418
sex offender previously has been convicted of, pleaded guilty to,	11419
or has been adjudicated a delinquent child for committing any	11420
sexually oriented offense or child-victim oriented offense for	11421
which the offender was classified a tier I sex	11422
offender/child-victim offender.	11423
(2) A child-victim offender who is convicted of, pleads	11424

guilty to, has been convicted of, or has pleaded guilty to any 11425
child-victim oriented offense when the child-victim oriented 11426
offense is committed after the child-victim offender previously 11427
has been convicted of, pleaded guilty to, or been adjudicated a 11428
delinquent child for committing any sexually oriented offense or 11429
child-victim oriented offense for which the offender was 11430
classified a tier I sex offender/child-victim offender. 11431

(3) A sex offender who is adjudicated a delinquent child for 11432
committing or has been adjudicated a delinquent child for 11433
committing any sexually oriented offense and who a juvenile court, 11434
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 11435
Revised Code, classifies a tier II sex offender/child-victim 11436
offender relative to the offense. 11437

(4) A child-victim offender who is adjudicated a delinquent 11438
child for committing or has been adjudicated a delinquent child 11439
for committing any child-victim oriented offense and whom a 11440
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 11441
2152.85 of the Revised Code, classifies a tier II sex 11442
offender/child-victim offender relative to the current offense. 11443

(5) A sex offender or child-victim offender who is not in any 11444
category of tier II sex offender/child-victim offender set forth 11445
in division (F)(1), (2), (3), or (4) of this section, who prior to 11446
January 1, 2008, was adjudicated a delinquent child for committing 11447
a sexually oriented offense or child-victim oriented offense, and 11448
who prior to that date was determined to be a habitual sex 11449
offender or determined to be a habitual child-victim offender, 11450
unless either of the following applies: 11451

(a) The sex offender or child-victim offender is reclassified 11452
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 11453
tier I sex offender/child-victim offender or a tier III sex 11454
offender/child-victim offender relative to the offense. 11455

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 11456
2152.84, or 2152.85 of the Revised Code, classifies the child a 11457
tier I sex offender/child-victim offender or a tier III sex 11458
offender/child-victim offender relative to the offense. 11459

(G) "Tier III sex offender/child-victim offender" means any 11460
of the following: 11461

(1) A sex offender who is convicted of, pleads guilty to, has 11462
been convicted of, or has pleaded guilty to any of the following 11463
sexually oriented offenses: 11464

(a) A violation of section 2907.02 or 2907.03 of the Revised 11465
Code; 11466

(b) A violation of division (B) of section 2907.05 of the 11467
Revised Code; 11468

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 11469
the Revised Code when the violation was committed with a sexual 11470
motivation; 11471

(d) A violation of division (A) of section 2903.04 of the 11472
Revised Code when the offender committed or attempted to commit 11473
the felony that is the basis of the violation with a sexual 11474
motivation; 11475

(e) A violation of division (A)(4) of section 2905.01 of the 11476
Revised Code when the victim of the offense is under eighteen 11477
years of age; 11478

(f) A violation of division (B) of section 2905.01 of the 11479
Revised Code when the victim of the offense is under eighteen 11480
years of age and the offender is not a parent of the victim of the 11481
offense; 11482

(g) A violation of any former law of this state, any existing 11483
or former municipal ordinance, township resolution, or law of 11484
another state or the United States, any existing or former law 11485

applicable in a military court or in an Indian tribal court, or 11486
any existing or former law of any nation other than the United 11487
States that is or was substantially equivalent to any offense 11488
listed in division (G)(1)(a), (b), (c), (d), (e), or (f) of this 11489
section; 11490

(h) Any attempt to commit, conspiracy to commit, or 11491
complicity in committing any offense listed in division (G)(1)(a), 11492
(b), (c), (d), (e), (f), or (g) of this section; 11493

(i) Any sexually oriented offense that is committed after the 11494
sex offender previously has been convicted of, pleaded guilty to, 11495
or been adjudicated a delinquent child for committing any sexually 11496
oriented offense or child-victim oriented offense for which the 11497
offender was classified a tier II sex offender/child-victim 11498
offender or a tier III sex offender/child-victim offender. 11499

(2) A child-victim offender who is convicted of, pleads 11500
guilty to, has been convicted of, or has pleaded guilty to any 11501
child-victim oriented offense when the child-victim oriented 11502
offense is committed after the child-victim offender previously 11503
has been convicted of, pleaded guilty to, or been adjudicated a 11504
delinquent child for committing any sexually oriented offense or 11505
child-victim oriented offense for which the offender was 11506
classified a tier II sex offender/child-victim offender or a tier 11507
III sex offender/child-victim offender. 11508

(3) A sex offender who is adjudicated a delinquent child for 11509
committing or has been adjudicated a delinquent child for 11510
committing any sexually oriented offense and who a juvenile court, 11511
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 11512
Revised Code, classifies a tier III sex offender/child-victim 11513
offender relative to the offense. 11514

(4) A child-victim offender who is adjudicated a delinquent 11515
child for committing or has been adjudicated a delinquent child 11516

for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the current offense.

(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies:

(a) The sex offender or child-victim offender is reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(b) The sex offender or child-victim offender is a delinquent child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(6) A sex offender who is convicted of, pleads guilty to, was convicted of, or pleaded guilty to a sexually oriented offense, if the sexually oriented offense and the circumstances in which it was committed are such that division (F) of section 2971.03 of the Revised Code automatically classifies the offender as a tier III sex offender/child-victim offender;

(7) A sex offender or child-victim offender who is convicted of, pleads guilty to, was convicted of, pleaded guilty to, is

adjudicated a delinquent child for committing, or was adjudicated 11548
a delinquent child for committing a sexually oriented offense or 11549
child-victim offense in another state, in a federal court, 11550
military court, or Indian tribal court, or in a court in any 11551
nation other than the United States if both of the following 11552
apply: 11553

(a) Under the law of the jurisdiction in which the offender 11554
was convicted or pleaded guilty or the delinquent child was 11555
adjudicated, the offender or delinquent child is in a category 11556
substantially equivalent to a category of tier III sex 11557
offender/child-victim offender described in division (G)(1), (2), 11558
(3), (4), (5), or (6) of this section. 11559

(b) Subsequent to the conviction, plea of guilty, or 11560
adjudication in the other jurisdiction, the offender or delinquent 11561
child resides, has temporary domicile, attends school or an 11562
institution of higher education, is employed, or intends to reside 11563
in this state in any manner and for any period of time that 11564
subjects the offender or delinquent child to a duty to register or 11565
provide notice of intent to reside under section 2950.04 or 11566
2950.041 of the Revised Code. 11567

(H) "Confinement" includes, but is not limited to, a 11568
community residential sanction imposed pursuant to section 2929.16 11569
or 2929.26 of the Revised Code. 11570

(I) "Prosecutor" has the same meaning as in section 2935.01 11571
of the Revised Code. 11572

(J) "Supervised release" means a release of an offender from 11573
a prison term, a term of imprisonment, or another type of 11574
confinement that satisfies either of the following conditions: 11575

(1) The release is on parole, a conditional pardon, under a 11576
community control sanction, under transitional control, or under a 11577
post-release control sanction, and it requires the person to 11578

report to or be supervised by a parole officer, probation officer, 11579
field officer, or another type of supervising officer. 11580

(2) The release is any type of release that is not described 11581
in division (J)(1) of this section and that requires the person to 11582
report to or be supervised by a probation officer, a parole 11583
officer, a field officer, or another type of supervising officer. 11584

(K) "Sexually violent predator specification," "sexually 11585
violent predator," "sexually violent offense," "sexual motivation 11586
specification," "designated homicide, assault, or kidnapping 11587
offense," and "violent sex offense" have the same meanings as in 11588
section 2971.01 of the Revised Code. 11589

(L) "Post-release control sanction" and "transitional 11590
control" have the same meanings as in section 2967.01 of the 11591
Revised Code. 11592

(M) "Juvenile offender registrant" means a person who is 11593
adjudicated a delinquent child for committing on or after January 11594
1, 2002, a sexually oriented offense or a child-victim oriented 11595
offense, who is fourteen years of age or older at the time of 11596
committing the offense, and who a juvenile court judge, pursuant 11597
to an order issued under section 2152.82, 2152.83, 2152.84, 11598
2152.85, or 2152.86 of the Revised Code, classifies a juvenile 11599
offender registrant and specifies has a duty to comply with 11600
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 11601
Code. "Juvenile offender registrant" includes a person who prior 11602
to January 1, 2008, was a "juvenile offender registrant" under the 11603
definition of the term in existence prior to January 1, 2008, and 11604
a person who prior to July 31, 2003, was a "juvenile sex offender 11605
registrant" under the former definition of that former term. 11606
11607

(N) "Public registry-qualified juvenile offender registrant" 11608
means a person who is adjudicated a delinquent child and on whom a 11609

juvenile court has imposed a serious youthful offender 11610
dispositional sentence under section 2152.13 of the Revised Code 11611
before, on, or after January 1, 2008, and to whom all of the 11612
following apply: 11613

(1) The person is adjudicated a delinquent child for 11614
committing, attempting to commit, conspiring to commit, or 11615
complicity in committing one of the following acts: 11616

(a) A violation of section 2907.02 of the Revised Code, 11617
division (B) of section 2907.05 of the Revised Code, or section 11618
2907.03 of the Revised Code if the victim of the violation was 11619
less than twelve years of age; 11620

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 11621
the Revised Code that was committed with a purpose to gratify the 11622
sexual needs or desires of the child. 11623

(2) The person was fourteen, fifteen, sixteen, or seventeen 11624
years of age at the time of committing the act. 11625

(3) A juvenile court judge, pursuant to an order issued under 11626
section 2152.86 of the Revised Code, classifies the person a 11627
juvenile offender registrant, specifies the person has a duty to 11628
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 11629
Code, and classifies the person a public registry-qualified 11630
juvenile offender registrant, and the classification of the person 11631
as a public registry-qualified juvenile offender registrant has 11632
not been terminated pursuant to division (D) of section 2152.86 of 11633
the Revised Code. 11634

(O) "Secure facility" means any facility that is designed and 11635
operated to ensure that all of its entrances and exits are locked 11636
and under the exclusive control of its staff and to ensure that, 11637
because of that exclusive control, no person who is 11638
institutionalized or confined in the facility may leave the 11639
facility without permission or supervision. 11640

(P) "Out-of-state juvenile offender registrant" means a 11641
person who is adjudicated a delinquent child in a court in another 11642
state, in a federal court, military court, or Indian tribal court, 11643
or in a court in any nation other than the United States for 11644
committing a sexually oriented offense or a child-victim oriented 11645
offense, who on or after January 1, 2002, moves to and resides in 11646
this state or temporarily is domiciled in this state for more than 11647
five days, and who has a duty under section 2950.04 or 2950.041 of 11648
the Revised Code to register in this state and the duty to 11649
otherwise comply with that applicable section and sections 2950.05 11650
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 11651
registrant" includes a person who prior to January 1, 2008, was an 11652
"out-of-state juvenile offender registrant" under the definition 11653
of the term in existence prior to January 1, 2008, and a person 11654
who prior to July 31, 2003, was an "out-of-state juvenile sex 11655
offender registrant" under the former definition of that former 11656
term. 11657

(Q) "Juvenile court judge" includes a magistrate to whom the 11658
juvenile court judge confers duties pursuant to division (A)(15) 11659
of section 2151.23 of the Revised Code. 11660

(R) "Adjudicated a delinquent child for committing a sexually 11661
oriented offense" includes a child who receives a serious youthful 11662
offender dispositional sentence under section 2152.13 of the 11663
Revised Code for committing a sexually oriented offense. 11664

(S) "School" and "school premises" have the same meanings as 11665
in section 2925.01 of the Revised Code. 11666

(T) "Residential premises" means the building in which a 11667
residential unit is located and the grounds upon which that 11668
building stands, extending to the perimeter of the property. 11669
"Residential premises" includes any type of structure in which a 11670
residential unit is located, including, but not limited to, 11671
multi-unit buildings and mobile and manufactured homes. 11672

(U) "Residential unit" means a dwelling unit for residential use and occupancy, and includes the structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility.

(V) "Multi-unit building" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division.

(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(X) "Halfway house" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.

Sec. 2951.01. As used in this chapter:

(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code.

(B) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(C) "Ignition interlock device" has the same meaning as in section ~~4511.83~~ 4510.01 of the Revised Code.

(D) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.

(E) "Probation agency" means a county department of probation, a multicounty department of probation, a municipal court department of probation established under section 1901.33 of the Revised Code, or the adult parole authority.

(F) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code.

(G) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

(H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code.

(I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

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

(K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

Sec. 2951.041. (A)(1) If an offender is charged with a criminal offense and the court has reason to believe that drug or alcohol usage by the offender was a factor leading to the offender's criminal behavior, the court may accept, prior to the entry of a guilty plea, the offender's request for intervention in lieu of conviction. The request shall include a waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. The court may reject an offender's request without a hearing. If the court elects to consider an offender's request, the court shall conduct a hearing to determine whether the offender is eligible under this

section for intervention in lieu of conviction and shall stay all 11733
criminal proceedings pending the outcome of the hearing. If the 11734
court schedules a hearing, the court shall order an assessment of 11735
the offender for the purpose of determining the offender's 11736
eligibility for intervention in lieu of conviction and 11737
recommending an appropriate intervention plan. 11738

(2) The victim notification provisions of division (C) of 11739
section 2930.08 of the Revised Code apply in relation to any 11740
hearing held under division (A)(1) of this section. 11741

(B) An offender is eligible for intervention in lieu of 11742
conviction if the court finds all of the following: 11743

(1) The offender previously has not been convicted of or 11744
pleaded guilty to a felony, previously has not been through 11745
intervention in lieu of conviction under this section or any 11746
similar regimen, and is charged with a felony for which the court, 11747
upon conviction, would impose sentence under division (B)(2)(b) of 11748
section 2929.13 of the Revised Code or with a misdemeanor. 11749

(2) The offense is not a felony of the first, second, or 11750
third degree, is not an offense of violence, is not a violation of 11751
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 11752
not a violation of division (A)(1) of section 2903.08 of the 11753
Revised Code, is not a violation of division (A) of section 11754
4511.19 of the Revised Code or a municipal ordinance or township 11755
resolution that is substantially similar to that division, and is 11756
not an offense for which a sentencing court is required to impose 11757
a mandatory prison term, a mandatory term of local incarceration, 11758
or a mandatory term of imprisonment in a jail. 11759

(3) The offender is not charged with a violation of section 11760
2925.02, 2925.03, 2925.04, or 2925.06 of the Revised Code and is 11761
not charged with a violation of section 2925.11 of the Revised 11762
Code that is a felony of the first, second, or third degree. 11763

(4) The offender is not charged with a violation of section 11764
2925.11 of the Revised Code that is a felony of the fourth degree, 11765
or the offender is charged with a violation of that section that 11766
is a felony of the fourth degree and the prosecutor in the case 11767
has recommended that the offender be classified as being eligible 11768
for intervention in lieu of conviction under this section. 11769

(5) The offender has been assessed by an appropriately 11770
licensed provider, certified facility, or licensed and 11771
credentialed professional, including, but not limited to, a 11772
program licensed by the department of alcohol and drug addiction 11773
services pursuant to section 3793.11 of the Revised Code, a 11774
program certified by that department pursuant to section 3793.06 11775
of the Revised Code, a public or private hospital, the United 11776
States department of veterans affairs, another appropriate agency 11777
of the government of the United States, or a licensed physician, 11778
psychiatrist, psychologist, independent social worker, 11779
professional counselor, or chemical dependency counselor for the 11780
purpose of determining the offender's eligibility for intervention 11781
in lieu of conviction and recommending an appropriate intervention 11782
plan. 11783

(6) The offender's drug or alcohol usage was a factor leading 11784
to the criminal offense with which the offender is charged, 11785
intervention in lieu of conviction would not demean the 11786
seriousness of the offense, and intervention would substantially 11787
reduce the likelihood of any future criminal activity. 11788

(7) The alleged victim of the offense was not sixty-five 11789
years of age or older, permanently and totally disabled, under 11790
thirteen years of age, or a peace officer engaged in the officer's 11791
official duties at the time of the alleged offense. 11792

(8) If the offender is charged with a violation of section 11793
2925.24 of the Revised Code, the alleged violation did not result 11794
in physical harm to any person, and the offender previously has 11795

not been treated for drug abuse. 11796

(9) The offender is willing to comply with all terms and 11797
conditions imposed by the court pursuant to division (D) of this 11798
section. 11799

(C) At the conclusion of a hearing held pursuant to division 11800
(A) of this section, the court shall enter its determination as to 11801
whether the offender is eligible for intervention in lieu of 11802
conviction and as to whether to grant the offender's request. If 11803
the court finds under division (B) of this section that the 11804
offender is eligible for intervention in lieu of conviction and 11805
grants the offender's request, the court shall accept the 11806
offender's plea of guilty and waiver of the defendant's right to a 11807
speedy trial, the preliminary hearing, the time period within 11808
which the grand jury may consider an indictment against the 11809
offender, and arraignment, unless the hearing, indictment, or 11810
arraignment has already occurred. In addition, the court then may 11811
stay all criminal proceedings and order the offender to comply 11812
with all terms and conditions imposed by the court pursuant to 11813
division (D) of this section. If the court finds that the offender 11814
is not eligible or does not grant the offender's request, the 11815
criminal proceedings against the offender shall proceed as if the 11816
offender's request for intervention in lieu of conviction had not 11817
been made. 11818

(D) If the court grants an offender's request for 11819
intervention in lieu of conviction, the court shall place the 11820
offender under the general control and supervision of the county 11821
probation department, the adult parole authority, or another 11822
appropriate local probation or court services agency, if one 11823
exists, as if the offender was subject to a community control 11824
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 11825
Revised Code. The court shall establish an intervention plan for 11826
the offender. The terms and conditions of the intervention plan 11827

shall require the offender, for at least one year from the date on 11828
which the court grants the order of intervention in lieu of 11829
conviction, to abstain from the use of illegal drugs and alcohol 11830
and to submit to regular random testing for drug and alcohol use 11831
and may include any other treatment terms and conditions, or terms 11832
and conditions similar to community control sanctions, that are 11833
ordered by the court. 11834

(E) If the court grants an offender's request for 11835
intervention in lieu of conviction and the court finds that the 11836
offender has successfully completed the intervention plan for the 11837
offender, including the requirement that the offender abstain from 11838
using drugs and alcohol for a period of at least one year from the 11839
date on which the court granted the order of intervention in lieu 11840
of conviction and all other terms and conditions ordered by the 11841
court, the court shall dismiss the proceedings against the 11842
offender. Successful completion of the intervention plan and 11843
period of abstinence under this section shall be without 11844
adjudication of guilt and is not a criminal conviction for 11845
purposes of any disqualification or disability imposed by law and 11846
upon conviction of a crime, and the court may order the sealing of 11847
records related to the offense in question in the manner provided 11848
in sections 2953.31 to 2953.36 of the Revised Code. 11849

(F) If the court grants an offender's request for 11850
intervention in lieu of conviction and the offender fails to 11851
comply with any term or condition imposed as part of the 11852
intervention plan for the offender, the supervising authority for 11853
the offender promptly shall advise the court of this failure, and 11854
the court shall hold a hearing to determine whether the offender 11855
failed to comply with any term or condition imposed as part of the 11856
plan. If the court determines that the offender has failed to 11857
comply with any of those terms and conditions, it shall enter a 11858
finding of guilty and shall impose an appropriate sanction under 11859

Chapter 2929. of the Revised Code.	11860
(G) As used in this section:	11861
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	11862 11863
(2) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	11864 11865
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	11866 11867
Sec. 2953.02. In a capital case in which a sentence of death is imposed for an offense committed before January 1, 1995, and in any other criminal case, including a conviction for the violation of an ordinance of a municipal corporation <u>or a resolution of a township</u> , the judgment or final order of a court of record inferior to the court of appeals may be reviewed in the court of appeals. A final order of an administrative officer or agency may be reviewed in the court of common pleas. A judgment or final order of the court of appeals involving a question arising under the Constitution of the United States or of this state may be appealed to the supreme court as a matter of right. This right of appeal from judgments and final orders of the court of appeals shall extend to cases in which a sentence of death is imposed for an offense committed before January 1, 1995, and in which the death penalty has been affirmed, felony cases in which the supreme court has directed the court of appeals to certify its record, and in all other criminal cases of public or general interest wherein the supreme court has granted a motion to certify the record of the court of appeals. In a capital case in which a sentence of death is imposed for an offense committed on or after January 1, 1995, the judgment or final order may be appealed from the trial court directly to the supreme court as a matter of right. The supreme court in criminal cases shall not be required to determine	11868 11869 11870 11871 11872 11873 11874 11875 11876 11877 11878 11879 11880 11881 11882 11883 11884 11885 11886 11887 11888 11889 11890

as to the weight of the evidence, except that, in cases in which a 11891
sentence of death is imposed for an offense committed on or after 11892
January 1, 1995, and in which the question of the weight of the 11893
evidence to support the judgment has been raised on appeal, the 11894
supreme court shall determine as to the weight of the evidence to 11895
support the judgment and shall determine as to the weight of the 11896
evidence to support the sentence of death as provided in section 11897
2929.05 of the Revised Code. 11898

Sec. 2953.03. (A) If a motion for a new trial is filed 11899
pursuant to Criminal Rule 33 by a defendant who is convicted of a 11900
misdemeanor under the Revised Code or an ordinance of a municipal 11901
corporation or resolution of a township, and if that defendant was 11902
on bail at the time of the conviction of that offense, the trial 11903
judge or magistrate shall suspend execution of the sentence or 11904
judgment imposed pending the determination on the motion for a new 11905
trial and shall determine the amount and nature of any bail that 11906
is required of the defendant in accordance with Criminal Rule 46. 11907

(B) If a notice of appeal is filed pursuant to the Rules of 11908
Appellate Procedure or Chapter 1905. of the Revised Code by a 11909
defendant who is convicted in a municipal, county, or ~~mayer's~~ 11910
community court or a court of common pleas of a misdemeanor under 11911
the Revised Code ~~or~~, an ordinance of a municipal corporation, or a 11912
resolution of a township, if that defendant was on bail at the 11913
time of the conviction of that offense, and if execution of the 11914
sentence or judgment imposed is suspended, the trial court or 11915
magistrate or the court in which the appeal is being prosecuted 11916
shall determine the amount and nature of any bail that is required 11917
of the defendant ~~as follows:~~ 11918

~~(1) In the case of an appeal to a court of appeals by a 11919
defendant who is convicted in a municipal or county court or a 11920
court of common pleas, in accordance with Appellate Rule 8 and 11921~~

Criminal Rule 46+ 11922

~~(2) In the case of an appeal to a municipal or county court 11923
by a defendant who is convicted in a mayor's court, in accordance 11924
with Criminal Rule 46. 11925~~

Sec. 2953.07. (A) Upon the hearing of an appeal ~~other than an 11926
appeal from a mayor's court,~~ the appellate court may affirm the 11927
judgment or reverse it, in whole or in part, or modify it, and 11928
order the accused to be discharged or grant a new trial. The 11929
appellate court may remand the accused for the sole purpose of 11930
correcting a sentence imposed contrary to law, provided that, on 11931
an appeal of a sentence imposed upon a person who is convicted of 11932
or pleads guilty to a felony that is brought under section 2953.08 11933
of the Revised Code, division (G) of that section applies to the 11934
court. If the judgment is reversed, the appellant shall recover 11935
from the appellee all court costs incurred to secure the reversal, 11936
including the cost of transcripts. In capital cases, when the 11937
judgment is affirmed and the day fixed for the execution is 11938
passed, the appellate court shall appoint a day for it, and the 11939
clerk of the appellate court shall issue a warrant under the seal 11940
of the appellate court, to the sheriff of the proper county, or 11941
the warden of the appropriate state correctional institution, 11942
commanding the sheriff or warden to carry the sentence into 11943
execution on the day so appointed. The sheriff or warden shall 11944
execute and return the warrant as in other cases, and the clerk 11945
shall record the warrant and return. 11946

(B) As used in this section, "appellate court" means, for a 11947
case in which a sentence of death is imposed for an offense 11948
committed before January 1, 1995, both the court of appeals and 11949
the supreme court, and for a case in which a sentence of death is 11950
imposed for an offense committed on or after January 1, 1995, the 11951
supreme court. 11952

Sec. 2953.09. (A)(1) Upon filing an appeal in the supreme 11953
court, the execution of the sentence or judgment imposed in cases 11954
of felony is suspended. 11955

(2)(a) If a notice of appeal is filed pursuant to the Rules 11956
of Appellate Procedure by a defendant who is convicted in a 11957
municipal ~~or~~ court, county court, community court, or a court of 11958
common pleas of a felony or misdemeanor under the Revised Code ~~or,~~ 11959
an ordinance of a municipal corporation, or a resolution of a 11960
township, the filing of the notice of appeal does not suspend 11961
execution of the sentence or judgment imposed. However, consistent 11962
with divisions (A)(2)(b), (B), and (C) of this section, Appellate 11963
Rule 8, and Criminal Rule 46, the municipal or county court, court 11964
of common pleas, or court of appeals may suspend execution of the 11965
sentence or judgment imposed during the pendency of the appeal and 11966
shall determine whether that defendant is entitled to bail and the 11967
amount and nature of any bail that is required. The bail shall at 11968
least be conditioned that the defendant will prosecute the appeal 11969
without delay and abide by the judgment and sentence of the court. 11970

(b)(i) A court of common pleas or court of appeals may 11971
suspend the execution of a sentence of death imposed for an 11972
offense committed before January 1, 1995, only if no date for 11973
execution has been set by the supreme court, good cause is shown 11974
for the suspension, the defendant files a motion requesting the 11975
suspension, and notice has been given to the prosecuting attorney 11976
of the appropriate county. 11977

(ii) A court of common pleas may suspend the execution of a 11978
sentence of death imposed for an offense committed on or after 11979
January 1, 1995, only if no date for execution has been set by the 11980
supreme court, good cause is shown, the defendant files a motion 11981
requesting the suspension, and notice has been given to the 11982
prosecuting attorney of the appropriate county. 11983

(iii) A court of common pleas or court of appeals may suspend the execution of the sentence or judgment imposed for a felony in a capital case in which a sentence of death is not imposed only if no date for execution of the sentence has been set by the supreme court, good cause is shown for the suspension, the defendant files a motion requesting the suspension, and only after notice has been given to the prosecuting attorney of the appropriate county.

(B) Notwithstanding any provision of Criminal Rule 46 to the contrary, a trial judge of a court of common pleas shall not release on bail pursuant to division (A)(2)(a) of this section a defendant who is convicted of a bailable offense if the defendant is sentenced to imprisonment for life or if that offense is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 of the Revised Code or is felonious sexual penetration in violation of former section 2907.12 of the Revised Code.

(C) If a trial judge of a court of common pleas is prohibited by division (B) of this section from releasing on bail pursuant to division (A)(2)(a) of this section a defendant who is convicted of a bailable offense and not sentenced to imprisonment for life, the appropriate court of appeals or two judges of it, upon motion of the defendant and for good cause shown, may release the defendant on bail in accordance with division (A)(2) of this section.

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the Revised Code:

(A) "First offender" means anyone who has been convicted of an offense in this state or any other jurisdiction and who previously or subsequently has not been convicted of the same or a different offense in this state or any other jurisdiction. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall

be counted as one conviction. When two or three convictions result 12015
from the same indictment, information, or complaint, from the same 12016
plea of guilty, or from the same official proceeding, and result 12017
from related criminal acts that were committed within a 12018
three-month period but do not result from the same act or from 12019
offenses committed at the same time, they shall be counted as one 12020
conviction, provided that a court may decide as provided in 12021
division (C)(1)(a) of section 2953.32 of the Revised Code that it 12022
is not in the public interest for the two or three convictions to 12023
be counted as one conviction. 12024

For purposes of, and except as otherwise provided in, this 12025
division, a conviction for a minor misdemeanor, for a violation of 12026
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 12027
Revised Code, or for a violation of a municipal ordinance or 12028
township resolution that is substantially similar to any section 12029
in those chapters is not a previous or subsequent conviction. 12030
However, a conviction for a violation of section 4511.19, 12031
4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or 12032
sections 4549.41 to 4549.46 of the Revised Code, for a violation 12033
of section 4510.11 or 4510.14 of the Revised Code that is based 12034
upon the offender's operation of a vehicle during a suspension 12035
imposed under section 4511.191 or 4511.196 of the Revised Code, 12036
for a violation of a substantially equivalent municipal ordinance 12037
or township resolution, for a felony violation of Title XLV of the 12038
Revised Code, or for a violation of a substantially equivalent 12039
former law of this state or former municipal ordinance or township 12040
resolution shall be considered a previous or subsequent 12041
conviction. 12042

(B) "Prosecutor" means the county prosecuting attorney, city 12043
director of law, village solicitor, or similar chief legal 12044
officer, who has the authority to prosecute a criminal case in the 12045
court in which the case is filed. 12046

(C) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

(D) "Official records" has the same meaning as in division (D) of section 2953.51 of the Revised Code.

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.

(F) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code do not apply to any of the following:

(A) Convictions when the offender is subject to a mandatory prison term;

(B) Convictions under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance or township resolution that is substantially similar to any section contained in any of those chapters;

(C) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section 2917.03 of the Revised Code and is not a violation of section 2903.13, 2917.01, or 2917.31 of the Revised Code that is a misdemeanor of the first degree;

(D) Convictions on or after ~~the effective date of this~~

~~amendment~~ October 10, 2007, under section 2907.07 of the Revised Code or a conviction on or after ~~the effective date of this~~ amendment October 10, 2007, for a violation of a municipal ordinance that is substantially similar to that section;

(E) Convictions on or after ~~the effective date of this~~ amendment October 10, 2007, under section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Revised Code when the victim of the offense was under eighteen years of age;

(F) Convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or a felony;

(G) Convictions of a felony of the first or second degree;

(H) Bail forfeitures in a traffic case as defined in Traffic Rule 2.

Sec. 3113.31. (A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(d) Committing a sexually oriented offense.

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not

have a domestic relations division.	12106
(3) "Family or household member" means any of the following:	12107
(a) Any of the following who is residing with or has resided with the respondent:	12108 12109
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	12110 12111
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	12112 12113
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	12114 12115 12116 12117
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	12118 12119
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	12120 12121 12122 12123 12124 12125
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	12126 12127
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	12128 12129
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.	12130 12131 12132 12133
(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may	12134 12135

seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member with bodily harm, in which the respondent has threatened the family or household member with a sexually oriented offense, or in which the respondent previously has been convicted of or pleaded guilty to an offense that constitutes domestic violence against the family or household member.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of

protection order that is authorized under division (E) of this 12167
section is issued by the court after an ex parte hearing, the 12168
court shall schedule a full hearing for a date that is within ten 12169
court days after the ex parte hearing. The court shall give the 12170
respondent notice of, and an opportunity to be heard at, the full 12171
hearing. The court shall hold the full hearing on the date 12172
scheduled under this division unless the court grants a 12173
continuance of the hearing in accordance with this division. Under 12174
any of the following circumstances or for any of the following 12175
reasons, the court may grant a continuance of the full hearing to 12176
a reasonable time determined by the court: 12177

(i) Prior to the date scheduled for the full hearing under 12178
this division, the respondent has not been served with the 12179
petition filed pursuant to this section and notice of the full 12180
hearing. 12181

(ii) The parties consent to the continuance. 12182

(iii) The continuance is needed to allow a party to obtain 12183
counsel. 12184

(iv) The continuance is needed for other good cause. 12185

(b) An ex parte order issued under this section does not 12186
expire because of a failure to serve notice of the full hearing 12187
upon the respondent before the date set for the full hearing under 12188
division (D)(2)(a) of this section or because the court grants a 12189
continuance under that division. 12190

(3) If a person who files a petition pursuant to this section 12191
does not request an ex parte order, or if a person requests an ex 12192
parte order but the court does not issue an ex parte order after 12193
an ex parte hearing, the court shall proceed as in a normal civil 12194
action and grant a full hearing on the matter. 12195

(E)(1) After an ex parte or full hearing, the court may grant 12196
any protection order, with or without bond, or approve any consent 12197

agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:

(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members;

(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) Temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic

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violence, or any combination of those persons, to seek counseling; 12229

(g) Require the respondent to refrain from entering the 12230
residence, school, business, or place of employment of the 12231
petitioner or family or household member; 12232

(h) Grant other relief that the court considers equitable and 12233
fair, including, but not limited to, ordering the respondent to 12234
permit the use of a motor vehicle by the petitioner or other 12235
family or household member and the apportionment of household and 12236
family personal property. 12237

(2) If a protection order has been issued pursuant to this 12238
section in a prior action involving the respondent and the 12239
petitioner or one or more of the family or household members or 12240
victims, the court may include in a protection order that it 12241
issues a prohibition against the respondent returning to the 12242
residence or household. If it includes a prohibition against the 12243
respondent returning to the residence or household in the order, 12244
it also shall include in the order provisions of the type 12245
described in division (E)(7) of this section. This division does 12246
not preclude the court from including in a protection order or 12247
consent agreement, in circumstances other than those described in 12248
this division, a requirement that the respondent be evicted from 12249
or vacate the residence or household or refrain from entering the 12250
residence, school, business, or place of employment of the 12251
petitioner or a family or household member, and, if the court 12252
includes any requirement of that type in an order or agreement, 12253
the court also shall include in the order provisions of the type 12254
described in division (E)(7) of this section. 12255

(3)(a) Any protection order issued or consent agreement 12256
approved under this section shall be valid until a date certain, 12257
but not later than five years from the date of its issuance or 12258
approval unless modified or terminated as provided in division 12259
(E)(8) of this section. 12260

(b) Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order.

(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved.

(4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order 12292
pursuant to division (D) of this section, the court does not delay 12293
any hearing required by that division beyond the time specified in 12294
that division in order to consolidate the hearing with a hearing 12295
on the petition filed by the respondent. 12296

(d) After a full hearing at which the respondent presents 12297
evidence in support of the request for a protection order and the 12298
petitioner is afforded an opportunity to defend against that 12299
evidence, the court determines that the petitioner has committed 12300
an act of domestic violence or has violated a temporary protection 12301
order issued pursuant to section 2919.26 of the Revised Code, that 12302
both the petitioner and the respondent acted primarily as 12303
aggressors, and that neither the petitioner nor the respondent 12304
acted primarily in self-defense. 12305

(5) No protection order issued or consent agreement approved 12306
under this section shall in any manner affect title to any real 12307
property. 12308

(6)(a) If a petitioner, or the child of a petitioner, who 12309
obtains a protection order or consent agreement pursuant to 12310
division (E)(1) of this section or a temporary protection order 12311
pursuant to section 2919.26 of the Revised Code and is the subject 12312
of a parenting time order issued pursuant to section 3109.051 or 12313
3109.12 of the Revised Code or a visitation or companionship order 12314
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 12315
Revised Code or division (E)(1)(d) of this section granting 12316
parenting time rights to the respondent, the court may require the 12317
public children services agency of the county in which the court 12318
is located to provide supervision of the respondent's exercise of 12319
parenting time or visitation or companionship rights with respect 12320
to the child for a period not to exceed nine months, if the court 12321
makes the following findings of fact: 12322

(i) The child is in danger from the respondent; 12323

(ii) No other person or agency is available to provide the supervision. 12324
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(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost. 12326
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(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member. 12331
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(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance or township resolution substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court. 12342
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(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of 12351
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the protection order or consent agreement pursuant to division 12356
(E)(8) of this section. 12357

(b) Either the petitioner or the respondent of the original 12358
protection order or consent agreement may bring a motion for 12359
modification or termination of a protection order or consent 12360
agreement that was issued or approved after a full hearing. The 12361
court shall require notice of the motion to be made as provided by 12362
the Rules of Civil Procedure. If the petitioner for the original 12363
protection order or consent agreement has requested that the 12364
petitioner's address be kept confidential, the court shall not 12365
disclose the address to the respondent of the original protection 12366
order or consent agreement or any other person, except as 12367
otherwise required by law. The moving party has the burden of 12368
proof to show, by a preponderance of the evidence, that 12369
modification or termination of the protection order or consent 12370
agreement is appropriate because either the protection order or 12371
consent agreement is no longer needed or because the terms of the 12372
original protection order or consent agreement are no longer 12373
appropriate. 12374

(c) In considering whether to modify or terminate a 12375
protection order or consent agreement issued or approved under 12376
this section, the court shall consider all relevant factors, 12377
including, but not limited to, the following: 12378

(i) Whether the petitioner consents to modification or 12379
termination of the protection order or consent agreement; 12380

(ii) Whether the petitioner fears the respondent; 12381

(iii) The current nature of the relationship between the 12382
petitioner and the respondent; 12383

(iv) The circumstances of the petitioner and respondent, 12384
including the relative proximity of the petitioner's and 12385
respondent's workplaces and residences and whether the petitioner 12386

and respondent have minor children together;	12387
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	12388 12389
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	12390 12391
(vii) Whether the respondent has been convicted of or pleaded guilty to an offense of violence since the issuance of the protection order or approval of the consent agreement;	12392 12393 12394
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	12395 12396 12397 12398 12399
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	12400 12401 12402 12403
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	12404 12405
(xi) The age and health of the respondent;	12406
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	12407 12408 12409 12410
(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any	12411 12412 12413 12414 12415 12416

county other than the county in which the order or agreement is 12417
modified or terminated as provided in division (N) of this 12418
section. 12419

(e) If the respondent moves for modification or termination 12420
of a protection order or consent agreement pursuant to this 12421
section, the court may assess costs against the respondent for the 12422
filing of the motion. 12423

(F)(1) A copy of any protection order, or consent agreement, 12424
that is issued, approved, modified, or terminated under this 12425
section shall be issued by the court to the petitioner, to the 12426
respondent, and to all law enforcement agencies that have 12427
jurisdiction to enforce the order or agreement. The court shall 12428
direct that a copy of an order be delivered to the respondent on 12429
the same day that the order is entered. 12430

(2) All law enforcement agencies shall establish and maintain 12431
an index for the protection orders and the approved consent 12432
agreements delivered to the agencies pursuant to division (F)(1) 12433
of this section. With respect to each order and consent agreement 12434
delivered, each agency shall note on the index the date and time 12435
that it received the order or consent agreement. 12436

(3) Regardless of whether the petitioner has registered the 12437
order or agreement in the county in which the officer's agency has 12438
jurisdiction pursuant to division (N) of this section, any officer 12439
of a law enforcement agency shall enforce a protection order 12440
issued or consent agreement approved by any court in this state in 12441
accordance with the provisions of the order or agreement, 12442
including removing the respondent from the premises, if 12443
appropriate. 12444

(G) Any proceeding under this section shall be conducted in 12445
accordance with the Rules of Civil Procedure, except that an order 12446
under this section may be obtained with or without bond. An order 12447

issued under this section, other than an ex parte order, that 12448
grants a protection order or approves a consent agreement, that 12449
refuses to grant a protection order or approve a consent agreement 12450
that modifies or terminates a protection order or consent 12451
agreement, or that refuses to modify or terminate a protection 12452
order or consent agreement, is a final, appealable order. The 12453
remedies and procedures provided in this section are in addition 12454
to, and not in lieu of, any other available civil or criminal 12455
remedies. 12456

(H) The filing of proceedings under this section does not 12457
excuse a person from filing any report or giving any notice 12458
required by section 2151.421 of the Revised Code or by any other 12459
law. When a petition under this section alleges domestic violence 12460
against minor children, the court shall report the fact, or cause 12461
reports to be made, to a county, township, or municipal peace 12462
officer under section 2151.421 of the Revised Code. 12463

(I) Any law enforcement agency that investigates a domestic 12464
dispute shall provide information to the family or household 12465
members involved regarding the relief available under this section 12466
and section 2919.26 of the Revised Code. 12467

(J) Notwithstanding any provision of law to the contrary and 12468
regardless of whether a protection order is issued or a consent 12469
agreement is approved by a court of another county or a court of 12470
another state, no court or unit of state or local government shall 12471
charge any fee, cost, deposit, or money in connection with the 12472
filing of a petition pursuant to this section or in connection 12473
with the filing, issuance, registration, or service of a 12474
protection order or consent agreement, or for obtaining a 12475
certified copy of a protection order or consent agreement. 12476

(K)(1) The court shall comply with Chapters 3119., 3121., 12477
3123., and 3125. of the Revised Code when it makes or modifies an 12478
order for child support under this section. 12479

(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(L)(1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions:

(a) Criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the

issuance or approval of the order or agreement to the judicial and 12511
law enforcement officials in any county other than the county in 12512
which the order is issued or the agreement is approved by 12513
registering that order or agreement in the other county pursuant 12514
to division (N)(2) of this section and filing a copy of the 12515
registered order or registered agreement with a law enforcement 12516
agency in the other county in accordance with that division. A 12517
person who obtains a protection order issued by a court of another 12518
state may provide notice of the issuance of the order to the 12519
judicial and law enforcement officials in any county of this state 12520
by registering the order in that county pursuant to section 12521
2919.272 of the Revised Code and filing a copy of the registered 12522
order with a law enforcement agency in that county. 12523

(2) A petitioner may register a temporary protection order, 12524
protection order, or consent agreement in a county other than the 12525
county in which the court that issued the order or approved the 12526
agreement is located in the following manner: 12527

(a) The petitioner shall obtain a certified copy of the order 12528
or agreement from the clerk of the court that issued the order or 12529
approved the agreement and present that certified copy to the 12530
clerk of the court of common pleas or the clerk of a municipal 12531
court or county court in the county in which the order or 12532
agreement is to be registered. 12533

(b) Upon accepting the certified copy of the order or 12534
agreement for registration, the clerk of the court of common 12535
pleas, municipal court, or county court shall place an endorsement 12536
of registration on the order or agreement and give the petitioner 12537
a copy of the order or agreement that bears that proof of 12538
registration. 12539

(3) The clerk of each court of common pleas, the clerk of 12540
each municipal court, and the clerk of each county court shall 12541
maintain a registry of certified copies of temporary protection 12542

orders, protection orders, or consent agreements that have been 12543
issued or approved by courts in other counties and that have been 12544
registered with the clerk. 12545

Sec. 3301.88. (A) A recipient of a grant under section 12546
3301.86 of the Revised Code may request from the bureau of 12547
criminal identification and investigation a criminal records check 12548
on any individual, other than an individual described in division 12549
(B) of this section, who applies to participate in providing 12550
directly to children any program or service funded in whole or in 12551
part by the grant. If a recipient elects to request a criminal 12552
records check, the request shall consist of a request for the 12553
information a school district board of education may request under 12554
division (F)(2)(a) of section 109.57 of the Revised Code and shall 12555
be accompanied by one of the following identification options: 12556

(1) The form and standard impression sheet prescribed by the 12557
bureau under division (C) of section 109.572 of the Revised Code; 12558

(2) A form prescribed by the bureau on which is specified the 12559
individual's name, social security number, and date of birth. 12560

(B) A grant recipient shall not request a criminal records 12561
check under division (A) of this section with respect to any 12562
individual who furnishes the grant recipient with a certified copy 12563
of a report of a criminal records check completed by the bureau 12564
within one year prior to applying to participate in providing 12565
programs or services under the grant. 12566

(C) Except as provided in rules adopted under division (G)(2) 12567
of this section, a grant recipient shall not allow an individual 12568
to participate in providing directly to children any program or 12569
service funded in whole or in part by the grant if the information 12570
requested under this section from the bureau indicates that the 12571
individual has ever pleaded guilty to or been found guilty by a 12572
jury or court of any of the following: 12573

(1) A felony;	12574
(2) A violation of section 2903.16, 2903.34, 2905.05,	12575
2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.23, 2907.25,	12576
2907.31, 2919.12, 2919.22, 2919.24, 2925.04, or 3716.11 of the	12577
Revised Code; a violation of section 2905.04 of the Revised Code	12578
as it existed prior to July 1, 1996; or a violation of section	12579
2919.23 of the Revised Code that would have been a violation of	12580
section 2905.04 of the Revised Code as it existed prior to July 1,	12581
1996, had it been committed prior to that date;	12582
(3) An offense of violence;	12583
(4) A theft offense, as defined in section 2913.01 of the	12584
Revised Code;	12585
(5) A drug abuse offense, as defined in section 2925.01 of	12586
the Revised Code;	12587
(6) A violation of an existing or former ordinance of a	12588
municipal corporation, <u>resolution of a township</u> , or law of the	12589
United States or another state that is substantively comparable to	12590
an offense listed in divisions (C)(1) to (5) of this section.	12591
(D) A grant recipient that elects to request criminal records	12592
checks may conditionally allow an individual to participate in	12593
providing programs or services directly to children until the	12594
criminal records check is completed and the grant recipient	12595
receives the results. If the results of the criminal records check	12596
indicate that the individual has been convicted of or pleaded	12597
guilty to an offense listed in division (C) of this section, the	12598
grant recipient shall not allow the individual to further	12599
participate in providing directly to children any program or	12600
service funded in whole or in part by the grant, except as	12601
provided in the rules adopted under division (G)(2) of this	12602
section.	12603
(E) The report of any criminal records check conducted in	12604

accordance with division (F)(5) of section 109.57 of the Revised Code pursuant to a request under this section is not a public record for purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the individual who is the subject of the criminal records check or the individual's representative, the grant recipient or the grant recipient's representative, and any court, hearing officer, or other necessary individual in a case dealing with the denial of the individual's participation in a program or service funded by a grant awarded under section 3301.86 of the Revised Code.

(F) The department of education shall reimburse each grant recipient for each criminal records check the actual amount paid by the grant recipient for the portion of the criminal records check conducted by the bureau of criminal identification and investigation. Reimbursement shall be paid under this division only for criminal records checks on individuals who apply to participate in providing directly to children any program or service funded in whole or in part by the grant. To receive it, the grant recipient must submit information to the department in the form and manner required by the department. The reimbursement is in addition to the grant awarded to the recipient under section 3301.86 of the Revised Code.

(G) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code:

(1) Prescribing the form and manner in which grant recipients must submit information to the department to receive reimbursement under division (F) of this section;

(2) Specifying circumstances under which a grant recipient may allow an individual whose criminal records check report indicates that the individual has been convicted of or pleaded guilty to an offense listed in division (C) of this section, but who meets standards in regard to rehabilitation set forth in the

rules, to participate in providing directly to children any 12637
program or service funded in whole or in part by the grant. 12638

Sec. 3313.662. (A) The superintendent of public instruction, 12639
pursuant to this section and the adjudication procedures of 12640
section 3301.121 of the Revised Code, may issue an adjudication 12641
order that permanently excludes a pupil from attending any of the 12642
public schools of this state if the pupil is convicted of, or 12643
adjudicated a delinquent child for, committing, when the pupil was 12644
sixteen years of age or older, an act that would be a criminal 12645
offense if committed by an adult and if the act is any of the 12646
following: 12647

(1) A violation of section 2923.122 of the Revised Code; 12648

(2) A violation of section 2923.12 of the Revised Code, of a 12649
substantially similar municipal ordinance or township resolution, 12650
or of section 2925.03 of the Revised Code that was committed on 12651
property owned or controlled by, or at an activity held under the 12652
auspices of, a board of education of a city, local, exempted 12653
village, or joint vocational school district; 12654

(3) A violation of section 2925.11 of the Revised Code, other 12655
than a violation of that section that would be a minor drug 12656
possession offense, that was committed on property owned or 12657
controlled by, or at an activity held under the auspices of, the 12658
board of education of a city, local, exempted village, or joint 12659
vocational school district; 12660

(4) A violation of section 2903.01, 2903.02, 2903.03, 12661
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 12662
section 2907.12 of the Revised Code that was committed on property 12663
owned or controlled by, or at an activity held under the auspices 12664
of, a board of education of a city, local, exempted village, or 12665
joint vocational school district, if the victim at the time of the 12666
commission of the act was an employee of that board of education; 12667

(5) Complicity in any violation described in division (A)(1), 12668
(2), (3), or (4) of this section that was alleged to have been 12669
committed in the manner described in division (A)(1), (2), (3), or 12670
(4) of this section, regardless of whether the act of complicity 12671
was committed on property owned or controlled by, or at an 12672
activity held under the auspices of, a board of education of a 12673
city, local, exempted village, or joint vocational school 12674
district. 12675

(B) A pupil may be suspended or expelled in accordance with 12676
section 3313.66 of the Revised Code prior to being permanently 12677
excluded from public school attendance under this section and 12678
section 3301.121 of the Revised Code. 12679

(C)(1) If the superintendent of a city, local, exempted 12680
village, or joint vocational school district in which a pupil 12681
attends school obtains or receives proof that the pupil has been 12682
convicted of committing when the pupil was sixteen years of age or 12683
older a violation listed in division (A) of this section or 12684
adjudicated a delinquent child for the commission when the pupil 12685
was sixteen years of age or older of a violation listed in 12686
division (A) of this section, the superintendent may issue to the 12687
board of education of the school district a request that the pupil 12688
be permanently excluded from public school attendance, if both of 12689
the following apply: 12690

(a) After obtaining or receiving proof of the conviction or 12691
adjudication, the superintendent or the superintendent's designee 12692
determines that the pupil's continued attendance in school may 12693
endanger the health and safety of other pupils or school employees 12694
and gives the pupil and the pupil's parent, guardian, or custodian 12695
written notice that the superintendent intends to recommend to the 12696
board of education that the board adopt a resolution requesting 12697
the superintendent of public instruction to permanently exclude 12698
the pupil from public school attendance. 12699

(b) The superintendent or the superintendent's designee	12700
forwards to the board of education the superintendent's written	12701
recommendation that includes the determinations the superintendent	12702
or designee made pursuant to division (C)(1)(a) of this section	12703
and a copy of the proof the superintendent received showing that	12704
the pupil has been convicted of or adjudicated a delinquent child	12705
for a violation listed in division (A) of this section that was	12706
committed when the pupil was sixteen years of age or older.	12707
(2) Within fourteen days after receipt of a recommendation	12708
from the superintendent pursuant to division (C)(1)(b) of this	12709
section that a pupil be permanently excluded from public school	12710
attendance, the board of education of a city, local, exempted	12711
village, or joint vocational school district, after review and	12712
consideration of all of the following available information, may	12713
adopt a resolution requesting the superintendent of public	12714
instruction to permanently exclude the pupil who is the subject of	12715
the recommendation from public school attendance:	12716
(a) The academic record of the pupil and a record of any	12717
extracurricular activities in which the pupil previously was	12718
involved;	12719
(b) The disciplinary record of the pupil and any available	12720
records of the pupil's prior behavioral problems other than the	12721
behavioral problems contained in the disciplinary record;	12722
(c) The social history of the pupil;	12723
(d) The pupil's response to the imposition of prior	12724
discipline and sanctions imposed for behavioral problems;	12725
(e) Evidence regarding the seriousness of and any aggravating	12726
factors related to the offense that is the basis of the resolution	12727
seeking permanent exclusion;	12728
(f) Any mitigating circumstances surrounding the offense that	12729
gave rise to the request for permanent exclusion;	12730

(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;

(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;

(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.

(3) If the board does not adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil, it immediately shall send written notice of that fact to the superintendent who sought the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.

(D)(1) Upon adoption of a resolution under division (C) of this section, the board of education immediately shall forward to the superintendent of public instruction the written resolution, proof of the conviction or adjudication that is the basis of the resolution, a copy of the pupil's entire school record, and any other relevant information and shall forward a copy of the resolution to the pupil who is the subject of the recommendation and to that pupil's parent, guardian, or custodian.

(2) The board of education that adopted and forwarded the resolution requesting the permanent exclusion of the pupil to the superintendent of public instruction promptly shall designate a representative of the school district to present the case for

permanent exclusion to the superintendent or the referee appointed 12762
by the superintendent. The representative of the school district 12763
may be an attorney admitted to the practice of law in this state. 12764
At the adjudication hearing held pursuant to section 3301.121 of 12765
the Revised Code, the representative of the school district shall 12766
present evidence in support of the requested permanent exclusion. 12767

(3) Upon receipt of a board of education's resolution 12768
requesting the permanent exclusion of a pupil from public school 12769
attendance, the superintendent of public instruction, in 12770
accordance with the adjudication procedures of section 3301.121 of 12771
the Revised Code, promptly shall issue an adjudication order that 12772
either permanently excludes the pupil from attending any of the 12773
public schools of this state or that rejects the resolution of the 12774
board of education. 12775

(E) Notwithstanding any provision of section 3313.64 of the 12776
Revised Code or an order of any court of this state that otherwise 12777
requires the admission of the pupil to a school, no school 12778
official in a city, local, exempted village, or joint vocational 12779
school district knowingly shall admit to any school in the school 12780
district a pupil who has been permanently excluded from public 12781
school attendance by the superintendent of public instruction. 12782

(F)(1)(a) Upon determining that the school attendance of a 12783
pupil who has been permanently excluded from public school 12784
attendance no longer will endanger the health and safety of other 12785
students or school employees, the superintendent of any city, 12786
local, exempted village, or joint vocational school district in 12787
which the pupil desires to attend school may issue to the board of 12788
education of the school district a recommendation, including the 12789
reasons for the recommendation, that the permanent exclusion of a 12790
pupil be revoked and the pupil be allowed to return to the public 12791
schools of the state. 12792

If any violation which in whole or in part gave rise to the 12793

permanent exclusion of any pupil involved the pupil's bringing a 12794
firearm to a school operated by the board of education of a school 12795
district or onto any other property owned or operated by such a 12796
board, no superintendent shall recommend under this division an 12797
effective date for the revocation of the pupil's permanent 12798
exclusion that is less than one year after the date on which the 12799
last such firearm incident occurred. However, on a case-by-case 12800
basis, a superintendent may recommend an earlier effective date 12801
for such a revocation for any of the reasons for which the 12802
superintendent may reduce the one-year expulsion requirement in 12803
division (B)(2) of section 3313.66 of the Revised Code. 12804

(b) Upon receipt of the recommendation of the superintendent 12805
that a permanent exclusion of a pupil be revoked, the board of 12806
education of a city, local, exempted village, or joint vocational 12807
school district may adopt a resolution by a majority vote of its 12808
members requesting the superintendent of public instruction to 12809
revoke the permanent exclusion of the pupil. Upon adoption of the 12810
resolution, the board of education shall forward a copy of the 12811
resolution, the reasons for the resolution, and any other relevant 12812
information to the superintendent of public instruction. 12813

(c) Upon receipt of a resolution of a board of education 12814
requesting the revocation of a permanent exclusion of a pupil, the 12815
superintendent of public instruction, in accordance with the 12816
adjudication procedures of Chapter 119. of the Revised Code, shall 12817
issue an adjudication order that revokes the permanent exclusion 12818
of the pupil from public school attendance or that rejects the 12819
resolution of the board of education. 12820

(2)(a) A pupil who has been permanently excluded pursuant to 12821
this section and section 3301.121 of the Revised Code may request 12822
the superintendent of any city, local, exempted village, or joint 12823
vocational school district in which the pupil desires to attend 12824
school to admit the pupil on a probationary basis for a period not 12825

to exceed ninety school days. Upon receiving the request, the 12826
superintendent may enter into discussions with the pupil and with 12827
the pupil's parent, guardian, or custodian or a person designated 12828
by the pupil's parent, guardian, or custodian to develop a 12829
probationary admission plan designed to assist the pupil's 12830
probationary admission to the school. The plan may include a 12831
treatment program, a behavioral modification program, or any other 12832
program reasonably designed to meet the educational needs of the 12833
child and the disciplinary requirements of the school. 12834

If any violation which in whole or in part gave rise to the 12835
permanent exclusion of the pupil involved the pupil's bringing a 12836
firearm to a school operated by the board of education of any 12837
school district or onto any other property owned or operated by 12838
such a board, no plan developed under this division for the pupil 12839
shall include an effective date for the probationary admission of 12840
the pupil that is less than one year after the date on which the 12841
last such firearm incident occurred except that on a case-by-case 12842
basis, a plan may include an earlier effective date for such an 12843
admission for any of the reasons for which the superintendent of 12844
the district may reduce the one-year expulsion requirement in 12845
division (B)(2) of section 3313.66 of the Revised Code. 12846

(b) If the superintendent of a school district, a pupil, and 12847
the pupil's parent, guardian, or custodian or a person designated 12848
by the pupil's parent, guardian, or custodian agree upon a 12849
probationary admission plan prepared pursuant to division 12850
(F)(2)(a) of this section, the superintendent of the school 12851
district shall issue to the board of education of the school 12852
district a recommendation that the pupil be allowed to attend 12853
school within the school district under probationary admission, 12854
the reasons for the recommendation, and a copy of the agreed upon 12855
probationary admission plan. Within fourteen days after the board 12856
of education receives the recommendation, reasons, and plan, the 12857

board may adopt the recommendation by a majority vote of its 12858
members. If the board adopts the recommendation, the pupil may 12859
attend school under probationary admission within that school 12860
district for a period not to exceed ninety days or any additional 12861
probationary period permitted under divisions (F)(2)(d) and (e) of 12862
this section in accordance with the probationary admission plan 12863
prepared pursuant to division (F)(2)(a) of this section. 12864

(c) If a pupil who is permitted to attend school under 12865
probationary admission pursuant to division (F)(2)(b) of this 12866
section fails to comply with the probationary admission plan 12867
prepared pursuant to division (F)(2)(a) of this section, the 12868
superintendent of the school district immediately may remove the 12869
pupil from the school and issue to the board of education of the 12870
school district a recommendation that the probationary admission 12871
be revoked. Within five days after the board of education receives 12872
the recommendation, the board may adopt the recommendation to 12873
revoke the pupil's probationary admission by a majority vote of 12874
its members. If a majority of the board does not adopt the 12875
recommendation to revoke the pupil's probationary admission, the 12876
pupil shall continue to attend school in compliance with the 12877
pupil's probationary admission plan. 12878

(d) If a pupil who is permitted to attend school under 12879
probationary admission pursuant to division (F)(2)(b) of this 12880
section complies with the probationary admission plan prepared 12881
pursuant to division (F)(2)(a) of this section, the pupil or the 12882
pupil's parent, guardian, or custodian, at any time before the 12883
expiration of the ninety-day probationary admission period, may 12884
request the superintendent of the school district to extend the 12885
terms and period of the pupil's probationary admission for a 12886
period not to exceed ninety days or to issue a recommendation 12887
pursuant to division (F)(1) of this section that the pupil's 12888
permanent exclusion be revoked and the pupil be allowed to return 12889

to the public schools of this state. 12890

(e) If a pupil is granted an extension of the pupil's 12891
probationary admission pursuant to division (F)(2)(d) of this 12892
section, the pupil or the pupil's parent, guardian, or custodian, 12893
in the manner described in that division, may request, and the 12894
superintendent and board, in the manner described in that 12895
division, may recommend and grant, subsequent probationary 12896
admission periods not to exceed ninety days each. If a pupil who 12897
is permitted to attend school under an extension of a probationary 12898
admission plan complies with the probationary admission plan 12899
prepared pursuant to the extension, the pupil or the pupil's 12900
parent, guardian, or custodian may request a revocation of the 12901
pupil's permanent exclusion in the manner described in division 12902
(F)(2)(d) of this section. 12903

(f) Any extension of a probationary admission requested by a 12904
pupil or a pupil's parent, guardian, or custodian pursuant to 12905
divisions (F)(2)(d) or (e) of this section shall be subject to the 12906
adoption and approval of a probationary admission plan in the 12907
manner described in divisions (F)(2)(a) and (b) of this section 12908
and may be terminated as provided in division (F)(2)(c) of this 12909
section. 12910

(g) If the pupil has complied with any probationary admission 12911
plan and the superintendent issues a recommendation that seeks 12912
revocation of the pupil's permanent exclusion pursuant to division 12913
(F)(1) of this section, the pupil's compliance with any 12914
probationary admission plan may be considered along with other 12915
relevant factors in any determination or adjudication conducted 12916
pursuant to division (F)(1) of this section. 12917

(G)(1) Except as provided in division (G)(2) of this section, 12918
any information regarding the permanent exclusion of a pupil shall 12919
be included in the pupil's official records and shall be included 12920
in any records sent to any school district that requests the 12921

pupil's records. 12922

(2) When a pupil who has been permanently excluded from 12923
public school attendance reaches the age of twenty-two or when the 12924
permanent exclusion of a pupil has been revoked, all school 12925
districts that maintain records regarding the pupil's permanent 12926
exclusion shall remove all references to the exclusion from the 12927
pupil's file and shall destroy them. 12928

A pupil who has reached the age of twenty-two or whose 12929
permanent exclusion has been revoked may send a written notice to 12930
the superintendent of any school district maintaining records of 12931
the pupil's permanent exclusion requesting the superintendent to 12932
ensure that the records are removed from the pupil's file and 12933
destroyed. Upon receipt of the request and a determination that 12934
the pupil is twenty-two years of age or older or that the pupil's 12935
permanent exclusion has been revoked, the superintendent shall 12936
ensure that the records are removed from the pupil's file and 12937
destroyed. 12938

(H)(1) This section does not apply to any of the following: 12939

(a) An institution that is a residential facility, that 12940
receives and cares for children, that is maintained by the 12941
department of youth services, and that operates a school chartered 12942
by the state board of education under section 3301.16 of the 12943
Revised Code; 12944

(b) Any on-premises school operated by an out-of-home care 12945
entity, other than a school district, that is chartered by the 12946
state board of education under section 3301.16 of the Revised 12947
Code; 12948

(c) Any school operated in connection with an out-of-home 12949
care entity or a nonresidential youth treatment program that 12950
enters into a contract or agreement with a school district for the 12951
provision of educational services in a setting other than a 12952

setting that is a building or structure owned or controlled by the board of education of the school district during normal school hours. 12953
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(2) This section does not prohibit any person who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code from seeking a certificate of high school equivalence. A person who has been permanently excluded may be permitted to participate in a course of study in preparation for the tests of general educational development, except that the person shall not participate during normal school hours in that course of study in any building or structure owned or controlled by the board of education of a school district. 12956
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(3) This section does not relieve any school district from any requirement under section 2151.362 or 3313.64 of the Revised Code to pay for the cost of educating any child who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code. 12965
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(I) As used in this section: 12970

(1) "Permanently exclude" means to forever prohibit an individual from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district. 12971
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(2) "Permanent exclusion" means the prohibition of a pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district. 12975
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(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code. 12979
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(4) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code. 12981
12982

(5) "Nonresidential youth treatment program" means a program 12983
designed to provide services to persons under the age of eighteen 12984
in a setting that does not regularly provide long-term overnight 12985
care, including settlement houses, diversion and prevention 12986
programs, run-away centers, and alternative education programs. 12987

(6) "Firearm" has the same meaning as provided pursuant to 12988
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 12989
8001(a)(2). 12990

(7) "Minor drug possession offense" has the same meaning as 12991
in section 2925.01 of the Revised Code. 12992

Sec. 3319.20. Whenever an employee of a board of education, 12993
other than an employee who is a license holder to whom section 12994
3319.52 of the Revised Code applies, is convicted of or pleads 12995
guilty to a felony, a violation of section 2907.04 or 2907.06 or 12996
of division (A) or (B) of section 2907.07 of the Revised Code, an 12997
offense of violence, theft offense, or drug abuse offense that is 12998
not a minor misdemeanor, or a violation of an ordinance of a 12999
municipal corporation or resolution of a township that is 13000
substantively comparable to a felony or to a violation or offense 13001
of that nature, the prosecutor in the case, on forms prescribed 13002
and furnished by the state board of education, shall notify the 13003
employing board of education of the employee's name and residence 13004
address, the fact that the employee was convicted of or pleaded 13005
guilty to the specified offense, the section of the Revised Code 13006
or the municipal ordinance violated, and the sentence imposed by 13007
the court. 13008

The prosecutor shall give the notification required by this 13009
section no earlier than the fifth day following the expiration of 13010
the period within which the employee may file a notice of appeal 13011
from the judgment of the trial court under Appellate Rule 4(B) and 13012
no later than the eighth day following the expiration of that 13013

period. The notification also shall indicate whether the employee 13014
appealed the conviction, and, if applicable, the court in which 13015
the appeal will be heard. If the employee is permitted, by leave 13016
of court pursuant to Appellate Rule 5, to appeal the judgment of 13017
the trial court subsequent to the expiration of the period for 13018
filing a notice of appeal under Appellate Rule 4(B), the 13019
prosecutor promptly shall notify the employing board of education 13020
of the appeal and the court in which the appeal will be heard. 13021

As used in this section, "theft offense" has the same meaning 13022
as in section 2913.01 of the Revised Code, "drug abuse offense" 13023
has the same meaning as in section 2925.01 of the Revised Code, 13024
and "prosecutor" has the same meaning as in section 2935.01 of the 13025
Revised Code. 13026

Sec. 3319.31. (A) As used in this section and sections 13027
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 13028
means a certificate, license, or permit described in this chapter 13029
or in division (B) of section 3301.071 or in section 3301.074 of 13030
the Revised Code. 13031

(B) For any of the following reasons, the state board of 13032
education, in accordance with Chapter 119. and section 3319.311 of 13033
the Revised Code, may refuse to issue a license to an applicant; 13034
may limit a license it issues to an applicant; may suspend, 13035
revoke, or limit a license that has been issued to any person; or 13036
may revoke a license that has been issued to any person and has 13037
expired: 13038

(1) Engaging in an immoral act, incompetence, negligence, or 13039
conduct that is unbecoming to the applicant's or person's 13040
position; 13041

(2) A plea of guilty to, a finding of guilt by a jury or 13042
court of, or a conviction of any of the following: 13043

(a) A felony;	13044
(b) A violation of section 2907.04 or 2907.06 or division (A) or (B) of section 2907.07 of the Revised Code;	13045 13046
(c) An offense of violence;	13047
(d) A theft offense, as defined in section 2913.01 of the Revised Code;	13048 13049
(e) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor;	13050 13051
(f) A violation of an ordinance of a municipal corporation <u>or resolution of a township</u> that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e) of this section.	13052 13053 13054
(C) The state board may take action under division (B) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.	13055 13056 13057 13058
(D) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.	13059 13060 13061
Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the superintendent of schools, in case such person is employed by the board of a city or exempted village school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such	13062 13063 13064 13065 13066 13067 13068 13069 13070 13071 13072 13073

position. The service center governing board or the 13074
superintendent, as the case may be, shall provide for an annual 13075
physical examination that conforms with rules adopted by the state 13076
board of education of each driver to ascertain the driver's 13077
physical fitness for such employment. Any certificate may be 13078
revoked by the authority granting the same on proof that the 13079
holder has been guilty of failing to comply with division (D)(1) 13080
of this section, or upon a conviction or a guilty plea for a 13081
violation, or any other action, that results in a loss or 13082
suspension of driving rights. Failure to comply with such division 13083
may be cause for disciplinary action or termination of employment 13084
under division (C) of section 3319.081, or section 124.34 of the 13085
Revised Code. 13086

(B) No person shall be employed as driver of a school bus or 13087
motor van not subject to the rules of the department of education 13088
pursuant to division (A) of this section who has not received a 13089
certificate from the school administrator or contractor certifying 13090
that such person is at least eighteen years of age, is of good 13091
moral character, and is qualified physically and otherwise for 13092
such position. Each driver shall have an annual physical 13093
examination which conforms to the state highway patrol rules, 13094
ascertaining the driver's physical fitness for such employment. 13095
The examination shall be performed by one of the following: 13096

(1) A person licensed under Chapter 4731. of the Revised Code 13097
or by another state to practice medicine and surgery or 13098
osteopathic medicine and surgery; 13099

(2) A physician assistant; 13100

(3) A certified nurse practitioner; 13101

(4) A clinical nurse specialist; 13102

(5) A certified nurse-midwife. 13103

Any written documentation of the physical examination shall 13104

be completed by the individual who performed the examination. 13105

Any certificate may be revoked by the authority granting the 13106
same on proof that the holder has been guilty of failing to comply 13107
with division (D)(2) of this section. 13108

(C) Any person who drives a school bus or motor van must give 13109
satisfactory and sufficient bond except a driver who is an 13110
employee of a school district and who drives a bus or motor van 13111
owned by the school district. 13112

(D) No person employed as driver of a school bus or motor van 13113
under this section who is convicted of a traffic violation or who 13114
has had the person's commercial driver's license suspended shall 13115
drive a school bus or motor van until the person has filed a 13116
written notice of the conviction or suspension, as follows: 13117

(1) If the person is employed under division (A) of this 13118
section, the person shall file the notice with the superintendent, 13119
or a person designated by the superintendent, of the school 13120
district for which the person drives a school bus or motor van as 13121
an employee or drives a privately owned and operated school bus or 13122
motor van under contract. 13123

(2) If employed under division (B) of this section, the 13124
person shall file the notice with the employing school 13125
administrator or contractor, or a person designated by the 13126
administrator or contractor. 13127

(E) In addition to resulting in possible revocation of a 13128
certificate as authorized by divisions (A) and (B) of this 13129
section, violation of division (D) of this section is a minor 13130
misdemeanor. 13131

(F)(1) Not later than thirty days after June 30, 2007, each 13132
owner of a school bus or motor van shall obtain the complete 13133
driving record for each person who is currently employed or 13134
otherwise authorized to drive the school bus or motor van. An 13135

owner of a school bus or motor van shall not permit a person to 13136
operate the school bus or motor van for the first time before the 13137
owner has obtained the person's complete driving record. 13138
Thereafter, the owner of a school bus or motor van shall obtain 13139
the person's driving record not less frequently than semiannually 13140
if the person remains employed or otherwise authorized to drive 13141
the school bus or motor van. An owner of a school bus or motor van 13142
shall not permit a person to resume operating a school bus or 13143
motor van, after an interruption of one year or longer, before the 13144
owner has obtained the person's complete driving record. 13145

(2) The owner of a school bus or motor van shall not permit a 13146
person to operate the school bus or motor van for six years after 13147
the date on which the person pleads guilty to or is convicted of a 13148
violation of section 4511.19 of the Revised Code or a 13149
substantially equivalent municipal ordinance or township 13150
resolution. 13151

(3) An owner of a school bus or motor van shall not permit 13152
any person to operate such a vehicle unless the person meets all 13153
other requirements contained in rules adopted by the state board 13154
of education prescribing qualifications of drivers of school buses 13155
and other student transportation. 13156

(G) No superintendent of a school district, educational 13157
service center, community school, or public or private employer 13158
shall permit the operation of a vehicle used for pupil 13159
transportation within this state by an individual unless both of 13160
the following apply: 13161

(1) Information pertaining to that driver has been submitted 13162
to the department of education, pursuant to procedures adopted by 13163
that department. Information to be reported shall include the name 13164
of the employer or school district, name of the driver, driver 13165
license number, date of birth, date of hire, status of physical 13166
evaluation, and status of training. 13167

(2) The most recent criminal records check required by 13168
division (J) of this section, including information from the 13169
federal bureau of investigation, has been completed and received 13170
by the superintendent or public or private employer. 13171

(H) A person, school district, educational service center, 13172
community school, nonpublic school, or other public or nonpublic 13173
entity that owns a school bus or motor van, or that contracts with 13174
another entity to operate a school bus or motor van, may impose 13175
more stringent restrictions on drivers than those prescribed in 13176
this section, in any other section of the Revised Code, and in 13177
rules adopted by the state board. 13178

(I) For qualified drivers who, on July 1, 2007, are employed 13179
by the owner of a school bus or motor van to drive the school bus 13180
or motor van, any instance in which the driver was convicted of or 13181
pleaded guilty to a violation of section 4511.19 of the Revised 13182
Code or a substantially equivalent municipal ordinance or township 13183
resolution prior to two years prior to July 1, 2007, shall not be 13184
considered a disqualifying event with respect to division (F) of 13185
this section. 13186

(J)(1) This division applies to persons hired by a school 13187
district, educational service center, community school, chartered 13188
nonpublic school, or science, technology, engineering, and 13189
mathematics school established under Chapter 3326. of the Revised 13190
Code to operate a vehicle used for pupil transportation. 13191

For each person to whom this division applies who is hired on 13192
or after ~~the effective date of this amendment~~ November 14, 2007, 13193
the employer shall request a criminal records check in accordance 13194
with section 3319.39 of the Revised Code and every six years 13195
thereafter. For each person to whom this division applies who is 13196
hired prior to that date, the employer shall request a criminal 13197
records check by a date prescribed by the department of education 13198
and every six years thereafter. 13199

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after ~~the effective date of this amendment~~ November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code. Upon receipt of a request, the bureau shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code.

(K) Any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the department under division (E) of that section.

Sec. 3345.23. (A) The conviction of a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof, of any offense covered by division (D) of this section, automatically effects the student's, faculty or staff member's, or employee's dismissal from such college or university, except as provided in division (E) of this section. A student dismissed pursuant to this section may be

readmitted or admitted to any other college or university which 13231
receives state funds in support thereof, in the discretion of the 13232
board of trustees, but only upon the lapse of one calendar year 13233
following the student's dismissal, and only upon terms of strict 13234
disciplinary probation. The contract, if any, of a faculty or 13235
staff member or employee dismissed pursuant to this section is 13236
terminated thereby. A faculty or staff member or employee 13237
dismissed pursuant to this section may be re-employed by any such 13238
college or university, in the discretion of the board of trustees, 13239
but only upon the lapse of one calendar year following the faculty 13240
or staff member's or employee's dismissal. 13241

(B) Upon conviction of a student, faculty or staff member, or 13242
employee of a college or university which receives any state funds 13243
in support thereof, of any offense covered by division (D) of this 13244
section, the court shall immediately notify the college or 13245
university of such conviction. The president, or other 13246
administrative official designated by the board of trustees, shall 13247
immediately notify such person of the person's dismissal. The 13248
notice shall be in writing and shall be mailed by certified mail 13249
to the person's address as shown in both the court and the 13250
university records. If such person has been suspended pursuant to 13251
section 3345.22 of the Revised Code, and not permitted to return 13252
to the college or university, the period of the person's dismissal 13253
shall run from the date of such suspension. 13254

(C) No degrees or honors shall be conferred upon, no 13255
instructional credit or grades shall be given to, and no student 13256
assistance, scholarship funds, salaries, or wages shall be paid or 13257
credited to any student, faculty or staff member, or employee, in 13258
respect of the period such person is properly under dismissal 13259
pursuant to this section or under suspension pursuant to section 13260
3345.22 of the Revised Code. 13261

(D) Without limiting the grounds for dismissal, suspension, 13262

or other disciplinary action against a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof, the commission of an offense of violence as defined in division (A)(9)(a) of section 2901.01 of the Revised Code or a substantially equivalent offense under a municipal ordinance or township resolution, which offense is committed on or affects persons or property on such college or university, or which offense is committed in the immediate vicinity of a college or university with respect to which an emergency has been declared and is in effect pursuant to section 3345.26 of the Revised Code, is cause for dismissal pursuant to this section or for suspension pursuant to section 3345.22 of the Revised Code. Criminal cases resulting from arrests for offenses covered by division (D) of this section shall take precedence over all civil matters and proceedings and over all other criminal cases.

(E) If a final judicial determination results in an acquittal, or if the conviction is reversed on appeal, the student, faculty or staff member, or employee shall be reinstated and the college or university shall expunge the record of the student's, faculty or staff member's, or employee's dismissal from the student's, faculty or staff member's, or employee's college or university records, and the dismissal shall be deemed never to have occurred.

Sec. 3375.50. ~~All~~ Subject to division (F)(2) of section 1901.31 of the Revised Code, all fines and penalties collected by, and moneys arising from forfeited bail in, a municipal court for offenses and misdemeanors brought for prosecution in the name of a municipal corporation under one of its penal ordinances or in the name of a township under one of its penal resolutions, where there is in force a state statute under which the offense might be prosecuted, or brought for prosecution in the name of the state,

except a portion of such fines, penalties, and moneys which, plus 13295
all costs collected monthly in such state cases, equal the 13296
compensation allowed by the board of county commissioners to the 13297
judges of the municipal court, its clerk, and the prosecuting 13298
attorney of such court in state cases, shall be retained by the 13299
clerk of such municipal court, and be paid by ~~him~~ the clerk 13300
forthwith, each month, to the board of trustees of the law library 13301
association in the county in which such municipal corporation or 13302
township is located. The sum so retained and paid by the clerk of 13303
the municipal court to the board of trustees of such law library 13304
association shall, in no month, be less than twenty-five per cent 13305
of the amount of such fines, penalties, and moneys received in 13306
that month, without deducting the amount of the allowance of the 13307
board of county commissioners to the judges, clerk, and 13308
prosecuting attorney. 13309

The total amount paid under this section in any one calendar 13310
year by the clerks of all municipal courts in any one county to 13311
the board of trustees of such law library association shall in no 13312
event exceed the following amounts: 13313

(A) In counties having a population of fifty thousand or 13314
less, seventy-five hundred dollars and the maximum amount paid by 13315
any of such courts shall not exceed four thousand dollars in any 13316
calendar year. 13317

(B) In counties having a population in excess of fifty 13318
thousand but not in excess of one hundred thousand, eight thousand 13319
dollars and the maximum amount paid by any of such courts shall 13320
not exceed five thousand five hundred dollars in any calendar 13321
year. 13322

(C) In counties having a population in excess of one hundred 13323
thousand but not in excess of one hundred fifty thousand, ten 13324
thousand dollars and the maximum amount paid by any of such courts 13325
shall not exceed seven thousand dollars in any calendar year. 13326

(D) In counties having a population of in excess of one 13327
hundred fifty thousand, fifteen thousand dollars in any calendar 13328
year. The maximum amount to be paid by each such clerk shall be 13329
determined by the county auditor in December of each year for the 13330
next succeeding calendar year, and shall bear the same ratio to 13331
the total amount payable under this section from the clerks of all 13332
municipal courts in such county as the total fines, costs, and 13333
forfeitures received by the corresponding municipal court, bear to 13334
the total fines, costs, and forfeitures received by all the 13335
municipal courts in the county, as shown for the last complete 13336
year of actual receipts, on the latest available budgets of such 13337
municipal courts. Payments in the full amounts provided in this 13338
section shall be made monthly by each clerk in each calendar year 13339
until the maximum amount for such year has been paid. When such 13340
amount, so determined by the auditor, has been paid to the board 13341
of trustees of such law library association, then no further 13342
payments shall be required in that calendar year from the clerk of 13343
such court. 13344

(E) This section does not apply to fines collected by a 13345
municipal court for violations of division (B) of section 4513.263 13346
of the Revised Code, or for violations of any municipal ordinance 13347
or township resolution that is substantively comparable to that 13348
division, all of which shall be forwarded to the treasurer of 13349
state as provided in division (E) of section 4513.263 of the 13350
Revised Code. 13351

Sec. 3375.51. Fifty per cent of all moneys collected by a 13352
county court accruing from fines, penalties, and forfeited bail, 13353
unless otherwise distributed by law, shall be paid to the board of 13354
trustees of the law library association of the county by the 13355
county treasurer, upon the voucher of the county auditor within 13356
thirty days after such moneys have been paid into the county 13357
treasury by the clerk of the county court. 13358

This section does not apply to fines collected by a county court for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance or township resolution that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in division (E) of section 4513.263 of the Revised Code.

Sec. 3937.41. (A) As used in this section:

(1) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code and also includes private ambulance companies under contract to a municipal corporation, township, or county.

(2) "Emergency vehicle" means any of the following:

(a) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a municipal, township, or county department or public utility corporation and that is identified as such as required by law, the director of public safety, or local authorities;

(b) Any motor vehicle, as defined in section 4511.01 of the Revised Code, when commandeered by a police officer;

(c) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a qualified nonprofit corporation police department established pursuant to section 1702.80 of the Revised Code and that is identified as an emergency vehicle;

(d) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a proprietary police department or security department of a hospital operated by a public hospital agency or a nonprofit hospital agency that employs police officers under section 4973.17 of the Revised Code, and that is identified as an emergency vehicle.

(3) "Firefighter" means any regular, paid, member of a lawfully constituted fire department of a municipal corporation or township.

(4) "Law enforcement officer" means a sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal or township police officer, state highway patrol trooper, police officer employed by a qualified nonprofit police department pursuant to section 1702.80 of the Revised Code, or police officer employed by a proprietary police department or security department of a hospital operated by a public hospital agency or nonprofit hospital agency pursuant to section 4973.17 of the Revised Code.

(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in bodily injury to any person, or damage to the property of any person.

(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice removal as a county, township, or department of transportation employee, or while operating a vehicle while engaged in the pursuit of the applicant's or policyholder's official duties as a member of the motor carrier enforcement unit of the state highway patrol under section 5503.34 of the Revised Code, as a basis for doing either of the following:

(1) Refusing to issue or deliver a policy of insurance upon a private automobile, or increasing the rate to be charged for such a policy;

(2) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile.

(C) Any applicant or policyholder affected by an action of an insurer in violation of this section may appeal to the superintendent of insurance. After a hearing held upon not less than ten days' notice to the applicant or policyholder and to the insurer and if the superintendent determines that the insurer has violated this section, the superintendent may direct the issuance of a policy, decrease the premium rate on a policy, or reinstate insurance coverage.

(D) The employer of the law enforcement officer, firefighter, or operator of an emergency vehicle or ambulance, operator of a vehicle engaged in mowing or snow and ice removal, or operator of a vehicle who is a member of the motor carrier enforcement unit, except as otherwise provided in division (F) of this section, shall certify to the state highway patrol or law enforcement agency that investigates the accident whether the officer, firefighter, or operator of an emergency vehicle or ambulance, operator of a vehicle engaged in mowing or snow and ice removal, or operator of a vehicle who is a member of the motor carrier enforcement unit, was engaged in the performance of the person's official duties as such employee at the time of the accident. The employer shall designate an official authorized to make the certifications. The state highway patrol or law enforcement agency shall include the certification in any report of the accident forwarded to the department of public safety pursuant to sections 5502.11 and 5502.12 of the Revised Code and shall forward the certification to the department if received after the report of the accident has been forwarded to the department. The registrar of motor vehicles shall not include an accident in a certified abstract of information under division (A) of section 4509.05 of the Revised Code, if the person involved has been so certified as having been engaged in the performance of the person's official duties at the time of the accident.

(E) Division (B) of this section does not apply to an insurer whose policy covers the motor vehicle at the time the motor vehicle is involved in an accident described in division (B) of this section.

(F) Division (B) of this section does not apply if an applicant or policyholder, on the basis of the applicant's or policyholder's involvement in an accident described in that division, is convicted of or pleads guilty or no contest to a violation of section 4511.19 of the Revised Code or a municipal OVI ordinance or township OVI resolution as defined in section 4511.181 of the Revised Code.

Sec. 3937.43. (A) As used in this section:

(1) "Automobile insurance policies" has the same meaning as in section 3937.30 of the Revised Code.

(2) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on highways or streets or that regulates size or load limitations or fitness requirements of vehicles. "Moving violation" does not include the violation of any statute, resolution, or ordinance that regulates pedestrians or the parking of vehicles.

(3) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(B) Every rating plan or schedule of rates for automobile insurance policies that is filed with the superintendent of insurance shall provide for an appropriate reduction in premium charges for any insured or applicant for insurance under the following conditions:

(1) The applicant or insured is sixty years of age or older;

(2) The applicant or insured successfully completes a motor

vehicle accident prevention course, which includes classroom 13482
instruction and the passing of an examination in accordance with 13483
both of the following: 13484

(a) The department of public safety shall approve the course 13485
and the examination. However, the department shall not approve any 13486
correspondence course or any other course that does not provide 13487
classroom instruction. 13488

(b) The examination shall include an actual demonstration of 13489
the applicant's or insured's ability to exercise ordinary and 13490
reasonable control in the operation of a motor vehicle. 13491

(3) The applicant or insured submits to the insurer a 13492
certificate that is issued by the sponsor of the motor vehicle 13493
accident prevention course and attests to the successful 13494
completion of the course by the applicant or insured; 13495

(4) The insurer may consider the driving record of the 13496
applicant or insured in accordance with divisions (C) and (D) of 13497
this section. 13498

(C) In determining whether to grant a reduction in premium 13499
charges in accordance with this section, the insurer may consider 13500
the driving record of the insured or applicant for a three-year 13501
period prior to the successful completion of a motor vehicle 13502
accident prevention course. 13503

(D)(1) Subject to division (D)(2) of this section, every 13504
reduction in premium charges granted in accordance with this 13505
section shall be effective for an insured for a three-year period 13506
after each successful completion of a motor vehicle accident 13507
prevention course. 13508

(2) As a condition of maintaining a reduction in premium 13509
charges granted in accordance with this section, an insurer may 13510
require that the insured, during the three-year period for which 13511
the reduction has been granted, neither be involved in an accident 13512

for which the insured is primarily at fault, nor be convicted of 13513
more than one moving violation. 13514

(E) A reduction in premium charges granted in accordance with 13515
this section shall not become effective until the first full term 13516
of coverage following the successful completion of a motor vehicle 13517
accident prevention course in accordance with division (B) of this 13518
section. 13519

(F) The director of the department of public safety shall 13520
adopt rules in accordance with Chapter 119. of the Revised Code 13521
that are necessary to carry out the duties of the department under 13522
this section. 13523

(G) This section does not apply to any automobile insurance 13524
policy issued under an assigned risk plan pursuant to section 13525
4509.70 of the Revised Code. 13526

(H) This section does not apply to circumstances in which the 13527
motor vehicle accident prevention course is required by a court as 13528
a condition of a community control sanction imposed for a moving 13529
violation. 13530

Sec. 4112.02. It shall be an unlawful discriminatory 13531
practice: 13532

(A) For any employer, because of the race, color, religion, 13533
sex, military status, national origin, disability, age, or 13534
ancestry of any person, to discharge without just cause, to refuse 13535
to hire, or otherwise to discriminate against that person with 13536
respect to hire, tenure, terms, conditions, or privileges of 13537
employment, or any matter directly or indirectly related to 13538
employment. 13539

(B) For an employment agency or personnel placement service, 13540
because of race, color, religion, sex, military status, national 13541
origin, disability, age, or ancestry, to do any of the following: 13542

(1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person;

(2) Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of sections 4112.01 to 4112.07 of the Revised Code.

(C) For any labor organization to do any of the following:

(1) Limit or classify its membership on the basis of race, color, religion, sex, military status, national origin, disability, age, or ancestry;

(2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of race, color, religion, sex, military status, national origin, disability, age, or ancestry.

(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training.

(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following:

(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, military status, national origin, disability, age, or ancestry of an applicant for employment or membership;

(2) Make or keep a record of the race, color, religion, sex, 13574
military status, national origin, disability, age, or ancestry of 13575
any applicant for employment or membership; 13576

(3) Use any form of application for employment, or personnel 13577
or membership blank, seeking to elicit information regarding race, 13578
color, religion, sex, military status, national origin, 13579
disability, age, or ancestry; but an employer holding a contract 13580
containing a nondiscrimination clause with the government of the 13581
United States, or any department or agency of that government, may 13582
require an employee or applicant for employment to furnish 13583
documentary proof of United States citizenship and may retain that 13584
proof in the employer's personnel records and may use photographic 13585
or fingerprint identification for security purposes; 13586

(4) Print or publish or cause to be printed or published any 13587
notice or advertisement relating to employment or membership 13588
indicating any preference, limitation, specification, or 13589
discrimination, based upon race, color, religion, sex, military 13590
status, national origin, disability, age, or ancestry; 13591

(5) Announce or follow a policy of denying or limiting, 13592
through a quota system or otherwise, employment or membership 13593
opportunities of any group because of the race, color, religion, 13594
sex, military status, national origin, disability, age, or 13595
ancestry of that group; 13596

(6) Utilize in the recruitment or hiring of persons any 13597
employment agency, personnel placement service, training school or 13598
center, labor organization, or any other employee-referring source 13599
known to discriminate against persons because of their race, 13600
color, religion, sex, military status, national origin, 13601
disability, age, or ancestry. 13602

(F) For any person seeking employment to publish or cause to 13603
be published any advertisement that specifies or in any manner 13604

indicates that person's race, color, religion, sex, military status, national origin, disability, age, or ancestry, or expresses a limitation or preference as to the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any prospective employer. 13605
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(G) For any proprietor or any employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, military status, national origin, disability, age, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation. 13610
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(H) For any person to do any of the following: 13616

(1) Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin; 13617
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(2) Represent to any person that housing accommodations are not available for inspection, sale, or rental, when in fact they are available, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin; 13623
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(3) Discriminate against any person in the making or purchasing of loans or the provision of other financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, or any person in the making or purchasing of loans or the provision of other financial assistance that is secured by residential real estate, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing 13627
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accommodations are located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of an owner-occupied residence the person is selling nor merely casually or occasionally to a relative or friend;

(4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located;

(5) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located;

(6) Refuse to consider without prejudice the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member of a married couple;

(7) Print, publish, or circulate any statement or advertisement, or make or cause to be made any statement or advertisement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations, or relating to the loan of money, whether or not secured by mortgage

or otherwise, for the acquisition, construction, rehabilitation, 13668
repair, or maintenance of housing accommodations, that indicates 13669
any preference, limitation, specification, or discrimination based 13670
upon race, color, religion, sex, military status, familial status, 13671
ancestry, disability, or national origin, or an intention to make 13672
any such preference, limitation, specification, or discrimination; 13673

(8) Except as otherwise provided in division (H)(8) or (17) 13674
of this section, make any inquiry, elicit any information, make or 13675
keep any record, or use any form of application containing 13676
questions or entries concerning race, color, religion, sex, 13677
military status, familial status, ancestry, disability, or 13678
national origin in connection with the sale or lease of any 13679
housing accommodations or the loan of any money, whether or not 13680
secured by mortgage or otherwise, for the acquisition, 13681
construction, rehabilitation, repair, or maintenance of housing 13682
accommodations. Any person may make inquiries, and make and keep 13683
records, concerning race, color, religion, sex, military status, 13684
familial status, ancestry, disability, or national origin for the 13685
purpose of monitoring compliance with this chapter. 13686

(9) Include in any transfer, rental, or lease of housing 13687
accommodations any restrictive covenant, or honor or exercise, or 13688
attempt to honor or exercise, any restrictive covenant; 13689

(10) Induce or solicit, or attempt to induce or solicit, a 13690
housing accommodations listing, sale, or transaction by 13691
representing that a change has occurred or may occur with respect 13692
to the racial, religious, sexual, military status, familial 13693
status, or ethnic composition of the block, neighborhood, or other 13694
area in which the housing accommodations are located, or induce or 13695
solicit, or attempt to induce or solicit, a housing accommodations 13696
listing, sale, or transaction by representing that the presence or 13697
anticipated presence of persons of any race, color, religion, sex, 13698
military status, familial status, ancestry, disability, or 13699

national origin, in the block, neighborhood, or other area will or	13700
may have results including, but not limited to, the following:	13701
(a) The lowering of property values;	13702
(b) A change in the racial, religious, sexual, military	13703
status, familial status, or ethnic composition of the block,	13704
neighborhood, or other area;	13705
(c) An increase in criminal or antisocial behavior in the	13706
block, neighborhood, or other area;	13707
(d) A decline in the quality of the schools serving the	13708
block, neighborhood, or other area.	13709
(11) Deny any person access to or membership or participation	13710
in any multiple-listing service, real estate brokers'	13711
organization, or other service, organization, or facility relating	13712
to the business of selling or renting housing accommodations, or	13713
discriminate against any person in the terms or conditions of that	13714
access, membership, or participation, on account of race, color,	13715
religion, sex, military status, familial status, national origin,	13716
disability, or ancestry;	13717
(12) Coerce, intimidate, threaten, or interfere with any	13718
person in the exercise or enjoyment of, or on account of that	13719
person's having exercised or enjoyed or having aided or encouraged	13720
any other person in the exercise or enjoyment of, any right	13721
granted or protected by division (H) of this section;	13722
(13) Discourage or attempt to discourage the purchase by a	13723
prospective purchaser of housing accommodations, by representing	13724
that any block, neighborhood, or other area has undergone or might	13725
undergo a change with respect to its religious, racial, sexual,	13726
military status, familial status, or ethnic composition;	13727
(14) Refuse to sell, transfer, assign, rent, lease, sublease,	13728
or finance, or otherwise deny or withhold, a burial lot from any	13729

person because of the race, color, sex, military status, familial 13730
status, age, ancestry, disability, or national origin of any 13731
prospective owner or user of the lot; 13732

(15) Discriminate in the sale or rental of, or otherwise make 13733
unavailable or deny, housing accommodations to any buyer or renter 13734
because of a disability of any of the following: 13735

(a) The buyer or renter; 13736

(b) A person residing in or intending to reside in the 13737
housing accommodations after they are sold, rented, or made 13738
available; 13739

(c) Any individual associated with the person described in 13740
division (H)(15)(b) of this section. 13741

(16) Discriminate in the terms, conditions, or privileges of 13742
the sale or rental of housing accommodations to any person or in 13743
the provision of services or facilities to any person in 13744
connection with the housing accommodations because of a disability 13745
of any of the following: 13746

(a) That person; 13747

(b) A person residing in or intending to reside in the 13748
housing accommodations after they are sold, rented, or made 13749
available; 13750

(c) Any individual associated with the person described in 13751
division (H)(16)(b) of this section. 13752

(17) Except as otherwise provided in division (H)(17) of this 13753
section, make an inquiry to determine whether an applicant for the 13754
sale or rental of housing accommodations, a person residing in or 13755
intending to reside in the housing accommodations after they are 13756
sold, rented, or made available, or any individual associated with 13757
that person has a disability, or make an inquiry to determine the 13758
nature or severity of a disability of the applicant or such a 13759

person or individual. The following inquiries may be made of all 13760
applicants for the sale or rental of housing accommodations, 13761
regardless of whether they have disabilities: 13762

(a) An inquiry into an applicant's ability to meet the 13763
requirements of ownership or tenancy; 13764

(b) An inquiry to determine whether an applicant is qualified 13765
for housing accommodations available only to persons with 13766
disabilities or persons with a particular type of disability; 13767

(c) An inquiry to determine whether an applicant is qualified 13768
for a priority available to persons with disabilities or persons 13769
with a particular type of disability; 13770

(d) An inquiry to determine whether an applicant currently 13771
uses a controlled substance in violation of section 2925.11 of the 13772
Revised Code or a substantively comparable municipal ordinance or 13773
township resolution; 13774

(e) An inquiry to determine whether an applicant at any time 13775
has been convicted of or pleaded guilty to any offense, an element 13776
of which is the illegal sale, offer to sell, cultivation, 13777
manufacture, other production, shipment, transportation, delivery, 13778
or other distribution of a controlled substance. 13779

(18)(a) Refuse to permit, at the expense of a person with a 13780
disability, reasonable modifications of existing housing 13781
accommodations that are occupied or to be occupied by the person 13782
with a disability, if the modifications may be necessary to afford 13783
the person with a disability full enjoyment of the housing 13784
accommodations. This division does not preclude a landlord of 13785
housing accommodations that are rented or to be rented to a 13786
disabled tenant from conditioning permission for a proposed 13787
modification upon the disabled tenant's doing one or more of the 13788
following: 13789

(i) Providing a reasonable description of the proposed 13790

modification and reasonable assurances that the proposed 13791
modification will be made in a workerlike manner and that any 13792
required building permits will be obtained prior to the 13793
commencement of the proposed modification; 13794

(ii) Agreeing to restore at the end of the tenancy the 13795
interior of the housing accommodations to the condition they were 13796
in prior to the proposed modification, but subject to reasonable 13797
wear and tear during the period of occupancy, if it is reasonable 13798
for the landlord to condition permission for the proposed 13799
modification upon the agreement; 13800

(iii) Paying into an interest-bearing escrow account that is 13801
in the landlord's name, over a reasonable period of time, a 13802
reasonable amount of money not to exceed the projected costs at 13803
the end of the tenancy of the restoration of the interior of the 13804
housing accommodations to the condition they were in prior to the 13805
proposed modification, but subject to reasonable wear and tear 13806
during the period of occupancy, if the landlord finds the account 13807
reasonably necessary to ensure the availability of funds for the 13808
restoration work. The interest earned in connection with an escrow 13809
account described in this division shall accrue to the benefit of 13810
the disabled tenant who makes payments into the account. 13811

(b) A landlord shall not condition permission for a proposed 13812
modification upon a disabled tenant's payment of a security 13813
deposit that exceeds the customarily required security deposit of 13814
all tenants of the particular housing accommodations. 13815

(19) Refuse to make reasonable accommodations in rules, 13816
policies, practices, or services when necessary to afford a person 13817
with a disability equal opportunity to use and enjoy a dwelling 13818
unit, including associated public and common use areas; 13819

(20) Fail to comply with the standards and rules adopted 13820
under division (A) of section 3781.111 of the Revised Code; 13821

(21) Discriminate against any person in the selling, 13822
brokering, or appraising of real property because of race, color, 13823
religion, sex, military status, familial status, ancestry, 13824
disability, or national origin; 13825

(22) Fail to design and construct covered multifamily 13826
dwellings for first occupancy on or after June 30, 1992, in 13827
accordance with the following conditions: 13828

(a) The dwellings shall have at least one building entrance 13829
on an accessible route, unless it is impractical to do so because 13830
of the terrain or unusual characteristics of the site. 13831

(b) With respect to dwellings that have a building entrance 13832
on an accessible route, all of the following apply: 13833

(i) The public use areas and common use areas of the 13834
dwellings shall be readily accessible to and usable by persons 13835
with a disability. 13836

(ii) All the doors designed to allow passage into and within 13837
all premises shall be sufficiently wide to allow passage by 13838
persons with a disability who are in wheelchairs. 13839

(iii) All premises within covered multifamily dwelling units 13840
shall contain an accessible route into and through the dwelling; 13841
all light switches, electrical outlets, thermostats, and other 13842
environmental controls within such units shall be in accessible 13843
locations; the bathroom walls within such units shall contain 13844
reinforcements to allow later installation of grab bars; and the 13845
kitchens and bathrooms within such units shall be designed and 13846
constructed in a manner that enables an individual in a wheelchair 13847
to maneuver about such rooms. 13848

For purposes of division (H)(22) of this section, "covered 13849
multifamily dwellings" means buildings consisting of four or more 13850
units if such buildings have one or more elevators and ground 13851
floor units in other buildings consisting of four or more units. 13852

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

(K)(1) Nothing in division (H) of this section shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization, from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.

(2) Nothing in division (H) of this section shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(3) Nothing in division (H) of this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations. Nothing in that division

prohibits the owners or managers of housing accommodations from 13885
implementing reasonable occupancy standards based on the number 13886
and size of sleeping areas or bedrooms and the overall size of a 13887
dwelling unit, provided that the standards are not implemented to 13888
circumvent the purposes of this chapter and are formulated, 13889
implemented, and interpreted in a manner consistent with this 13890
chapter and any applicable local, state, or federal restrictions 13891
regarding the maximum number of occupants permitted to occupy 13892
housing accommodations. 13893

(4) Nothing in division (H) of this section requires that 13894
housing accommodations be made available to an individual whose 13895
tenancy would constitute a direct threat to the health or safety 13896
of other individuals or whose tenancy would result in substantial 13897
physical damage to the property of others. 13898

(5) Nothing in division (H) of this section pertaining to 13899
discrimination on the basis of familial status shall be construed 13900
to apply to any of the following: 13901

(a) Housing accommodations provided under any state or 13902
federal program that have been determined under the "Fair Housing 13903
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 13904
amended, to be specifically designed and operated to assist 13905
elderly persons; 13906

(b) Housing accommodations intended for and solely occupied 13907
by persons who are sixty-two years of age or older; 13908

(c) Housing accommodations intended and operated for 13909
occupancy by at least one person who is fifty-five years of age or 13910
older per unit, as determined under the "Fair Housing Amendments 13911
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 13912

(L) Nothing in divisions (A) to (E) of this section shall be 13913
construed to require a person with a disability to be employed or 13914
trained under circumstances that would significantly increase the 13915

occupational hazards affecting either the person with a 13916
disability, other employees, the general public, or the facilities 13917
in which the work is to be performed, or to require the employment 13918
or training of a person with a disability in a job that requires 13919
the person with a disability routinely to undertake any task, the 13920
performance of which is substantially and inherently impaired by 13921
the person's disability. 13922

(M) Nothing in divisions (H)(1) to (18) of this section shall 13923
be construed to require any person selling or renting property to 13924
modify the property in any way or to exercise a higher degree of 13925
care for a person with a disability, to relieve any person with a 13926
disability of any obligation generally imposed on all persons 13927
regardless of disability in a written lease, rental agreement, or 13928
contract of purchase or sale, or to forbid distinctions based on 13929
the inability to fulfill the terms and conditions, including 13930
financial obligations, of the lease, agreement, or contract. 13931

(N) An aggrieved individual may enforce the individual's 13932
rights relative to discrimination on the basis of age as provided 13933
for in this section by instituting a civil action, within one 13934
hundred eighty days after the alleged unlawful discriminatory 13935
practice occurred, in any court with jurisdiction for any legal or 13936
equitable relief that will effectuate the individual's rights. 13937

A person who files a civil action under this division is 13938
barred, with respect to the practices complained of, from 13939
instituting a civil action under section 4112.14 of the Revised 13940
Code and from filing a charge with the commission under section 13941
4112.05 of the Revised Code. 13942

(O) With regard to age, it shall not be an unlawful 13943
discriminatory practice and it shall not constitute a violation of 13944
division (A) of section 4112.14 of the Revised Code for any 13945
employer, employment agency, joint labor-management committee 13946
controlling apprenticeship training programs, or labor 13947

organization to do any of the following: 13948

(1) Establish bona fide employment qualifications reasonably 13949
related to the particular business or occupation that may include 13950
standards for skill, aptitude, physical capability, intelligence, 13951
education, maturation, and experience; 13952

(2) Observe the terms of a bona fide seniority system or any 13953
bona fide employee benefit plan, including, but not limited to, a 13954
retirement, pension, or insurance plan, that is not a subterfuge 13955
to evade the purposes of this section. However, no such employee 13956
benefit plan shall excuse the failure to hire any individual, and 13957
no such seniority system or employee benefit plan shall require or 13958
permit the involuntary retirement of any individual, because of 13959
the individual's age except as provided for in the "Age 13960
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 13961
29 U.S.C.A. 623, as amended by the "Age Discrimination in 13962
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 13963
623, as amended. 13964

(3) Retire an employee who has attained sixty-five years of 13965
age who, for the two-year period immediately before retirement, is 13966
employed in a bona fide executive or a high policymaking position, 13967
if the employee is entitled to an immediate nonforfeitable annual 13968
retirement benefit from a pension, profit-sharing, savings, or 13969
deferred compensation plan, or any combination of those plans, of 13970
the employer of the employee, which equals, in the aggregate, at 13971
least forty-four thousand dollars, in accordance with the 13972
conditions of the "Age Discrimination in Employment Act Amendment 13973
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 13974
Discrimination in Employment Act Amendments of 1986," 100 Stat. 13975
3342, 29 U.S.C.A. 631, as amended; 13976

(4) Observe the terms of any bona fide apprenticeship program 13977
if the program is registered with the Ohio apprenticeship council 13978
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 13979

approved by the federal committee on apprenticeship of the United States department of labor.	13980 13981
(P) Nothing in this chapter prohibiting age discrimination and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:	13982 13983 13984
(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;	13985 13986 13987 13988
(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;	13989 13990 13991
(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code;	13992 13993 13994
(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code;	13995 13996 13997
(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter;	13998 13999 14000 14001
(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters;	14002 14003 14004 14005
(7) Until January 1, 1994, the mandatory retirement of any employee who has attained seventy years of age and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher	14006 14007 14008 14009

education as defined in the "Education Amendments of 1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 14010
14011

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this section, for purposes of divisions (A) to (E) of this section, a disability does not include any physiological disorder or condition, mental or psychological disorder, or disease or condition caused by an illegal use of any controlled substance by an employee, applicant, or other person, if an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee acts on the basis of that illegal use. 14012
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(b) Division (Q)(1)(a) of this section does not apply to an employee, applicant, or other person who satisfies any of the following: 14021
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(i) The employee, applicant, or other person has successfully completed a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance, or the employee, applicant, or other person otherwise successfully has been rehabilitated and no longer is engaging in that illegal use. 14024
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(ii) The employee, applicant, or other person is participating in a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance. 14029
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(iii) The employee, applicant, or other person is erroneously regarded as engaging in the illegal use of any controlled substance, but the employee, applicant, or other person is not engaging in that illegal use. 14032
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(2) Divisions (A) to (E) of this section do not prohibit an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee from doing any of the following: 14036
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(a) Adopting or administering reasonable policies or 14040

procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division (Q)(1)(b)(i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance;

(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;

(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism;

(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards.

(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination.

(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the

illegal use of any controlled substance by employees, applicants, 14072
or other persons, or the making of employment decisions based on 14073
the results of that type of testing. 14074

‡Sec. 4113.52. (A)(1)(a) If an employee becomes aware in the 14075
course of the employee's employment of a violation of any state or 14076
federal statute or any ordinance, resolution, or regulation of a 14077
political subdivision that the employee's employer has authority 14078
to correct, and the employee reasonably believes that the 14079
violation is a criminal offense that is likely to cause an 14080
imminent risk of physical harm to persons or a hazard to public 14081
health or safety, a felony, or an improper solicitation for a 14082
contribution, the employee orally shall notify the employee's 14083
supervisor or other responsible officer of the employee's employer 14084
of the violation and subsequently shall file with that supervisor 14085
or officer a written report that provides sufficient detail to 14086
identify and describe the violation. If the employer does not 14087
correct the violation or make a reasonable and good faith effort 14088
to correct the violation within twenty-four hours after the oral 14089
notification or the receipt of the report, whichever is earlier, 14090
the employee may file a written report that provides sufficient 14091
detail to identify and describe the violation with the prosecuting 14092
authority of the county or municipal corporation where the 14093
violation occurred, with a peace officer, with the inspector 14094
general if the violation is within the inspector general's 14095
jurisdiction, or with any other appropriate public official or 14096
agency that has regulatory authority over the employer and the 14097
industry, trade, or business in which the employer is engaged. 14098

(b) If an employee makes a report under division (A)(1)(a) of 14099
this section, the employer, within twenty-four hours after the 14100
oral notification was made or the report was received or by the 14101
close of business on the next regular business day following the 14102
day on which the oral notification was made or the report was 14103

received, whichever is later, shall notify the employee, in 14104
writing, of any effort of the employer to correct the alleged 14105
violation or hazard or of the absence of the alleged violation or 14106
hazard. 14107

(2) If an employee becomes aware in the course of the 14108
employee's employment of a violation of chapter 3704., 3734., 14109
6109., or 6111. of the Revised Code that is a criminal offense, 14110
the employee directly may notify, either orally or in writing, any 14111
appropriate public official or agency that has regulatory 14112
authority over the employer and the industry, trade, or business 14113
in which the employer is engaged. 14114

(3) If an employee becomes aware in the course of the 14115
employee's employment of a violation by a fellow employee of any 14116
state or federal statute, any ordinance, resolution, or regulation 14117
of a political subdivision, or any work rule or company policy of 14118
the employee's employer and the employee reasonably believes that 14119
the violation is a criminal offense that is likely to cause an 14120
imminent risk of physical harm to persons or a hazard to public 14121
health or safety, a felony, or an improper solicitation for a 14122
contribution, the employee orally shall notify the employee's 14123
supervisor or other responsible officer of the employee's employer 14124
of the violation and subsequently shall file with that supervisor 14125
or officer a written report that provides sufficient detail to 14126
identify and describe the violation. 14127

(B) Except as otherwise provided in division (C) of this 14128
section, no employer shall take any disciplinary or retaliatory 14129
action against an employee for making any report authorized by 14130
division (A)(1) or (2) of this section, or as a result of the 14131
employee's having made any inquiry or taken any other action to 14132
ensure the accuracy of any information reported under either such 14133
division. No employer shall take any disciplinary or retaliatory 14134
action against an employee for making any report authorized by 14135

division (A)(3) of this section if the employee made a reasonable 14136
and good faith effort to determine the accuracy of any information 14137
so reported, or as a result of the employee's having made any 14138
inquiry or taken any other action to ensure the accuracy of any 14139
information reported under that division. For purposes of this 14140
division, disciplinary or retaliatory action by the employer 14141
includes, without limitation, doing any of the following: 14142

- (1) Removing or suspending the employee from employment; 14143
- (2) Withholding from the employee salary increases or 14144
employee benefits to which the employee is otherwise entitled; 14145
- (3) Transferring or reassigning the employee; 14146
- (4) Denying the employee a promotion that otherwise would 14147
have been received; 14148
- (5) Reducing the employee in pay or position. 14149

(C) An employee shall make a reasonable and good faith effort 14150
to determine the accuracy of any information reported under 14151
division (A)(1) or (2) of this section. If the employee who makes 14152
a report under either division fails to make such an effort, the 14153
employee may be subject to disciplinary action by the employee's 14154
employer, including suspension or removal, for reporting 14155
information without a reasonable basis to do so under division 14156
(A)(1) or (2) of this section. 14157

(D) If an employer takes any disciplinary or retaliatory 14158
action against an employee as a result of the employee's having 14159
filed a report under division (A) of this section, the employee 14160
may bring a civil action for appropriate injunctive relief or for 14161
the remedies set forth in division (E) of this section, or both, 14162
within one hundred eighty days after the date the disciplinary or 14163
retaliatory action was taken, in a court of common pleas in 14164
accordance with the Rules of Civil Procedure. A civil action under 14165
this division is not available to an employee as a remedy for any 14166

disciplinary or retaliatory action taken by an appointing 14167
authority against the employee as a result of the employee's 14168
having filed a report under division (A) of section 124.341 of the 14169
Revised Code. 14170

(E) The court, in rendering a judgment for the employee in an 14171
action brought pursuant to division (D) of this section, may 14172
order, as it determines appropriate, reinstatement of the employee 14173
to the same position that the employee held at the time of the 14174
disciplinary or retaliatory action and at the same site of 14175
employment or to a comparable position at that site, the payment 14176
of back wages, full reinstatement of fringe benefits and seniority 14177
rights, or any combination of these remedies. The court also may 14178
award the prevailing party all or a portion of the costs of 14179
litigation and, if the employee who brought the action prevails in 14180
the action, may award the prevailing employee reasonable 14181
attorney's fees, witness fees, and fees for experts who testify at 14182
trial, in an amount the court determines appropriate. If the court 14183
determines that an employer deliberately has violated division (B) 14184
of this section, the court, in making an award of back pay, may 14185
include interest at the rate specified in section 1343.03 of the 14186
Revised Code. 14187

(F) Any report filed with the inspector general under this 14188
section shall be filed as a complaint in accordance with section 14189
121.46 of the Revised Code. 14190

(G) As used in this section: 14191

(1) "Contribution" has the same meaning as in section 3517.01 14192
of the Revised Code. 14193

(2) "Improper solicitation for a contribution" means a 14194
solicitation for a contribution that satisfies all of the 14195
following: 14196

(a) The solicitation violates division (B), (C), or (D) of 14197

section 3517.092 of the Revised Code;	14198
(b) The solicitation is made in person by a public official	14199
or by an employee who has a supervisory role within the public	14200
office;	14201
(c) The public official or employee knowingly made the	14202
solicitation, and the solicitation violates division (B), (C), or	14203
(D) of section 3517.092 of the Revised Code;	14204
(d) The employee reporting the solicitation is an employee of	14205
the same public office as the public official or the employee with	14206
the supervisory role who is making the solicitation.	14207
Sec. 4301.252. (A)(1) Except as provided in divisions	14208
(A)(2)(d), (B), and (C) of this section, when the liquor control	14209
commission determines that the permit of any permit holder is to	14210
be suspended under Title XLIII of the Revised Code or any rule of	14211
the commission, the commission may issue an order allowing a	14212
permit holder to elect to pay a forfeiture for each day of the	14213
suspension in accordance with division (A)(2) of this section,	14214
rather than to suspend operations under the permit holder's permit	14215
issued for the premises at which the violation occurred.	14216
(2)(a) If the permit holder has not violated, at the premises	14217
for which the permit holder's permit was issued, any provision of	14218
Title XLIII of the Revised Code or rule of the commission during	14219
the preceding two years, the amount of the forfeiture for each day	14220
for the suspension shall be from one hundred to two hundred	14221
dollars.	14222
(b) If the permit holder has violated, at the premises for	14223
which the permit holder's permit was issued, any provision of	14224
Title XLIII of the Revised Code or rule of the commission for	14225
which the permit holder has been disciplined by the commission not	14226
more than one other time during the preceding two years, the	14227

amount of the forfeiture for each day of the suspension shall be 14228
from two hundred to four hundred dollars. 14229

(c) Except as provided under division (A)(2)(e) of this 14230
section, if the permit holder has violated, at the premises for 14231
which the permit holder's permit was issued, any provision of 14232
Title XLIII of the Revised Code or rule of the commission for 14233
which the permit holder has been disciplined by the commission 14234
more than once, but not more than twice, during the preceding two 14235
years, the commission shall establish the amount of the forfeiture 14236
for each day of the suspension, but the amount shall be not less 14237
than three hundred dollars for each day of suspension. 14238

(d) If the permit holder has violated, at the premises for 14239
which the permit holder's permit was issued, any provision of 14240
Title XLIII of the Revised Code or rule of the commission for 14241
which the permit holder has been disciplined by the commission 14242
more than twice during the preceding two years, the commission may 14243
suspend or revoke the permit issued for the premises at which the 14244
violation occurred, or the commission shall establish the amount 14245
of the forfeiture for each day of a suspension, but the amount 14246
shall not be less than five hundred dollars for each day of 14247
suspension. The commission, and not the permit holder, shall 14248
determine whether the permit holder shall pay the forfeiture so 14249
established for a suspension instead of having the permit holder's 14250
permit suspended or revoked. 14251

(e) If the permit holder has committed, at the premises for 14252
which the permit holder's permit was issued, a gambling offense as 14253
defined in section 2915.01, a drug abuse offense as defined in 14254
section 2925.01, or an offense described in section 2907.07, 14255
2907.21, 2907.22, 2907.23, 2907.24, or 2907.25, division (A) or 14256
(B) of section 4301.22, or section 4301.69 of the Revised Code or 14257
a municipal ordinance or township resolution substantially 14258
equivalent to any offense defined or described in a section or 14259

division listed in division (A)(2)(e) of this section for which 14260
the permit holder has been disciplined by the commission more than 14261
once, but not more than twice, during the preceding two years, the 14262
commission may suspend or revoke the permit issued for the 14263
premises at which the violation occurred. A person does not have 14264
to plead guilty to or be convicted of an offense defined or 14265
described in a section or division listed in division (A)(2)(e) of 14266
this section in order for this division to apply. 14267

(3) When the commission issues an order allowing a permit 14268
holder the option of paying a forfeiture rather than suspending 14269
operations under the permit holder's permit issued for the 14270
premises at which the violation occurred, the order shall notify 14271
the permit holder of the option of paying a forfeiture. The order 14272
shall state the number of days for which the permit may be 14273
suspended, that the permit holder has twenty-one days after the 14274
date on which the order is sent to pay the full amount of the 14275
forfeiture by bank check, certified check, or money order, and 14276
that, if the permit holder does not do so, the permit holder's 14277
permit issued for the premises at which the violation occurred 14278
shall be suspended for the period stated in the order. If the 14279
permit holder fails to pay the full amount of the forfeiture by 14280
bank check, certified check, or money order within twenty-one days 14281
after the date on which the order is sent, the commission shall 14282
issue an order suspending the permit holder's permit issued for 14283
the premises at which the violation occurred for the period stated 14284
in the order allowing payment of a forfeiture. The suspension 14285
shall be effective on the twenty-eighth day after the date on 14286
which the order allowing the payment of a forfeiture is sent. Even 14287
a permit holder who pays a forfeiture may file an appeal under 14288
section 119.12 of the Revised Code. A permit holder shall be 14289
considered to have paid a forfeiture when the permit holder's bank 14290
check, certified check, or money order is received by the 14291
commission in Columbus. Upon receipt of a permit holder's bank 14292

check, certified check, or money order under this division, the 14293
commission shall promptly notify the division of liquor control of 14294
its receipt. 14295

(B) No permit holder shall be permitted to pay a forfeiture 14296
instead of having the permit holder's permit issued for the 14297
premises at which the violation occurred suspended if the 14298
suspension is ordered for the reasons stated in division (A)(6) of 14299
section 4301.25 of the Revised Code. 14300

(C) When the evidence and the nature of any violation of 14301
Title XLIII of the Revised Code show that continued operation of 14302
the permit premises presents a clear and present danger to public 14303
health and safety, or if the commission finds, upon reliable, 14304
probative, and substantial evidence, that the statutory elements 14305
of a felony committed in connection with the operation of the 14306
permit premises are present in the action for which the permit 14307
holder is being disciplined, the commission may suspend the permit 14308
issued for the premises at which the violation occurred and shall 14309
not allow the permit holder to pay a forfeiture instead of 14310
suspending the permit holder's permit operations. 14311

(D) Except as provided in this division, when the commission 14312
determines that the permit of any permit holder is to be revoked 14313
under Title XLIII of the Revised Code or any rule of the 14314
commission, the commission may issue an order allowing a permit 14315
holder to elect to pay a forfeiture rather than to revoke the 14316
permit holder's permit issued for the premises at which the 14317
violation occurred. 14318

When the commission issues an order allowing a permit holder 14319
the option of paying a forfeiture rather than revoking the permit 14320
holder's permit, the order shall notify the permit holder of the 14321
option of paying a forfeiture. The order shall state the effective 14322
date of the revocation of the permit holder's permit as 14323
twenty-eight days after the date on which the order is sent, that 14324

the permit holder has twenty-one days after the date on which the order is sent to pay the full amount of the forfeiture by bank check, certified check, or money order, and that, if the permit holder does not do so, the permit holder's permit issued for the premises at which the violation occurred shall be revoked on the effective date stated in the order. If the permit holder fails to pay the full amount of the forfeiture by bank check, certified check, or money order within twenty-one days after the date on which the order is sent, the commission shall issue an order revoking the permit holder's permit issued for the premises at which the violation occurred. The revocation shall be effective on the twenty-eighth day after the date on which the order allowing the payment of a forfeiture is sent. A permit holder shall be considered to have paid a forfeiture when the permit holder's bank check, certified check, or money order is received by the commission in Columbus. Upon receipt of a permit holder's bank check, certified check, or money order, the commission shall promptly notify the division of liquor control of its receipt.

When the evidence and the nature of any violation of Title XLIII of the Revised Code show that continued operation of the permit premises presents a clear and present danger to public health and safety, or if the commission finds, upon reliable, probative, and substantial evidence, that the statutory elements of a felony committed in connection with the operation of the permit premises are present in the action for which the permit holder is being disciplined, the commission may revoke the permit issued for the premises at which the violation occurred and shall not allow the permit holder to pay a forfeiture instead of revoking the permit holder's permit.

No permit holder shall be permitted to pay a forfeiture instead of having the permit holder's permit issued for the premises at which the violation occurred revoked if the revocation

is ordered for the reasons stated in division (A)(6) or (B) of 14357
section 4301.25 of the Revised Code. 14358

Sec. 4501.11. (A) There is hereby created in the state 14359
treasury the security, investigations, and policing fund. 14360
Notwithstanding section 5503.04 of the Revised Code, no fines 14361
collected from or money arising from bonds or bail forfeited by 14362
persons apprehended or arrested by state highway patrol troopers 14363
shall be credited to the general revenue fund until sufficient 14364
revenue to fund appropriations for the activities described under 14365
division (B) of this section are credited to the security, 14366
investigations, and policing fund. All investment earnings of the 14367
security, investigations, and policing fund shall be credited to 14368
that fund. 14369

This division does not apply to fines for violations of 14370
division (B) of section 4513.263 of the Revised Code, or to fines 14371
for violations of any municipal ordinance or township resolution 14372
that is substantively comparable to that division, which fines 14373
shall be delivered to the treasurer of state as provided in 14374
division (E) of section 4513.263 of the Revised Code. 14375

(B) The money credited to the security, investigations, and 14376
policing fund shall be used to pay the costs of: 14377

(1) Providing security for the governor, other officials and 14378
dignitaries, the capitol square, and other state property pursuant 14379
to division (E) of section 5503.02 of the Revised Code; 14380

(2) Undertaking major criminal investigations that involve 14381
state property interests; 14382

(3) Providing traffic control and security for the Ohio 14383
expositions commission on a full-time, year-round basis; 14384

(4) Performing nonhighway-related duties of the state highway 14385
patrol at the Ohio state fair; 14386

(5) Coordinating homeland security activities. 14387

Sec. 4503.13. (A) A municipal court, county court, or ~~mayer's~~ 14388
community court, at the court's discretion, may order the clerk of 14389
the court to send to the registrar of motor vehicles a report 14390
containing the name, address, and such other information as the 14391
registrar may require by rule, of any person for whom an arrest 14392
warrant has been issued by that court and is outstanding. 14393

Upon receipt of such a report, the registrar shall enter the 14394
information contained in the report into the records of the bureau 14395
of motor vehicles. Neither the registrar nor any deputy registrar 14396
shall issue a certificate of registration for a motor vehicle 14397
owner or lessee, when a lessee is determinable under procedures 14398
established by the registrar under division (E) of this section, 14399
who is named in the report until the registrar receives 14400
notification from the municipal court, county court, or ~~mayer's~~ 14401
community court that there are no outstanding arrest warrants in 14402
the name of the person. The registrar also shall send a notice to 14403
the person who is named in the report, via regular first class 14404
mail sent to the person's last known address as shown in the 14405
records of the bureau, informing the person that neither the 14406
registrar nor any deputy registrar is permitted to issue a 14407
certificate of registration for a motor vehicle in the name of the 14408
person until the registrar receives notification that there are no 14409
outstanding arrest warrants in the name of the person. 14410

(B) A clerk who reports an outstanding arrest warrant in 14411
accordance with division (A) of this section immediately shall 14412
notify the registrar when the warrant has been executed and 14413
returned to the issuing court or has been canceled. 14414

Upon receipt of such notification, the registrar shall charge 14415
and collect from the person named in the executed or canceled 14416
arrest warrant a processing fee of fifteen dollars to cover the 14417

costs of the bureau in administering this section. The registrar 14418
shall deposit all such processing fees into the state bureau of 14419
motor vehicles fund created by section 4501.25 of the Revised 14420
Code. 14421

Upon payment of the processing fee, the registrar shall cause 14422
the report of that outstanding arrest warrant to be removed from 14423
the records of the bureau and, if there are no other outstanding 14424
arrest warrants issued by a municipal court, county court, or 14425
~~mayor's~~ community court in the name of the person and the person 14426
otherwise is eligible to be issued a certificate of registration 14427
for a motor vehicle, the registrar or a deputy registrar may issue 14428
a certificate of registration for a motor vehicle in the name of 14429
the person named in the executed or canceled arrest warrant. 14430

(C) Neither the registrar, any employee of the bureau, a 14431
deputy registrar, nor any employee of a deputy registrar is 14432
personally liable for damages or injuries resulting from any error 14433
made by a clerk in entering information contained in a report 14434
submitted to the registrar under this section. 14435

(D) Any information submitted to the registrar by a clerk 14436
under this section shall be transmitted by means of an electronic 14437
data transfer system. 14438

(E) The registrar shall determine the procedures and 14439
information necessary to implement this section in regard to motor 14440
vehicle lessees. Division (A) of this section shall not apply to 14441
cases involving a motor vehicle lessee until such procedures are 14442
established. 14443

Sec. 4503.233. (A)(1) If a court orders the immobilization of 14444
a vehicle for a specified period of time pursuant to section 14445
4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, 14446
or 4511.203 of the Revised Code, the court shall issue the 14447
immobilization order in accordance with this division and for the 14448

period of time specified in the particular section, and the 14449
immobilization under the order shall be in accordance with this 14450
section. The court, at the time of sentencing the offender for the 14451
offense relative to which the immobilization order is issued or as 14452
soon thereafter as is practicable, shall give a copy of the order 14453
to the offender or the offender's counsel. The court promptly 14454
shall send a copy of the order to the registrar on a form 14455
prescribed by the registrar and to the person or agency it 14456
designates to execute the order. 14457

The order shall indicate the date on which it is issued, 14458
shall identify the vehicle that is subject to the order, and shall 14459
specify all of the following: 14460

(a) The period of the immobilization; 14461

(b) The place at which the court determines that the 14462
immobilization shall be carried out, provided that the court shall 14463
not determine and shall not specify that the immobilization is to 14464
be carried out at any place other than a commercially operated 14465
private storage lot, a place owned by a law enforcement or other 14466
government agency, or a place to which one of the following 14467
applies: 14468

(i) The place is leased by or otherwise under the control of 14469
a law enforcement or other government agency. 14470

(ii) The place is owned by the offender, the offender's 14471
spouse, or a parent or child of the offender. 14472

(iii) The place is owned by a private person or entity, and, 14473
prior to the issuance of the order, the private entity or person 14474
that owns the place, or the authorized agent of that private 14475
entity or person, has given express written consent for the 14476
immobilization to be carried out at that place. 14477

(iv) The place is a public street or highway on which the 14478
vehicle is parked in accordance with the law. 14479

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

(d) That neither the registrar nor a deputy registrar will be permitted to accept an application for the license plate registration of any motor vehicle in the name of the vehicle owner until the immobilization fee is paid.

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

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

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

(5) The registrar shall deposit the immobilization fee into the law enforcement reimbursement fund created by section 4501.19 of the Revised Code. Money in the fund shall be expended only as provided in division (A)(5) of this section. If the court

designated in the order a court bailiff or another appropriate 14511
person other than a law enforcement officer to immobilize the 14512
vehicle, the amount of the fee deposited into the law enforcement 14513
reimbursement fund shall be paid out to the county treasury if the 14514
court that issued the order is a county court, to the treasury of 14515
the municipal corporation served by the court if the court that 14516
issued the order is a ~~mayor's~~ community court, or to the city 14517
treasury of the legislative authority of the court, both as 14518
defined in section 1901.03 of the Revised Code, if the court that 14519
issued the order is a municipal court. If the court designated a 14520
law enforcement agency to immobilize the vehicle and if the law 14521
enforcement agency immobilizes the vehicle, the amount of the fee 14522
deposited into the law enforcement reimbursement fund shall be 14523
paid out to the law enforcement agency to reimburse the agency for 14524
the costs it incurs in obtaining immobilization equipment and, if 14525
required, in sending an officer or other person to search for and 14526
locate the vehicle specified in the immobilization order and to 14527
immobilize the vehicle. 14528

In addition to the immobilization fee required to be paid 14529
under division (A)(3) of this section, the offender may be charged 14530
expenses or charges incurred in the removal and storage of the 14531
immobilized vehicle. 14532

(B) If a court issues an immobilization order under division 14533
(A)(1) of this section, the person or agency designated by the 14534
court to execute the immobilization order promptly shall 14535
immobilize or continue the immobilization of the vehicle at the 14536
place specified by the court in the order. The registrar shall not 14537
authorize the release of the vehicle or authorize the issuance of 14538
new identification license plates for the vehicle at the end of 14539
the immobilization period until the immobilization fee has been 14540
paid. 14541

(C) Upon receipt of the license plates for a vehicle under 14542

this section, the registrar shall destroy the license plates. At 14543
the end of the immobilization period and upon the payment of the 14544
immobilization fee that must be paid under this section, the 14545
registrar shall authorize the release of the vehicle and authorize 14546
the issuance, upon the payment of the same fee as is required for 14547
the replacement of lost, mutilated, or destroyed license plates 14548
and certificates of registration, of new license plates and, if 14549
necessary, a new certificate of registration to the offender for 14550
the vehicle in question. 14551

(D)(1) If a court issues an immobilization order under 14552
division (A) of this section, the immobilization period commences 14553
on the day on which the vehicle in question is immobilized. If the 14554
vehicle in question had been seized under section 4510.41 or 14555
4511.195 of the Revised Code, the time between the seizure and the 14556
beginning of the immobilization period shall be credited against 14557
the immobilization period specified in the immobilization order 14558
issued under division (A) of this section. No vehicle that is 14559
immobilized under this section is eligible to have restricted 14560
license plates under section 4503.231 of the Revised Code issued 14561
for that vehicle. 14562

(2) If a court issues an immobilization order under division 14563
(A) of this section, if the vehicle subject to the order is 14564
immobilized under the order, and if the vehicle is found being 14565
operated upon any street or highway of this state during the 14566
immobilization period, it shall be seized, removed from the street 14567
or highway, and criminally forfeited, and disposed of pursuant to 14568
section 4503.234 of the Revised Code. No vehicle that is forfeited 14569
under this provision shall be considered contraband for purposes 14570
of Chapter 2981. of the Revised Code, but shall be held by the law 14571
enforcement agency that employs the officer who seized it for 14572
disposal in accordance with section 4503.234 of the Revised Code. 14573

(3) If a court issues an immobilization order under division 14574

(A) of this section, and if the vehicle is not claimed within 14575
seven days after the end of the period of immobilization or if the 14576
offender has not paid the immobilization fee, the person or agency 14577
that immobilized the vehicle shall send a written notice to the 14578
offender at the offender's last known address informing the 14579
offender of the date on which the period of immobilization ended, 14580
that the offender has twenty days after the date of the notice to 14581
pay the immobilization fee and obtain the release of the vehicle, 14582
and that if the offender does not pay the fee and obtain the 14583
release of the vehicle within that twenty-day period, the vehicle 14584
will be forfeited under section 4503.234 of the Revised Code to 14585
the entity that is entitled to the immobilization fee. 14586

(4) An offender whose motor vehicle is subject to an 14587
immobilization order issued under division (A) of this section 14588
shall not sell the motor vehicle without approval of the court 14589
that issued the order. If such an offender wishes to sell the 14590
motor vehicle during the immobilization period, the offender shall 14591
apply to the court that issued the immobilization order for 14592
permission to assign the title to the vehicle. If the court is 14593
satisfied that the sale will be in good faith and not for the 14594
purpose of circumventing the provisions of division (A)(1) of this 14595
section, it may certify its consent to the offender and to the 14596
registrar. Upon receipt of the court's consent, the registrar 14597
shall enter the court's notice in the offender's vehicle license 14598
plate registration record. 14599

If, during a period of immobilization under an immobilization 14600
order issued under division (A) of this section, the title to the 14601
immobilized motor vehicle is transferred by the foreclosure of a 14602
chattel mortgage, a sale upon execution, the cancellation of a 14603
conditional sales contract, or an order of a court, the involved 14604
court shall notify the registrar of the action, and the registrar 14605
shall enter the court's notice in the offender's vehicle license 14606

plate registration record. 14607

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. 14608
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(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. 14612
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(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. 14624
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(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 14635
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the offender does not intend to seek release of the vehicle at the 14639
end of the period of immobilization or that the offender is not or 14640
will not be able to pay the expenses and charges incurred in its 14641
removal and storage, may order that title to the vehicle be 14642
transferred, in order of priority, first into the name of the 14643
entity entitled to the immobilization fee under division (A)(5) of 14644
this section, next into the name of a lienholder, or lastly, into 14645
the name of the owner of the place of storage. 14646

A lienholder that receives title under a court order shall do 14647
so on the condition that it pay any expenses or charges incurred 14648
in the vehicle's removal and storage. If the entity that receives 14649
title to the vehicle is the entity that is entitled to the 14650
immobilization fee under division (A)(5) of this section, it shall 14651
receive title on the condition that it pay any lien on the 14652
vehicle. The court shall not order that title be transferred to 14653
any person or entity other than the owner of the place of storage 14654
if the person or entity refuses to receive the title. Any person 14655
or entity that receives title may either keep title to the vehicle 14656
or may dispose of the vehicle in any legal manner that it 14657
considers appropriate, including assignment of the certificate of 14658
title to the motor vehicle to a salvage dealer or a scrap metal 14659
processing facility. The person or entity shall not transfer the 14660
vehicle to the person who is the vehicle's immediate previous 14661
owner. 14662

If the person or entity assigns the motor vehicle to a 14663
salvage dealer or scrap metal processing facility, the person or 14664
entity shall send the assigned certificate of title to the motor 14665
vehicle to the clerk of the court of common pleas of the county in 14666
which the salvage dealer or scrap metal processing facility is 14667
located. The person or entity shall mark the face of the 14668
certificate of title with the words "FOR DESTRUCTION" and shall 14669
deliver a photocopy of the certificate of title to the salvage 14670

dealer or scrap metal processing facility for its records. 14671

(2) Whenever a court issues an order under division (E)(1) of 14672
this section, the court also shall order removal of the license 14673
plates from the vehicle and cause them to be sent to the registrar 14674
if they have not already been sent to the registrar. Thereafter, 14675
no further proceedings shall take place under this section, but 14676
the offender remains liable for payment of the immobilization fee 14677
described in division (A)(3) of this section if an immobilization 14678
order previously had been issued by the court. 14679

(3) Prior to initiating a proceeding under division (E)(1) of 14680
this section, and upon payment of the fee under division (B) of 14681
section 4505.14 of the Revised Code, any interested party may 14682
cause a search to be made of the public records of the bureau of 14683
motor vehicles or the clerk of the court of common pleas, to 14684
ascertain the identity of any lienholder of the vehicle. The 14685
initiating party shall furnish this information to the clerk of 14686
the court with jurisdiction over the case, and the clerk shall 14687
provide notice to the vehicle owner, the defendant, any 14688
lienholder, and any other interested parties listed by the 14689
initiating party, at the last known address supplied by the 14690
initiating party, by certified mail or, at the option of the 14691
initiating party, by personal service or ordinary mail. 14692

As used in this section, "interested party" includes the 14693
offender, all lienholders, the owner of the place of storage, the 14694
person or entity that caused the vehicle to be removed, and the 14695
person or entity, if any, entitled to the immobilization fee under 14696
division (A)(5) of this section. 14697

Sec. 4503.234. (A) If a court orders the criminal forfeiture 14698
of a vehicle pursuant to section 4503.233, 4503.236, 4510.11, 14699
4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, or 14700
4511.203 of the Revised Code, the order shall be issued and 14701

enforced in accordance with this division, subject to division (B) 14702
of this section. An order of criminal forfeiture issued under this 14703
division shall authorize an appropriate law enforcement agency to 14704
seize the vehicle ordered criminally forfeited upon the terms and 14705
conditions that the court determines proper. No vehicle ordered 14706
criminally forfeited pursuant to this division shall be considered 14707
contraband for purposes of Chapter 2981. of the Revised Code, but 14708
the law enforcement agency that employs the officer who seized it 14709
shall hold the vehicle for disposal in accordance with this 14710
section. A forfeiture order may be issued only after the offender 14711
has been provided with an opportunity to be heard. The prosecuting 14712
attorney shall give the offender written notice of the possibility 14713
of forfeiture by sending a copy of the relevant uniform traffic 14714
ticket or other written notice to the offender not less than seven 14715
days prior to the date of issuance of the forfeiture order. A 14716
vehicle is subject to an order of criminal forfeiture pursuant to 14717
this division upon the conviction of the offender of or plea of 14718
guilty by the offender to a violation of division (A) of section 14719
4503.236, section 4510.11, 4510.14, 4510.16, or 4511.203, or 14720
division (A) of section 4511.19 of the Revised Code, or a 14721
municipal ordinance or township resolution that is substantially 14722
equivalent to any of those sections or divisions. 14723

(B)(1) Prior to the issuance of an order of criminal 14724
forfeiture pursuant to this section, the law enforcement agency 14725
that employs the law enforcement officer who seized the vehicle 14726
shall conduct or cause to be conducted a search of the appropriate 14727
public records that relate to the vehicle and shall make or cause 14728
to be made reasonably diligent inquiries to identify any 14729
lienholder or any person or entity with an ownership interest in 14730
the vehicle. The court that is to issue the forfeiture order also 14731
shall cause a notice of the potential order relative to the 14732
vehicle and of the expected manner of disposition of the vehicle 14733

after its forfeiture to be sent to any lienholder or person who is 14734
known to the court to have any right, title, or interest in the 14735
vehicle. The court shall give the notice by certified mail, return 14736
receipt requested, or by personal service. 14737

(2) No order of criminal forfeiture shall be issued pursuant 14738
to this section if a lienholder or other person with an ownership 14739
interest in the vehicle establishes to the court, by a 14740
preponderance of the evidence after filing a motion with the 14741
court, that the lienholder or other person neither knew nor should 14742
have known after a reasonable inquiry that the vehicle would be 14743
used or involved, or likely would be used or involved, in the 14744
violation resulting in the issuance of the order of criminal 14745
forfeiture or the violation of the order of immobilization issued 14746
under section 4503.233 of the Revised Code, that the lienholder or 14747
other person did not expressly or impliedly consent to the use or 14748
involvement of the vehicle in that violation, and that the lien or 14749
ownership interest was perfected pursuant to law prior to the 14750
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 14751
or 4511.203 of the Revised Code. If the lienholder or holder of 14752
the ownership interest satisfies the court that these criteria 14753
have been met, the court shall preserve the lienholder's or other 14754
person's lien or interest, and the court either shall return the 14755
vehicle to the holder, or shall order that the proceeds of any 14756
sale held pursuant to division (C)(2) of this section be paid to 14757
the lienholder or holder of the interest less the costs of 14758
seizure, storage, and maintenance of the vehicle. The court shall 14759
not return a vehicle to a lienholder or a holder of an ownership 14760
interest unless the lienholder or holder submits an affidavit to 14761
the court that states that the lienholder or holder will not 14762
return the vehicle to the person from whom the vehicle was seized 14763
pursuant to the order of criminal forfeiture or to any member of 14764
that person's family and will not otherwise knowingly permit that 14765
person or any member of that person's family to obtain possession 14766

of the vehicle. 14767

(3) No order of criminal forfeiture shall be issued pursuant 14768
to this section if a person with an interest in the vehicle 14769
establishes to the court, by a preponderance of the evidence after 14770
filing a motion with the court, that the person neither knew nor 14771
should have known after a reasonable inquiry that the vehicle had 14772
been used or was involved in the violation resulting in the 14773
issuance of the order of criminal forfeiture or the violation of 14774
the order of immobilization issued under section 4503.233 of the 14775
Revised Code, that the person did not expressly or impliedly 14776
consent to the use or involvement of the vehicle in that 14777
violation, that the interest was perfected in good faith and for 14778
value pursuant to law between the time of the arrest of the 14779
offender and the final disposition of the criminal charge in 14780
question, and that the vehicle was in the possession of the 14781
interest holder at the time of the perfection of the interest. If 14782
the court is satisfied that the interest holder has met these 14783
criteria, the court shall preserve the interest holder's interest, 14784
and the court either shall return the vehicle to the interest 14785
holder or order that the proceeds of any sale held pursuant to 14786
division (C) of this section be paid to the holder of the interest 14787
less the costs of seizure, storage, and maintenance of the 14788
vehicle. The court shall not return a vehicle to an interest 14789
holder unless the holder submits an affidavit to the court stating 14790
that the holder will not return the vehicle to the person from 14791
whom the holder acquired the holder's interest, nor to any member 14792
of that person's family, and the holder will not otherwise 14793
knowingly permit that person or any member of that person's family 14794
to obtain possession of the vehicle. 14795

(C) A vehicle ordered criminally forfeited to the state 14796
pursuant to this section shall be disposed of as follows: 14797

(1) It shall be given to the law enforcement agency that 14798

employs the law enforcement officer who seized the vehicle, if 14799
that agency desires to have it; 14800

(2) If a vehicle is not disposed of pursuant to division 14801
(C)(1) of this section, the vehicle shall be sold, without 14802
appraisal, if the value of the vehicle is two thousand dollars or 14803
more as determined by publications of the national auto dealer's 14804
association, at a public auction to the highest bidder for cash. 14805
Prior to the sale, the prosecuting attorney in the case shall 14806
cause a notice of the proposed sale to be given in accordance with 14807
law. The court shall cause notice of the sale of the vehicle to be 14808
published in a newspaper of general circulation in the county in 14809
which the court is located at least seven days prior to the date 14810
of the sale. The proceeds of a sale under this division or 14811
division (F) of this section shall be applied in the following 14812
order: 14813

(a) First, they shall be applied to the payment of the costs 14814
incurred in connection with the seizure, storage, and maintenance 14815
of, and provision of security for, the vehicle, any proceeding 14816
arising out of the forfeiture, and if any, the sale. 14817

(b) Second, the remaining proceeds after compliance with 14818
division (C)(2)(a) of this section, shall be applied to the 14819
payment of the value of any lien or ownership interest in the 14820
vehicle preserved under division (B) of this section. 14821

(c) Third, the remaining proceeds, after compliance with 14822
divisions (C)(2)(a) and (b) of this section, shall be applied to 14823
the appropriate funds in accordance with divisions (B) and (C) of 14824
section 2981.13 of the Revised Code, provided that the total of 14825
the amount so deposited under this division shall not exceed one 14826
thousand dollars. The remaining proceeds deposited under this 14827
division shall be used only for the purposes authorized by those 14828
divisions and division (D) of that section. 14829

(d) Fourth, the remaining proceeds after compliance with 14830
divisions (C)(2)(a) and (b) of this section and after deposit of a 14831
total amount of one thousand dollars under division (C)(2)(c) of 14832
this section shall be applied so that fifty per cent of those 14833
remaining proceeds is paid into the reparation fund established by 14834
section 2743.191 of the Revised Code, twenty-five per cent is paid 14835
into the drug abuse resistance education programs fund created by 14836
division (F)(2)(e) of section 4511.191 of the Revised Code and 14837
shall be used only for the purposes authorized by division 14838
(F)(2)(e) of that section, and twenty-five per cent is applied to 14839
the appropriate funds in accordance with divisions (B) and (C) of 14840
section 2981.13 of the Revised Code. The proceeds deposited into 14841
any fund described in section 2981.13 of the Revised Code shall be 14842
used only for the purposes authorized by divisions (B)(4)(c), (C), 14843
and (D) of that section. 14844

(D) Except as provided in division (E) of section 4511.203 of 14845
the Revised Code and notwithstanding any other provision of law, 14846
neither the registrar of motor vehicles nor any deputy registrar 14847
shall accept an application for the registration of any motor 14848
vehicle in the name of any person, or register any motor vehicle 14849
in the name of any person, if both of the following apply: 14850

(1) Any vehicle registered in the person's name was 14851
criminally forfeited under this section and section 4503.233, 14852
4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 14853
4511.193, or 4511.203 of the Revised Code; 14854

(2) Less than five years have expired since the issuance of 14855
the most recent order of criminal forfeiture issued in relation to 14856
a vehicle registered in the person's name. 14857

(E) If a court orders the criminal forfeiture to the state of 14858
a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 14859
4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, 14860
or 4511.203 of the Revised Code, the title to the motor vehicle is 14861

assigned or transferred, and division (B)(2) or (3) of this 14862
section applies, in addition to or independent of any other 14863
penalty established by law, the court may fine the offender the 14864
value of the vehicle as determined by publications of the national 14865
auto dealer's association. The proceeds from any fine imposed 14866
under this division shall be distributed in accordance with 14867
division (C)(2) of this section. 14868

(F) As used in this section and divisions (B)(4)(c), (C), and 14869
(D) of section 2981.13 of the Revised Code in relation to proceeds 14870
of the sale of a vehicle under division (C) of this section, 14871
"prosecuting attorney" includes the prosecuting attorney, village 14872
solicitor, city director of law, or similar chief legal officer of 14873
a municipal corporation who prosecutes the case resulting in the 14874
conviction or guilty plea in question. 14875

(G) If the vehicle to be forfeited has an average retail 14876
value of less than two thousand dollars as determined by 14877
publications of the national auto dealer's association, no public 14878
auction is required to be held. In such a case, the court may 14879
direct that the vehicle be disposed of in any manner that it 14880
considers appropriate, including assignment of the certificate of 14881
title to the motor vehicle to a salvage dealer or a scrap metal 14882
processing facility. The court shall not transfer the vehicle to 14883
the person who is the vehicle's immediate previous owner. 14884

If the court assigns the motor vehicle to a salvage dealer or 14885
scrap metal processing facility and the court is in possession of 14886
the certificate of title to the motor vehicle, it shall send the 14887
assigned certificate of title to the motor vehicle to the clerk of 14888
the court of common pleas of the county in which the salvage 14889
dealer or scrap metal processing facility is located. The court 14890
shall mark the face of the certificate of title with the words 14891
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 14892
of title to the salvage dealer or scrap metal processing facility 14893

for its records. 14894

If the court is not in possession of the certificate of title 14895
to the motor vehicle, the court shall issue an order transferring 14896
ownership of the motor vehicle to a salvage dealer or scrap metal 14897
processing facility, send the order to the clerk of the court of 14898
common pleas of the county in which the salvage dealer or scrap 14899
metal processing facility is located, and send a photocopy of the 14900
order to the salvage dealer or scrap metal processing facility for 14901
its records. The clerk shall make the proper notations or entries 14902
in the clerk's records concerning the disposition of the motor 14903
vehicle. 14904

Sec. 4506.07. (A) Every application for a commercial driver's 14905
license, restricted commercial driver's license, or a commercial 14906
driver's temporary instruction permit, or a duplicate of such a 14907
license, shall be made upon a form approved and furnished by the 14908
registrar of motor vehicles. Except as provided in section 4506.24 14909
of the Revised Code in regard to a restricted commercial driver's 14910
license, the application shall be signed by the applicant and 14911
shall contain the following information: 14912

(1) The applicant's name, date of birth, social security 14913
account number, sex, general description including height, weight, 14914
and color of hair and eyes, current residence, duration of 14915
residence in this state, country of citizenship, and occupation; 14916

(2) Whether the applicant previously has been licensed to 14917
operate a commercial motor vehicle or any other type of motor 14918
vehicle in another state or a foreign jurisdiction and, if so, 14919
when, by what state, and whether the license or driving privileges 14920
currently are suspended or revoked in any jurisdiction, or the 14921
applicant otherwise has been disqualified from operating a 14922
commercial motor vehicle, or is subject to an out-of-service order 14923
issued under this chapter or any similar law of another state or a 14924

foreign jurisdiction and, if so, the date of, locations involved, 14925
and reason for the suspension, revocation, disqualification, or 14926
out-of-service order; 14927

(3) Whether the applicant is afflicted with or suffering from 14928
any physical or mental disability or disease that prevents the 14929
applicant from exercising reasonable and ordinary control over a 14930
motor vehicle while operating it upon a highway or is or has been 14931
subject to any condition resulting in episodic impairment of 14932
consciousness or loss of muscular control and, if so, the nature 14933
and extent of the disability, disease, or condition, and the names 14934
and addresses of the physicians attending the applicant; 14935

(4) Whether the applicant has obtained a medical examiner's 14936
certificate as required by this chapter; 14937

(5) Whether the applicant has pending a citation for 14938
violation of any motor vehicle law ~~or~~, ordinance, or resolution 14939
except a parking violation and, if so, a description of the 14940
citation, the court having jurisdiction of the offense, and the 14941
date when the offense occurred; 14942

(6) Whether the applicant wishes to certify willingness to 14943
make an anatomical donation under section 2108.04 of the Revised 14944
Code, which shall be given no consideration in the issuance of a 14945
license; 14946

(7) On and after May 1, 1993, whether the applicant has 14947
executed a valid durable power of attorney for health care 14948
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 14949
executed a declaration governing the use or continuation, or the 14950
withholding or withdrawal, of life-sustaining treatment pursuant 14951
to sections 2133.01 to 2133.15 of the Revised Code and, if the 14952
applicant has executed either type of instrument, whether the 14953
applicant wishes the license issued to indicate that the applicant 14954
has executed the instrument. 14955

(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the applicant's driving record.

(D) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any applicant for a commercial driver's license or for a renewal or duplicate of such a license under this chapter, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or a renewal or duplicate.

(E) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a commercial driver's license or for a renewal or duplicate of such a license who is a resident of this state, if

the applicant is a registered elector who has changed the 14987
applicant's residence or name and has not filed such a notice. 14988

(F) In considering any application submitted pursuant to this 14989
section, the bureau of motor vehicles may conduct any inquiries 14990
necessary to ensure that issuance or renewal of a commercial 14991
driver's license would not violate any provision of the Revised 14992
Code or federal law. 14993

Sec. 4506.15. (A) No person shall do any of the following: 14994

(1) Drive a commercial motor vehicle while having a 14995
measurable or detectable amount of alcohol or of a controlled 14996
substance in the person's blood, breath, or urine; 14997

(2) Drive a commercial motor vehicle while having an alcohol 14998
concentration of four-hundredths of one per cent or more by whole 14999
blood or breath; 15000

(3) Drive a commercial motor vehicle while having an alcohol 15001
concentration of forty-eight-thousandths of one per cent or more 15002
by blood serum or blood plasma; 15003

(4) Drive a commercial motor vehicle while having an alcohol 15004
concentration of fifty-six-thousandths of one per cent or more by 15005
urine; 15006

(5) Drive a motor vehicle while under the influence of a 15007
controlled substance; 15008

(6) Use a motor vehicle in the commission of a felony; 15009

(7) Refuse to submit to a test under section 4506.17 of the 15010
Revised Code; 15011

(8) Operate a commercial motor vehicle while the person's 15012
commercial driving privileges are revoked, suspended, canceled, or 15013
disqualified; 15014

(9) Cause a fatality ~~through~~ through the negligent operation 15015

of a commercial motor vehicle, including, but not limited to, the 15016
offenses of aggravated vehicular homicide, vehicular homicide, and 15017
vehicular manslaughter; 15018

(10) Use a motor vehicle in the commission of a felony 15019
involving the manufacture, distribution, or dispensing of a 15020
controlled substance as defined in section 3719.01 of the Revised 15021
Code or the possession with intent to manufacture, distribute, or 15022
dispense a controlled substance; 15023

(11) Drive a commercial motor vehicle in violation of any 15024
provision of sections 4511.61 to 4511.63 of the Revised Code or 15025
any federal or local law ~~or~~, ordinance, or resolution pertaining 15026
to railroad-highway grade crossings; 15027

(12) Violate any prohibition described in divisions (A)(2) to 15028
(11) of this section while transporting hazardous materials. 15029

(B) Whoever violates this section is guilty of a misdemeanor 15030
of the first degree. 15031

Sec. 4506.18. (A) Any driver who holds a commercial driver's 15032
license issued by this state and is convicted in another state or 15033
a foreign jurisdiction of violating any law ~~or~~, ordinance, or 15034
resolution relating to motor vehicle traffic control, other than a 15035
parking violation, shall provide written notice of that conviction 15036
within thirty days after the date of conviction to the bureau of 15037
motor vehicles and to the driver's employer in accordance with the 15038
provisions of 49 C.F.R. 383, subpart C, as amended. 15039

(B) Whoever violates this section is guilty of a misdemeanor 15040
of the first degree. 15041

Sec. 4507.02. (A)(1) No person shall permit the operation of 15042
a motor vehicle upon any public or private property used by the 15043
public for purposes of vehicular travel or parking knowing the 15044
operator does not have a valid driver's license issued to the 15045

operator by the registrar of motor vehicles under this chapter or 15046
a valid commercial driver's license issued under Chapter 4506. of 15047
the Revised Code. Whoever violates this division is guilty of a 15048
misdemeanor of the first degree. 15049

(2) No person shall receive a driver's license, or a 15050
motorcycle operator's endorsement of a driver's or commercial 15051
driver's license, unless and until the person surrenders to the 15052
registrar all valid licenses issued to the person by another 15053
jurisdiction recognized by this state. The registrar shall report 15054
the surrender of a license to the issuing authority, together with 15055
information that a license is now issued in this state. The 15056
registrar shall destroy any such license that is not returned to 15057
the issuing authority. No person shall be permitted to have more 15058
than one valid license at any time. 15059

(B)(1) If a person is convicted of a violation of section 15060
4510.11, 4510.14, 4510.16 when division (B)(3) of that section 15061
applies, or 4510.21 of the Revised Code or if division (F) of 15062
section 4507.164 of the Revised Code applies, the trial judge of 15063
any court, in addition to or independent of any other penalties 15064
provided by law ~~or~~, ordinance, or resolution, shall impound the 15065
identification license plates of any motor vehicle registered in 15066
the name of the person. If a person is convicted of a violation of 15067
section 4510.16 of the Revised Code and division (B)(2) of that 15068
section applies, the trial judge of any court, in addition to or 15069
independent of any other penalties provided by law ~~or~~, ordinance, 15070
or resolution, may impound the identification license plates of 15071
any motor vehicle registered in the name of the person. The court 15072
shall send the impounded license plates to the registrar, who may 15073
retain the license plates until the driver's or commercial 15074
driver's license of the owner has been reinstated or destroy them 15075
pursuant to section 4503.232 of the Revised Code. 15076

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

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

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) 15109
of this section are in use, the owner may apply to the court that 15110
impounded the license plates of the motor vehicle for permission 15111
to transfer title to the motor vehicle. If the court is satisfied 15112
that the sale will be made in good faith and not for the purpose 15113
of circumventing the provisions of this section, it may certify 15114
its consent to the owner and to the registrar of motor vehicles 15115
who shall enter notice of the transfer of the title of the motor 15116
vehicle in the vehicle registration record. 15117

If, during the time the restricted license plates provided 15118
under division (B)(2) of this section are in use, the title to a 15119
motor vehicle is transferred by the foreclosure of a chattel 15120
mortgage, a sale upon execution, the cancellation of a conditional 15121
sales contract, or by order of a court, the court shall notify the 15122
registrar of the action and the registrar shall enter notice of 15123
the transfer of the title to the motor vehicle in the vehicle 15124
registration record. 15125

(C) This section is not intended to change or modify any 15126
provision of Chapter 4503. of the Revised Code with respect to the 15127
taxation of motor vehicles or the time within which the taxes on 15128
motor vehicles shall be paid. 15129

Sec. 4507.06. (A)(1) Every application for a driver's license 15130
or motorcycle operator's license or endorsement, or duplicate of 15131
any such license or endorsement, shall be made upon the approved 15132
form furnished by the registrar of motor vehicles and shall be 15133
signed by the applicant. 15134

Every application shall state the following: 15135

(a) The applicant's name, date of birth, social security 15136
number if such has been assigned, sex, general description, 15137
including height, weight, color of hair, and eyes, residence 15138
address, including county of residence, duration of residence in 15139

this state, and country of citizenship; 15140

(b) Whether the applicant previously has been licensed as an 15141
operator, chauffeur, driver, commercial driver, or motorcycle 15142
operator and, if so, when, by what state, and whether such license 15143
is suspended or canceled at the present time and, if so, the date 15144
of and reason for the suspension or cancellation; 15145

(c) Whether the applicant is now or ever has been afflicted 15146
with epilepsy, or whether the applicant now is suffering from any 15147
physical or mental disability or disease and, if so, the nature 15148
and extent of the disability or disease, giving the names and 15149
addresses of physicians then or previously in attendance upon the 15150
applicant; 15151

(d) Whether an applicant for a duplicate driver's license, or 15152
duplicate license containing a motorcycle operator endorsement has 15153
pending a citation for violation of any motor vehicle law ~~or~~ 15154
ordinance, or resolution, a description of any such citation 15155
pending, and the date of the citation; 15156

(e) Whether the applicant wishes to certify willingness to 15157
make an anatomical gift under section 2108.04 of the Revised Code, 15158
which shall be given no consideration in the issuance of a license 15159
or endorsement; 15160

(f) Whether the applicant has executed a valid durable power 15161
of attorney for health care pursuant to sections 1337.11 to 15162
1337.17 of the Revised Code or has executed a declaration 15163
governing the use or continuation, or the withholding or 15164
withdrawal, of life-sustaining treatment pursuant to sections 15165
2133.01 to 2133.15 of the Revised Code and, if the applicant has 15166
executed either type of instrument, whether the applicant wishes 15167
the applicant's license to indicate that the applicant has 15168
executed the instrument. 15169

(2) Every applicant for a driver's license shall be 15170

photographed in color at the time the application for the license 15171
is made. The application shall state any additional information 15172
that the registrar requires. 15173

(B) The registrar or a deputy registrar, in accordance with 15174
section 3503.11 of the Revised Code, shall register as an elector 15175
any person who applies for a driver's license or motorcycle 15176
operator's license or endorsement under division (A) of this 15177
section, or for a renewal or duplicate of the license or 15178
endorsement, if the applicant is eligible and wishes to be 15179
registered as an elector. The decision of an applicant whether to 15180
register as an elector shall be given no consideration in the 15181
decision of whether to issue the applicant a license or 15182
endorsement, or a renewal or duplicate. 15183

(C) The registrar or a deputy registrar, in accordance with 15184
section 3503.11 of the Revised Code, shall offer the opportunity 15185
of completing a notice of change of residence or change of name to 15186
any applicant for a driver's license or endorsement under division 15187
(A) of this section, or for a renewal or duplicate of the license 15188
or endorsement, if the applicant is a registered elector who has 15189
changed the applicant's residence or name and has not filed such a 15190
notice. 15191

Sec. 4507.091. (A) A municipal court, county court, or 15192
~~mayor's~~ community court, at the court's discretion, may order the 15193
clerk of the court to send to the registrar of motor vehicles a 15194
report containing the name, address, and such other information as 15195
the registrar may require by rule, of any person for whom an 15196
arrest warrant has been issued by that court and is outstanding. 15197

Upon receipt of such a report, the registrar shall enter the 15198
information contained in the report into the records of the bureau 15199
of motor vehicles. Neither the registrar nor any deputy registrar 15200
shall issue a temporary instruction permit or driver's or 15201

commercial driver's license to the person named in the report, or 15202
renew the driver's or commercial driver's license of such person, 15203
until the registrar receives notification from the municipal 15204
court, county court, or mayor's court that there are no 15205
outstanding arrest warrants in the name of the person. The 15206
registrar also shall send a notice to the person who is named in 15207
the report, via regular first class mail sent to the person's last 15208
known address as shown in the records of the bureau, informing the 15209
person that neither the registrar nor any deputy registrar is 15210
permitted to issue a temporary instruction permit or driver's or 15211
commercial driver's license to the person, or renew the driver's 15212
or commercial driver's license of the person, until the registrar 15213
receives notification that there are no outstanding arrest 15214
warrants in the name of the person. 15215

(B) A clerk who reports an outstanding arrest warrant in 15216
accordance with division (A) of this section immediately shall 15217
notify the registrar when the warrant has been executed and 15218
returned to the issuing court or has been canceled. The clerk 15219
shall charge and collect from the person named in the executed or 15220
canceled arrest warrant a processing fee of fifteen dollars to 15221
cover the costs of the bureau in administering this section. The 15222
clerk shall transmit monthly all such processing fees to the 15223
registrar for deposit into the state bureau of motor vehicles fund 15224
created by section 4501.25 of the Revised Code. 15225

Upon receipt of such notification, the registrar shall cause 15226
the report of that outstanding arrest warrant to be removed from 15227
the records of the bureau and, if there are no other outstanding 15228
arrest warrants issued by a municipal court, county court, or 15229
~~mayor's~~ community court in the name of the person and the person 15230
otherwise is eligible to be issued a driver's or commercial 15231
driver's license or to have such a license renewed, the registrar 15232
or a deputy registrar may issue a driver's license or commercial 15233

driver's license to the person named in the executed or canceled 15234
arrest warrant, or renew the driver's or commercial driver's 15235
license of such person. 15236

(C) Neither the registrar, any employee of the bureau, a 15237
deputy registrar, nor any employee of a deputy registrar is 15238
personally liable for damages or injuries resulting from any error 15239
made by a clerk in entering information contained in a report 15240
submitted to the registrar under this section. 15241

(D) Any information submitted to the registrar by a clerk 15242
under this section shall be transmitted by means of an electronic 15243
data transfer system. 15244

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 15245
of this section, when the license of any person is suspended 15246
pursuant to any provision of the Revised Code other than division 15247
(G) of section 4511.19 of the Revised Code and other than section 15248
4510.07 of the Revised Code for a violation of a municipal OVI 15249
ordinance or township OVI resolution, the trial judge may impound 15250
the identification license plates of any motor vehicle registered 15251
in the name of the person. 15252

(B)(1) When the license of any person is suspended pursuant 15253
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 15254
pursuant to section 4510.07 of the Revised Code for a municipal 15255
OVI offense or township OVI offense when the suspension is 15256
equivalent in length to the suspension under division (G) of 15257
section 4511.19 of the Revised Code that is specified in this 15258
division, the trial judge of the court ~~of record~~ or the ~~mayer~~ 15259
magistrate of the ~~mayer's~~ community court that suspended the 15260
license may impound the identification license plates of any motor 15261
vehicle registered in the name of the person. 15262

(2) When the license of any person is suspended pursuant to 15263
division (G)(1)(b) of section 4511.19 of the Revised Code, or 15264

pursuant to section 4510.07 of the Revised Code for a municipal 15265
OVI offense or township OVI offense when the suspension is 15266
equivalent in length to the suspension under division (G) of 15267
section 4511.19 of the Revised Code that is specified in this 15268
division, the trial judge of the court of record that suspended 15269
the license shall order the impoundment of the identification 15270
license plates of the motor vehicle the offender was operating at 15271
the time of the offense and the immobilization of that vehicle in 15272
accordance with section 4503.233 and division (G)(1)(b) of section 15273
4511.19 or division (B)(2)(a) of section 4511.193 of the Revised 15274
Code and may impound the identification license plates of any 15275
other motor vehicle registered in the name of the person whose 15276
license is suspended. 15277

(3) When the license of any person is suspended pursuant to 15278
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 15279
Code, or pursuant to section 4510.07 of the Revised Code for a 15280
municipal OVI offense or township OVI offense when the suspension 15281
is equivalent in length to the suspension under division (G) of 15282
section 4511.19 of the Revised Code that is specified in this 15283
division, the trial judge of the court of record that suspended 15284
the license shall order the criminal forfeiture to the state of 15285
the motor vehicle the offender was operating at the time of the 15286
offense in accordance with section 4503.234 and division 15287
(G)(1)(c), (d), or (e) of section 4511.19 or division (B)(2)(b) of 15288
section 4511.193 of the Revised Code and may impound the 15289
identification license plates of any other motor vehicle 15290
registered in the name of the person whose license is suspended. 15291

(C)(1) When a person is convicted of or pleads guilty to a 15292
violation of section 4510.14 of the Revised Code or a 15293
substantially equivalent municipal ordinance or township 15294
resolution and division (B)(1) or (2) of section 4510.14 or 15295
division (C)(1) or (2) of section 4510.161 of the Revised Code 15296

applies, the trial judge of the court of ~~record~~ or the ~~mayer~~ 15297
magistrate of the ~~mayer's~~ community court that imposes sentence 15298
shall order the immobilization of the vehicle the person was 15299
operating at the time of the offense and the impoundment of its 15300
identification license plates in accordance with section 4503.233 15301
and division (B)(1) or (2) of section 4510.14 or division (C)(1) 15302
or (2) of section 4510.161 of the Revised Code and may impound the 15303
identification license plates of any other vehicle registered in 15304
the name of that person. 15305

(2) When a person is convicted of or pleads guilty to a 15306
violation of section 4510.14 of the Revised Code or a 15307
substantially equivalent municipal ordinance or township 15308
resolution and division (B)(3) of section 4510.14 or division 15309
(C)(3) of section 4510.161 of the Revised Code applies, the trial 15310
judge of the court of record that imposes sentence shall order the 15311
criminal forfeiture to the state of the vehicle the person was 15312
operating at the time of the offense in accordance with section 15313
4503.234 and division (B)(3) of section 4510.14 or division (C)(3) 15314
of section 4510.161 of the Revised Code and may impound the 15315
identification license plates of any other vehicle registered in 15316
the name of that person. 15317

(D)~~(1)~~ When a person is convicted of or pleads guilty to a 15318
violation of division (A) of section 4510.16 of the Revised Code 15319
or a substantially equivalent municipal ordinance or township 15320
resolution, division (B) of section 4510.16 or division (B) of 15321
section 4510.161 of the Revised Code applies in determining 15322
whether the immobilization of the vehicle the person was operating 15323
at the time of the offense and the impoundment of its 15324
identification license plates or the criminal forfeiture to the 15325
state of the vehicle the person was operating at the time of the 15326
offense is authorized or required. The trial judge of the court of 15327
~~record~~ or the ~~mayer~~ magistrate of the ~~mayer's~~ community court that 15328

imposes sentence may impound the identification license plates of 15329
any other vehicle registered in the name of that person. 15330

(E)(1) When a person is convicted of or pleads guilty to a 15331
violation of section 4511.203 of the Revised Code and the person 15332
is sentenced pursuant to division (C)(1) or (2) of section 15333
4511.203 of the Revised Code, the trial judge of the court ~~of~~ 15334
~~record~~ or the ~~mayer~~ magistrate of the ~~mayer's~~ community court that 15335
imposes sentence shall order the immobilization of the vehicle 15336
that was involved in the commission of the offense and the 15337
impoundment of its identification license plates in accordance 15338
with division (C)(1) or (2) of section 4511.203 and section 15339
4503.233 of the Revised Code and may impound the identification 15340
license plates of any other vehicle registered in the name of that 15341
person. 15342

(2) When a person is convicted of or pleads guilty to a 15343
violation of section 4511.203 of the Revised Code and the person 15344
is sentenced pursuant to division (C)(3) of section 4511.203 of 15345
the Revised Code, the trial judge of the court ~~of record~~ or the 15346
~~mayer~~ magistrate of the ~~mayer's~~ community court that imposes 15347
sentence shall order the criminal forfeiture to the state of the 15348
vehicle that was involved in the commission of the offense in 15349
accordance with division (C)(3) of section 4511.203 and section 15350
4503.234 of the Revised Code and may impound the identification 15351
license plates of any other vehicle registered in the name of that 15352
person. 15353

(F) Except as provided in section 4503.233 or 4503.234 of the 15354
Revised Code, when the certificate of registration, the 15355
identification license plates, or both have been impounded, 15356
division (B) of section 4507.02 of the Revised Code is applicable. 15357

(G) As used in this section, "municipal OVI offense" ~~has~~ and 15358
"township OVI offense" have the same ~~meaning~~ meanings as in 15359
section 4511.181 of the Revised Code. 15360

Sec. 4509.33. If a nonresident by final order or judgment of 15361
a court of record ~~or mayor's court~~ is convicted of, or forfeits 15362
bail or collateral deposited to secure an appearance for trial 15363
for, any offense for which the suspension of a license is 15364
provided, the registrar of motor vehicles shall impose a 15365
suspension of the privilege of the nonresident to operate a motor 15366
vehicle for the same period for which suspension of a license by a 15367
court of record is authorized by the applicable section of the 15368
Revised Code. The suspension shall remain in effect until the 15369
expiration of the period so ordered and thereafter until the 15370
nonresident gives and thereafter maintains proof of financial 15371
responsibility in accordance with section 4509.45 of the Revised 15372
Code. 15373

The registrar shall also suspend the privilege of the use in 15374
this state of every motor vehicle owned by the nonresident, except 15375
that the registrar shall not suspend the privilege if the owner 15376
has given or immediately gives and thereafter maintains proof of 15377
financial responsibility with respect to all motor vehicles owned 15378
by the nonresident. The registrar shall restore such privilege of 15379
a nonresident owner when the owner gives and thereafter maintains 15380
proof of financial responsibility in accordance with section 15381
4509.45 of the Revised Code. 15382

Sec. 4509.35. Whenever any person fails within thirty days to 15383
satisfy a judgment rendered within this state, upon the written 15384
request of the judgment creditor or the judgment creditor's 15385
attorney, the clerk of the court ~~which~~ that rendered the judgment, 15386
or the ~~judge of the community court or mayor of the mayor's court~~ 15387
magistrate if the judgment is rendered by a community court that 15388
has no clerk, immediately shall forward a certified copy of the 15389
judgment to the registrar of motor vehicles. 15390

Whenever any nonresident has been convicted of an offense for 15391

which the court is required to impose a license suspension under 15392
any provision of the Revised Code or has forfeited bail given to 15393
secure the nonresident's appearance for trial upon a charge of any 15394
offense for which the court is required to impose a license 15395
suspension under any provision of the Revised Code, the clerk of 15396
~~every the court of record and the mayor of every mayor's, or the~~ 15397
community court magistrate if the license suspension is imposed by 15398
a community court that has no clerk, immediately shall forward to 15399
the registrar a certified copy or transcript of the conviction or 15400
order forfeiture of bail. 15401

Sec. 4510.01. As used in this title and in Title XXIX of the 15402
Revised Code: 15403

(A) "Cancel" or "cancellation" means the annulment or 15404
termination by the bureau of motor vehicles of a driver's license, 15405
commercial driver's license, temporary instruction permit, 15406
probationary license, or nonresident operating privilege because 15407
it was obtained unlawfully, issued in error, altered, or willfully 15408
destroyed, or because the holder no longer is entitled to the 15409
license, permit, or privilege. 15410

(B) "Drug abuse offense," "cocaine," and "L.S.D." have the 15411
same meanings as in section 2925.01 of the Revised Code. 15412

(C) "Ignition interlock device" means a device approved by 15413
the director of public safety that connects a breath analyzer to a 15414
motor vehicle's ignition system, that is constantly available to 15415
monitor the concentration by weight of alcohol in the breath of 15416
any person attempting to start that motor vehicle by using its 15417
ignition system, and that deters starting the motor vehicle by use 15418
of its ignition system unless the person attempting to start the 15419
vehicle provides an appropriate breath sample for the device and 15420
the device determines that the concentration by weight of alcohol 15421
in the person's breath is below a preset level. 15422

(D) "Immobilizing or disabling device" means a device 15423
approved by the director of public safety that may be ordered by a 15424
court to be used by an offender as a condition of limited driving 15425
privileges. "Immobilizing or disabling device" includes an 15426
ignition interlock device, and any prototype device that is used 15427
according to protocols designed to ensure efficient and effective 15428
monitoring of limited driving privileges granted by a court to an 15429
offender. 15430

(E) "Moving violation" means any violation of any statute ~~or~~ 15431
ordinance, or township resolution that regulates the operation of 15432
vehicles, streetcars, or trackless trolleys on the highways or 15433
streets. "Moving violation" does not include a violation of 15434
section 4513.263 of the Revised Code or a substantially equivalent 15435
municipal ordinance or township resolution, a violation of any 15436
statute ~~or~~ ordinance, or township resolution regulating 15437
pedestrians or the parking of vehicles, vehicle size or load 15438
limitations, vehicle fitness requirements, or vehicle 15439
registration. 15440

(F) "Municipal OVI ordinance," ~~and~~ "municipal OVI offense," 15441
"township OVI resolution," and "township OVI offense" have the 15442
same meanings as in section 4511.181 of the Revised Code. 15443

(G) "Prototype device" means any testing device to monitor 15444
limited driving privileges that has not yet been approved or 15445
disapproved by the director of public safety. 15446

(H) "Suspend" or "suspension" means the permanent or 15447
temporary withdrawal, by action of a court or the bureau of motor 15448
vehicles, of a driver's license, commercial driver's license, 15449
temporary instruction permit, probationary license, or nonresident 15450
operating privilege for the period of the suspension or the 15451
permanent or temporary withdrawal of the privilege to obtain a 15452
license, permit, or privilege of that type for the period of the 15453
suspension. 15454

(I) "Controlled substance" and "marihuana" have the same 15455
meanings as in section 3719.01 of the Revised Code. 15456

Sec. 4510.03. (A) Every ~~county court judge, mayor of a~~ 15457
~~mayor's court, and~~ clerk of a court ~~of record, or judge or~~ 15458
community court magistrate if the court has no clerk, shall keep a 15459
full record of every case in which a person is charged with any 15460
violation of any provision of sections 4511.01 to 4511.771 or 15461
4513.01 to 4513.36 of the Revised Code or of any other law ~~or,~~ 15462
ordinance, or resolution regulating the operation of vehicles, 15463
streetcars, and trackless trolleys on highways or streets. 15464

(B) If a person is convicted of or forfeits bail in relation 15465
to a violation of any section listed in division (A) of this 15466
section or a violation of any other law ~~or,~~ ordinance, or 15467
resolution regulating the operation of vehicles, streetcars, and 15468
trackless trolleys on highways or streets, the ~~county court judge,~~ 15469
~~mayor of a mayor's court~~ community court magistrate, or clerk, 15470
within ten days after the conviction or bail forfeiture, shall 15471
prepare and immediately forward to the bureau of motor vehicles an 15472
abstract, certified by the preparer to be true and correct, of the 15473
court record covering the case in which the person was convicted 15474
or forfeited bail. Every court ~~of record~~ also shall forward to the 15475
bureau of motor vehicles an abstract of the court record as 15476
described in division (C) of this section upon the conviction of 15477
any person of aggravated vehicular homicide or vehicular homicide 15478
or of a felony in the commission of which a vehicle was used. 15479

(C) Each abstract required by this section shall be made upon 15480
a form approved and furnished by the bureau and shall include the 15481
name and address of the person charged, the number of the person's 15482
driver's or commercial driver's license, probationary driver's 15483
license, or temporary instruction permit, the registration number 15484
of the vehicle involved, the nature of the offense, the date of 15485

the offense, the date of hearing, the plea, the judgment, or 15486
whether bail was forfeited, and the amount of the fine or 15487
forfeiture. 15488

Sec. 4510.031. (A) A United States district court that has 15489
jurisdiction within this state may utilize the provisions of 15490
section 4510.03 of the Revised Code in regard to any case in which 15491
a person is charged with any violation of any provision of 15492
sections 4511.01 to 4511.771 or 4513.01 to 4513.36 of the Revised 15493
Code or of any other law ~~or~~, ordinance, or resolution regulating 15494
the operation of vehicles, streetcars, and trackless trolleys on 15495
highways or streets located on federal property within this state. 15496
The court also may forward to the bureau an abstract upon the 15497
conviction of any person of aggravated vehicular homicide or 15498
vehicular homicide or of a felony in the commission of which a 15499
vehicle was used. 15500

(B) If a United States district court acts under this 15501
section, it shall follow the procedures established in section 15502
4510.03 of the Revised Code. 15503

(C) The bureau of motor vehicles shall accept and process an 15504
abstract received from a United States district court under this 15505
section in the same manner as it accepts and processes an abstract 15506
received from a county court judge, ~~mayer of a mayer's~~ community 15507
court magistrate, or clerk of a court ~~of record~~. 15508

Sec. 4510.032. (A) If a person is charged with a violation of 15509
section 4511.19 of the Revised Code or a violation of any 15510
municipal OVI ordinance or township OVI resolution; if that charge 15511
is dismissed or reduced; if the person is convicted of or forfeits 15512
bail in relation to a violation of any other section of the 15513
Revised Code or of any ordinance that regulates the operation of 15514
vehicles, streetcars, and trackless trolleys on highways and 15515

streets but that does not relate to operating a vehicle while 15516
under the influence of alcohol, a drug of abuse, or a combination 15517
of them or to operating a vehicle with a prohibited concentration 15518
of alcohol, a controlled substance, or a metabolite of a 15519
controlled substance in the whole blood, blood serum or plasma, 15520
breath, or urine; and if the violation of which the person was 15521
convicted or in relation to which the person forfeited bail arose 15522
out of the same facts and circumstances and the same act as did 15523
the charge that was dismissed or reduced, the abstract prepared 15524
under section 4510.03 of the Revised Code also shall set forth the 15525
charge that was dismissed or reduced, indicate that it was 15526
dismissed or reduced, and indicate that the violation resulting in 15527
the conviction or bail forfeiture arose out of the same facts and 15528
circumstances and the same act as did the charge that was 15529
dismissed or reduced. 15530

(B) If a charge against a person of a violation of division 15531
(A) of section 4510.11, division (A) of section 4510.14, or 15532
division (A) of section 4510.16 of the Revised Code or any 15533
municipal ordinance or township resolution that is substantially 15534
equivalent to any of those divisions is dismissed or reduced and 15535
if the person is convicted of or forfeits bail in relation to a 15536
violation of any other section of the Revised Code or any other 15537
ordinance that regulates the operation of vehicles, streetcars, 15538
and trackless trolleys on highways and streets that arose out of 15539
the same facts and circumstances as did the charge that was 15540
dismissed or reduced, the abstract also shall set forth the charge 15541
that was dismissed or reduced, indicate that it was dismissed or 15542
reduced, and indicate that the violation resulting in the 15543
conviction or bail forfeiture arose out of the same facts and 15544
circumstances and the same act as did the charge that was 15545
dismissed or reduced. 15546

(C)(1) If a child has been adjudicated an unruly or 15547

delinquent child or a juvenile traffic offender for having 15548
committed any act that if committed by an adult would be a drug 15549
abuse offense or any violation of division (B) of section 2917.11 15550
or of section 4511.19 of the Revised Code, the court shall notify 15551
the bureau, by means of an abstract of the court record as 15552
described in divisions (B) and (C) of section 4510.03 of the 15553
Revised Code, within ten days after the adjudication. 15554

(2) If a court requires a child to attend a drug abuse or 15555
alcohol abuse education, intervention, or treatment program, the 15556
abstract required by division (C)(1) of this section and forwarded 15557
to the bureau also shall include the name and address of the 15558
operator of the program and the date that the child entered the 15559
program. If the child satisfactorily completes the program, the 15560
court, immediately upon receipt of the information, shall send to 15561
the bureau an updated abstract that also shall contain the date on 15562
which the child satisfactorily completed the program. 15563

Sec. 4510.034. (A) Division (B) of this section applies in 15564
relation to persons who are convicted of or plead guilty to any of 15565
the following: 15566

(1) A violation of division (A) of section 4510.11, division 15567
(A) of section 4510.14, or division (A) of section 4510.16 of the 15568
Revised Code; 15569

(2) A violation of a municipal ordinance or township 15570
resolution substantially equivalent to any division set forth in 15571
division (A)(1) of this section; 15572

(3) A violation of division (A) of section 4511.19 of the 15573
Revised Code or a violation of section 4511.203 of the Revised 15574
Code; 15575

(4) A violation of a municipal OVI ordinance or township OVI 15576
resolution. 15577

(B) If a person is convicted of or pleads guilty to any violation set forth in division (A) of this section and if division (D) of section 4503.234 of the Revised Code prohibits the registrar of motor vehicles and all deputy registrars from accepting an application for the registration of, or registering, any motor vehicle in the name of that person, the abstract prepared pursuant to section 4510.03, 4510.031, or 4510.032 of the Revised Code shall specifically set forth these facts and clearly indicate the date on which the order of criminal forfeiture was issued or would have been issued but for the operation of section 4503.234 of the Revised Code. If the registrar receives an abstract containing this information relating to a person, the registrar, in accordance with sections 4503.12 and 4503.234 of the Revised Code, shall take all necessary measures to prevent the registrar's office or any deputy registrar from accepting from the person, for the period of time ending five years after the date on which the order was issued or would have been issued and as described in section 4503.234 of the Revised Code, any new application for the registration of any motor vehicle in the name of the person.

Sec. 4510.036. (A) The bureau of motor vehicles shall record within ten days, after receipt, and shall keep at its main office, all abstracts received under this section or section 4510.03, 4510.031, 4510.032, or 4510.034 of the Revised Code and shall maintain records of convictions and bond forfeitures for any violation of a state law ~~or a~~, municipal ordinance, or township resolution regulating the operation of vehicles, streetcars, and trackless trolleys on highways and streets, except a violation related to parking a motor vehicle.

(B) Every court of record ~~or mayor's court~~ before which a person is charged with a violation for which points are chargeable by this section shall assess and transcribe to the abstract of

conviction that is furnished by the bureau to the court the number 15610
of points chargeable by this section in the correct space assigned 15611
on the reporting form. A United States district court that has 15612
jurisdiction within this state and before which a person is 15613
charged with a violation for which points are chargeable by this 15614
section may assess and transcribe to the abstract of conviction 15615
report that is furnished by the bureau the number of points 15616
chargeable by this section in the correct space assigned on the 15617
reporting form. If the federal court so assesses and transcribes 15618
the points chargeable for the offense and furnishes the report to 15619
the bureau, the bureau shall record the points in the same manner 15620
as those assessed and transcribed by a court of record ~~or mayor's~~ 15621
~~court.~~ 15622

(C) A court shall assess the following points for an offense 15623
based on the following formula: 15624

(1) Aggravated vehicular homicide, vehicular homicide, 15625
vehicular manslaughter, aggravated vehicular assault, or vehicular 15626
assault when the offense involves the operation of a vehicle, 15627
streetcar, or trackless trolley on a highway or street 15628
6 points 15629

(2) A violation of section 2921.331 of the Revised Code or 15630
any ordinance or resolution prohibiting the willful fleeing or 15631
eluding of a law enforcement officer 6 points 15632

(3) A violation of section 4549.02 or 4549.021 of the Revised 15633
Code or any ordinance or resolution requiring the driver of a 15634
vehicle to stop and disclose identity at the scene of an accident 15635
..... 6 points 15636

(4) A violation of section 4511.251 of the Revised Code or 15637
any ordinance or resolution prohibiting street racing 6 15638
points 15639

(5) A violation of section 4510.11, 4510.14, 4510.16, or 15640

4510.21 of the Revised Code or any ordinance <u>or resolution</u>	15641
prohibiting the operation of a motor vehicle while the driver's or	15642
commercial driver's license is under suspension 6	15643
points	15644
(6) A violation of division (A) of section 4511.19 of the	15645
Revised Code, any ordinance <u>or resolution</u> prohibiting the	15646
operation of a vehicle while under the influence of alcohol, a	15647
drug of abuse, or a combination of them, or any ordinance <u>or</u>	15648
<u>resolution</u> substantially equivalent to division (A) of section	15649
4511.19 of the Revised Code prohibiting the operation of a vehicle	15650
with a prohibited concentration of alcohol, a controlled	15651
substance, or a metabolite of a controlled substance in the whole	15652
blood, blood serum or plasma, breath, or urine 6 points	15653
(7) A violation of section 2913.03 of the Revised Code that	15654
does not involve an aircraft or motorboat or any ordinance <u>or</u>	15655
<u>resolution</u> prohibiting the operation of a vehicle without the	15656
consent of the owner 6 points	15657
(8) Any offense under the motor vehicle laws of this state	15658
that is a felony, or any other felony in the commission of which a	15659
motor vehicle was used 6 points	15660
(9) A violation of division (B) of section 4511.19 of the	15661
Revised Code or any ordinance <u>or resolution</u> substantially	15662
equivalent to that division prohibiting the operation of a vehicle	15663
with a prohibited concentration of alcohol in the whole blood,	15664
blood serum or plasma, breath, or urine 4 points	15665
(10) A violation of section 4511.20 of the Revised Code or	15666
any ordinance <u>or resolution</u> prohibiting the operation of a motor	15667
vehicle in willful or wanton disregard of the safety of persons or	15668
property 4 points	15669
(11) A violation of any law or , ordinance, <u>or resolution</u>	15670
pertaining to speed:	15671

(a) Notwithstanding divisions (C)(11)(b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more	4 points	15672 15673 15674
(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour	2 points	15675 15676 15677
(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour	2 points	15678 15679 15680
(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section	0 points	15681 15682 15683
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar	2 points	15684 15685
(13) All other moving violations reported under this section	2 points	15686 15687
(D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for a bond forfeiture if the driver is acquitted of the offense for which bond was posted.		15688 15689 15690 15691 15692
(E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are chargeable for each of the offenses, points shall be charged for only the conviction or bond forfeiture for which the greater number of points is chargeable, and, if the number of points chargeable for each offense is equal, only one offense shall be recorded, and points shall be charged only for that offense.		15693 15694 15695 15696 15697 15698 15699
Sec. 4510.038. (A) Any person whose driver's or commercial driver's license or permit is suspended or who is granted limited		15700 15701

driving privileges under section 4510.037, under division (H) of 15702
section 4511.19, or under section 4510.07 of the Revised Code for 15703
a violation of a municipal ordinance or township resolution that 15704
is substantially equivalent to division (B) of section 4511.19 of 15705
the Revised Code is not eligible to retain the license, or to have 15706
the driving privileges reinstated, until each of the following has 15707
occurred: 15708

(1) The person successfully completes a course of remedial 15709
driving instruction approved by the director of public safety. A 15710
minimum of twenty-five per cent of the number of hours of 15711
instruction included in the course shall be devoted to instruction 15712
on driver attitude. 15713

The course also shall devote a number of hours to instruction 15714
in the area of alcohol and drugs and the operation of vehicles. 15715
The instruction shall include, but not be limited to, a review of 15716
the laws governing the operation of a vehicle while under the 15717
influence of alcohol, drugs, or a combination of them, the dangers 15718
of operating a vehicle while under the influence of alcohol, 15719
drugs, or a combination of them, and other information relating to 15720
the operation of vehicles and the consumption of alcoholic 15721
beverages and use of drugs. The director, in consultation with the 15722
director of alcohol and drug addiction services, shall prescribe 15723
the content of the instruction. The number of hours devoted to the 15724
area of alcohol and drugs and the operation of vehicles shall 15725
comprise a minimum of twenty-five per cent of the number of hours 15726
of instruction included in the course. 15727

(2) The person is examined in the manner provided for in 15728
section 4507.20 of the Revised Code, and found by the registrar of 15729
motor vehicles to be qualified to operate a motor vehicle; 15730

(3) The person gives and maintains proof of financial 15731
responsibility, in accordance with section 4509.45 of the Revised 15732
Code. 15733

(B) Any course of remedial driving instruction the director 15734
of public safety approves under this section shall require its 15735
students to attend at least fifty per cent of the course in 15736
person. The director shall not approve any course of remedial 15737
driving instruction that permits its students to take more than 15738
fifty per cent of the course in any other manner, including via 15739
video teleconferencing or the internet. 15740

Sec. 4510.04. It is an affirmative defense to any prosecution 15741
brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the 15742
Revised Code or under any substantially equivalent municipal 15743
ordinance or township resolution that the alleged offender drove 15744
under suspension, without a valid permit or driver's or commercial 15745
driver's license, or in violation of a restriction because of a 15746
substantial emergency, and because no other person was reasonably 15747
available to drive in response to the emergency. 15748
15749

It is an affirmative defense to any prosecution brought under 15750
section 4510.16 of the Revised Code that the order of suspension 15751
resulted from the failure of the alleged offender to respond to a 15752
financial responsibility random verification request under 15753
division (A)(3)(c) of section 4509.101 of the Revised Code and 15754
that, at the time of the initial financial responsibility random 15755
verification request, the alleged offender was in compliance with 15756
division (A)(1) of section 4509.101 of the Revised Code as shown 15757
by proof of financial responsibility that was in effect at the 15758
time of that request. 15759

Sec. 4510.05. Except as otherwise provided in section 4510.07 15760
or in any other provision of the Revised Code, whenever an 15761
offender is convicted of or pleads guilty to a violation of a 15762
municipal ordinance or township resolution that is substantially 15763
similar to a provision of the Revised Code, and a court is 15764

permitted or required to suspend a person's driver's or commercial 15765
driver's license or permit for a violation of that provision, a 15766
court, in addition to any other penalties authorized by law, may 15767
suspend the offender's driver's or commercial driver's license or 15768
permit or nonresident operating privileges for the period of time 15769
the court determines appropriate, but the period of suspension 15770
imposed for the violation of the municipal ordinance or township 15771
resolution shall not exceed the period of suspension that is 15772
permitted or required to be imposed for the violation of the 15773
provision of the Revised Code to which the municipal ordinance or 15774
township resolution is substantially similar. 15775

Sec. 4510.07. The court imposing a sentence upon an offender 15776
for any violation of a municipal ordinance or township resolution 15777
that is substantially equivalent to a violation of section 2903.06 15778
or 2907.24 of the Revised Code or for any violation of a municipal 15779
OVI ordinance or township OVI resolution also shall impose a 15780
suspension of the offender's driver's license, commercial driver's 15781
license, temporary instruction permit, probationary license, or 15782
nonresident operating privilege from the range specified in 15783
division (B) of section 4510.02 of the Revised Code that is 15784
equivalent in length to the suspension required for a violation of 15785
section 2903.06 or 2907.24 or division (A) or (B) of section 15786
4511.19 of the Revised Code under similar circumstances. 15787

Sec. 4510.11. (A) No person whose driver's or commercial 15788
driver's license or permit or nonresident operating privilege has 15789
been suspended under any provision of the Revised Code, other than 15790
Chapter 4509. of the Revised Code, or under any applicable law in 15791
any other jurisdiction in which the person's license or permit was 15792
issued shall operate any motor vehicle upon the public roads and 15793
highways or upon any public or private property used by the public 15794

for purposes of vehicular travel or parking within this state 15795
during the period of suspension unless the person is granted 15796
limited driving privileges and is operating the vehicle in 15797
accordance with the terms of the limited driving privileges. 15798

(B) No person shall operate any motor vehicle upon a highway 15799
or any public or private property used by the public for purposes 15800
of vehicular travel or parking in this state in violation of any 15801
restriction of the person's driver's or commercial driver's 15802
license or permit imposed under division (D) of section 4506.10 or 15803
under section 4507.14 of the Revised Code. 15804

(C)(1) Whoever violates this section is guilty of driving 15805
under suspension or in violation of a license restriction, a 15806
misdemeanor of the first degree. The court shall impose upon the 15807
offender a class seven suspension of the offender's driver's 15808
license, commercial driver's license, temporary instruction 15809
permit, probationary license, or nonresident operating privilege 15810
from the range specified in division (A)(7) of section 4510.02 of 15811
the Revised Code. 15812

(2) Except as provided in division (C)(3) or (4) of this 15813
section, the court, in addition to any other penalty that it 15814
imposes on the offender and if the vehicle is registered in the 15815
offender's name, shall order the immobilization of the vehicle 15816
involved in the offense for thirty days in accordance with section 15817
4503.233 of the Revised Code and the impoundment of that vehicle's 15818
license plates for thirty days. 15819

(3) If the offender previously has been convicted of or 15820
pleaded guilty to one violation of this section or of a 15821
substantially similar municipal ordinance or township resolution, 15822
the court, in addition to any other sentence that it imposes on 15823
the offender and if the vehicle is registered in the offender's 15824
name, shall order the immobilization of the vehicle involved in 15825

the offense for sixty days in accordance with section 4503.233 of 15826
the Revised Code and the impoundment of that vehicle's license 15827
plates for sixty days. 15828

(4) If the offender previously has been convicted of or 15829
pleaded guilty to two or more violations of this section or of a 15830
substantially similar municipal ordinance or township resolution, 15831
the court, in addition to any other sentence that it imposes on 15832
the offender and if the vehicle is registered in the offender's 15833
name, shall order the criminal forfeiture of the vehicle involved 15834
in the offense to the state. 15835

(D) Any order for immobilization and impoundment under this 15836
section shall be issued and enforced under section 4503.233 of the 15837
Revised Code. The court shall not release a vehicle from 15838
immobilization ordered under this section unless the court is 15839
presented with current proof of financial responsibility with 15840
respect to that vehicle. 15841

(E) Any order of criminal forfeiture under this section shall 15842
be issued and enforced under section 4503.234 of the Revised Code. 15843
Upon receipt of the copy of the order from the court, neither the 15844
registrar of motor vehicles nor a deputy registrar shall accept 15845
any application for the registration or transfer of registration 15846
of any motor vehicle owned or leased by the person named in the 15847
declaration of forfeiture. The period of registration denial shall 15848
be five years after the date of the order, unless, during that 15849
period, the court having jurisdiction of the offense that led to 15850
the order terminates the forfeiture and notifies the registrar of 15851
the termination. The registrar then shall take necessary measures 15852
to permit the person to register a vehicle owned or leased by the 15853
person or to transfer registration of the vehicle. 15854

Sec. 4510.12. (A)(1) No person, except those expressly 15855
exempted under sections 4507.03, 4507.04, and 4507.05 of the 15856

Revised Code, shall operate any motor vehicle upon a public road 15857
or highway or any public or private property used by the public 15858
for purposes of vehicular travel or parking in this state unless 15859
the person has a valid driver's license issued under Chapter 4507. 15860
of the Revised Code or a commercial driver's license issued under 15861
Chapter 4506. of the Revised Code. 15862

(2) No person, except a person expressly exempted under 15863
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 15864
operate any motorcycle upon a public road or highway or any public 15865
or private property used by the public for purposes of vehicular 15866
travel or parking in this state unless the person has a valid 15867
license as a motorcycle operator that was issued upon application 15868
by the registrar of motor vehicles under Chapter 4507. of the 15869
Revised Code. The license shall be in the form of an endorsement, 15870
as determined by the registrar, upon a driver's or commercial 15871
driver's license, if the person has a valid license to operate a 15872
motor vehicle or commercial motor vehicle, or in the form of a 15873
restricted license as provided in section 4507.14 of the Revised 15874
Code, if the person does not have a valid license to operate a 15875
motor vehicle or commercial motor vehicle. 15876

(B) Whoever violates this section is guilty of operating a 15877
motor vehicle without a valid license and shall be punished as 15878
follows: 15879

(1) If the trier of fact finds that the offender never has 15880
held a valid driver's or commercial driver's license issued by 15881
this state or any other jurisdiction, the offense is a misdemeanor 15882
of the first degree. 15883

(2)(a) Subject to division (B)(2)(b) of this section, if the 15884
offender's driver's or commercial driver's license or permit was 15885
expired at the time of the offense for no more than six months, 15886
the offense is a minor misdemeanor and if the offender's driver's 15887

or commercial driver's license or permit was expired at the time 15888
of the offense for more than six months, the offense is a 15889
misdemeanor of the fourth degree. 15890

(b)(i) If the offender previously was convicted of or pleaded 15891
guilty to one violation of this section or a substantially 15892
equivalent municipal ordinance or township resolution within the 15893
past three years, the offense is a misdemeanor of the third 15894
degree. 15895

(ii) If the offender previously was convicted of or pleaded 15896
guilty to two violations of this section or a substantially 15897
equivalent municipal ordinance or township resolution within the 15898
past three years, the offense is a misdemeanor of the second 15899
degree. 15900

(iii) If the offender previously was convicted of or pleaded 15901
guilty to three or more violations of this section or a 15902
substantially equivalent municipal ordinance or township 15903
resolution within the past three years, the offense is a 15904
misdemeanor of the first degree. 15905

(C) The court shall not impose a license suspension for a 15906
first violation of this section or if more than three years have 15907
passed since the offender's last violation of this section or a 15908
substantially equivalent municipal ordinance or township 15909
resolution. 15910

(D) If the offender was convicted of or pleaded guilty to one 15911
or more violations of this section or a substantially equivalent 15912
municipal ordinance or township resolution within the past three 15913
years, and if the offender's license was expired for more than six 15914
months at the time of the offense, the court shall impose a class 15915
seven suspension of the offender's driver license, commercial 15916
driver's license, temporary instruction permit, probationary 15917
license, or nonresident operating privilege from the range 15918

specified in division (A)(7) of section 4510.02 of the Revised Code. 15919
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Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 15921
apply to a judge or ~~mayer~~ a community court magistrate regarding 15922
the suspension of, or the grant of limited driving privileges 15923
during a suspension of, an offender's driver's or commercial 15924
driver's license or permit or nonresident operating privilege 15925
imposed under division (G) or (H) of section 4511.19 of the 15926
Revised Code, under division (B) or (C) of section 4511.191 of the 15927
Revised Code, or under section 4510.07 of the Revised Code for a 15928
conviction of a violation of a municipal OVI ordinance or township 15929
OVI resolution. 15930

(2) No judge ~~or mayer~~ and no community court magistrate shall 15931
suspend the following portions of the suspension of an offender's 15932
driver's or commercial driver's license or permit or nonresident 15933
operating privilege imposed under division (G) or (H) of section 15934
4511.19 of the Revised Code or under section 4510.07 of the 15935
Revised Code for a conviction of a violation of a municipal OVI 15936
ordinance or township OVI resolution, provided that division 15937
(A)(2) of this section does not limit a court ~~or mayer~~ in 15938
crediting any period of suspension imposed pursuant to division 15939
(B) or (C) of section 4511.191 of the Revised Code against any 15940
time of judicial suspension imposed pursuant to section 4511.19 or 15941
4510.07 of the Revised Code, as described in divisions (B)(2) and 15942
(C)(2) of section 4511.191 of the Revised Code: 15943

(a) The first six months of a suspension imposed under 15944
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 15945
comparable length suspension imposed under section 4510.07 of the 15946
Revised Code; 15947

(b) The first year of a suspension imposed under division 15948
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 15949

comparable length suspension imposed under section 4510.07 of the Revised Code; 15950
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(c) The first three years of a suspension imposed under division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code; 15952
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(d) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code. 15956
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(3) No judge ~~or mayor~~ and no community court magistrate shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a municipal OVI conviction or township OVI conviction if the offender, within the preceding six years, has been convicted of or pleaded guilty to three or more violations of one or more of the Revised Code sections, municipal ordinances, township resolutions, statutes of the United States or another state, or municipal ordinances of a municipal corporation or township resolutions of a township of another state that are identified in divisions ~~(G)(2)(b) to (h)(A)(1) to (7)~~ of section ~~2919.22~~ 4511.181 of the Revised Code. 15960
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Additionally, no judge ~~or mayor~~ and no community court magistrate shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (B) of section 4511.191 of the Revised Code if the offender, within the preceding six years, has refused three previous requests to consent to a chemical test of the person's whole 15975
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blood, blood serum or plasma, breath, or urine to determine its 15982
alcohol content. 15983

(4) No judge ~~or mayor~~ and no community court magistrate shall 15984
grant limited driving privileges for employment as a driver of 15985
commercial motor vehicles to an offender whose driver's or 15986
commercial driver's license or permit or nonresident operating 15987
privilege has been suspended under division (G) or (H) of section 15988
4511.19 of the Revised Code, under division (B) or (C) of section 15989
4511.191 of the Revised Code, or under section 4510.07 of the 15990
Revised Code for a municipal OVI conviction if the offender is 15991
disqualified from operating a commercial motor vehicle, or whose 15992
license or permit has been suspended, under section 3123.58 or 15993
4506.16 of the Revised Code. 15994

(5) No judge ~~or mayor~~ and no community court magistrate shall 15995
grant limited driving privileges to an offender whose driver's or 15996
commercial driver's license or permit or nonresident operating 15997
privilege has been suspended under division (G) or (H) of section 15998
4511.19 of the Revised Code, under division (C) of section 15999
4511.191 of the Revised Code, or under section 4510.07 of the 16000
Revised Code for a conviction of a violation of a municipal OVI 16001
ordinance or township OVI resolution during any of the following 16002
periods of time: 16003

(a) The first fifteen days of a suspension imposed under 16004
division (G)(1)(a) of section 4511.19 of the Revised Code or a 16005
comparable length suspension imposed under section 4510.07 of the 16006
Revised Code, or of a suspension imposed under division (C)(1)(a) 16007
of section 4511.191 of the Revised Code. On or after the sixteenth 16008
day of the suspension, the court may grant limited driving 16009
privileges, but the court may require that the offender shall not 16010
exercise the privileges unless the vehicles the offender operates 16011
are equipped with immobilizing or disabling devices that monitor 16012
the offender's alcohol consumption or any other type of 16013

immobilizing or disabling devices, except as provided in division 16014
(C) of section 4510.43 of the Revised Code. 16015

(b) The first thirty days of a suspension imposed under 16016
division (G)(1)(b) of section 4511.19 of the Revised Code or a 16017
comparable length suspension imposed under section 4510.07 of the 16018
Revised Code, or of a suspension imposed under division (C)(1)(b) 16019
of section 4511.191 of the Revised Code. On or after the 16020
thirty-first day of suspension, the court may grant limited 16021
driving privileges, but the court may require that the offender 16022
shall not exercise the privileges unless the vehicles the offender 16023
operates are equipped with immobilizing or disabling devices that 16024
monitor the offender's alcohol consumption or any other type of 16025
immobilizing or disabling devices, except as provided in division 16026
(C) of section 4510.43 of the Revised Code. 16027

(c) The first sixty days of a suspension imposed under 16028
division (H) of section 4511.19 of the Revised Code or a 16029
comparable length suspension imposed under section 4510.07 of the 16030
Revised Code. 16031

(d) The first one hundred eighty days of a suspension imposed 16032
under division (G)(1)(c) of section 4511.19 of the Revised Code or 16033
a comparable length suspension imposed under section 4510.07 of 16034
the Revised Code, or of a suspension imposed under division 16035
(C)(1)(c) of section 4511.191 of the Revised Code. The judge or 16036
magistrate may grant limited driving privileges on or after the 16037
one hundred eighty-first day of the suspension only if the judge, 16038
at the time of granting the privileges, also issues an order 16039
prohibiting the offender, while exercising the privileges during 16040
the period commencing with the one hundred eighty-first day of 16041
suspension and ending with the first year of suspension, from 16042
operating any motor vehicle unless it is equipped with an 16043
immobilizing or disabling device that monitors the offender's 16044
alcohol consumption. After the first year of the suspension, the 16045

court may authorize the offender to continue exercising the 16046
privileges in vehicles that are not equipped with immobilizing or 16047
disabling devices that monitor the offender's alcohol consumption, 16048
except as provided in division (C) of section 4510.43 of the 16049
Revised Code. If the offender does not petition for limited 16050
driving privileges until after the first year of suspension, the 16051
judge or magistrate may grant limited driving privileges without 16052
requiring the use of an immobilizing or disabling device that 16053
monitors the offender's alcohol consumption. 16054

(e) The first three years of a suspension imposed under 16055
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 16056
or a comparable length suspension imposed under section 4510.07 of 16057
the Revised Code, or of a suspension imposed under division 16058
(C)(1)(d) of section 4511.191 of the Revised Code. The judge or 16059
magistrate may grant limited driving privileges after the first 16060
three years of suspension only if the judge or magistrate, at the 16061
time of granting the privileges, also issues an order prohibiting 16062
the offender from operating any motor vehicle, for the period of 16063
suspension following the first three years of suspension, unless 16064
the motor vehicle is equipped with an immobilizing or disabling 16065
device that monitors the offender's alcohol consumption, except as 16066
provided in division (C) of section 4510.43 of the Revised Code. 16067

(6) No judge ~~or mayor~~ and no community court magistrate shall 16068
grant limited driving privileges to an offender whose driver's or 16069
commercial driver's license or permit or nonresident operating 16070
privilege has been suspended under division (B) of section 16071
4511.191 of the Revised Code during any of the following periods 16072
of time: 16073

(a) The first thirty days of suspension imposed under 16074
division (B)(1)(a) of section 4511.191 of the Revised Code; 16075

(b) The first ninety days of suspension imposed under 16076
division (B)(1)(b) of section 4511.191 of the Revised Code; 16077

(c) The first year of suspension imposed under division 16078
(B)(1)(c) of section 4511.191 of the Revised Code; 16079

(d) The first three years of suspension imposed under 16080
division (B)(1)(d) of section 4511.191 of the Revised Code. 16081

(7) In any case in which a judge or ~~mayor~~ a community court 16082
magistrate grants limited driving privileges to an offender whose 16083
driver's or commercial driver's license or permit or nonresident 16084
operating privilege has been suspended under division (G)(1)(b), 16085
(c), (d), or (e) of section 4511.19 of the Revised Code, under 16086
division (G)(1)(a) of section 4511.19 of the Revised Code for a 16087
violation of division (A)(1)(f), (g), (h), or (i) of that section, 16088
or under section 4510.07 of the Revised Code for a municipal OVI 16089
conviction for which sentence would have been imposed under 16090
division (G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 16091
4511.19 of the Revised Code had the offender been charged with and 16092
convicted of a violation of section 4511.19 of the Revised Code 16093
instead of a violation of the municipal OVI ordinance or township 16094
OVI resolution, the judge or ~~mayor~~ magistrate shall impose as a 16095
condition of the privileges that the offender must display on the 16096
vehicle that is driven subject to the privileges restricted 16097
license plates that are issued under section 4503.231 of the 16098
Revised Code, except as provided in division (B) of that section. 16099

(B) Any person whose driver's or commercial driver's license 16100
or permit or nonresident operating privilege has been suspended 16101
pursuant to section 4511.19 or 4511.191 of the Revised Code or 16102
under section 4510.07 of the Revised Code for a violation of a 16103
municipal OVI ordinance or township OVI resolution may file a 16104
petition for limited driving privileges during the suspension. The 16105
person shall file the petition in the court that has jurisdiction 16106
over the place of arrest. Subject to division (A) of this section, 16107
the court may grant the person limited driving privileges during 16108
the period during which the suspension otherwise would be imposed. 16109

However, the court shall not grant the privileges for employment 16110
as a driver of a commercial motor vehicle to any person who is 16111
disqualified from operating a commercial motor vehicle under 16112
section 4506.16 of the Revised Code or during any of the periods 16113
prescribed by division (A) of this section. 16114

(C)(1) After a driver's or commercial driver's license or 16115
permit or nonresident operating privilege has been suspended 16116
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 16117
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 16118
of the Revised Code, any provision of Chapter 2925. of the Revised 16119
Code, or section 4510.07 of the Revised Code for a violation of a 16120
municipal OVI ordinance or township OVI resolution, the judge of 16121
the court or ~~mayer~~ magistrate of the ~~mayer's~~ community court that 16122
suspended the license, permit, or privilege shall cause the 16123
offender to deliver to the court the license or permit. The judge, 16124
~~mayer~~ magistrate, or clerk of the court ~~or mayer's court~~ shall 16125
forward to the registrar the license or permit together with 16126
notice of the action of the court. 16127

(2) A suspension of a commercial driver's license under any 16128
section or chapter identified in division (C)(1) of this section 16129
shall be concurrent with any period of suspension or 16130
disqualification under section 3123.58 or 4506.16 of the Revised 16131
Code. No person who is disqualified for life from holding a 16132
commercial driver's license under section 4506.16 of the Revised 16133
Code shall be issued a driver's license under this chapter during 16134
the period for which the commercial driver's license was suspended 16135
under this section, and no person whose commercial driver's 16136
license is suspended under any section or chapter identified in 16137
division (C)(1) of this section shall be issued a driver's license 16138
under Chapter 4507. of the Revised Code during the period of the 16139
suspension. 16140

(3) No judge ~~or mayer~~ and no community court magistrate shall 16141

suspend any class one suspension, or any portion of any class one suspension, imposed under section 2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No judge or mayor shall suspend the first thirty days of any class two, class three, class four, class five, or class six suspension imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2929.02 of the Revised Code.

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

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

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

An order issued under section 4510.43 of the Revised Code

does not authorize or permit the offender to whom it has been 16174
issued to operate a vehicle during any time that the offender's 16175
driver's or commercial driver's license or permit is suspended 16176
under any other provision of law. 16177

(2) An offender may present an immobilizing or disabling 16178
device order to the registrar or to a deputy registrar. Upon 16179
presentation of the order to the registrar or a deputy registrar, 16180
the registrar or deputy registrar shall issue the offender a 16181
restricted license. A restricted license issued under this 16182
division shall be identical to an Ohio driver's license, except 16183
that it shall have printed on its face a statement that the 16184
offender is prohibited during the period specified in the court 16185
order from operating any motor vehicle that is not equipped with 16186
an immobilizing or disabling device. The date of commencement and 16187
the date of termination of the period of suspension shall be 16188
indicated conspicuously upon the face of the license. 16189

Sec. 4510.14. (A) No person whose driver's or commercial 16190
driver's license or permit or nonresident operating privilege has 16191
been suspended under section 4511.19, 4511.191, or 4511.196 of the 16192
Revised Code or under section 4510.07 of the Revised Code for a 16193
conviction of a violation of a municipal OVI ordinance or township 16194
OVI resolution shall operate any motor vehicle upon the public 16195
roads or highways within this state during the period of the 16196
suspension. 16197

(B) Whoever violates this section is guilty of driving under 16198
OVI suspension. The court shall sentence the offender under 16199
Chapter 2929. of the Revised Code, subject to the differences 16200
authorized or required by this section. 16201

(1) Except as otherwise provided in division (B)(2) or (3) of 16202
this section, driving under OVI suspension is a misdemeanor of the 16203
first degree. The court shall sentence the offender to all of the 16204

following: 16205

(a) A mandatory jail term of three consecutive days. The 16206
three-day term shall be imposed, unless, subject to division (C) 16207
of this section, the court instead imposes a sentence of not less 16208
than thirty consecutive days of house arrest with electronic 16209
monitoring. A period of house arrest with electronic monitoring 16210
imposed under this division shall not exceed six months. If the 16211
court imposes a mandatory three-day jail term under this division, 16212
the court may impose a jail term in addition to that term, 16213
provided that in no case shall the cumulative jail term imposed 16214
for the offense exceed six months. 16215

(b) A fine of not less than two hundred fifty and not more 16216
than one thousand dollars; 16217

(c) A license suspension under division (E) of this section; 16218

(d) If the vehicle the offender was operating at the time of 16219
the offense is registered in the offender's name, immobilization 16220
for thirty days of the offender's vehicle and impoundment for 16221
thirty days of the identification license plates of that vehicle. 16222
The order for immobilization and impoundment shall be issued and 16223
enforced in accordance with section 4503.233 of the Revised Code. 16224

(2) If, within six years of the offense, the offender 16225
previously has been convicted of or pleaded guilty to one 16226
violation of this section or one equivalent offense, driving under 16227
OVI suspension is a misdemeanor of the first degree. The court 16228
shall sentence the offender to all of the following: 16229

(a) A mandatory jail term of ten consecutive days. 16230
Notwithstanding the jail terms provided in sections 2929.21 to 16231
2929.28 of the Revised Code, the court may sentence the offender 16232
to a longer jail term of not more than one year. The ten-day 16233
mandatory jail term shall be imposed unless, subject to division 16234
(C) of this section, the court instead imposes a sentence of not 16235

less than ninety consecutive days of house arrest with electronic 16236
monitoring. The period of house arrest with electronic monitoring 16237
shall not exceed one year. 16238

(b) Notwithstanding the fines provided for in Chapter 2929. 16239
of the Revised Code, a fine of not less than five hundred and not 16240
more than two thousand five hundred dollars; 16241

(c) A license suspension under division (E) of this section; 16242

(d) If the vehicle the offender was operating at the time of 16243
the offense is registered in the offender's name, immobilization 16244
of the offender's vehicle for sixty days and the impoundment for 16245
sixty days of the identification license plates of that vehicle. 16246
The order for immobilization and impoundment shall be issued and 16247
enforced in accordance with section 4503.233 of the Revised Code. 16248

(3) If, within six years of the offense, the offender 16249
previously has been convicted of or pleaded guilty to two or more 16250
violations of this section or two or more equivalent offenses, 16251
driving under OVI suspension is a misdemeanor. The court shall 16252
sentence the offender to all of the following: 16253

(a) A mandatory jail term of thirty consecutive days. 16254
Notwithstanding the jail terms provided in sections 2929.21 to 16255
2929.28 of the Revised Code, the court may sentence the offender 16256
to a longer jail term of not more than one year. The court shall 16257
not sentence the offender to a term of house arrest with 16258
electronic monitoring in lieu of the mandatory portion of the jail 16259
term. 16260

(b) Notwithstanding the fines set forth in Chapter 2929. of 16261
the Revised Code, a fine of not less than five hundred and not 16262
more than two thousand five hundred dollars; 16263

(c) A license suspension under division (E) of this section; 16264

(d) If the vehicle the offender was operating at the time of 16265

the offense is registered in the offender's name, criminal 16266
forfeiture to the state of the offender's vehicle. The order of 16267
criminal forfeiture shall be issued and enforced in accordance 16268
with section 4503.234 of the Revised Code. If title to a motor 16269
vehicle that is subject to an order for criminal forfeiture under 16270
this division is assigned or transferred and division (B)(2) or 16271
(3) of section 4503.234 of the Revised Code applies, the court may 16272
fine the offender the value of the vehicle as determined by 16273
publications of the national auto dealer's association. The 16274
proceeds from any fine so imposed shall be distributed in 16275
accordance with division (C)(2) of section 4503.234 of the Revised 16276
Code. 16277

(C) No court shall impose an alternative sentence of house 16278
arrest with electronic monitoring under division (B)(1) or (2) of 16279
this section unless, within sixty days of the date of sentencing, 16280
the court issues a written finding on the record that, due to the 16281
unavailability of space at the jail where the offender is required 16282
to serve the jail term imposed, the offender will not be able to 16283
begin serving that term within the sixty-day period following the 16284
date of sentencing. 16285

An offender sentenced under this section to a period of house 16286
arrest with electronic monitoring shall be permitted work release 16287
during that period. 16288

(D) Fifty per cent of any fine imposed by a court under 16289
division (B)(1), (2), or (3) of this section shall be deposited 16290
into the county indigent drivers alcohol treatment fund or 16291
municipal indigent drivers alcohol treatment fund under the 16292
control of that court, as created by the county or municipal 16293
corporation pursuant to division (H) of section 4511.191 of the 16294
Revised Code. 16295

(E) In addition to or independent of all other penalties 16296
provided by law ~~or~~, ordinance, or resolution, the trial judge of 16297

any court ~~of record~~ or the ~~mayer~~ magistrate of a ~~mayer's~~ community 16298
court shall impose on an offender who is convicted of or pleads 16299
guilty to a violation of this section a class seven suspension of 16300
the offender's driver's or commercial driver's license or permit 16301
or nonresident operating privilege from the range specified in 16302
division (A)(7) of section 4510.02 of the Revised Code. 16303

When permitted as specified in section 4510.021 of the 16304
Revised Code, if the court grants limited driving privileges 16305
during a suspension imposed under this section, the privileges 16306
shall be granted on the additional condition that the offender 16307
must display restricted license plates, issued under section 16308
4503.231 of the Revised Code, on the vehicle driven subject to the 16309
privileges, except as provided in division (B) of that section. 16310

A suspension of a commercial driver's license under this 16311
section shall be concurrent with any period of suspension or 16312
disqualification under section 3123.58 or 4506.16 of the Revised 16313
Code. No person who is disqualified for life from holding a 16314
commercial driver's license under section 4506.16 of the Revised 16315
Code shall be issued a driver's license under Chapter 4507. of the 16316
Revised Code during the period for which the commercial driver's 16317
license was suspended under this section, and no person whose 16318
commercial driver's license is suspended under this section shall 16319
be issued a driver's license under Chapter 4507. of the Revised 16320
Code during the period of the suspension. 16321

(F) As used in this section: 16322

(1) "Electronic monitoring" has the same meaning as in 16323
section 2929.01 of the Revised Code. 16324

(2) "Equivalent offense" means any of the following: 16325

(a) A violation of a municipal ordinance, township 16326
resolution, law of another state, or law of the United States that 16327
is substantially equivalent to division (A) of this section; 16328

(b) A violation of a former law of this state that was 16329
substantially equivalent to division (A) of this section. 16330

(3) "Jail" has the same meaning as in section 2929.01 of the 16331
Revised Code. 16332

(4) "Mandatory jail term" means the mandatory term in jail of 16333
three, ten, or thirty consecutive days that must be imposed under 16334
division (B)(1), (2), or (3) of this section upon an offender 16335
convicted of a violation of division (A) of this section and in 16336
relation to which all of the following apply: 16337

(a) Except as specifically authorized under this section, the 16338
term must be served in a jail. 16339

(b) Except as specifically authorized under this section, the 16340
term cannot be suspended, reduced, or otherwise modified pursuant 16341
to any provision of the Revised Code. 16342

Sec. 4510.15. Whenever a person is found guilty under the 16343
laws of this state, or under any ordinance or resolution of any 16344
political subdivision of this state, of operating a motor vehicle 16345
in violation of any such law ~~or~~ ordinance or resolution relating 16346
to reckless operation, the trial court of any court of record, in 16347
addition to or independent of all other penalties provided by law, 16348
may impose a class five suspension of the offender's driver's or 16349
commercial driver's license or permit or nonresident operating 16350
privilege from the range specified in division (A)(5) of section 16351
4510.02 of the Revised Code. 16352

Suspension of a commercial driver's license under this 16353
section shall be concurrent with any period of suspension 16354
disqualification under section 3123.58 or 4506.16 of the Revised 16355
Code. No person who is disqualified for life from holding a 16356
commercial driver's license under section 4506.16 of the Revised 16357
Code shall be issued a driver's license under Chapter 4507. of the 16358

Revised Code during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

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

upon the offender, may order the immobilization for no more than 16390
thirty days of the vehicle involved in the offense and the 16391
impoundment for no more than thirty days of the license plates of 16392
that vehicle. 16393

(3) If the vehicle is registered in the offender's name and 16394
if, within five years of the offense, the offender has been 16395
convicted of or pleaded guilty to one violation of this section or 16396
a substantially similar municipal ordinance or township 16397
resolution, the court, in addition to or independent of any other 16398
sentence that it imposes on the offender, shall order the 16399
immobilization for sixty days of the vehicle involved in the 16400
offense and impoundment for sixty days of the license plates of 16401
that vehicle. 16402

If the vehicle is registered in the offender's name and if, 16403
within five years of the offense, the offender has been convicted 16404
of or pleaded guilty to two or more violations of this section or 16405
a substantially similar municipal ordinance or township 16406
resolution, the court, in addition to or independent of any other 16407
sentence that it imposes upon the offender, shall order the 16408
criminal forfeiture to the state of the vehicle involved in the 16409
offense. If title to a motor vehicle that is subject to an order 16410
for criminal forfeiture under this division is assigned or 16411
transferred and division (B)(2) or (3) of section 4503.234 of the 16412
Revised Code applies, in addition to or independent of any other 16413
penalty established by law, the court may fine the offender the 16414
value of the vehicle as determined by publications of the national 16415
auto dealers association. The proceeds from any fine so imposed 16416
shall be distributed in accordance with division (C)(2) of that 16417
section. 16418

(C) Any order for immobilization and impoundment under this 16419
section shall be issued and enforced in accordance with sections 16420
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 16421

of criminal forfeiture shall be issued and enforced in accordance 16422
with section 4503.234 of the Revised Code. The court shall not 16423
release a vehicle from immobilization orders under this section 16424
unless the court is presented with current proof of financial 16425
responsibility with respect to that vehicle. 16426

Sec. 4510.161. (A) The requirements and sanctions imposed by 16427
divisions (B) and (C) of this section are an adjunct to and derive 16428
from the state's exclusive authority over the registration and 16429
titling of motor vehicles and do not comprise a part of the 16430
criminal sentence to be imposed upon a person who violates a 16431
municipal ordinance or township resolution that is substantially 16432
equivalent to section 4510.14 or to division (A) of section 16433
4510.16 of the Revised Code. 16434

(B)(1) If a person is convicted of or pleads guilty to a 16435
violation of a municipal ordinance or township resolution that is 16436
substantially equivalent to division (A) of section 4510.16 of the 16437
Revised Code, if the vehicle the offender was operating at the 16438
time of the offense is registered in the offender's name, and if 16439
division (B)(2) of this section does not apply, the court, in 16440
addition to or independent of any sentence that it imposes upon 16441
the offender for the offense, may order the immobilization for not 16442
more than thirty days of the vehicle the offender was operating at 16443
the time of the offense and the impoundment for not more than 16444
thirty days of the identification license plates of that vehicle. 16445

(2) If a person is convicted of or pleads guilty to a 16446
violation of a municipal ordinance or township resolution that is 16447
substantially equivalent to division (A) of section 4510.16 of the 16448
Revised Code and if, within five years of the current offense, the 16449
offender has been convicted of or pleaded guilty to one or more 16450
violations of division (A) of section 4510.16 or former division 16451
(B)(1) of section 4507.02 of the Revised Code or a municipal 16452

ordinance or township resolution that is substantially equivalent 16453
to either division, the court, in addition to or independent of 16454
any sentence that it imposes upon the offender for the offense, 16455
shall do whichever of the following is applicable: 16456

(a) If, within five years of the current offense, the 16457
offender has been convicted of or pleaded guilty to one such 16458
violation, the court shall order the immobilization for sixty days 16459
of the vehicle the offender was operating at the time of the 16460
offense and the impoundment for sixty days of the identification 16461
license plates of that vehicle. 16462

(b) If, within five years of the current offense, the 16463
offender has been convicted of or pleaded guilty to two or more 16464
such violations, the court shall order the criminal forfeiture to 16465
the state of the vehicle the offender was operating at the time of 16466
the offense. 16467

(C) If a person is convicted of or pleads guilty to a 16468
violation of a municipal ordinance or township resolution that is 16469
substantially equivalent to section 4510.14 of the Revised Code, 16470
the court, in addition to and independent of any sentence that it 16471
imposes upon the offender for the offense, if the vehicle the 16472
offender was operating at the time of the offense is registered in 16473
the offender's name, shall do whichever of the following is 16474
applicable: 16475

(1) If, within five years of the current offense, the 16476
offender has not been convicted of or pleaded guilty to a 16477
violation of section 4510.14 or former division (D)(2) of section 16478
4507.02 of the Revised Code or a municipal ordinance or township 16479
resolution that is substantially equivalent to that section or 16480
former division, the court shall order the immobilization for 16481
thirty days of the vehicle the offender was operating at the time 16482
of the offense and the impoundment for thirty days of the 16483
identification license plates of that vehicle. 16484

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

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

(D) An order of criminal forfeiture issued pursuant to this section shall be issued and enforced in accordance with section 4503.234 of the Revised Code. An order for the immobilization and impoundment of a vehicle issued pursuant to this section shall be issued and enforced in accordance with section 4503.233 of the Revised Code.

Sec. 4510.17. (A) The registrar of motor vehicles shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or any federal statute that is substantially

similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 16516
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 16517
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 16518
receipt of a report from a court, court clerk, or other official 16519
of any other state or from any federal authority that a resident 16520
of this state was convicted of or pleaded guilty to an offense 16521
described in this division, the registrar shall send a notice by 16522
regular first class mail to the person, at the person's last known 16523
address as shown in the records of the bureau of motor vehicles, 16524
informing the person of the suspension, that the suspension will 16525
take effect twenty-one days from the date of the notice, and that, 16526
if the person wishes to appeal the suspension or denial, the 16527
person must file a notice of appeal within twenty-one days of the 16528
date of the notice requesting a hearing on the matter. If the 16529
person requests a hearing, the registrar shall hold the hearing 16530
not more than forty days after receipt by the registrar of the 16531
notice of appeal. The filing of a notice of appeal does not stay 16532
the operation of the suspension that must be imposed pursuant to 16533
this division. The scope of the hearing shall be limited to 16534
whether the person actually was convicted of or pleaded guilty to 16535
the offense for which the suspension is to be imposed. 16536

The suspension the registrar is required to impose under this 16537
division shall end either on the last day of the class D 16538
suspension period or of the suspension of the person's nonresident 16539
operating privilege imposed by the state or federal court, 16540
whichever is earlier. 16541

The registrar shall subscribe to or otherwise participate in 16542
any information system or register, or enter into reciprocal and 16543
mutual agreements with other states and federal authorities, in 16544
order to facilitate the exchange of information with other states 16545
and the United States government regarding persons who plead 16546
guilty to or are convicted of offenses described in this division 16547

and therefore are subject to the suspension or denial described in 16548
this division. 16549

(B) The registrar shall impose a class D suspension of the 16550
person's driver's license, commercial driver's license, temporary 16551
instruction permit, probationary license, or nonresident operating 16552
privilege for the period of time specified in division (B)(4) of 16553
section 4510.02 of the Revised Code on any person who is a 16554
resident of this state and is convicted of or pleads guilty to a 16555
violation of a statute of any other state or a municipal ordinance 16556
of a municipal corporation or township resolution or similar local 16557
law of a township or similar political subdivision located in any 16558
other state that is substantially similar to section 4511.19 of 16559
the Revised Code. Upon receipt of a report from another state made 16560
pursuant to section 4510.61 of the Revised Code indicating that a 16561
resident of this state was convicted of or pleaded guilty to an 16562
offense described in this division, the registrar shall send a 16563
notice by regular first class mail to the person, at the person's 16564
last known address as shown in the records of the bureau of motor 16565
vehicles, informing the person of the suspension, that the 16566
suspension or denial will take effect twenty-one days from the 16567
date of the notice, and that, if the person wishes to appeal the 16568
suspension, the person must file a notice of appeal within 16569
twenty-one days of the date of the notice requesting a hearing on 16570
the matter. If the person requests a hearing, the registrar shall 16571
hold the hearing not more than forty days after receipt by the 16572
registrar of the notice of appeal. The filing of a notice of 16573
appeal does not stay the operation of the suspension that must be 16574
imposed pursuant to this division. The scope of the hearing shall 16575
be limited to whether the person actually was convicted of or 16576
pleaded guilty to the offense for which the suspension is to be 16577
imposed. 16578

The suspension the registrar is required to impose under this 16579

division shall end either on the last day of the class D 16580
suspension period or of the suspension of the person's nonresident 16581
operating privilege imposed by the state or federal court, 16582
whichever is earlier. 16583

(C) The registrar shall impose a class D suspension of the 16584
child's driver's license, commercial driver's license, temporary 16585
instruction permit, or nonresident operating privilege for the 16586
period of time specified in division (B)(4) of section 4510.02 of 16587
the Revised Code on any child who is a resident of this state and 16588
is convicted of or pleads guilty to a violation of a statute of 16589
any other state or any federal statute that is substantially 16590
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 16591
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 16592
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 16593
receipt of a report from a court, court clerk, or other official 16594
of any other state or from any federal authority that a child who 16595
is a resident of this state was convicted of or pleaded guilty to 16596
an offense described in this division, the registrar shall send a 16597
notice by regular first class mail to the child, at the child's 16598
last known address as shown in the records of the bureau of motor 16599
vehicles, informing the child of the suspension, that the 16600
suspension or denial will take effect twenty-one days from the 16601
date of the notice, and that, if the child wishes to appeal the 16602
suspension, the child must file a notice of appeal within 16603
twenty-one days of the date of the notice requesting a hearing on 16604
the matter. If the child requests a hearing, the registrar shall 16605
hold the hearing not more than forty days after receipt by the 16606
registrar of the notice of appeal. The filing of a notice of 16607
appeal does not stay the operation of the suspension that must be 16608
imposed pursuant to this division. The scope of the hearing shall 16609
be limited to whether the child actually was convicted of or 16610
pleaded guilty to the offense for which the suspension is to be 16611
imposed. 16612

The suspension the registrar is required to impose under this 16613
division shall end either on the last day of the class D 16614
suspension period or of the suspension of the child's nonresident 16615
operating privilege imposed by the state or federal court, 16616
whichever is earlier. If the child is a resident of this state who 16617
is sixteen years of age or older and does not have a current, 16618
valid Ohio driver's or commercial driver's license or permit, the 16619
notice shall inform the child that the child will be denied 16620
issuance of a driver's or commercial driver's license or permit 16621
for six months beginning on the date of the notice. If the child 16622
has not attained the age of sixteen years on the date of the 16623
notice, the notice shall inform the child that the period of 16624
denial of six months shall commence on the date the child attains 16625
the age of sixteen years. 16626

The registrar shall subscribe to or otherwise participate in 16627
any information system or register, or enter into reciprocal and 16628
mutual agreements with other states and federal authorities, in 16629
order to facilitate the exchange of information with other states 16630
and the United States government regarding children who are 16631
residents of this state and plead guilty to or are convicted of 16632
offenses described in this division and therefore are subject to 16633
the suspension or denial described in this division. 16634

(D) The registrar shall impose a class D suspension of the 16635
child's driver's license, commercial driver's license, temporary 16636
instruction permit, probationary license, or nonresident operating 16637
privilege for the period of time specified in division (B)(4) of 16638
section 4510.02 of the Revised Code on any child who is a resident 16639
of this state and is convicted of or pleads guilty to a violation 16640
of a statute of any other state or a municipal ordinance of a 16641
municipal corporation or township resolution or similar local law 16642
of a township or similar political subdivision located in any 16643
other state that is substantially similar to section 4511.19 of 16644

the Revised Code. Upon receipt of a report from another state made 16645
pursuant to section 4510.61 of the Revised Code indicating that a 16646
child who is a resident of this state was convicted of or pleaded 16647
guilty to an offense described in this division, the registrar 16648
shall send a notice by regular first class mail to the child, at 16649
the child's last known address as shown in the records of the 16650
bureau of motor vehicles, informing the child of the suspension, 16651
that the suspension will take effect twenty-one days from the date 16652
of the notice, and that, if the child wishes to appeal the 16653
suspension, the child must file a notice of appeal within 16654
twenty-one days of the date of the notice requesting a hearing on 16655
the matter. If the child requests a hearing, the registrar shall 16656
hold the hearing not more than forty days after receipt by the 16657
registrar of the notice of appeal. The filing of a notice of 16658
appeal does not stay the operation of the suspension that must be 16659
imposed pursuant to this division. The scope of the hearing shall 16660
be limited to whether the child actually was convicted of or 16661
pleaded guilty to the offense for which the suspension is to be 16662
imposed. 16663

The suspension the registrar is required to impose under this 16664
division shall end either on the last day of the class D 16665
suspension period or of the suspension of the child's nonresident 16666
operating privilege imposed by the state or federal court, 16667
whichever is earlier. If the child is a resident of this state who 16668
is sixteen years of age or older and does not have a current, 16669
valid Ohio driver's or commercial driver's license or permit, the 16670
notice shall inform the child that the child will be denied 16671
issuance of a driver's or commercial driver's license or permit 16672
for six months beginning on the date of the notice. If the child 16673
has not attained the age of sixteen years on the date of the 16674
notice, the notice shall inform the child that the period of 16675
denial of six months shall commence on the date the child attains 16676
the age of sixteen years. 16677

(E) Any person whose license or permit has been suspended 16678
pursuant to this section may file a petition in the municipal or 16679
county court, or in case the person is under eighteen years of 16680
age, the juvenile court, in whose jurisdiction the person resides, 16681
agreeing to pay the cost of the proceedings and alleging that the 16682
suspension would seriously affect the person's ability to continue 16683
the person's employment. Upon satisfactory proof that there is 16684
reasonable cause to believe that the suspension would seriously 16685
affect the person's ability to continue the person's employment, 16686
the judge may grant the person limited driving privileges during 16687
the period during which the suspension otherwise would be imposed, 16688
except that the judge shall not grant limited driving privileges 16689
for employment as a driver of a commercial motor vehicle to any 16690
person who would be disqualified from operating a commercial motor 16691
vehicle under section 4506.16 of the Revised Code if the violation 16692
had occurred in this state, or during any of the following periods 16693
of time: 16694

(1) The first fifteen days of a suspension under division (B) 16695
or (D) of this section, if the person has not been convicted 16696
within six years of the date of the offense giving rise to the 16697
suspension under this section of a violation of any of the 16698
following: 16699

(a) Section 4511.19 of the Revised Code, or a municipal 16700
ordinance relating to operating a vehicle while under the 16701
influence of alcohol, a drug of abuse, or alcohol and a drug of 16702
abuse; 16703

(b) A municipal ordinance relating to operating a motor 16704
vehicle with a prohibited concentration of alcohol, a controlled 16705
substance, or a metabolite of a controlled substance in the whole 16706
blood, blood serum or plasma, breath, or urine; 16707

(c) Section 2903.04 of the Revised Code in a case in which 16708
the person was subject to the sanctions described in division (D) 16709

of that section; 16710

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 16711
section 2903.08 of the Revised Code or a municipal ordinance or 16712
township resolution that is substantially similar to either of 16713
those divisions; 16714

(e) Division (A)(2), (3), or (4) of section 2903.06, division 16715
(A)(2) of section 2903.08, or as it existed prior to March 23, 16716
2000, section 2903.07 of the Revised Code, or a municipal 16717
ordinance or township resolution that is substantially similar to 16718
any of those divisions or that former section, in a case in which 16719
the jury or judge found that the person was under the influence of 16720
alcohol, a drug of abuse, or alcohol and a drug of abuse. 16721

(2) The first thirty days of a suspension under division (B) 16722
or (D) of this section, if the person has been convicted one time 16723
within six years of the date of the offense giving rise to the 16724
suspension under this section of any violation identified in 16725
division (E)(1) of this section. 16726

(3) The first one hundred eighty days of a suspension under 16727
division (B) or (D) of this section, if the person has been 16728
convicted two times within six years of the date of the offense 16729
giving rise to the suspension under this section of any violation 16730
identified in division (E)(1) of this section. 16731

(4) No limited driving privileges may be granted if the 16732
person has been convicted three or more times within five years of 16733
the date of the offense giving rise to a suspension under division 16734
(B) or (D) of this section of any violation identified in division 16735
(E)(1) of this section. 16736

If a person petitions for limited driving privileges under 16737
division (E) of this section, the registrar shall be represented 16738
by the county prosecutor of the county in which the person resides 16739
if the petition is filed in a juvenile court or county court, 16740

except that if the person resides within a city or village that is 16741
located within the jurisdiction of the county in which the 16742
petition is filed, the city director of law or village solicitor 16743
of that city or village shall represent the registrar. If the 16744
petition is filed in a municipal court, the registrar shall be 16745
represented as provided in section 1901.34 of the Revised Code. 16746

In granting limited driving privileges under division (E) of 16747
this section, the court may impose any condition it considers 16748
reasonable and necessary to limit the use of a vehicle by the 16749
person. The court shall deliver to the person a permit card, in a 16750
form to be prescribed by the court, setting forth the time, place, 16751
and other conditions limiting the person's use of a motor vehicle. 16752
The grant of limited driving privileges shall be conditioned upon 16753
the person's having the permit in the person's possession at all 16754
times during which the person is operating a vehicle. 16755

A person granted limited driving privileges who operates a 16756
vehicle for other than limited purposes, in violation of any 16757
condition imposed by the court or without having the permit in the 16758
person's possession, is guilty of a violation of section 4510.11 16759
of the Revised Code. 16760

(F) As used in divisions (C) and (D) of this section: 16761

(1) "Child" means a person who is under the age of eighteen 16762
years, except that any person who violates a statute or ordinance 16763
described in division (C) or (D) of this section prior to 16764
attaining eighteen years of age shall be deemed a "child" 16765
irrespective of the person's age at the time the complaint or 16766
other equivalent document is filed in the other state or a 16767
hearing, trial, or other proceeding is held in the other state on 16768
the complaint or other equivalent document, and irrespective of 16769
the person's age when the period of license suspension or denial 16770
prescribed in division (C) or (D) of this section is imposed. 16771

(2) "Is convicted of or pleads guilty to" means, as it 16772
relates to a child who is a resident of this state, that in a 16773
proceeding conducted in a state or federal court located in 16774
another state for a violation of a statute or ordinance described 16775
in division (C) or (D) of this section, the result of the 16776
proceeding is any of the following: 16777

(a) Under the laws that govern the proceedings of the court, 16778
the child is adjudicated to be or admits to being a delinquent 16779
child or a juvenile traffic offender for a violation described in 16780
division (C) or (D) of this section that would be a crime if 16781
committed by an adult; 16782

(b) Under the laws that govern the proceedings of the court, 16783
the child is convicted of or pleads guilty to a violation 16784
described in division (C) or (D) of this section; 16785

(c) Under the laws that govern the proceedings of the court, 16786
irrespective of the terminology utilized in those laws, the result 16787
of the court's proceedings is the functional equivalent of 16788
division (F)(2)(a) or (b) of this section. 16789

Sec. 4510.22. (A) If a person who has a current valid Ohio 16790
driver's, commercial driver's license, or temporary instruction 16791
permit is charged with a violation of any provision in sections 16792
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 16793
4549.65 of the Revised Code that is classified as a misdemeanor of 16794
the first, second, third, or fourth degree or with a violation of 16795
any substantially equivalent municipal ordinance or township 16796
resolution and if the person either fails to appear in court at 16797
the required time and place to answer the charge or pleads guilty 16798
to or is found guilty of the violation and fails within the time 16799
allowed by the court to pay the fine imposed by the court, the 16800
court shall declare the forfeiture of the person's license. Thirty 16801
days after the declaration of forfeiture, the court shall inform 16802

the registrar of motor vehicles of the forfeiture by entering 16803
information relative to the forfeiture on a form approved and 16804
furnished by the registrar and sending the form to the registrar. 16805
The court also shall forward the person's license, if it is in the 16806
possession of the court, to the registrar. 16807

The registrar shall impose a class F suspension of the 16808
person's driver's or commercial driver's license, or temporary 16809
instruction permit for the period of time specified in division 16810
(B)(6) of section 4510.02 of the Revised Code on any person who is 16811
named in a declaration received by the registrar under this 16812
section. The registrar shall send written notification of the 16813
suspension to the person at the person's last known address and, 16814
if the person is in possession of the license, order the person to 16815
surrender the person's license or permit to the registrar within 16816
forty-eight hours. 16817

No valid driver's or commercial driver's license shall be 16818
granted to the person after the suspension, unless the court 16819
having jurisdiction of the offense that led to the suspension 16820
orders that the forfeiture be terminated. The court shall order 16821
the termination of the forfeiture if the person thereafter appears 16822
to answer the charge and pays any fine imposed by the court or 16823
pays the fine originally imposed by the court. The court shall 16824
inform the registrar of the termination of the forfeiture by 16825
entering information relative to the termination on a form 16826
approved and furnished by the registrar and sending the form to 16827
the registrar. The person shall pay to the bureau of motor 16828
vehicles a fifteen-dollar reinstatement fee to cover the costs of 16829
the bureau in administering this section. The registrar shall 16830
deposit the fee into the state bureau of motor vehicles fund 16831
created by section 4501.25 of the Revised Code. 16832

(B) In addition to suspending the driver's or commercial 16833

driver's license or permit of the person named in a declaration of 16834
forfeiture, the registrar, upon receipt from the court of the copy 16835
of the declaration of forfeiture, shall take any measures that may 16836
be necessary to ensure that neither the registrar nor any deputy 16837
registrar accepts any application for the registration or transfer 16838
of registration of any motor vehicle owned or leased by the person 16839
named in the declaration of forfeiture. However, for a motor 16840
vehicle leased by a person named in a declaration of forfeiture, 16841
the registrar shall not implement the preceding sentence until the 16842
registrar adopts procedures for that implementation under section 16843
4503.39 of the Revised Code. The period of denial of registration 16844
or transfer shall continue until such time as the court having 16845
jurisdiction of the offense that led to the suspension orders the 16846
forfeiture be terminated. Upon receipt by the registrar of an 16847
order terminating the forfeiture, the registrar also shall take 16848
any measures that may be necessary to permit the person to 16849
register a motor vehicle owned or leased by the person or to 16850
transfer the registration of such a motor vehicle, if the person 16851
later makes application to take such action and otherwise is 16852
eligible to register the motor vehicle or to transfer its 16853
registration. 16854

The registrar shall not be required to give effect to any 16855
declaration of forfeiture or order terminating a forfeiture 16856
provided by a court under this section unless the information 16857
contained in the declaration or order is transmitted to the 16858
registrar by means of an electronic transfer system. The registrar 16859
shall not restore the person's driving or vehicle registration 16860
privileges until the person pays the reinstatement fee as provided 16861
in this section. 16862

The period of denial relating to the issuance or transfer of 16863
a certificate of registration for a motor vehicle imposed pursuant 16864
to this division remains in effect until the person pays any fine 16865

imposed by the court relative to the offense. 16866

Sec. 4510.31. (A)(1) Except as provided in division (C) of 16867
this section, the registrar of motor vehicles shall suspend the 16868
probationary driver's license, restricted license, or temporary 16869
instruction permit issued to any person when the person has been 16870
convicted of, pleaded guilty to, or been adjudicated in juvenile 16871
court of having committed, prior to the person's eighteenth 16872
birthday, any of the following: 16873

(a) Three separate violations of section 2903.06, 2903.08, 16874
2921.331, 4511.12, 4511.13, 4511.15, 4511.191, 4511.20, 4511.201, 16875
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 16876
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised 16877
Code, section 4510.14 of the Revised Code involving a suspension 16878
imposed under section 4511.191 or 4511.196 of the Revised Code, 16879
section 2903.04 of the Revised Code in a case in which the person 16880
would have been subject to the sanctions described in division (D) 16881
of that section had the person been convicted of the violation of 16882
that section, former section 2903.07 of the Revised Code, or any 16883
municipal ordinances similarly relating to the offenses referred 16884
to in those sections; 16885

(b) One violation of section 4511.19 of the Revised Code or a 16886
substantially similar municipal ordinance or township resolution; 16887

(c) Two separate violations of any of the Revised Code 16888
sections referred to in division (A)(1)(a) of this section, or any 16889
municipal ordinance or township resolution that is substantially 16890
similar to any of those sections. 16891

(2) Any person whose license or permit is suspended under 16892
division (A)(1)(a), (b), or (c) of this section shall mail or 16893
deliver the person's probationary driver's license, restricted 16894
license, or temporary instruction permit to the registrar within 16895
fourteen days of notification of the suspension. The registrar 16896

shall retain the license or permit during the period of the suspension. A suspension pursuant to division (A)(1)(a) of this section shall be a class C suspension, a suspension pursuant to division (A)(1)(b) of this section shall be a class D suspension, and a suspension pursuant to division (A)(1)(c) of this section shall be a class E suspension, all for the periods of time specified in division (B) of section 4510.02 of the Revised Code. If the person's probationary driver's license, restricted license, or temporary instruction permit is under suspension on the date the court imposes sentence upon the person for a violation described in division (A)(1)(b) of this section, the suspension shall take effect on the next day immediately following the end of that period of suspension. If the person is sixteen years of age or older and pleads guilty to or is convicted of a violation described in division (A)(1)(b) of this section and the person does not have a current, valid probationary driver's license, restricted license, or temporary instruction permit, the registrar shall deny the issuance to the person of a probationary driver's license, restricted license, driver's license, commercial driver's license, or temporary instruction permit, as the case may be, for six months beginning on the date the court imposes sentence upon the person for the violation. If the person has not attained the age of sixteen years on the date the court imposes sentence upon the person for the violation, the period of denial shall commence on the date the person attains the age of sixteen years.

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

(B) The registrar also shall impose a class D suspension for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code of the temporary instruction permit or

probationary driver's license of any person under the age of 16929
eighteen who has been adjudicated an unruly child, delinquent 16930
child, or juvenile traffic offender for having committed any act 16931
that if committed by an adult would be a drug abuse offense or a 16932
violation of division (B) of section 2917.11 of the Revised Code. 16933
The registrar, in the registrar's discretion, may terminate the 16934
suspension if the child, at the discretion of the court, attends 16935
and satisfactorily completes a drug abuse or alcohol abuse 16936
education, intervention, or treatment program specified by the 16937
court. Any person whose temporary instruction permit or 16938
probationary driver's license is suspended under this division 16939
shall mail or deliver the person's permit or license to the 16940
registrar within fourteen days of notification of the suspension. 16941
The registrar shall retain the permit or license during the period 16942
of the suspension. 16943

(C)(1) Except as provided in division (C)(3) of this section, 16944
for any person who is convicted of, pleads guilty to, or is 16945
adjudicated in juvenile court of having committed a second or 16946
third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 16947
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 16948
4511.75 of the Revised Code or any similar municipal ordinances 16949
and whose license or permit is suspended under division (A)(1)(a) 16950
or (c) of this section, the court in which the second or third 16951
conviction, finding, plea, or adjudication resulting in the 16952
suspension was made, upon petition of the person, may grant the 16953
person limited driving privileges during the period during which 16954
the suspension otherwise would be imposed under division (A)(1)(a) 16955
or (c) of this section if the court finds reasonable cause to 16956
believe that the suspension will seriously affect the person's 16957
ability to continue in employment, educational training, 16958
vocational training, or treatment. In granting the limited driving 16959
privileges, the court shall specify the purposes, times, and 16960
places of the privileges and may impose any other conditions upon 16961

the person's driving a motor vehicle that the court considers 16962
reasonable and necessary. 16963

A court that grants limited driving privileges to a person 16964
under this division shall retain the person's probationary 16965
driver's license, restricted license, or temporary instruction 16966
permit during the period the license or permit is suspended and 16967
also during the period for which limited driving privileges are 16968
granted, and shall deliver to the person a permit card, in a form 16969
to be prescribed by the court, setting forth the date on which the 16970
limited driving privileges will become effective, the purposes for 16971
which the person may drive, the times and places at which the 16972
person may drive, and any other conditions imposed upon the 16973
person's use of a motor vehicle. 16974

The court immediately shall notify the registrar, in writing, 16975
of a grant of limited driving privileges under this division. The 16976
notification shall specify the date on which the limited driving 16977
privileges will become effective, the purposes for which the 16978
person may drive, the times and places at which the person may 16979
drive, and any other conditions imposed upon the person's use of a 16980
motor vehicle. The registrar shall not suspend the probationary 16981
driver's license, restricted license, or temporary instruction 16982
permit of any person pursuant to division (A) of this section 16983
during any period for which the person has been granted limited 16984
driving privileges as provided in this division, if the registrar 16985
has received the notification described in this division from the 16986
court. 16987

(2) Except as provided in division (C)(3) of this section, in 16988
any case in which the temporary instruction permit or probationary 16989
driver's license of a person under eighteen years of age has been 16990
suspended under division (A) or (B) of this section or any other 16991
provision of law, the court may grant the person limited driving 16992
privileges for the purpose of the person's practicing of driving 16993

with the person's parent, guardian, or other custodian during the 16994
period of the suspension. Any grant of limited driving privileges 16995
under this division shall comply with division (D) of section 16996
4510.021 of the Revised Code. 16997

(3) A court shall not grant limited driving privileges to a 16998
person identified in division (C)(1) or (2) of this section if the 16999
person, within the preceding six years, has been convicted of, 17000
pleaded guilty to, or adjudicated in juvenile court of having 17001
committed three or more violations of one or more of the divisions 17002
or sections set forth in divisions (G)(2)(b) to (g) of section 17003
2919.22 of the Revised Code. 17004

(D) If a person who has been granted limited driving 17005
privileges under division (C) of this section is convicted of, 17006
pleads guilty to, or is adjudicated in juvenile court of having 17007
committed, a violation of Chapter 4510. of the Revised Code, or a 17008
subsequent violation of any of the sections of the Revised Code 17009
listed in division (A)(1)(a) of this section or any similar 17010
municipal ordinance during the period for which the person was 17011
granted limited driving privileges, the court that granted the 17012
limited driving privileges shall suspend the person's permit card. 17013
The court or the clerk of the court immediately shall forward the 17014
person's probationary driver's license, restricted license, or 17015
temporary instruction permit together with written notification of 17016
the court's action to the registrar. Upon receipt of the license 17017
or permit and notification, the registrar shall impose a class C 17018
suspension of the person's probationary driver's license, 17019
restricted license, or temporary instruction permit for the period 17020
of time specified in division (B)(3) of section 4510.02 of the 17021
Revised Code. The registrar shall retain the license or permit 17022
during the period of suspension, and no further limited driving 17023
privileges shall be granted during that period. 17024

(E) No application for a driver's or commercial driver's 17025

license shall be received from any person whose probationary
driver's license, restricted license, or temporary instruction
permit has been suspended under this section until each of the
following has occurred:

(1) The suspension period has expired;

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

(3) The person successfully completes a juvenile driver
improvement program approved by the registrar under section
4510.311 of the Revised Code;

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

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

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

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

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

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

under division (B) of this section. 17056

(3) "Interested party" includes the owner of a vehicle seized 17057
under this section, all lienholders, the arrested person, the 17058
owner of the place of storage at which a vehicle seized under this 17059
section is stored, and the person or entity that caused the 17060
vehicle to be removed. 17061

(B)(1) If a person is arrested for a violation of section 17062
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 17063
or township resolution that is substantially equivalent to either 17064
of those sections or if a person is arrested for a violation of 17065
section 4510.16 of the Revised Code or a municipal ordinance or 17066
township resolution that is substantially equivalent to that 17067
section and if division (B)(3) of section 4510.16 or division 17068
(B)(2) of section 4510.161 of the Revised Code applies, the 17069
arresting officer or another officer of the law enforcement agency 17070
that employs the arresting officer, in addition to any action that 17071
the arresting officer is required or authorized to take by any 17072
other provision of law, shall seize the vehicle that the person 17073
was operating at the time of, or that was involved in, the alleged 17074
offense if the vehicle is registered in the arrested person's name 17075
and its license plates. A law enforcement agency that employs a 17076
law enforcement officer who makes an arrest of a type that is 17077
described in this division and that involves a rented or leased 17078
vehicle that is being rented or leased for a period of thirty days 17079
or less shall notify, within twenty-four hours after the officer 17080
makes the arrest, the lessor or owner of the vehicle regarding the 17081
circumstances of the arrest and the location at which the vehicle 17082
may be picked up. At the time of the seizure of the vehicle, the 17083
law enforcement officer who made the arrest shall give the 17084
arrested person written notice that the vehicle and its license 17085
plates have been seized; that the vehicle either will be kept by 17086
the officer's law enforcement agency or will be immobilized at 17087

least until the person's initial appearance on the charge of the 17088
offense for which the arrest was made; that, at the initial 17089
appearance, the court in certain circumstances may order that the 17090
vehicle and license plates be released to the arrested person 17091
until the disposition of that charge; that, if the arrested person 17092
is convicted of that charge, the court generally must order the 17093
immobilization of the vehicle and the impoundment of its license 17094
plates or the forfeiture of the vehicle; and that the arrested 17095
person may be charged expenses or charges incurred under this 17096
section and section 4503.233 of the Revised Code for the removal 17097
and storage of the vehicle. 17098

(2) The arresting officer or a law enforcement officer of the 17099
agency that employs the arresting officer shall give written 17100
notice of the seizure under division (B)(1) of this section to the 17101
court that will conduct the initial appearance of the arrested 17102
person on the charges arising out of the arrest. Upon receipt of 17103
the notice, the court promptly shall determine whether the 17104
arrested person is the vehicle owner. If the court determines that 17105
the arrested person is not the vehicle owner, it promptly shall 17106
send by regular mail written notice of the seizure to the 17107
vehicle's registered owner. The written notice shall contain all 17108
of the information required by division (B)(1) of this section to 17109
be in a notice to be given to the arrested person and also shall 17110
specify the date, time, and place of the arrested person's initial 17111
appearance. The notice also shall inform the vehicle owner that if 17112
title to a motor vehicle that is subject to an order for criminal 17113
forfeiture under this section is assigned or transferred and 17114
division (B)(2) or (3) of section 4503.234 of the Revised Code 17115
applies, the court may fine the arrested person the value of the 17116
vehicle. The notice also shall state that if the vehicle is 17117
immobilized under division (A) of section 4503.233 of the Revised 17118
Code, seven days after the end of the period of immobilization a 17119
law enforcement agency will send the vehicle owner a notice, 17120

informing the owner that if the release of the vehicle is not 17121
obtained in accordance with division (D)(3) of section 4503.233 of 17122
the Revised Code, the vehicle shall be forfeited. The notice also 17123
shall inform the vehicle owner that the owner may be charged 17124
expenses or charges incurred under this section and section 17125
4503.233 of the Revised Code for the removal and storage of the 17126
vehicle. 17127

The written notice that is given to the arrested person also 17128
shall state that if the person is convicted of or pleads guilty to 17129
the offense and the court issues an immobilization and impoundment 17130
order relative to that vehicle, division (D)(4) of section 17131
4503.233 of the Revised Code prohibits the vehicle from being sold 17132
during the period of immobilization without the prior approval of 17133
the court. 17134

(3) At or before the initial appearance, the vehicle owner 17135
may file a motion requesting the court to order that the vehicle 17136
and its license plates be released to the vehicle owner. Except as 17137
provided in this division and subject to the payment of expenses 17138
or charges incurred in the removal and storage of the vehicle, the 17139
court, in its discretion, then may issue an order releasing the 17140
vehicle and its license plates to the vehicle owner. Such an order 17141
may be conditioned upon such terms as the court determines 17142
appropriate, including the posting of a bond in an amount 17143
determined by the court. If the arrested person is not the vehicle 17144
owner and if the vehicle owner is not present at the arrested 17145
person's initial appearance, and if the court believes that the 17146
vehicle owner was not provided with adequate notice of the initial 17147
appearance, the court, in its discretion, may allow the vehicle 17148
owner to file a motion within seven days of the initial 17149
appearance. If the court allows the vehicle owner to file such a 17150
motion after the initial appearance, the extension of time granted 17151
by the court does not extend the time within which the initial 17152

appearance is to be conducted. If the court issues an order for 17153
the release of the vehicle and its license plates, a copy of the 17154
order shall be made available to the vehicle owner. If the vehicle 17155
owner presents a copy of the order to the law enforcement agency 17156
that employs the law enforcement officer who arrested the arrested 17157
person, the law enforcement agency promptly shall release the 17158
vehicle and its license plates to the vehicle owner upon payment 17159
by the vehicle owner of any expenses or charges incurred in the 17160
removal or storage of the vehicle. 17161

(4) A vehicle seized under division (B)(1) of this section 17162
either shall be towed to a place specified by the law enforcement 17163
agency that employs the arresting officer to be safely kept by the 17164
agency at that place for the time and in the manner specified in 17165
this section or shall be otherwise immobilized for the time and in 17166
the manner specified in this section. A law enforcement officer of 17167
that agency shall remove the identification license plates of the 17168
vehicle, and they shall be safely kept by the agency for the time 17169
and in the manner specified in this section. No vehicle that is 17170
seized and either towed or immobilized pursuant to this division 17171
shall be considered contraband for purposes of Chapter 2981. of 17172
the Revised Code. The vehicle shall not be immobilized at any 17173
place other than a commercially operated private storage lot, a 17174
place owned by a law enforcement or other government agency, or a 17175
place to which one of the following applies: 17176

(a) The place is leased by or otherwise under the control of 17177
a law enforcement or other government agency. 17178

(b) The place is owned by the arrested person, the arrested 17179
person's spouse, or a parent or child of the arrested person. 17180

(c) The place is owned by a private person or entity, and, 17181
prior to the immobilization, the private entity or person that 17182
owns the place, or the authorized agent of that private entity or 17183
person, has given express written consent for the immobilization 17184

to be carried out at that place. 17185

(d) The place is a public street or highway on which the 17186
vehicle is parked in accordance with the law. 17187

(C)(1) A vehicle seized under division (B)(1) of this section 17188
shall be safely kept at the place to which it is towed or 17189
otherwise moved by the law enforcement agency that employs the 17190
arresting officer until the initial appearance of the arrested 17191
person relative to the charge in question. The license plates of 17192
the vehicle that are removed pursuant to division (B)(1) of this 17193
section shall be safely kept by the law enforcement agency that 17194
employs the arresting officer until at least the initial 17195
appearance of the arrested person relative to the charge in 17196
question. 17197

(2)(a) At the initial appearance or not less than seven days 17198
prior to the date of final disposition, the court shall notify the 17199
arrested person that, if title to a motor vehicle that is subject 17200
to an order for criminal forfeiture under this section is assigned 17201
or transferred and division (B)(2) or (3) of section 4503.234 of 17202
the Revised Code applies, the court may fine the arrested person 17203
the value of the vehicle. If, at the initial appearance, the 17204
arrested person pleads guilty to the violation of section 4510.14, 17205
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 17206
or township resolution that is substantially equivalent to any of 17207
those sections or pleads no contest to and is convicted of the 17208
violation, the following sentencing provisions apply: 17209

(i) If the person violated section 4510.14 or 4511.203 of the 17210
Revised Code or a municipal ordinance or township resolution that 17211
is substantially equivalent to either of those sections, or 17212
violated section 4510.16 of the Revised Code or a municipal 17213
ordinance or township resolution that is substantially equivalent 17214
to that section and division (B)(3) of section 4510.16 or division 17215
(B)(2) of section 4510.161 of the Revised Code applies, the court 17216

shall impose sentence upon the person as provided by law or 17217
ordinance; the court shall order the immobilization of the vehicle 17218
the arrested person was operating at the time of, or that was 17219
involved in, the offense if registered in the arrested person's 17220
name and the impoundment of its license plates under section 17221
4503.233 and section 4510.14, 4510.16, 4510.161, or 4511.203 of 17222
the Revised Code or the criminal forfeiture to the state of the 17223
vehicle if registered in the arrested person's name under section 17224
4503.234 and section 4510.14, 4510.16, 4510.161, or 4511.203 of 17225
the Revised Code, whichever is applicable; and the vehicle and its 17226
license plates shall not be returned or released to the arrested 17227
person. 17228

(ii) If the person violated section 4510.16 of the Revised 17229
Code or a municipal ordinance or township resolution that is 17230
substantially equivalent to that section and division (B)(2) of 17231
section 4510.16 or division (B)(1) of section 4510.161 applies, 17232
the court shall impose sentence upon the person as provided by law 17233
or ordinance and may order the immobilization of the vehicle the 17234
person was operating at the time of, or that was involved in, the 17235
offense if it is registered in the arrested person's name and the 17236
impoundment of its license plates under section 4503.233 and 17237
section 4510.16 or 4510.161 of the Revised Code, and the vehicle 17238
and its license plates shall not be returned or released to the 17239
arrested person. 17240

(b) If, at any time, the charge that the arrested person 17241
violated section 4510.14, 4510.16, or 4511.203 of the Revised 17242
Code, or a municipal ordinance or township resolution that is 17243
substantially equivalent to any of those sections is dismissed for 17244
any reason, the court shall order that the vehicle seized at the 17245
time of the arrest and its license plates immediately be released 17246
to the person. 17247

(D) If a vehicle and its license plates are seized under 17248

division (B)(1) of this section and are not returned or released 17249
to the arrested person pursuant to division (C) of this section, 17250
the vehicle and its license plates shall be retained until the 17251
final disposition of the charge in question. Upon the final 17252
disposition of that charge, the court shall do whichever of the 17253
following is applicable: 17254

(1) If the arrested person is convicted of or pleads guilty 17255
to the violation of section 4510.14 or 4511.203 of the Revised 17256
Code, or a municipal ordinance or township resolution that is 17257
substantially equivalent to either of those sections, or to the 17258
violation of section 4510.16 of the Revised Code or a municipal 17259
ordinance or township resolution that is substantially equivalent 17260
to that section and division (B)(3) of section 4510.16 or division 17261
(B)(2) of section 4510.161 of the Revised Code applies, the court 17262
shall impose sentence upon the person as provided by law or 17263
ordinance and shall order the immobilization of the vehicle the 17264
person was operating at the time of, or that was involved in, the 17265
offense if it is registered in the arrested person's name and the 17266
impoundment of its license plates under section 4503.233 and 17267
section 4510.14, 4510.16, 4510.161, or 4511.203 of the Revised 17268
Code or the criminal forfeiture of the vehicle if it is registered 17269
in the arrested person's name under section 4503.234 and section 17270
4510.14, 4510.16, 4510.161, or 4511.203 of the Revised Code, 17271
whichever is applicable. 17272

(2) If the person violated section 4510.16 of the Revised 17273
Code or a municipal ordinance or township resolution that is 17274
substantially equivalent to that section and division (B)(2) of 17275
section 4510.16 or division (B)(1) of section 4510.161 applies, 17276
the court shall impose sentence upon the person as provided by law 17277
or ordinance and may order the immobilization of the vehicle the 17278
person was operating at the time of, or that was involved in, the 17279
offense if it is registered in the person's name and the 17280

impoundment of its license plates under section 4503.233 and 17281
section 4510.16 or 4510.161 of the Revised Code. 17282

(3) If the arrested person is found not guilty of the 17283
violation of section 4510.14, 4510.16, or 4511.203 of the Revised 17284
Code, or a municipal ordinance or township resolution that is 17285
substantially equivalent to any of those sections, the court shall 17286
order that the vehicle and its license plates immediately be 17287
released to the arrested person. 17288

(4) If the charge that the arrested person violated section 17289
4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal 17290
ordinance or township resolution that is substantially equivalent 17291
to any of those sections is dismissed for any reason, the court 17292
shall order that the vehicle and its license plates immediately be 17293
released to the arrested person. 17294

(5) If the impoundment of the vehicle was not authorized 17295
under this section, the court shall order that the vehicle and its 17296
license plates be returned immediately to the arrested person or, 17297
if the arrested person is not the vehicle owner, to the vehicle 17298
owner and shall order that the state or political subdivision of 17299
the law enforcement agency served by the law enforcement officer 17300
who seized the vehicle pay all expenses and charges incurred in 17301
its removal and storage. 17302

(E) If a vehicle is seized under division (B)(2) of this 17303
section, the time between the seizure of the vehicle and either 17304
its release to the arrested person pursuant to division (C) of 17305
this section or the issuance of an order of immobilization of the 17306
vehicle under section 4503.233 of the Revised Code shall be 17307
credited against the period of immobilization ordered by the 17308
court. 17309

(F)(1) Except as provided in division (D)(4) of this section, 17310
the arrested person may be charged expenses or charges incurred in 17311

the removal and storage of the immobilized vehicle. The court with 17312
jurisdiction over the case, after notice to all interested 17313
parties, including lienholders, and after an opportunity for them 17314
to be heard, if the court finds that the arrested person does not 17315
intend to seek release of the vehicle at the end of the period of 17316
immobilization under section 4503.233 of the Revised Code or that 17317
the arrested person is not or will not be able to pay the expenses 17318
and charges incurred in its removal and storage, may order that 17319
title to the vehicle be transferred, in order of priority, first 17320
into the name of the person or entity that removed it, next into 17321
the name of a lienholder, or lastly into the name of the owner of 17322
the place of storage. 17323

Any lienholder that receives title under a court order shall 17324
do so on the condition that it pay any expenses or charges 17325
incurred in the vehicle's removal and storage. If the person or 17326
entity that receives title to the vehicle is the person or entity 17327
that removed it, the person or entity shall receive title on the 17328
condition that it pay any lien on the vehicle. The court shall not 17329
order that title be transferred to any person or entity other than 17330
the owner of the place of storage if the person or entity refuses 17331
to receive the title. Any person or entity that receives title 17332
either may keep title to the vehicle or may dispose of the vehicle 17333
in any legal manner that it considers appropriate, including 17334
assignment of the certificate of title to the motor vehicle to a 17335
salvage dealer or a scrap metal processing facility. The person or 17336
entity shall not transfer the vehicle to the person who is the 17337
vehicle's immediate previous owner. 17338

If the person or entity that receives title assigns the motor 17339
vehicle to a salvage dealer or scrap metal processing facility, 17340
the person or entity shall send the assigned certificate of title 17341
to the motor vehicle to the clerk of the court of common pleas of 17342
the county in which the salvage dealer or scrap metal processing 17343

facility is located. The person or entity shall mark the face of 17344
the certificate of title with the words "FOR DESTRUCTION" and 17345
shall deliver a photocopy of the certificate of title to the 17346
salvage dealer or scrap metal processing facility for its records. 17347

(2) Whenever a court issues an order under division (F)(1) of 17348
this section, the court also shall order removal of the license 17349
plates from the vehicle and cause them to be sent to the registrar 17350
if they have not already been sent to the registrar. Thereafter, 17351
no further proceedings shall take place under this section or 17352
under section 4503.233 of the Revised Code. 17353

(3) Prior to initiating a proceeding under division (F)(1) of 17354
this section, and upon payment of the fee under division (B) of 17355
section 4505.14, any interested party may cause a search to be 17356
made of the public records of the bureau of motor vehicles or the 17357
clerk of the court of common pleas, to ascertain the identity of 17358
any lienholder of the vehicle. The initiating party shall furnish 17359
this information to the clerk of the court with jurisdiction over 17360
the case, and the clerk shall provide notice to the arrested 17361
person, any lienholder, and any other interested parties listed by 17362
the initiating party, at the last known address supplied by the 17363
initiating party, by certified mail, or, at the option of the 17364
initiating party, by personal service or ordinary mail. 17365

Sec. 4510.43. (A)(1) The director of public safety, upon 17366
consultation with the director of health and in accordance with 17367
Chapter 119. of the Revised Code, shall certify immobilizing and 17368
disabling devices and shall publish and make available to the 17369
courts, without charge, a list of approved devices together with 17370
information about the manufacturers of the devices and where they 17371
may be obtained. The manufacturer of an immobilizing or disabling 17372
device shall pay the cost of obtaining the certification of the 17373
device to the director of public safety, and the director shall 17374

deposit the payment in the drivers' treatment and intervention 17375
fund established by sections 4511.19 and 4511.191 of the Revised 17376
Code. 17377

(2) The director of public safety, in accordance with Chapter 17378
119. of the Revised Code, shall adopt and publish rules setting 17379
forth the requirements for obtaining the certification of an 17380
immobilizing or disabling device. The director of public safety 17381
shall not certify an immobilizing or disabling device under this 17382
section unless it meets the requirements specified and published 17383
by the director in the rules adopted pursuant to this division. A 17384
certified device may consist of an ignition interlock device, an 17385
ignition blocking device initiated by time or magnetic or 17386
electronic encoding, an activity monitor, or any other device that 17387
reasonably assures compliance with an order granting limited 17388
driving privileges. 17389

The requirements for an immobilizing or disabling device that 17390
is an ignition interlock device shall include provisions for 17391
setting a minimum and maximum calibration range and shall include, 17392
but shall not be limited to, specifications that the device 17393
complies with all of the following: 17394

(a) It does not impede the safe operation of the vehicle. 17395

(b) It has features that make circumvention difficult and 17396
that do not interfere with the normal use of the vehicle. 17397

(c) It correlates well with established measures of alcohol 17398
impairment. 17399

(d) It works accurately and reliably in an unsupervised 17400
environment. 17401

(e) It is resistant to tampering and shows evidence of 17402
tampering if tampering is attempted. 17403

(f) It is difficult to circumvent and requires premeditation 17404

to do so. 17405

(g) It minimizes inconvenience to a sober user. 17406

(h) It requires a proper, deep-lung breath sample or other 17407
accurate measure of the concentration by weight of alcohol in the 17408
breath. 17409

(i) It operates reliably over the range of automobile 17410
environments. 17411

(j) It is made by a manufacturer who is covered by product 17412
liability insurance. 17413

(3) The director of public safety may adopt, in whole or in 17414
part, the guidelines, rules, regulations, studies, or independent 17415
laboratory tests performed and relied upon by other states, or 17416
their agencies or commissions, in the certification or approval of 17417
immobilizing or disabling devices. 17418

(4) The director of public safety shall adopt rules in 17419
accordance with Chapter 119. of the Revised Code for the design of 17420
a warning label that shall be affixed to each immobilizing or 17421
disabling device upon installation. The label shall contain a 17422
warning that any person tampering, circumventing, or otherwise 17423
misusing the device is subject to a fine, imprisonment, or both 17424
and may be subject to civil liability. 17425

(B) A court considering the use of a prototype device in a 17426
pilot program shall advise the director of public safety, thirty 17427
days before the use, of the prototype device and its protocol, 17428
methodology, manufacturer, and licensor, lessor, other agent, or 17429
owner, and the length of the court's pilot program. A prototype 17430
device shall not be used for a violation of section 4510.14 or 17431
4511.19 of the Revised Code, a violation of a municipal OVI 17432
ordinance or township OVI resolution, or in relation to a 17433
suspension imposed under section 4511.191 of the Revised Code. A 17434
court that uses a prototype device in a pilot program, 17435

periodically during the existence of the program and within 17436
fourteen days after termination of the program, shall report in 17437
writing to the director of public safety regarding the 17438
effectiveness of the prototype device and the program. 17439

(C) If a person has been granted limited driving privileges 17440
with a condition of the privileges being that the motor vehicle 17441
that is operated under the privileges must be equipped with an 17442
immobilizing or disabling device, the person may operate a motor 17443
vehicle that is owned by the person's employer only if the person 17444
is required to operate that motor vehicle in the course and scope 17445
of the offender's employment. Such a person may operate that 17446
vehicle without the installation of an immobilizing or disabling 17447
device, provided that the employer has been notified that the 17448
person has limited driving privileges and of the nature of the 17449
restriction and further provided that the person has proof of the 17450
employer's notification in the person's possession while operating 17451
the employer's vehicle for normal business duties. A motor vehicle 17452
owned by a business that is partly or entirely owned or controlled 17453
by a person with limited driving privileges is not a motor vehicle 17454
owned by an employer, for purposes of this division. 17455

Sec. 4510.53. (A) Upon receipt of any driver's or commercial 17456
driver's license or permit that has been suspended under section 17457
4511.19 or 4511.191 of the Revised Code, the registrar of motor 17458
vehicles, notwithstanding any other provision of law that purports 17459
to require the registrar to retain the license or permit, may 17460
destroy the license or permit. 17461

(B)(1) Subject to division (B)(2) of this section, if a 17462
driver's or commercial driver's license or permit that has been 17463
suspended under section 4511.19 or 4511.191 of the Revised Code is 17464
delivered to the registrar and if the registrar destroys the 17465
license or permit under authority of division (A) of this section, 17466

the registrar shall reissue or authorize the reissuance of a 17467
driver's or commercial driver's license to the person, free of 17468
payment of any type of fee or charge, if either of the following 17469
applies: 17470

(a) The person appeals the suspension of the license or 17471
permit at or within thirty days of the person's initial 17472
appearance, pursuant to section 4511.197 of the Revised Code, the 17473
judge of the court ~~of record~~ or the ~~mayor~~ magistrate of the 17474
~~mayor's~~ community court who conducts the initial appearance 17475
terminates the suspension, and the judge or ~~mayor~~ magistrate does 17476
not suspend the license or permit under section 4511.196 of the 17477
Revised Code; 17478

(b) The person appeals the suspension of the license or 17479
permit at or within thirty days of the person's initial 17480
appearance, pursuant to section 4511.197 of the Revised Code, the 17481
judge of the court of record or the ~~mayor~~ magistrate of the 17482
~~mayor's~~ community court who conducts the initial appearance does 17483
not terminate the suspension, the person appeals the judge's or 17484
mayor's decision not to terminate the suspension that is made at 17485
the initial appearance, and upon appeal of the decision, the 17486
suspension is terminated. 17487

(2) Division (B)(1) of this section applies only if the 17488
driver's or commercial driver's license that was destroyed would 17489
have been valid at the time in question, if it had not been 17490
destroyed as permitted by division (A) of this section. 17491

(C) A driver's or commercial driver's license or permit 17492
issued to a person pursuant to division (B)(1) of this section 17493
shall bear the same expiration date as the expiration date that 17494
appeared on the license it replaces. 17495

Sec. 4510.54. (A) Except as provided in division (F) of this 17496
section, a person whose driver's or commercial driver's license 17497

has been suspended for life under a class one suspension or as 17498
otherwise provided by law or has been suspended for a period in 17499
excess of fifteen years under a class two suspension may file a 17500
motion with the sentencing court for modification or termination 17501
of the suspension. The person filing the motion shall demonstrate 17502
all of the following: 17503

(1) At least fifteen years have elapsed since the suspension 17504
began. 17505

(2) For the past fifteen years, the person has not been found 17506
guilty of any felony, any offense involving a moving violation 17507
under federal law, the law of this state, or the law of any of its 17508
political subdivisions, or any violation of a suspension under 17509
this chapter or a substantially equivalent municipal ordinance or 17510
township resolution. 17511

(3) The person has proof of financial responsibility, a 17512
policy of liability insurance in effect that meets the minimum 17513
standard set forth in section 4509.51 of the Revised Code, or 17514
proof, to the satisfaction of the registrar of motor vehicles, 17515
that the person is able to respond in damages in an amount at 17516
least equal to the minimum amounts specified in that section. 17517

(4) If the suspension was imposed because the person was 17518
under the influence of alcohol, a drug of abuse, or combination of 17519
them at the time of the offense or because at the time of the 17520
offense the person's whole blood, blood serum or plasma, breath, 17521
or urine contained at least the concentration of alcohol specified 17522
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 17523
Revised Code or at least the concentration of a listed controlled 17524
substance or a listed metabolite of a controlled substance 17525
specified in division (A)(1)(j) of section 4511.19 of the Revised 17526
Code, the person also shall demonstrate all of the following: 17527

(a) The person successfully completed an alcohol, drug, or 17528

alcohol and drug treatment program. 17529

(b) The person has not abused alcohol or other drugs for a 17530
period satisfactory to the court. 17531

(c) For the past fifteen years, the person has not been found 17532
guilty of any alcohol-related or drug-related offense. 17533

(B) Upon receipt of a motion for modification or termination 17534
of the suspension under this section, the court may schedule a 17535
hearing on the motion. The court may deny the motion without a 17536
hearing but shall not grant the motion without a hearing. If the 17537
court denies a motion without a hearing, the court may consider a 17538
subsequent motion filed under this section by that person. If a 17539
court denies the motion after a hearing, the court shall not 17540
consider a subsequent motion for that person. The court shall hear 17541
only one motion filed by a person under this section. If 17542
scheduled, the hearing shall be conducted in open court within 17543
ninety days after the date on which the motion is filed. 17544

(C) The court shall notify the person whose license was 17545
suspended and the prosecuting attorney of the date, time, and 17546
location of the hearing. Upon receipt of the notice from the 17547
court, the prosecuting attorney shall notify the victim or the 17548
victim's representative of the date, time, and location of the 17549
hearing. 17550

(D) At any hearing under this section, the person who seeks 17551
modification or termination of the suspension has the burden to 17552
demonstrate, under oath, that the person meets the requirements of 17553
division (A) of this section. At the hearing, the court shall 17554
afford the offender or the offender's counsel an opportunity to 17555
present oral or written information relevant to the motion. The 17556
court shall afford a similar opportunity to provide relevant 17557
information to the prosecuting attorney and the victim or victim's 17558
representative. 17559

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.

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

(F) This section does not apply to any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended for life under a class one suspension imposed under division (B)(3) of section 2903.06 or section 2903.08 of the Revised Code or a class two suspension imposed under division (C) of section 2903.06 or section 2903.11, 2923.02, or 2929.02 of the Revised Code.

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

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

(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

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

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

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

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

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

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

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

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

(5) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in section 5503.34 of the Revised Code.

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for

the transportation of children to or from a school session or a 17654
school function, or owned by a private person and operated for 17655
compensation for the transportation of children to or from a 17656
school session or a school function, provided "school bus" does 17657
not include a bus operated by a municipally owned transportation 17658
system, a mass transit company operating exclusively within the 17659
territorial limits of a municipal corporation, or within such 17660
limits and the territorial limits of municipal corporations 17661
immediately contiguous to such municipal corporation, nor a common 17662
passenger carrier certified by the public utilities commission 17663
unless such bus is devoted exclusively to the transportation of 17664
children to and from a school session or a school function, and 17665
"school bus" does not include a van or bus used by a licensed 17666
child day-care center or type A family day-care home to transport 17667
children from the child day-care center or type A family day-care 17668
home to a school if the van or bus does not have more than fifteen 17669
children in the van or bus at any time. 17670

(G) "Bicycle" means every device, other than a tricycle 17671
designed solely for use as a play vehicle by a child, propelled 17672
solely by human power upon which any person may ride having either 17673
two tandem wheels, or one wheel in the front and two wheels in the 17674
rear, any of which is more than fourteen inches in diameter. 17675

(H) "Motorized bicycle" means any vehicle having either two 17676
tandem wheels or one wheel in the front and two wheels in the 17677
rear, that is capable of being pedaled and is equipped with a 17678
helper motor of not more than fifty cubic centimeters piston 17679
displacement that produces no more than one brake horsepower and 17680
is capable of propelling the vehicle at a speed of no greater than 17681
twenty miles per hour on a level surface. 17682

(I) "Commercial tractor" means every motor vehicle having 17683
motive power designed or used for drawing other vehicles and not 17684
so constructed as to carry any load thereon, or designed or used 17685

for drawing other vehicles while carrying a portion of such other 17686
vehicles, or load thereon, or both. 17687

(J) "Agricultural tractor" means every self-propelling 17688
vehicle designed or used for drawing other vehicles or wheeled 17689
machinery but having no provision for carrying loads independently 17690
of such other vehicles, and used principally for agricultural 17691
purposes. 17692

(K) "Truck" means every motor vehicle, except trailers and 17693
semitrailers, designed and used to carry property. 17694

(L) "Bus" means every motor vehicle designed for carrying 17695
more than nine passengers and used for the transportation of 17696
persons other than in a ridesharing arrangement, and every motor 17697
vehicle, automobile for hire, or funeral car, other than a taxicab 17698
or motor vehicle used in a ridesharing arrangement, designed and 17699
used for the transportation of persons for compensation. 17700

(M) "Trailer" means every vehicle designed or used for 17701
carrying persons or property wholly on its own structure and for 17702
being drawn by a motor vehicle, including any such vehicle when 17703
formed by or operated as a combination of a "semitrailer" and a 17704
vehicle of the dolly type, such as that commonly known as a 17705
"trailer dolly," a vehicle used to transport agricultural produce 17706
or agricultural production materials between a local place of 17707
storage or supply and the farm when drawn or towed on a street or 17708
highway at a speed greater than twenty-five miles per hour, and a 17709
vehicle designed and used exclusively to transport a boat between 17710
a place of storage and a marina, or in and around a marina, when 17711
drawn or towed on a street or highway for a distance of more than 17712
ten miles or at a speed of more than twenty-five miles per hour. 17713

(N) "Semitrailer" means every vehicle designed or used for 17714
carrying persons or property with another and separate motor 17715
vehicle so that in operation a part of its own weight or that of 17716

its load, or both, rests upon and is carried by another vehicle. 17717

(O) "Pole trailer" means every trailer or semitrailer 17718
attached to the towing vehicle by means of a reach, pole, or by 17719
being boomed or otherwise secured to the towing vehicle, and 17720
ordinarily used for transporting long or irregular shaped loads 17721
such as poles, pipes, or structural members capable, generally, of 17722
sustaining themselves as beams between the supporting connections. 17723

(P) "Railroad" means a carrier of persons or property 17724
operating upon rails placed principally on a private right-of-way. 17725

(Q) "Railroad train" means a steam engine or an electric or 17726
other motor, with or without cars coupled thereto, operated by a 17727
railroad. 17728

(R) "Streetcar" means a car, other than a railroad train, for 17729
transporting persons or property, operated upon rails principally 17730
within a street or highway. 17731

(S) "Trackless trolley" means every car that collects its 17732
power from overhead electric trolley wires and that is not 17733
operated upon rails or tracks. 17734

(T) "Explosives" means any chemical compound or mechanical 17735
mixture that is intended for the purpose of producing an explosion 17736
that contains any oxidizing and combustible units or other 17737
ingredients in such proportions, quantities, or packing that an 17738
ignition by fire, by friction, by concussion, by percussion, or by 17739
a detonator of any part of the compound or mixture may cause such 17740
a sudden generation of highly heated gases that the resultant 17741
gaseous pressures are capable of producing destructive effects on 17742
contiguous objects, or of destroying life or limb. Manufactured 17743
articles shall not be held to be explosives when the individual 17744
units contain explosives in such limited quantities, of such 17745
nature, or in such packing, that it is impossible to procure a 17746
simultaneous or a destructive explosion of such units, to the 17747

injury of life, limb, or property by fire, by friction, by 17748
concussion, by percussion, or by a detonator, such as fixed 17749
ammunition for small arms, firecrackers, or safety fuse matches. 17750

(U) "Flammable liquid" means any liquid that has a flash 17751
point of seventy degrees fahrenheit, or less, as determined by a 17752
tagliabue or equivalent closed cup test device. 17753

(V) "Gross weight" means the weight of a vehicle plus the 17754
weight of any load thereon. 17755

(W) "Person" means every natural person, firm, 17756
co-partnership, association, or corporation. 17757

(X) "Pedestrian" means any natural person afoot. 17758

(Y) "Driver or operator" means every person who drives or is 17759
in actual physical control of a vehicle, trackless trolley, or 17760
streetcar. 17761

(Z) "Police officer" means every officer authorized to direct 17762
or regulate traffic, or to make arrests for violations of traffic 17763
regulations. 17764

(AA) "Local authorities" means every county, municipal, and 17765
other local board or body having authority to adopt police 17766
regulations under the constitution and laws of this state. 17767

(BB) "Street" or "highway" means the entire width between the 17768
boundary lines of every way open to the use of the public as a 17769
thoroughfare for purposes of vehicular travel. 17770

(CC) "Controlled-access highway" means every street or 17771
highway in respect to which owners or occupants of abutting lands 17772
and other persons have no legal right of access to or from the 17773
same except at such points only and in such manner as may be 17774
determined by the public authority having jurisdiction over such 17775
street or highway. 17776

(DD) "Private road or driveway" means every way or place in 17777

private ownership used for vehicular travel by the owner and those 17778
having express or implied permission from the owner but not by 17779
other persons. 17780

(EE) "Roadway" means that portion of a highway improved, 17781
designed, or ordinarily used for vehicular travel, except the berm 17782
or shoulder. If a highway includes two or more separate roadways 17783
the term "roadway" means any such roadway separately but not all 17784
such roadways collectively. 17785

(FF) "Sidewalk" means that portion of a street between the 17786
curb lines, or the lateral lines of a roadway, and the adjacent 17787
property lines, intended for the use of pedestrians. 17788

(GG) "Laned highway" means a highway the roadway of which is 17789
divided into two or more clearly marked lanes for vehicular 17790
traffic. 17791

(HH) "Through highway" means every street or highway as 17792
provided in section 4511.65 of the Revised Code. 17793

(II) "State highway" means a highway under the jurisdiction 17794
of the department of transportation, outside the limits of 17795
municipal corporations, provided that the authority conferred upon 17796
the director of transportation in section 5511.01 of the Revised 17797
Code to erect state highway route markers and signs directing 17798
traffic shall not be modified by sections 4511.01 to 4511.79 and 17799
4511.99 of the Revised Code. 17800

(JJ) "State route" means every highway that is designated 17801
with an official state route number and so marked. 17802

(KK) "Intersection" means: 17803

(1) The area embraced within the prolongation or connection 17804
of the lateral curb lines, or, if none, then the lateral boundary 17805
lines of the roadways of two highways which join one another at, 17806
or approximately at, right angles, or the area within which 17807

vehicles traveling upon different highways joining at any other 17808
angle may come in conflict. 17809

(2) Where a highway includes two roadways thirty feet or more 17810
apart, then every crossing of each roadway of such divided highway 17811
by an intersecting highway shall be regarded as a separate 17812
intersection. If an intersecting highway also includes two 17813
roadways thirty feet or more apart, then every crossing of two 17814
roadways of such highways shall be regarded as a separate 17815
intersection. 17816

(3) The junction of an alley with a street or highway, or 17817
with another alley, shall not constitute an intersection. 17818

(LL) "Crosswalk" means: 17819

(1) That part of a roadway at intersections ordinarily 17820
included within the real or projected prolongation of property 17821
lines and curb lines or, in the absence of curbs, the edges of the 17822
traversable roadway; 17823

(2) Any portion of a roadway at an intersection or elsewhere, 17824
distinctly indicated for pedestrian crossing by lines or other 17825
markings on the surface; 17826

(3) Notwithstanding divisions (LL)(1) and (2) of this 17827
section, there shall not be a crosswalk where local authorities 17828
have placed signs indicating no crossing. 17829

(MM) "Safety zone" means the area or space officially set 17830
apart within a roadway for the exclusive use of pedestrians and 17831
protected or marked or indicated by adequate signs as to be 17832
plainly visible at all times. 17833

(NN) "Business district" means the territory fronting upon a 17834
street or highway, including the street or highway, between 17835
successive intersections within municipal corporations where fifty 17836
per cent or more of the frontage between such successive 17837

intersections is occupied by buildings in use for business, or 17838
within or outside municipal corporations where fifty per cent or 17839
more of the frontage for a distance of three hundred feet or more 17840
is occupied by buildings in use for business, and the character of 17841
such territory is indicated by official traffic control devices. 17842

(OO) "Residence district" means the territory, not comprising 17843
a business district, fronting on a street or highway, including 17844
the street or highway, where, for a distance of three hundred feet 17845
or more, the frontage is improved with residences or residences 17846
and buildings in use for business. 17847

(PP) "Urban district" means the territory contiguous to and 17848
including any street or highway which is built up with structures 17849
devoted to business, industry, or dwelling houses situated at 17850
intervals of less than one hundred feet for a distance of a 17851
quarter of a mile or more, and the character of such territory is 17852
indicated by official traffic control devices. 17853

(QQ) "Traffic control devices" means all flaggers, signs, 17854
signals, markings, and devices placed or erected by authority of a 17855
public body or official having jurisdiction, for the purpose of 17856
regulating, warning, or guiding traffic, including signs denoting 17857
names of streets and highways. 17858

(RR) "Traffic control signal" means any device, whether 17859
manually, electrically, or mechanically operated, by which traffic 17860
is alternately directed to stop, to proceed, to change direction, 17861
or not to change direction. 17862

(SS) "Railroad sign or signal" means any sign, signal, or 17863
device erected by authority of a public body or official or by a 17864
railroad and intended to give notice of the presence of railroad 17865
tracks or the approach of a railroad train. 17866

(TT) "Traffic" means pedestrians, ridden or herded animals, 17867
vehicles, streetcars, trackless trolleys, and other devices, 17868

either singly or together, while using any highway for purposes of 17869
travel. 17870

(UU) "Right-of-way" means either of the following, as the 17871
context requires: 17872

(1) The right of a vehicle, streetcar, trackless trolley, or 17873
pedestrian to proceed uninterruptedly in a lawful manner in the 17874
direction in which it or the individual is moving in preference to 17875
another vehicle, streetcar, trackless trolley, or pedestrian 17876
approaching from a different direction into its or the 17877
individual's path; 17878

(2) A general term denoting land, property, or the interest 17879
therein, usually in the configuration of a strip, acquired for or 17880
devoted to transportation purposes. When used in this context, 17881
right-of-way includes the roadway, shoulders or berm, ditch, and 17882
slopes extending to the right-of-way limits under the control of 17883
the state or local authority. 17884

(VV) "Rural mail delivery vehicle" means every vehicle used 17885
to deliver United States mail on a rural mail delivery route. 17886

(WW) "Funeral escort vehicle" means any motor vehicle, 17887
including a funeral hearse, while used to facilitate the movement 17888
of a funeral procession. 17889

(XX) "Alley" means a street or highway intended to provide 17890
access to the rear or side of lots or buildings in urban districts 17891
and not intended for the purpose of through vehicular traffic, and 17892
includes any street or highway that has been declared an "alley" 17893
by the legislative authority of the municipal corporation in which 17894
such street or highway is located. 17895

(YY) "Freeway" means a divided multi-lane highway for through 17896
traffic with all crossroads separated in grade and with full 17897
control of access. 17898

(ZZ) "Expressway" means a divided arterial highway for	17899
through traffic with full or partial control of access with an	17900
excess of fifty per cent of all crossroads separated in grade.	17901
(AAA) "Thruway" means a through highway whose entire roadway	17902
is reserved for through traffic and on which roadway parking is	17903
prohibited.	17904
(BBB) "Stop intersection" means any intersection at one or	17905
more entrances of which stop signs are erected.	17906
(CCC) "Arterial street" means any United States or state	17907
numbered route, controlled access highway, or other major radial	17908
or circumferential street or highway designated by local	17909
authorities within their respective jurisdictions as part of a	17910
major arterial system of streets or highways.	17911
(DDD) "Ridesharing arrangement" means the transportation of	17912
persons in a motor vehicle where such transportation is incidental	17913
to another purpose of a volunteer driver and includes ridesharing	17914
arrangements known as carpools, vanpools, and buspools.	17915
(EEE) "Motorized wheelchair" means any self-propelled vehicle	17916
designed for, and used by, a handicapped person and that is	17917
incapable of a speed in excess of eight miles per hour.	17918
(FFF) "Child day-care center" and "type A family day-care	17919
home" have the same meanings as in section 5104.01 of the Revised	17920
Code.	17921
(GGG) "Multi-wheel agricultural tractor" means a type of	17922
agricultural tractor that has two or more wheels or tires on each	17923
side of one axle at the rear of the tractor, is designed or used	17924
for drawing other vehicles or wheeled machinery, has no provision	17925
for carrying loads independently of the drawn vehicles or	17926
machinery, and is used principally for agricultural purposes.	17927
(HHH) "Operate" means to cause or have caused movement of a	17928

vehicle, streetcar, or trackless trolley. 17929

(III) "Predicate motor vehicle or traffic offense" means any 17930
of the following: 17931

(1) A violation of section 4511.03, 4511.051, 4511.12, 17932
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 17933
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 17934
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 17935
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 17936
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 17937
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 17938
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 17939
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 17940
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 17941
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 17942

(2) A violation of division (A)(2) of section 4511.17, 17943
divisions (A) to (D) of section 4511.51, or division (A) of 17944
section 4511.74 of the Revised Code; 17945

(3) A violation of any provision of sections 4511.01 to 17946
4511.76 of the Revised Code for which no penalty otherwise is 17947
provided in the section that contains the provision violated; 17948

(4) A violation of a municipal ordinance or township 17949
resolution that is substantially similar to any section or 17950
provision set forth or described in division (III)(1), (2), or (3) 17951
of this section. 17952

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 17953
the Revised Code: 17954

(A) "Equivalent offense" means any of the following: 17955

(1) A violation of division (A) or (B) of section 4511.19 of 17956
the Revised Code; 17957

(2) A violation of a municipal OVI ordinance or township OVI 17958

resolution; 17959

(3) A violation of section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section; 17960
17961
17962

(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance or township resolution that is substantially equivalent to either of those divisions; 17963
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(5) A violation of division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance or township resolution that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them; 17967
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(6) A violation of an existing or former municipal ordinance or township resolution, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code; 17974
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(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code. 17978
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17980

(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply: 17981
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(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail. 17987
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(2) Except as specifically authorized under section 4511.19 17989
of the Revised Code, the term cannot be suspended, reduced, or 17990
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 17991
other provision of the Revised Code. 17992

(C) "Municipal OVI ordinance" and "municipal OVI offense" 17993
mean any municipal ordinance prohibiting a person from operating a 17994
vehicle while under the influence of alcohol, a drug of abuse, or 17995
a combination of them or prohibiting a person from operating a 17996
vehicle with a prohibited concentration of alcohol, a controlled 17997
substance, or a metabolite of a controlled substance in the whole 17998
blood, blood serum or plasma, breath, or urine. 17999

(D) "Township OVI resolution" and "township OVI offense" mean 18000
any township resolution prohibiting a person from operating a 18001
vehicle while under the influence of alcohol, a drug of abuse, or 18002
a combination of them or prohibiting a person from operating a 18003
vehicle with a prohibited concentration of alcohol, a controlled 18004
substance, or a metabolite of a controlled substance in the whole 18005
blood, blood serum or plasma, breath, or urine. 18006

(E) "Community residential sanction," "jail," "mandatory 18007
prison term," "mandatory term of local incarceration," "sanction," 18008
and "prison term" have the same meanings as in section 2929.01 of 18009
the Revised Code. 18010

~~(E)~~(F) "Drug of abuse" has the same meaning as in section 18011
4506.01 of the Revised Code. 18012

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 18013
streetcar, or trackless trolley within this state, if, at the time 18014
of the operation, any of the following apply: 18015

(a) The person is under the influence of alcohol, a drug of 18016
abuse, or a combination of them. 18017

(b) The person has a concentration of eight-hundredths of one 18018

per cent or more but less than seventeen-hundredths of one per 18019
cent by weight per unit volume of alcohol in the person's whole 18020
blood. 18021

(c) The person has a concentration of ninety-six-thousandths 18022
of one per cent or more but less than two hundred four-thousandths 18023
of one per cent by weight per unit volume of alcohol in the 18024
person's blood serum or plasma. 18025

(d) The person has a concentration of eight-hundredths of one 18026
gram or more but less than seventeen-hundredths of one gram by 18027
weight of alcohol per two hundred ten liters of the person's 18028
breath. 18029

(e) The person has a concentration of eleven-hundredths of 18030
one gram or more but less than two hundred 18031
thirty-eight-thousandths of one gram by weight of alcohol per one 18032
hundred milliliters of the person's urine. 18033

(f) The person has a concentration of seventeen-hundredths of 18034
one per cent or more by weight per unit volume of alcohol in the 18035
person's whole blood. 18036

(g) The person has a concentration of two hundred 18037
four-thousandths of one per cent or more by weight per unit volume 18038
of alcohol in the person's blood serum or plasma. 18039

(h) The person has a concentration of seventeen-hundredths of 18040
one gram or more by weight of alcohol per two hundred ten liters 18041
of the person's breath. 18042

(i) The person has a concentration of two hundred 18043
thirty-eight-thousandths of one gram or more by weight of alcohol 18044
per one hundred milliliters of the person's urine. 18045

(j) Except as provided in division (K) of this section, the 18046
person has a concentration of any of the following controlled 18047
substances or metabolites of a controlled substance in the 18048

person's whole blood, blood serum or plasma, or urine that equals 18049
or exceeds any of the following: 18050

(i) The person has a concentration of amphetamine in the 18051
person's urine of at least five hundred nanograms of amphetamine 18052
per milliliter of the person's urine or has a concentration of 18053
amphetamine in the person's whole blood or blood serum or plasma 18054
of at least one hundred nanograms of amphetamine per milliliter of 18055
the person's whole blood or blood serum or plasma. 18056

(ii) The person has a concentration of cocaine in the 18057
person's urine of at least one hundred fifty nanograms of cocaine 18058
per milliliter of the person's urine or has a concentration of 18059
cocaine in the person's whole blood or blood serum or plasma of at 18060
least fifty nanograms of cocaine per milliliter of the person's 18061
whole blood or blood serum or plasma. 18062

(iii) The person has a concentration of cocaine metabolite in 18063
the person's urine of at least one hundred fifty nanograms of 18064
cocaine metabolite per milliliter of the person's urine or has a 18065
concentration of cocaine metabolite in the person's whole blood or 18066
blood serum or plasma of at least fifty nanograms of cocaine 18067
metabolite per milliliter of the person's whole blood or blood 18068
serum or plasma. 18069

(iv) The person has a concentration of heroin in the person's 18070
urine of at least two thousand nanograms of heroin per milliliter 18071
of the person's urine or has a concentration of heroin in the 18072
person's whole blood or blood serum or plasma of at least fifty 18073
nanograms of heroin per milliliter of the person's whole blood or 18074
blood serum or plasma. 18075

(v) The person has a concentration of heroin metabolite 18076
(6-monoacetyl morphine) in the person's urine of at least ten 18077
nanograms of heroin metabolite (6-monoacetyl morphine) per 18078
milliliter of the person's urine or has a concentration of heroin 18079

metabolite (6-monoacetyl morphine) in the person's whole blood or 18080
blood serum or plasma of at least ten nanograms of heroin 18081
metabolite (6-monoacetyl morphine) per milliliter of the person's 18082
whole blood or blood serum or plasma. 18083

(vi) The person has a concentration of L.S.D. in the person's 18084
urine of at least twenty-five nanograms of L.S.D. per milliliter 18085
of the person's urine or a concentration of L.S.D. in the person's 18086
whole blood or blood serum or plasma of at least ten nanograms of 18087
L.S.D. per milliliter of the person's whole blood or blood serum 18088
or plasma. 18089

(vii) The person has a concentration of marihuana in the 18090
person's urine of at least ten nanograms of marihuana per 18091
milliliter of the person's urine or has a concentration of 18092
marihuana in the person's whole blood or blood serum or plasma of 18093
at least two nanograms of marihuana per milliliter of the person's 18094
whole blood or blood serum or plasma. 18095

(viii) Either of the following applies: 18096

(I) The person is under the influence of alcohol, a drug of 18097
abuse, or a combination of them, and, as measured by gas 18098
chromatography mass spectrometry, the person has a concentration 18099
of marihuana metabolite in the person's urine of at least fifteen 18100
nanograms of marihuana metabolite per milliliter of the person's 18101
urine or has a concentration of marihuana metabolite in the 18102
person's whole blood or blood serum or plasma of at least five 18103
nanograms of marihuana metabolite per milliliter of the person's 18104
whole blood or blood serum or plasma. 18105

(II) As measured by gas chromatography mass spectrometry, the 18106
person has a concentration of marihuana metabolite in the person's 18107
urine of at least thirty-five nanograms of marihuana metabolite 18108
per milliliter of the person's urine or has a concentration of 18109
marihuana metabolite in the person's whole blood or blood serum or 18110

plasma of at least fifty nanograms of marihuana metabolite per 18111
milliliter of the person's whole blood or blood serum or plasma. 18112

(ix) The person has a concentration of methamphetamine in the 18113
person's urine of at least five hundred nanograms of 18114
methamphetamine per milliliter of the person's urine or has a 18115
concentration of methamphetamine in the person's whole blood or 18116
blood serum or plasma of at least one hundred nanograms of 18117
methamphetamine per milliliter of the person's whole blood or 18118
blood serum or plasma. 18119

(x) The person has a concentration of phencyclidine in the 18120
person's urine of at least twenty-five nanograms of phencyclidine 18121
per milliliter of the person's urine or has a concentration of 18122
phencyclidine in the person's whole blood or blood serum or plasma 18123
of at least ten nanograms of phencyclidine per milliliter of the 18124
person's whole blood or blood serum or plasma. 18125

(2) No person who, within twenty years of the conduct 18126
described in division (A)(2)(a) of this section, previously has 18127
been convicted of or pleaded guilty to a violation of this 18128
division, division (A)(1) or (B) of this section, or a municipal 18129
OVI offense shall do both of the following: 18130

(a) Operate any vehicle, streetcar, or trackless trolley 18131
within this state while under the influence of alcohol, a drug of 18132
abuse, or a combination of them; 18133

(b) Subsequent to being arrested for operating the vehicle, 18134
streetcar, or trackless trolley as described in division (A)(2)(a) 18135
of this section, being asked by a law enforcement officer to 18136
submit to a chemical test or tests under section 4511.191 of the 18137
Revised Code, and being advised by the officer in accordance with 18138
section 4511.192 of the Revised Code of the consequences of the 18139
person's refusal or submission to the test or tests, refuse to 18140
submit to the test or tests. 18141

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

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

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

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

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

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

(D)(1)(a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding

for a violation of division (A) or (B) of this section or for an 18173
equivalent offense, the court may admit evidence on the 18174
concentration of alcohol, drugs of abuse, controlled substances, 18175
metabolites of a controlled substance, or a combination of them in 18176
the defendant's whole blood, blood serum or plasma, breath, urine, 18177
or other bodily substance at the time of the alleged violation as 18178
shown by chemical analysis of the substance withdrawn within three 18179
hours of the time of the alleged violation. The three-hour time 18180
limit specified in this division regarding the admission of 18181
evidence does not extend or affect the two-hour time limit 18182
specified in division (A) of section 4511.192 of the Revised Code 18183
as the maximum period of time during which a person may consent to 18184
a chemical test or tests as described in that section. The court 18185
may admit evidence on the concentration of alcohol, drugs of 18186
abuse, or a combination of them as described in this division when 18187
a person submits to a blood, breath, urine, or other bodily 18188
substance test at the request of a law enforcement officer under 18189
section 4511.191 of the Revised Code or a blood or urine sample is 18190
obtained pursuant to a search warrant. Only a physician, a 18191
registered nurse, or a qualified technician, chemist, or 18192
phlebotomist shall withdraw a blood sample for the purpose of 18193
determining the alcohol, drug, controlled substance, metabolite of 18194
a controlled substance, or combination content of the whole blood, 18195
blood serum, or blood plasma. This limitation does not apply to 18196
the taking of breath or urine specimens. A person authorized to 18197
withdraw blood under this division may refuse to withdraw blood 18198
under this division, if in that person's opinion, the physical 18199
welfare of the person would be endangered by the withdrawing of 18200
blood. 18201

The bodily substance withdrawn under division (D)(1)(b) of 18202
this section shall be analyzed in accordance with methods approved 18203
by the director of health by an individual possessing a valid 18204
permit issued by the director pursuant to section 3701.143 of the 18205

Revised Code. 18206

(2) In a criminal prosecution or juvenile court proceeding 18207
for a violation of division (A) of this section or for an 18208
equivalent offense, if there was at the time the bodily substance 18209
was withdrawn a concentration of less than the applicable 18210
concentration of alcohol specified in divisions (A)(1)(b), (c), 18211
(d), and (e) of this section or less than the applicable 18212
concentration of a listed controlled substance or a listed 18213
metabolite of a controlled substance specified for a violation of 18214
division (A)(1)(j) of this section, that fact may be considered 18215
with other competent evidence in determining the guilt or 18216
innocence of the defendant. This division does not limit or affect 18217
a criminal prosecution or juvenile court proceeding for a 18218
violation of division (B) of this section or for an equivalent 18219
offense that is substantially equivalent to that division. 18220

(3) Upon the request of the person who was tested, the 18221
results of the chemical test shall be made available to the person 18222
or the person's attorney, immediately upon the completion of the 18223
chemical test analysis. 18224

If the chemical test was obtained pursuant to division 18225
(D)(1)(b) of this section, the person tested may have a physician, 18226
a registered nurse, or a qualified technician, chemist, or 18227
phlebotomist of the person's own choosing administer a chemical 18228
test or tests, at the person's expense, in addition to any 18229
administered at the request of a law enforcement officer. The form 18230
to be read to the person to be tested, as required under section 18231
4511.192 of the Revised Code, shall state that the person may have 18232
an independent test performed at the person's expense. The failure 18233
or inability to obtain an additional chemical test by a person 18234
shall not preclude the admission of evidence relating to the 18235
chemical test or tests taken at the request of a law enforcement 18236
officer. 18237

(4)(a) As used in divisions (D)(4)(b) and (c) of this 18238
section, "national highway traffic safety administration" means 18239
the national highway traffic safety administration established as 18240
an administration of the United States department of 18241
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 18242

(b) In any criminal prosecution or juvenile court proceeding 18243
for a violation of division (A) or (B) of this section, of a 18244
municipal ordinance or township resolution relating to operating a 18245
vehicle while under the influence of alcohol, a drug of abuse, or 18246
alcohol and a drug of abuse, or of a municipal ordinance or 18247
township resolution relating to operating a vehicle with a 18248
prohibited concentration of alcohol, a controlled substance, or a 18249
metabolite of a controlled substance in the blood, breath, or 18250
urine, if a law enforcement officer has administered a field 18251
sobriety test to the operator of the vehicle involved in the 18252
violation and if it is shown by clear and convincing evidence that 18253
the officer administered the test in substantial compliance with 18254
the testing standards for any reliable, credible, and generally 18255
accepted field sobriety tests that were in effect at the time the 18256
tests were administered, including, but not limited to, any 18257
testing standards then in effect that were set by the national 18258
highway traffic safety administration, all of the following apply: 18259

(i) The officer may testify concerning the results of the 18260
field sobriety test so administered. 18261

(ii) The prosecution may introduce the results of the field 18262
sobriety test so administered as evidence in any proceedings in 18263
the criminal prosecution or juvenile court proceeding. 18264

(iii) If testimony is presented or evidence is introduced 18265
under division (D)(4)(b)(i) or (ii) of this section and if the 18266
testimony or evidence is admissible under the Rules of Evidence, 18267
the court shall admit the testimony or evidence and the trier of 18268
fact shall give it whatever weight the trier of fact considers to 18269

be appropriate. 18270

(c) Division (D)(4)(b) of this section does not limit or 18271
preclude a court, in its determination of whether the arrest of a 18272
person was supported by probable cause or its determination of any 18273
other matter in a criminal prosecution or juvenile court 18274
proceeding of a type described in that division, from considering 18275
evidence or testimony that is not otherwise disallowed by division 18276
(D)(4)(b) of this section. 18277

(E)(1) Subject to division (E)(3) of this section, in any 18278
criminal prosecution or juvenile court proceeding for a violation 18279
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 18280
or (B)(1), (2), (3), or (4) of this section or for an equivalent 18281
offense that is substantially equivalent to any of those 18282
divisions, a laboratory report from any laboratory personnel 18283
issued a permit by the department of health authorizing an 18284
analysis as described in this division that contains an analysis 18285
of the whole blood, blood serum or plasma, breath, urine, or other 18286
bodily substance tested and that contains all of the information 18287
specified in this division shall be admitted as prima-facie 18288
evidence of the information and statements that the report 18289
contains. The laboratory report shall contain all of the 18290
following: 18291

(a) The signature, under oath, of any person who performed 18292
the analysis; 18293

(b) Any findings as to the identity and quantity of alcohol, 18294
a drug of abuse, a controlled substance, a metabolite of a 18295
controlled substance, or a combination of them that was found; 18296

(c) A copy of a notarized statement by the laboratory 18297
director or a designee of the director that contains the name of 18298
each certified analyst or test performer involved with the report, 18299
the analyst's or test performer's employment relationship with the 18300

laboratory that issued the report, and a notation that performing 18301
an analysis of the type involved is part of the analyst's or test 18302
performer's regular duties; 18303

(d) An outline of the analyst's or test performer's 18304
education, training, and experience in performing the type of 18305
analysis involved and a certification that the laboratory 18306
satisfies appropriate quality control standards in general and, in 18307
this particular analysis, under rules of the department of health. 18308

(2) Notwithstanding any other provision of law regarding the 18309
admission of evidence, a report of the type described in division 18310
(E)(1) of this section is not admissible against the defendant to 18311
whom it pertains in any proceeding, other than a preliminary 18312
hearing or a grand jury proceeding, unless the prosecutor has 18313
served a copy of the report on the defendant's attorney or, if the 18314
defendant has no attorney, on the defendant. 18315

(3) A report of the type described in division (E)(1) of this 18316
section shall not be prima-facie evidence of the contents, 18317
identity, or amount of any substance if, within seven days after 18318
the defendant to whom the report pertains or the defendant's 18319
attorney receives a copy of the report, the defendant or the 18320
defendant's attorney demands the testimony of the person who 18321
signed the report. The judge in the case may extend the seven-day 18322
time limit in the interest of justice. 18323

(F) Except as otherwise provided in this division, any 18324
physician, registered nurse, or qualified technician, chemist, or 18325
phlebotomist who withdraws blood from a person pursuant to this 18326
section, and any hospital, first-aid station, or clinic at which 18327
blood is withdrawn from a person pursuant to this section, is 18328
immune from criminal liability and civil liability based upon a 18329
claim of assault and battery or any other claim that is not a 18330
claim of malpractice, for any act performed in withdrawing blood 18331
from the person. The immunity provided in this division is not 18332

available to a person who withdraws blood if the person engages in 18333
willful or wanton misconduct. 18334

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 18335
to (i) or (A)(2) of this section is guilty of operating a vehicle 18336
under the influence of alcohol, a drug of abuse, or a combination 18337
of them. Whoever violates division (A)(1)(j) of this section is 18338
guilty of operating a vehicle while under the influence of a 18339
listed controlled substance or a listed metabolite of a controlled 18340
substance. The court shall sentence the offender for either 18341
offense under Chapter 2929. of the Revised Code, except as 18342
otherwise authorized or required by divisions (G)(1)(a) to (e) of 18343
this section: 18344

(a) Except as otherwise provided in division (G)(1)(b), (c), 18345
(d), or (e) of this section, the offender is guilty of a 18346
misdemeanor of the first degree, and the court shall sentence the 18347
offender to all of the following: 18348

(i) If the sentence is being imposed for a violation of 18349
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 18350
mandatory jail term of three consecutive days. As used in this 18351
division, three consecutive days means seventy-two consecutive 18352
hours. The court may sentence an offender to both an intervention 18353
program and a jail term. The court may impose a jail term in 18354
addition to the three-day mandatory jail term or intervention 18355
program. However, in no case shall the cumulative jail term 18356
imposed for the offense exceed six months. 18357

The court may suspend the execution of the three-day jail 18358
term under this division if the court, in lieu of that suspended 18359
term, places the offender under a community control sanction 18360
pursuant to section 2929.25 of the Revised Code and requires the 18361
offender to attend, for three consecutive days, a drivers' 18362
intervention program certified under section 3793.10 of the 18363
Revised Code. The court also may suspend the execution of any part 18364

of the three-day jail term under this division if it places the 18365
offender under a community control sanction pursuant to section 18366
2929.25 of the Revised Code for part of the three days, requires 18367
the offender to attend for the suspended part of the term a 18368
drivers' intervention program so certified, and sentences the 18369
offender to a jail term equal to the remainder of the three 18370
consecutive days that the offender does not spend attending the 18371
program. The court may require the offender, as a condition of 18372
community control and in addition to the required attendance at a 18373
drivers' intervention program, to attend and satisfactorily 18374
complete any treatment or education programs that comply with the 18375
minimum standards adopted pursuant to Chapter 3793. of the Revised 18376
Code by the director of alcohol and drug addiction services that 18377
the operators of the drivers' intervention program determine that 18378
the offender should attend and to report periodically to the court 18379
on the offender's progress in the programs. The court also may 18380
impose on the offender any other conditions of community control 18381
that it considers necessary. 18382

(ii) If the sentence is being imposed for a violation of 18383
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 18384
section, except as otherwise provided in this division, a 18385
mandatory jail term of at least three consecutive days and a 18386
requirement that the offender attend, for three consecutive days, 18387
a drivers' intervention program that is certified pursuant to 18388
section 3793.10 of the Revised Code. As used in this division, 18389
three consecutive days means seventy-two consecutive hours. If the 18390
court determines that the offender is not conducive to treatment 18391
in a drivers' intervention program, if the offender refuses to 18392
attend a drivers' intervention program, or if the jail at which 18393
the offender is to serve the jail term imposed can provide a 18394
driver's intervention program, the court shall sentence the 18395
offender to a mandatory jail term of at least six consecutive 18396
days. 18397

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 three hundred twenty-five and not more than one thousand seventy-five 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 18430
alcohol monitoring, or with both electronic monitoring and 18431
continuous alcohol monitoring. The court may impose a jail term in 18432
addition to the ten-day mandatory jail term. The cumulative jail 18433
term imposed for the offense shall not exceed six months. 18434

In addition to the jail term or the term of house arrest with 18435
electronic monitoring or continuous alcohol monitoring or both 18436
types of monitoring and jail term, the court may require the 18437
offender to attend a drivers' intervention program that is 18438
certified pursuant to section 3793.10 of the Revised Code. If the 18439
operator of the program determines that the offender is alcohol 18440
dependent, the program shall notify the court, and, subject to 18441
division (I) of this section, the court shall order the offender 18442
to obtain treatment through an alcohol and drug addiction program 18443
authorized by section 3793.02 of the Revised Code. 18444

(ii) If the sentence is being imposed for a violation of 18445
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 18446
section, except as otherwise provided in this division, a 18447
mandatory jail term of twenty consecutive days. The court shall 18448
impose the twenty-day mandatory jail term under this division 18449
unless, subject to division (G)(3) of this section, it instead 18450
imposes a sentence under that division consisting of both a jail 18451
term and a term of house arrest with electronic monitoring, with 18452
continuous alcohol monitoring, or with both electronic monitoring 18453
and continuous alcohol monitoring. The court may impose a jail 18454
term in addition to the twenty-day mandatory jail term. The 18455
cumulative jail term imposed for the offense shall not exceed six 18456
months. 18457

In addition to the jail term or the term of house arrest with 18458
electronic monitoring or continuous alcohol monitoring or both 18459
types of monitoring and jail term, the court may require the 18460
offender to attend a driver's intervention program that is 18461

certified pursuant to section 3793.10 of the Revised Code. If the operator of the program determines that the offender is alcohol 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 four hundred seventy-five and not more than one thousand six hundred twenty-five 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 18493
unless, subject to division (G)(3) of this section, it instead 18494
imposes a sentence under that division consisting of both a jail 18495
term and a term of house arrest with electronic monitoring, with 18496
continuous alcohol monitoring, or with both electronic monitoring 18497
and continuous alcohol monitoring. The court may impose a jail 18498
term in addition to the thirty-day mandatory jail term. 18499
Notwithstanding the jail terms set forth in sections 2929.21 to 18500
2929.28 of the Revised Code, the additional jail term shall not 18501
exceed one year, and the cumulative jail term imposed for the 18502
offense shall not exceed one year. 18503

(ii) If the sentence is being imposed for a violation of 18504
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 18505
section, a mandatory jail term of sixty consecutive days. The 18506
court shall impose the sixty-day mandatory jail term under this 18507
division unless, subject to division (G)(3) of this section, it 18508
instead imposes a sentence under that division consisting of both 18509
a jail term and a term of house arrest with electronic monitoring, 18510
with continuous alcohol monitoring, or with both electronic 18511
monitoring and continuous alcohol monitoring. The court may impose 18512
a jail term in addition to the sixty-day mandatory jail term. 18513
Notwithstanding the jail terms set forth in sections 2929.21 to 18514
2929.28 of the Revised Code, the additional jail term shall not 18515
exceed one year, and the cumulative jail term imposed for the 18516
offense shall not exceed one year. 18517

(iii) In all cases, notwithstanding the fines set forth in 18518
Chapter 2929. of the Revised Code, a fine of not less than eight 18519
hundred and not more than two thousand seven hundred fifty 18520
dollars; 18521

(iv) In all cases, a class three license suspension of the 18522
offender's driver's license, commercial driver's license, 18523
temporary instruction permit, probationary license, or nonresident 18524

operating privilege from the range specified in division (A)(3) of 18525
section 4510.02 of the Revised Code. The court may grant limited 18526
driving privileges relative to the suspension under sections 18527
4510.021 and 4510.13 of the Revised Code. 18528

(v) In all cases, if the vehicle is registered in the 18529
offender's name, criminal forfeiture of the vehicle involved in 18530
the offense in accordance with section 4503.234 of the Revised 18531
Code. Division (G)(6) of this section applies regarding any 18532
vehicle that is subject to an order of criminal forfeiture under 18533
this division. 18534

(vi) In all cases, participation in an alcohol and drug 18535
addiction program authorized by section 3793.02 of the Revised 18536
Code, subject to division (I) of this section. 18537

(d) Except as otherwise provided in division (G)(1)(e) of 18538
this section, an offender who, within six years of the offense, 18539
previously has been convicted of or pleaded guilty to three or 18540
four violations of division (A) or (B) of this section or other 18541
equivalent offenses or an offender who, within twenty years of the 18542
offense, previously has been convicted of or pleaded guilty to 18543
five or more violations of that nature is guilty of a felony of 18544
the fourth degree. The court shall sentence the offender to all of 18545
the following: 18546

(i) If the sentence is being imposed for a violation of 18547
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 18548
mandatory prison term of one, two, three, four, or five years as 18549
required by and in accordance with division (G)(2) of section 18550
2929.13 of the Revised Code if the offender also is convicted of 18551
or also pleads guilty to a specification of the type described in 18552
section 2941.1413 of the Revised Code or, in the discretion of the 18553
court, either a mandatory term of local incarceration of sixty 18554
consecutive days in accordance with division (G)(1) of section 18555
2929.13 of the Revised Code or a mandatory prison term of sixty 18556

consecutive days in accordance with division (G)(2) of that 18557
section if the offender is not convicted of and does not plead 18558
guilty to a specification of that type. If the court imposes a 18559
mandatory term of local incarceration, it may impose a jail term 18560
in addition to the sixty-day mandatory term, the cumulative total 18561
of the mandatory term and the jail term for the offense shall not 18562
exceed one year, and, except as provided in division (A)(1) of 18563
section 2929.13 of the Revised Code, no prison term is authorized 18564
for the offense. If the court imposes a mandatory prison term, 18565
notwithstanding division (A)(4) of section 2929.14 of the Revised 18566
Code, it also may sentence the offender to a definite prison term 18567
that shall be not less than six months and not more than thirty 18568
months and the prison terms shall be imposed as described in 18569
division (G)(2) of section 2929.13 of the Revised Code. If the 18570
court imposes a mandatory prison term or mandatory prison term and 18571
additional prison term, in addition to the term or terms so 18572
imposed, the court also may sentence the offender to a community 18573
control sanction for the offense, but the offender shall serve all 18574
of the prison terms so imposed prior to serving the community 18575
control sanction. 18576

(ii) If the sentence is being imposed for a violation of 18577
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 18578
section, a mandatory prison term of one, two, three, four, or five 18579
years as required by and in accordance with division (G)(2) of 18580
section 2929.13 of the Revised Code if the offender also is 18581
convicted of or also pleads guilty to a specification of the type 18582
described in section 2941.1413 of the Revised Code or, in the 18583
discretion of the court, either a mandatory term of local 18584
incarceration of one hundred twenty consecutive days in accordance 18585
with division (G)(1) of section 2929.13 of the Revised Code or a 18586
mandatory prison term of one hundred twenty consecutive days in 18587
accordance with division (G)(2) of that section if the offender is 18588
not convicted of and does not plead guilty to a specification of 18589

that type. If the court imposes a mandatory term of local 18590
incarceration, it may impose a jail term in addition to the one 18591
hundred twenty-day mandatory term, the cumulative total of the 18592
mandatory term and the jail term for the offense shall not exceed 18593
one year, and, except as provided in division (A)(1) of section 18594
2929.13 of the Revised Code, no prison term is authorized for the 18595
offense. If the court imposes a mandatory prison term, 18596
notwithstanding division (A)(4) of section 2929.14 of the Revised 18597
Code, it also may sentence the offender to a definite prison term 18598
that shall be not less than six months and not more than thirty 18599
months and the prison terms shall be imposed as described in 18600
division (G)(2) of section 2929.13 of the Revised Code. If the 18601
court imposes a mandatory prison term or mandatory prison term and 18602
additional prison term, in addition to the term or terms so 18603
imposed, the court also may sentence the offender to a community 18604
control sanction for the offense, but the offender shall serve all 18605
of the prison terms so imposed prior to serving the community 18606
control sanction. 18607

(iii) In all cases, notwithstanding section 2929.18 of the 18608
Revised Code, a fine of not less than one thousand three hundred 18609
nor more than ten thousand five hundred dollars; 18610

(iv) In all cases, a class two license suspension of the 18611
offender's driver's license, commercial driver's license, 18612
temporary instruction permit, probationary license, or nonresident 18613
operating privilege from the range specified in division (A)(2) of 18614
section 4510.02 of the Revised Code. The court may grant limited 18615
driving privileges relative to the suspension under sections 18616
4510.021 and 4510.13 of the Revised Code. 18617

(v) In all cases, if the vehicle is registered in the 18618
offender's name, criminal forfeiture of the vehicle involved in 18619
the offense in accordance with section 4503.234 of the Revised 18620
Code. Division (G)(6) of this section applies regarding any 18621

vehicle that is subject to an order of criminal forfeiture under 18622
this division. 18623

(vi) In all cases, participation in an alcohol and drug 18624
addiction program authorized by section 3793.02 of the Revised 18625
Code, subject to division (I) of this section. 18626

(vii) In all cases, if the court sentences the offender to a 18627
mandatory term of local incarceration, in addition to the 18628
mandatory term, the court, pursuant to section 2929.17 of the 18629
Revised Code, may impose a term of house arrest with electronic 18630
monitoring. The term shall not commence until after the offender 18631
has served the mandatory term of local incarceration. 18632

(e) An offender who previously has been convicted of or 18633
pleaded guilty to a violation of division (A) of this section that 18634
was a felony, regardless of when the violation and the conviction 18635
or guilty plea occurred, is guilty of a felony of the third 18636
degree. The court shall sentence the offender to all of the 18637
following: 18638

(i) If the offender is being sentenced for a violation of 18639
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 18640
mandatory prison term of one, two, three, four, or five years as 18641
required by and in accordance with division (G)(2) of section 18642
2929.13 of the Revised Code if the offender also is convicted of 18643
or also pleads guilty to a specification of the type described in 18644
section 2941.1413 of the Revised Code or a mandatory prison term 18645
of sixty consecutive days in accordance with division (G)(2) of 18646
section 2929.13 of the Revised Code if the offender is not 18647
convicted of and does not plead guilty to a specification of that 18648
type. The court may impose a prison term in addition to the 18649
mandatory prison term. The cumulative total of a sixty-day 18650
mandatory prison term and the additional prison term for the 18651
offense shall not exceed five years. In addition to the mandatory 18652
prison term or mandatory prison term and additional prison term 18653

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 one thousand three hundred nor more than ten thousand five hundred 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. 18686

(v) In all cases, if the vehicle is registered in the 18687
offender's name, criminal forfeiture of the vehicle involved in 18688
the offense in accordance with section 4503.234 of the Revised 18689
Code. Division (G)(6) of this section applies regarding any 18690
vehicle that is subject to an order of criminal forfeiture under 18691
this division. 18692

(vi) In all cases, participation in an alcohol and drug 18693
addiction program authorized by section 3793.02 of the Revised 18694
Code, subject to division (I) of this section. 18695

(2) An offender who is convicted of or pleads guilty to a 18696
violation of division (A) of this section and who subsequently 18697
seeks reinstatement of the driver's or occupational driver's 18698
license or permit or nonresident operating privilege suspended 18699
under this section as a result of the conviction or guilty plea 18700
shall pay a reinstatement fee as provided in division (F)(2) of 18701
section 4511.191 of the Revised Code. 18702

(3) If an offender is sentenced to a jail term under division 18703
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 18704
if, within sixty days of sentencing of the offender, the court 18705
issues a written finding on the record that, due to the 18706
unavailability of space at the jail where the offender is required 18707
to serve the term, the offender will not be able to begin serving 18708
that term within the sixty-day period following the date of 18709
sentencing, the court may impose an alternative sentence under 18710
this division that includes a term of house arrest with electronic 18711
monitoring, with continuous alcohol monitoring, or with both 18712
electronic monitoring and continuous alcohol monitoring. 18713

As an alternative to a mandatory jail term of ten consecutive 18714
days required by division (G)(1)(b)(i) of this section, the court, 18715
under this division, may sentence the offender to five consecutive 18716

days in jail and not less than eighteen consecutive days of house 18717
arrest with electronic monitoring, with continuous alcohol 18718
monitoring, or with both electronic monitoring and continuous 18719
alcohol monitoring. The cumulative total of the five consecutive 18720
days in jail and the period of house arrest with electronic 18721
monitoring, continuous alcohol monitoring, or both types of 18722
monitoring shall not exceed six months. The five consecutive days 18723
in jail do not have to be served prior to or consecutively to the 18724
period of house arrest. 18725

As an alternative to the mandatory jail term of twenty 18726
consecutive days required by division (G)(1)(b)(ii) of this 18727
section, the court, under this division, may sentence the offender 18728
to ten consecutive days in jail and not less than thirty-six 18729
consecutive days of house arrest with electronic monitoring, with 18730
continuous alcohol monitoring, or with both electronic monitoring 18731
and continuous alcohol monitoring. The cumulative total of the ten 18732
consecutive days in jail and the period of house arrest with 18733
electronic monitoring, continuous alcohol monitoring, or both 18734
types of monitoring shall not exceed six months. The ten 18735
consecutive days in jail do not have to be served prior to or 18736
consecutively to the period of house arrest. 18737

As an alternative to a mandatory jail term of thirty 18738
consecutive days required by division (G)(1)(c)(i) of this 18739
section, the court, under this division, may sentence the offender 18740
to fifteen consecutive days in jail and not less than fifty-five 18741
consecutive days of house arrest with electronic monitoring, with 18742
continuous alcohol monitoring, or with both electronic monitoring 18743
and continuous alcohol monitoring. The cumulative total of the 18744
fifteen consecutive days in jail and the period of house arrest 18745
with electronic monitoring, continuous alcohol monitoring, or both 18746
types of monitoring shall not exceed one year. The fifteen 18747
consecutive days in jail do not have to be served prior to or 18748

consecutively to the period of house arrest. 18749

As an alternative to the mandatory jail term of sixty 18750
consecutive days required by division (G)(1)(c)(ii) of this 18751
section, the court, under this division, may sentence the offender 18752
to thirty consecutive days in jail and not less than one hundred 18753
ten consecutive days of house arrest with electronic monitoring, 18754
with continuous alcohol monitoring, or with both electronic 18755
monitoring and continuous alcohol monitoring. The cumulative total 18756
of the thirty consecutive days in jail and the period of house 18757
arrest with electronic monitoring, continuous alcohol monitoring, 18758
or both types of monitoring shall not exceed one year. The thirty 18759
consecutive days in jail do not have to be served prior to or 18760
consecutively to the period of house arrest. 18761

(4) If an offender's driver's or occupational driver's 18762
license or permit or nonresident operating privilege is suspended 18763
under division (G) of this section and if section 4510.13 of the 18764
Revised Code permits the court to grant limited driving 18765
privileges, the court may grant the limited driving privileges in 18766
accordance with that section. If division (A)(7) of that section 18767
requires that the court impose as a condition of the privileges 18768
that the offender must display on the vehicle that is driven 18769
subject to the privileges restricted license plates that are 18770
issued under section 4503.231 of the Revised Code, except as 18771
provided in division (B) of that section, the court shall impose 18772
that condition as one of the conditions of the limited driving 18773
privileges granted to the offender, except as provided in division 18774
(B) of section 4503.231 of the Revised Code. 18775

(5) Fines imposed under this section for a violation of 18776
division (A) of this section shall be distributed as follows: 18777

(a) Twenty-five dollars of the fine imposed under division 18778
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 18779
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 18780

fine imposed under division (G)(1)(c)(iii), and two hundred ten 18781
dollars of the fine imposed under division (G)(1)(d)(iii) or 18782
(e)(iii) of this section shall be paid to an enforcement and 18783
education fund established by the legislative authority of the law 18784
enforcement agency in this state that primarily was responsible 18785
for the arrest of the offender, as determined by the court that 18786
imposes the fine. The agency shall use this share to pay only 18787
those costs it incurs in enforcing this section or a municipal OVI 18788
ordinance or township OVI resolution and in informing the public 18789
of the laws governing the operation of a vehicle while under the 18790
influence of alcohol, the dangers of the operation of a vehicle 18791
under the influence of alcohol, and other information relating to 18792
the operation of a vehicle under the influence of alcohol and the 18793
consumption of alcoholic beverages. 18794

(b) Fifty dollars of the fine imposed under division 18795
(G)(1)(a)(iii) of this section shall be paid to the political 18796
subdivision that pays the cost of housing the offender during the 18797
offender's term of incarceration. If the offender is being 18798
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 18799
(e), or (j) of this section and was confined as a result of the 18800
offense prior to being sentenced for the offense but is not 18801
sentenced to a term of incarceration, the fifty dollars shall be 18802
paid to the political subdivision that paid the cost of housing 18803
the offender during that period of confinement. The political 18804
subdivision shall use the share under this division to pay or 18805
reimburse incarceration or treatment costs it incurs in housing or 18806
providing drug and alcohol treatment to persons who violate this 18807
section or a municipal OVI ordinance or township OVI resolution, 18808
costs of any immobilizing or disabling device used on the 18809
offender's vehicle, and costs of electronic house arrest equipment 18810
needed for persons who violate this section. 18811

(c) Twenty-five dollars of the fine imposed under division 18812

(G)(1)(a)(iii) and fifty dollars of the fine imposed under 18813
division (G)(1)(b)(iii) of this section shall be deposited into 18814
the county or municipal indigent drivers' alcohol treatment fund 18815
under the control of that court, as created by the county or 18816
municipal corporation under division (N) of section 4511.191 of 18817
the Revised Code. 18818

(d) One hundred fifteen dollars of the fine imposed under 18819
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 18820
fine imposed under division (G)(1)(c)(iii), and four hundred forty 18821
dollars of the fine imposed under division (G)(1)(d)(iii) or 18822
(e)(iii) of this section shall be paid to the political 18823
subdivision that pays the cost of housing the offender during the 18824
offender's term of incarceration. The political subdivision shall 18825
use this share to pay or reimburse incarceration or treatment 18826
costs it incurs in housing or providing drug and alcohol treatment 18827
to persons who violate this section or a municipal OVI ordinance 18828
or township OVI resolution, costs for any immobilizing or 18829
disabling device used on the offender's vehicle, and costs of 18830
electronic house arrest equipment needed for persons who violate 18831
this section. 18832

(e) Seventy-five dollars of the fine imposed under division 18833
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 18834
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 18835
of the fine imposed under division (G)(1)(c)(iii), and five 18836
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 18837
or (e)(iii) of this section shall be transmitted to the treasurer 18838
of state for deposit into the indigent defense support fund 18839
established under section 120.08 of the Revised Code. 18840

(f) The balance of the fine imposed under division 18841
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 18842
section shall be disbursed as otherwise provided by law. 18843

(6) If title to a motor vehicle that is subject to an order 18844

of criminal forfeiture under division (G)(1)(c), (d), or (e) of 18845
this section is assigned or transferred and division (B)(2) or (3) 18846
of section 4503.234 of the Revised Code applies, in addition to or 18847
independent of any other penalty established by law, the court may 18848
fine the offender the value of the vehicle as determined by 18849
publications of the national auto dealers association. The 18850
proceeds of any fine so imposed shall be distributed in accordance 18851
with division (C)(2) of that section. 18852

(7) As used in division (G) of this section, "electronic 18853
monitoring," "mandatory prison term," and "mandatory term of local 18854
incarceration" have the same meanings as in section 2929.01 of the 18855
Revised Code. 18856

(H) Whoever violates division (B) of this section is guilty 18857
of operating a vehicle after underage alcohol consumption and 18858
shall be punished as follows: 18859

(1) Except as otherwise provided in division (H)(2) of this 18860
section, the offender is guilty of a misdemeanor of the fourth 18861
degree. In addition to any other sanction imposed for the offense, 18862
the court shall impose a class six suspension of the offender's 18863
driver's license, commercial driver's license, temporary 18864
instruction permit, probationary license, or nonresident operating 18865
privilege from the range specified in division (A)(6) of section 18866
4510.02 of the Revised Code. 18867

(2) If, within one year of the offense, the offender 18868
previously has been convicted of or pleaded guilty to one or more 18869
violations of division (A) or (B) of this section or other 18870
equivalent offenses, the offender is guilty of a misdemeanor of 18871
the third degree. In addition to any other sanction imposed for 18872
the offense, the court shall impose a class four suspension of the 18873
offender's driver's license, commercial driver's license, 18874
temporary instruction permit, probationary license, or nonresident 18875
operating privilege from the range specified in division (A)(4) of 18876

section 4510.02 of the Revised Code. 18877

(3) If the offender also is convicted of or also pleads 18878
guilty to a specification of the type described in section 18879
2941.1416 of the Revised Code and if the court imposes a jail term 18880
for the violation of division (B) of this section, the court shall 18881
impose upon the offender an additional definite jail term pursuant 18882
to division (E) of section 2929.24 of the Revised Code. 18883

(I)(1) No court shall sentence an offender to an alcohol 18884
treatment program under this section unless the treatment program 18885
complies with the minimum standards for alcohol treatment programs 18886
adopted under Chapter 3793. of the Revised Code by the director of 18887
alcohol and drug addiction services. 18888

(2) An offender who stays in a drivers' intervention program 18889
or in an alcohol treatment program under an order issued under 18890
this section shall pay the cost of the stay in the program. 18891
However, if the court determines that an offender who stays in an 18892
alcohol treatment program under an order issued under this section 18893
is unable to pay the cost of the stay in the program, the court 18894
may order that the cost be paid from the court's indigent drivers' 18895
alcohol treatment fund. 18896

(J) If a person whose driver's or commercial driver's license 18897
or permit or nonresident operating privilege is suspended under 18898
this section files an appeal regarding any aspect of the person's 18899
trial or sentence, the appeal itself does not stay the operation 18900
of the suspension. 18901

(K) Division (A)(1)(j) of this section does not apply to a 18902
person who operates a vehicle, streetcar, or trackless trolley 18903
while the person has a concentration of a listed controlled 18904
substance or a listed metabolite of a controlled substance in the 18905
person's whole blood, blood serum or plasma, or urine that equals 18906
or exceeds the amount specified in that division, if both of the 18907

following apply: 18908

(1) The person obtained the controlled substance pursuant to 18909
a prescription issued by a licensed health professional authorized 18910
to prescribe drugs. 18911

(2) The person injected, ingested, or inhaled the controlled 18912
substance in accordance with the health professional's directions. 18913

(L) The prohibited concentrations of a controlled substance 18914
or a metabolite of a controlled substance listed in division 18915
(A)(1)(j) of this section also apply in a prosecution of a 18916
violation of division (D) of section 2923.16 of the Revised Code 18917
in the same manner as if the offender is being prosecuted for a 18918
prohibited concentration of alcohol. 18919

(M) All terms defined in section 4510.01 of the Revised Code 18920
apply to this section. If the meaning of a term defined in section 18921
4510.01 of the Revised Code conflicts with the meaning of the same 18922
term as defined in section 4501.01 or 4511.01 of the Revised Code, 18923
the term as defined in section 4510.01 of the Revised Code applies 18924
to this section. 18925

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 18926
as adopted by the supreme court under authority of section 2937.46 18927
of the Revised Code, do not apply to felony violations of this 18928
section. Subject to division (N)(2) of this section, the Rules of 18929
Criminal Procedure apply to felony violations of this section. 18930

(2) If, on or after January 1, 2004, the supreme court 18931
modifies the Ohio Traffic Rules to provide procedures to govern 18932
felony violations of this section, the modified rules shall apply 18933
to felony violations of this section. 18934

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 18935
as in section 4511.194 of the Revised Code. 18936

(2) Any person who operates a vehicle, streetcar, or 18937

trackless trolley upon a highway or any public or private property 18938
used by the public for vehicular travel or parking within this 18939
state or who is in physical control of a vehicle, streetcar, or 18940
trackless trolley shall be deemed to have given consent to a 18941
chemical test or tests of the person's whole blood, blood serum or 18942
plasma, breath, or urine to determine the alcohol, drug of abuse, 18943
controlled substance, metabolite of a controlled substance, or 18944
combination content of the person's whole blood, blood serum or 18945
plasma, breath, or urine if arrested for a violation of division 18946
(A) or (B) of section 4511.19 of the Revised Code, section 18947
4511.194 of the Revised Code or a substantially equivalent 18948
municipal ordinance or township resolution, or a municipal OVI 18949
ordinance or township OVI resolution. 18950

(3) The chemical test or tests under division (A)(2) of this 18951
section shall be administered at the request of a law enforcement 18952
officer having reasonable grounds to believe the person was 18953
operating or in physical control of a vehicle, streetcar, or 18954
trackless trolley in violation of a division, section, or 18955
ordinance identified in division (A)(2) of this section. The law 18956
enforcement agency by which the officer is employed shall 18957
designate which of the tests shall be administered. 18958

(4) Any person who is dead or unconscious, or who otherwise 18959
is in a condition rendering the person incapable of refusal, shall 18960
be deemed to have consented as provided in division (A)(2) of this 18961
section, and the test or tests may be administered, subject to 18962
sections 313.12 to 313.16 of the Revised Code. 18963

(B)(1) Upon receipt of the sworn report of a law enforcement 18964
officer who arrested a person for a violation of division (A) or 18965
(B) of section 4511.19 of the Revised Code, section 4511.194 of 18966
the Revised Code or a substantially equivalent municipal ordinance 18967
or township resolution, or a municipal OVI ordinance or township 18968
OVI resolution that was completed and sent to the registrar and a 18969

court pursuant to section 4511.192 of the Revised Code in regard 18970
to a person who refused to take the designated chemical test, the 18971
registrar shall enter into the registrar's records the fact that 18972
the person's driver's or commercial driver's license or permit or 18973
nonresident operating privilege was suspended by the arresting 18974
officer under this division and that section and the period of the 18975
suspension, as determined under this section. The suspension shall 18976
be subject to appeal as provided in section 4511.197 of the 18977
Revised Code. The suspension shall be for whichever of the 18978
following periods applies: 18979

(a) Except when division (B)(1)(b), (c), or (d) of this 18980
section applies and specifies a different class or length of 18981
suspension, the suspension shall be a class C suspension for the 18982
period of time specified in division (B)(3) of section 4510.02 of 18983
the Revised Code. 18984

(b) If the arrested person, within six years of the date on 18985
which the person refused the request to consent to the chemical 18986
test, had refused one previous request to consent to a chemical 18987
test, the suspension shall be a class B suspension imposed for the 18988
period of time specified in division (B)(2) of section 4510.02 of 18989
the Revised Code. 18990

(c) If the arrested person, within six years of the date on 18991
which the person refused the request to consent to the chemical 18992
test, had refused two previous requests to consent to a chemical 18993
test, the suspension shall be a class A suspension imposed for the 18994
period of time specified in division (B)(1) of section 4510.02 of 18995
the Revised Code. 18996

(d) If the arrested person, within six years of the date on 18997
which the person refused the request to consent to the chemical 18998
test, had refused three or more previous requests to consent to a 18999
chemical test, the suspension shall be for five years. 19000

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance or township OVI resolution, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

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

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or township OVI resolution that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section

4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance or township resolution who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

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

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

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

(d) If, within six years of the date the test was conducted,

the person has been convicted of or pleaded guilty to more than 19065
two violations of a statute or ordinance described in division 19066
(C)(1)(b) of this section, the suspension shall be a class A 19067
suspension imposed for the period of time specified in division 19068
(B)(1) of section 4510.02 of the Revised Code. 19069

(2) The registrar shall terminate a suspension of the 19070
driver's or commercial driver's license or permit of a resident or 19071
of the operating privilege of a nonresident, or a denial of a 19072
driver's or commercial driver's license or permit, imposed 19073
pursuant to division (C)(1) of this section upon receipt of notice 19074
that the person has entered a plea of guilty to, or that the 19075
person has been convicted after entering a plea of no contest to, 19076
operating a vehicle in violation of section 4511.19 of the Revised 19077
Code or in violation of a municipal OVI ordinance or township OVI 19078
resolution, if the offense for which the conviction is had or the 19079
plea is entered arose from the same incident that led to the 19080
suspension or denial. 19081

The registrar shall credit against any judicial suspension of 19082
a person's driver's or commercial driver's license or permit or 19083
nonresident operating privilege imposed pursuant to section 19084
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 19085
Revised Code for a violation of a municipal OVI ordinance or 19086
township OVI resolution, any time during which the person serves a 19087
related suspension imposed pursuant to division (C)(1) of this 19088
section. 19089

(D)(1) A suspension of a person's driver's or commercial 19090
driver's license or permit or nonresident operating privilege 19091
under this section for the time described in division (B) or (C) 19092
of this section is effective immediately from the time at which 19093
the arresting officer serves the notice of suspension upon the 19094
arrested person. Any subsequent finding that the person is not 19095
guilty of the charge that resulted in the person being requested 19096

to take the chemical test or tests under division (A) of this 19097
section does not affect the suspension. 19098

(2) If a person is arrested for operating a vehicle, 19099
streetcar, or trackless trolley in violation of division (A) or 19100
(B) of section 4511.19 of the Revised Code or a municipal OVI 19101
ordinance or township OVI resolution, or for being in physical 19102
control of a vehicle, streetcar, or trackless trolley in violation 19103
of section 4511.194 of the Revised Code or a substantially 19104
equivalent municipal ordinance or township resolution, regardless 19105
of whether the person's driver's or commercial driver's license or 19106
permit or nonresident operating privilege is or is not suspended 19107
under division (B) or (C) of this section or Chapter 4510. of the 19108
Revised Code, the person's initial appearance on the charge 19109
resulting from the arrest shall be held within five days of the 19110
person's arrest or the issuance of the citation to the person, 19111
subject to any continuance granted by the court pursuant to 19112
section 4511.197 of the Revised Code regarding the issues 19113
specified in that division. 19114

(E) When it finally has been determined under the procedures 19115
of this section and sections 4511.192 to 4511.197 of the Revised 19116
Code that a nonresident's privilege to operate a vehicle within 19117
this state has been suspended, the registrar shall give 19118
information in writing of the action taken to the motor vehicle 19119
administrator of the state of the person's residence and of any 19120
state in which the person has a license. 19121

(F) At the end of a suspension period under this section, 19122
under section 4511.194, section 4511.196, or division (G) of 19123
section 4511.19 of the Revised Code, or under section 4510.07 of 19124
the Revised Code for a violation of a municipal OVI ordinance or 19125
township OVI resolution and upon the request of the person whose 19126
driver's or commercial driver's license or permit was suspended 19127
and who is not otherwise subject to suspension, cancellation, or 19128

disqualification, the registrar shall return the driver's or 19129
commercial driver's license or permit to the person upon the 19130
occurrence of all of the conditions specified in divisions (F)(1) 19131
and (2) of this section: 19132

(1) A showing that the person has proof of financial 19133
responsibility, a policy of liability insurance in effect that 19134
meets the minimum standards set forth in section 4509.51 of the 19135
Revised Code, or proof, to the satisfaction of the registrar, that 19136
the person is able to respond in damages in an amount at least 19137
equal to the minimum amounts specified in section 4509.51 of the 19138
Revised Code. 19139

(2) Subject to the limitation contained in division (F)(3) of 19140
this section, payment by the person to the bureau of motor 19141
vehicles of a license reinstatement fee of four hundred 19142
twenty-five dollars, which fee shall be deposited in the state 19143
treasury and credited as follows: 19144

(a) One hundred twelve dollars and fifty cents shall be 19145
credited to the statewide treatment and prevention fund created by 19146
section 4301.30 of the Revised Code. The fund shall be used to pay 19147
the costs of driver treatment and intervention programs operated 19148
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 19149
director of alcohol and drug addiction services shall determine 19150
the share of the fund that is to be allocated to alcohol and drug 19151
addiction programs authorized by section 3793.02 of the Revised 19152
Code, and the share of the fund that is to be allocated to 19153
drivers' intervention programs authorized by section 3793.10 of 19154
the Revised Code. 19155

(b) Seventy-five dollars shall be credited to the reparations 19156
fund created by section 2743.191 of the Revised Code. 19157

(c) Thirty-seven dollars and fifty cents shall be credited to 19158
the indigent drivers alcohol treatment fund, which is hereby 19159

established. Except as otherwise provided in division (F)(2)(c) of 19160
this section, moneys in the fund shall be distributed by the 19161
department of alcohol and drug addiction services to the county 19162
indigent drivers alcohol treatment funds, the county juvenile 19163
indigent drivers alcohol treatment funds, and the municipal 19164
indigent drivers alcohol treatment funds that are required to be 19165
established by counties and municipal corporations pursuant to 19166
this section, and shall be used only to pay the cost of an alcohol 19167
and drug addiction treatment program attended by an offender or 19168
juvenile traffic offender who is ordered to attend an alcohol and 19169
drug addiction treatment program by a county, juvenile, or 19170
municipal court judge and who is determined by the county, 19171
juvenile, or municipal court judge not to have the means to pay 19172
for the person's attendance at the program or to pay the costs 19173
specified in division (H)(4) of this section in accordance with 19174
that division. In addition, a county, juvenile, or municipal court 19175
judge may use moneys in the county indigent drivers alcohol 19176
treatment fund, county juvenile indigent drivers alcohol treatment 19177
fund, or municipal indigent drivers alcohol treatment fund to pay 19178
for the cost of the continued use of an electronic continuous 19179
alcohol monitoring device as described in divisions (H)(3) and (4) 19180
of this section. Moneys in the fund that are not distributed to a 19181
county indigent drivers alcohol treatment fund, a county juvenile 19182
indigent drivers alcohol treatment fund, or a municipal indigent 19183
drivers alcohol treatment fund under division (H) of this section 19184
because the director of alcohol and drug addiction services does 19185
not have the information necessary to identify the county or 19186
municipal corporation where the offender or juvenile offender was 19187
arrested may be transferred by the director of budget and 19188
management to the statewide treatment and prevention fund created 19189
by section 4301.30 of the Revised Code, upon certification of the 19190
amount by the director of alcohol and drug addiction services. 19191

(d) Seventy-five dollars shall be credited to the Ohio 19192

rehabilitation services commission established by section 3304.12 19193
of the Revised Code, to the services for rehabilitation fund, 19194
which is hereby established. The fund shall be used to match 19195
available federal matching funds where appropriate, and for any 19196
other purpose or program of the commission to rehabilitate people 19197
with disabilities to help them become employed and independent. 19198

(e) Seventy-five dollars shall be deposited into the state 19199
treasury and credited to the drug abuse resistance education 19200
programs fund, which is hereby established, to be used by the 19201
attorney general for the purposes specified in division (F)(4) of 19202
this section. 19203

(f) Thirty dollars shall be credited to the state bureau of 19204
motor vehicles fund created by section 4501.25 of the Revised 19205
Code. 19206

(g) Twenty dollars shall be credited to the trauma and 19207
emergency medical services grants fund created by section 4513.263 19208
of the Revised Code. 19209

(3) If a person's driver's or commercial driver's license or 19210
permit is suspended under this section, under section 4511.196 or 19211
division (G) of section 4511.19 of the Revised Code, under section 19212
4510.07 of the Revised Code for a violation of a municipal OVI 19213
ordinance or township OVI resolution or under any combination of 19214
the suspensions described in division (F)(3) of this section, and 19215
if the suspensions arise from a single incident or a single set of 19216
facts and circumstances, the person is liable for payment of, and 19217
shall be required to pay to the bureau, only one reinstatement fee 19218
of four hundred twenty-five dollars. The reinstatement fee shall 19219
be distributed by the bureau in accordance with division (F)(2) of 19220
this section. 19221

(4) The attorney general shall use amounts in the drug abuse 19222
resistance education programs fund to award grants to law 19223

enforcement agencies to establish and implement drug abuse 19224
resistance education programs in public schools. Grants awarded to 19225
a law enforcement agency under this section shall be used by the 19226
agency to pay for not more than fifty per cent of the amount of 19227
the salaries of law enforcement officers who conduct drug abuse 19228
resistance education programs in public schools. The attorney 19229
general shall not use more than six per cent of the amounts the 19230
attorney general's office receives under division (F)(2)(e) of 19231
this section to pay the costs it incurs in administering the grant 19232
program established by division (F)(2)(e) of this section and in 19233
providing training and materials relating to drug abuse resistance 19234
education programs. 19235

The attorney general shall report to the governor and the 19236
general assembly each fiscal year on the progress made in 19237
establishing and implementing drug abuse resistance education 19238
programs. These reports shall include an evaluation of the 19239
effectiveness of these programs. 19240

(G) Suspension of a commercial driver's license under 19241
division (B) or (C) of this section shall be concurrent with any 19242
period of disqualification under section 3123.611 or 4506.16 of 19243
the Revised Code or any period of suspension under section 3123.58 19244
of the Revised Code. No person who is disqualified for life from 19245
holding a commercial driver's license under section 4506.16 of the 19246
Revised Code shall be issued a driver's license under Chapter 19247
4507. of the Revised Code during the period for which the 19248
commercial driver's license was suspended under division (B) or 19249
(C) of this section. No person whose commercial driver's license 19250
is suspended under division (B) or (C) of this section shall be 19251
issued a driver's license under Chapter 4507. of the Revised Code 19252
during the period of the suspension. 19253

(H)(1) Each county shall establish an indigent drivers 19254
alcohol treatment fund, each county shall establish a juvenile 19255

indigent drivers alcohol treatment fund, and each municipal 19256
corporation in which there is a municipal court shall establish an 19257
indigent drivers alcohol treatment fund. All revenue that the 19258
general assembly appropriates to the indigent drivers alcohol 19259
treatment fund for transfer to a county indigent drivers alcohol 19260
treatment fund, a county juvenile indigent drivers alcohol 19261
treatment fund, or a municipal indigent drivers alcohol treatment 19262
fund, all portions of fees that are paid under division (F) of 19263
this section and that are credited under that division to the 19264
indigent drivers alcohol treatment fund in the state treasury for 19265
a county indigent drivers alcohol treatment fund, a county 19266
juvenile indigent drivers alcohol treatment fund, or a municipal 19267
indigent drivers alcohol treatment fund, and all portions of fines 19268
that are specified for deposit into a county or municipal indigent 19269
drivers alcohol treatment fund by section 4511.193 of the Revised 19270
Code shall be deposited into that county indigent drivers alcohol 19271
treatment fund, county juvenile indigent drivers alcohol treatment 19272
fund, or municipal indigent drivers alcohol treatment fund in 19273
accordance with division (H)(2) of this section. Additionally, all 19274
portions of fines that are paid for a violation of section 4511.19 19275
of the Revised Code or of any prohibition contained in Chapter 19276
4510. of the Revised Code, and that are required under section 19277
4511.19 or any provision of Chapter 4510. of the Revised Code to 19278
be deposited into a county indigent drivers alcohol treatment fund 19279
or municipal indigent drivers alcohol treatment fund shall be 19280
deposited into the appropriate fund in accordance with the 19281
applicable division. 19282

(2) That portion of the license reinstatement fee that is 19283
paid under division (F) of this section and that is credited under 19284
that division to the indigent drivers alcohol treatment fund shall 19285
be deposited into a county indigent drivers alcohol treatment 19286
fund, a county juvenile indigent drivers alcohol treatment fund, 19287
or a municipal indigent drivers alcohol treatment fund as follows: 19288

(a) If the suspension in question was imposed under this section, that portion of the fee shall be deposited as follows:	19289 19290
(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;	19291 19292 19293 19294
(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;	19295 19296 19297 19298 19299
(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.	19300 19301 19302 19303 19304
(b) If the suspension in question was imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance <u>or township OVI resolution</u> , that portion of the fee shall be deposited as follows:	19305 19306 19307 19308 19309
(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;	19310 19311 19312 19313
(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.	19314 19315 19316 19317
(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol	19318 19319

treatment fund, or a municipal indigent drivers alcohol treatment 19320
fund shall be made only upon the order of a county, juvenile, or 19321
municipal court judge and only for payment of the cost of the 19322
attendance at an alcohol and drug addiction treatment program of a 19323
person who is convicted of, or found to be a juvenile traffic 19324
offender by reason of, a violation of division (A) of section 19325
4511.19 of the Revised Code or a substantially similar municipal 19326
ordinance or township resolution, who is ordered by the court to 19327
attend the alcohol and drug addiction treatment program, and who 19328
is determined by the court to be unable to pay the cost of 19329
attendance at the treatment program or for payment of the costs 19330
specified in division (H)(4) of this section in accordance with 19331
that division. The alcohol and drug addiction services board or 19332
the board of alcohol, drug addiction, and mental health services 19333
established pursuant to section 340.02 or 340.021 of the Revised 19334
Code and serving the alcohol, drug addiction, and mental health 19335
service district in which the court is located shall administer 19336
the indigent drivers alcohol treatment program of the court. When 19337
a court orders an offender or juvenile traffic offender to attend 19338
an alcohol and drug addiction treatment program, the board shall 19339
determine which program is suitable to meet the needs of the 19340
offender or juvenile traffic offender, and when a suitable program 19341
is located and space is available at the program, the offender or 19342
juvenile traffic offender shall attend the program designated by 19343
the board. A reasonable amount not to exceed five per cent of the 19344
amounts credited to and deposited into the county indigent drivers 19345
alcohol treatment fund, the county juvenile indigent drivers 19346
alcohol treatment fund, or the municipal indigent drivers alcohol 19347
treatment fund serving every court whose program is administered 19348
by that board shall be paid to the board to cover the costs it 19349
incurs in administering those indigent drivers alcohol treatment 19350
programs. 19351

In addition, a county, juvenile, or municipal court judge may 19352

use moneys in the county indigent drivers alcohol treatment fund, 19353
county juvenile indigent drivers alcohol treatment fund, or 19354
municipal indigent drivers alcohol treatment fund to pay for the 19355
continued use of an electronic continuous alcohol monitoring 19356
device by an offender or juvenile traffic offender, in conjunction 19357
with a treatment program approved by the department of alcohol and 19358
drug addiction services, when such use is determined clinically 19359
necessary by the treatment program and when the court determines 19360
that the offender or juvenile traffic offender is unable to pay 19361
all or part of the daily monitoring of the device. 19362

(4) If a county, juvenile, or municipal court determines, in 19363
consultation with the alcohol and drug addiction services board or 19364
the board of alcohol, drug addiction, and mental health services 19365
established pursuant to section 340.02 or 340.021 of the Revised 19366
Code and serving the alcohol, drug addiction, and mental health 19367
district in which the court is located, that the funds in the 19368
county indigent drivers alcohol treatment fund, the county 19369
juvenile indigent drivers alcohol treatment fund, or the municipal 19370
indigent drivers alcohol treatment fund under the control of the 19371
court are more than sufficient to satisfy the purpose for which 19372
the fund was established, as specified in divisions (H)(1) to (3) 19373
of this section, the court may declare a surplus in the fund. If 19374
the court declares a surplus in the fund, the court may expend the 19375
amount of the surplus in the fund for: 19376

(a) Alcohol and drug abuse assessment and treatment of 19377
persons who are charged in the court with committing a criminal 19378
offense or with being a delinquent child or juvenile traffic 19379
offender and in relation to whom both of the following apply: 19380

(i) The court determines that substance abuse was a 19381
contributing factor leading to the criminal or delinquent activity 19382
or the juvenile traffic offense with which the person is charged. 19383

(ii) The court determines that the person is unable to pay 19384

the cost of the alcohol and drug abuse assessment and treatment 19385
for which the surplus money will be used. 19386

(b) All or part of the cost of purchasing electronic 19387
continuous alcohol monitoring devices to be used in conjunction 19388
with division (H)(3) of this section. 19389

Sec. 4511.192. (A) The arresting law enforcement officer 19390
shall give advice in accordance with this section to any person 19391
under arrest for a violation of division (A) or (B) of section 19392
4511.19 of the Revised Code, section 4511.194 of the Revised Code 19393
or a substantially equivalent municipal ordinance or township 19394
resolution, or a municipal OVI ordinance or township OVI 19395
resolution. The officer shall give that advice in a written form 19396
that contains the information described in division (B) of this 19397
section and shall read the advice to the person. The form shall 19398
contain a statement that the form was shown to the person under 19399
arrest and read to the person by the arresting officer. One or 19400
more persons shall witness the arresting officer's reading of the 19401
form, and the witnesses shall certify to this fact by signing the 19402
form. The person must submit to the chemical test or tests, 19403
subsequent to the request of the arresting officer, within two 19404
hours of the time of the alleged violation and, if the person does 19405
not submit to the test or tests within that two-hour time limit, 19406
the failure to submit automatically constitutes a refusal to 19407
submit to the test or tests. 19408

(B) If a person is under arrest as described in division (A) 19409
of this section, before the person may be requested to submit to a 19410
chemical test or tests to determine the alcohol, drug of abuse, 19411
controlled substance, metabolite of a controlled substance, or 19412
combination content of the person's whole blood, blood serum or 19413
plasma, breath, or urine, the arresting officer shall read the 19414
following form to the person: 19415

"You now are under arrest for (specifically state the offense 19416
under state law or a substantially equivalent municipal ordinance 19417
or township resolution for which the person was arrested - 19418
operating a vehicle under the influence of alcohol, a drug, or a 19419
combination of them; operating a vehicle while under the influence 19420
of a listed controlled substance or a listed metabolite of a 19421
controlled substance; operating a vehicle after underage alcohol 19422
consumption; or having physical control of a vehicle while under 19423
the influence). 19424

If you refuse to take any chemical test required by law, your 19425
Ohio driving privileges will be suspended immediately, and you 19426
will have to pay a fee to have the privileges reinstated. If you 19427
have a prior conviction of OVI, OVUAC, or operating a vehicle 19428
while under the influence of a listed controlled substance or a 19429
listed metabolite of a controlled substance under state or 19430
municipal law within the preceding twenty years, you now are under 19431
arrest for state OVI, and, if you refuse to take a chemical test, 19432
you will face increased penalties if you subsequently are 19433
convicted of the state OVI. 19434

(Read this part unless the person is under arrest for solely 19435
having physical control of a vehicle while under the influence.) 19436
If you take any chemical test required by law and are found to be 19437
at or over the prohibited amount of alcohol, a controlled 19438
substance, or a metabolite of a controlled substance in your whole 19439
blood, blood serum or plasma, breath, or urine as set by law, your 19440
Ohio driving privileges will be suspended immediately, and you 19441
will have to pay a fee to have the privileges reinstated. 19442

If you take a chemical test, you may have an independent 19443
chemical test taken at your own expense." 19444

(C) If the arresting law enforcement officer does not ask a 19445
person under arrest as described in division (A) of this section 19446
to submit to a chemical test or tests under section 4511.191 of 19447

the Revised Code, the arresting officer shall seize the Ohio or 19448
out-of-state driver's or commercial driver's license or permit of 19449
the person and immediately forward it to the court in which the 19450
arrested person is to appear on the charge. If the arrested person 19451
is not in possession of the person's license or permit or it is 19452
not in the person's vehicle, the officer shall order the person to 19453
surrender it to the law enforcement agency that employs the 19454
officer within twenty-four hours after the arrest, and, upon the 19455
surrender, the agency immediately shall forward the license or 19456
permit to the court in which the person is to appear on the 19457
charge. Upon receipt of the license or permit, the court shall 19458
retain it pending the arrested person's initial appearance and any 19459
action taken under section 4511.196 of the Revised Code. 19460

(D)(1) If a law enforcement officer asks a person under 19461
arrest as described in division (A) of this section to submit to a 19462
chemical test or tests under section 4511.191 of the Revised Code, 19463
if the officer advises the person in accordance with this section 19464
of the consequences of the person's refusal or submission, and if 19465
either the person refuses to submit to the test or tests or, 19466
unless the arrest was for a violation of section 4511.194 of the 19467
Revised Code or a substantially equivalent municipal ordinance or 19468
township resolution, the person submits to the test or tests and 19469
the test results indicate a prohibited concentration of alcohol, a 19470
controlled substance, or a metabolite of a controlled substance in 19471
the person's whole blood, blood serum or plasma, breath, or urine 19472
at the time of the alleged offense, the arresting officer shall do 19473
all of the following: 19474

(a) On behalf of the registrar of motor vehicles, notify the 19475
person that, independent of any penalties or sanctions imposed 19476
upon the person, the person's Ohio driver's or commercial driver's 19477
license or permit or nonresident operating privilege is suspended 19478
immediately, that the suspension will last at least until the 19479

person's initial appearance on the charge, which will be held 19480
within five days after the date of the person's arrest or the 19481
issuance of a citation to the person, and that the person may 19482
appeal the suspension at the initial appearance or during the 19483
period of time ending thirty days after that initial appearance; 19484

(b) Seize the driver's or commercial driver's license or 19485
permit of the person and immediately forward it to the registrar. 19486
If the arrested person is not in possession of the person's 19487
license or permit or it is not in the person's vehicle, the 19488
officer shall order the person to surrender it to the law 19489
enforcement agency that employs the officer within twenty-four 19490
hours after the person is given notice of the suspension, and, 19491
upon the surrender, the officer's employing agency immediately 19492
shall forward the license or permit to the registrar. 19493

(c) Verify the person's current residence and, if it differs 19494
from that on the person's driver's or commercial driver's license 19495
or permit, notify the registrar of the change; 19496

(d) Send to the registrar, within forty-eight hours after the 19497
arrest of the person, a sworn report that includes all of the 19498
following statements: 19499

(i) That the officer had reasonable grounds to believe that, 19500
at the time of the arrest, the arrested person was operating a 19501
vehicle, streetcar, or trackless trolley in violation of division 19502
(A) or (B) of section 4511.19 of the Revised Code or a municipal 19503
OVI ordinance or for being in physical control of a stationary 19504
vehicle, streetcar, or trackless trolley in violation of section 19505
4511.194 of the Revised Code or a substantially equivalent 19506
municipal ordinance or township resolution; 19507

(ii) That the person was arrested and charged with a 19508
violation of division (A) or (B) of section 4511.19 of the Revised 19509
Code, section 4511.194 of the Revised Code or a substantially 19510

equivalent municipal ordinance or township resolution, or a 19511
municipal OVI ordinance or township OVI resolution; 19512

(iii) That the officer asked the person to take the 19513
designated chemical test or tests, advised the person in 19514
accordance with this section of the consequences of submitting to, 19515
or refusing to take, the test or tests, and gave the person the 19516
form described in division (B) of this section; 19517

(iv) That either the person refused to submit to the chemical 19518
test or tests or, unless the arrest was for a violation of section 19519
4511.194 of the Revised Code or a substantially equivalent 19520
municipal ordinance or township resolution, the person submitted 19521
to the chemical test or tests and the test results indicate a 19522
prohibited concentration of alcohol, a controlled substance, or a 19523
metabolite of a controlled substance in the person's whole blood, 19524
blood serum or plasma, breath, or urine at the time of the alleged 19525
offense. 19526

(2) Division (D)(1) of this section does not apply to a 19527
person who is arrested for a violation of section 4511.194 of the 19528
Revised Code or a substantially equivalent municipal ordinance or 19529
township resolution, who is asked by a law enforcement officer to 19530
submit to a chemical test or tests under section 4511.191 of the 19531
Revised Code, and who submits to the test or tests, regardless of 19532
the amount of alcohol, a controlled substance, or a metabolite of 19533
a controlled substance that the test results indicate is present 19534
in the person's whole blood, blood serum or plasma, breath, or 19535
urine. 19536

(E) The arresting officer shall give the officer's sworn 19537
report that is completed under this section to the arrested person 19538
at the time of the arrest, or the registrar of motor vehicles 19539
shall send the report to the person by regular first class mail as 19540
soon as possible after receipt of the report, but not later than 19541
fourteen days after receipt of it. An arresting officer may give 19542

an unsworn report to the arrested person at the time of the arrest 19543
provided the report is complete when given to the arrested person 19544
and subsequently is sworn to by the arresting officer. As soon as 19545
possible, but not later than forty-eight hours after the arrest of 19546
the person, the arresting officer shall send a copy of the sworn 19547
report to the court in which the arrested person is to appear on 19548
the charge for which the person was arrested. 19549

(F) The sworn report of an arresting officer completed under 19550
this section is prima-facie proof of the information and 19551
statements that it contains. It shall be admitted and considered 19552
as prima-facie proof of the information and statements that it 19553
contains in any appeal under section 4511.197 of the Revised Code 19554
relative to any suspension of a person's driver's or commercial 19555
driver's license or permit or nonresident operating privilege that 19556
results from the arrest covered by the report. 19557

Sec. 4511.193. (A) ~~Twenty-five~~ Subject to division (F)(2) of 19558
section 1901.31 of the Revised Code, twenty-five dollars of any 19559
fine imposed for a violation of a municipal OVI ordinance or 19560
township OVI resolution shall be deposited into the municipal or 19561
county indigent drivers alcohol treatment fund created pursuant to 19562
division (H) of section 4511.191 of the Revised Code in accordance 19563
with this section and section 733.40, divisions (A) and (B) of 19564
section 1901.024, division (F) of section 1901.31, or division (C) 19565
of section 1907.20 of the Revised Code. Regardless of whether the 19566
fine is imposed by a municipal court, a ~~mayer's~~ community court, 19567
or a juvenile court, if the fine was imposed for a violation of an 19568
ordinance of a municipal corporation or resolution of a township 19569
that is within the jurisdiction of a municipal court, the 19570
twenty-five dollars that is subject to this section shall be 19571
deposited into the indigent drivers alcohol treatment fund of the 19572
municipal corporation in which is located the municipal court that 19573
has jurisdiction over that municipal corporation. Regardless of 19574

whether the fine is imposed by a county court, a ~~mayer's~~ community 19575
court, or a juvenile court, if the fine was imposed for a 19576
violation of an ordinance of a municipal corporation or resolution 19577
of a township that is within the jurisdiction of a county court, 19578
the twenty-five dollars that is subject to this section shall be 19579
deposited into the indigent drivers alcohol treatment fund of the 19580
county in which is located the county court that has jurisdiction 19581
over that municipal corporation. The deposit shall be made in 19582
accordance with section 733.40, divisions (A) and (B) of section 19583
1901.024, division (F) of section 1901.31, or division (C) of 19584
section 1907.20 of the Revised Code. 19585

(B)(1) The requirements and sanctions imposed by divisions 19587
(B)(1) and (2) of this section are an adjunct to and derive from 19588
the state's exclusive authority over the registration and titling 19589
of motor vehicles and do not comprise a part of the criminal 19590
sentence to be imposed upon a person who violates a municipal OVI 19591
ordinance or township OVI resolution. 19592

(2) If a person is convicted of or pleads guilty to a 19593
violation of a municipal OVI ordinance or township OVI resolution, 19594
if the vehicle the offender was operating at the time of the 19595
offense is registered in the offender's name, and if, within six 19596
years of the current offense, the offender has been convicted of 19597
or pleaded guilty to one or more violations of division (A) or (B) 19598
of section 4511.19 of the Revised Code or one or more other 19599
equivalent offenses, the court, in addition to and independent of 19600
any sentence that it imposes upon the offender for the offense, 19601
shall do whichever of the following is applicable: 19602

(a) Except as otherwise provided in division (B)(2)(b) of 19603
this section, if, within six years of the current offense, the 19604
offender has been convicted of or pleaded guilty to one violation 19605
described in division (B)(2) of this section, the court shall 19606

order the immobilization for ninety days of that vehicle and the 19607
impoundment for ninety days of the license plates of that vehicle. 19608
The order for the immobilization and impoundment shall be issued 19609
and enforced in accordance with section 4503.233 of the Revised 19610
Code. 19611

(b) If, within six years of the current offense, the offender 19612
has been convicted of or pleaded guilty to two or more violations 19613
described in division (B)(2) of this section, or if the offender 19614
previously has been convicted of or pleaded guilty to a violation 19615
of division (A) of section 4511.19 of the Revised Code under 19616
circumstances in which the violation was a felony and regardless 19617
of when the violation and the conviction or guilty plea occurred, 19618
the court shall order the criminal forfeiture to the state of that 19619
vehicle. The order of criminal forfeiture shall be issued and 19620
enforced in accordance with section 4503.234 of the Revised Code. 19621

Sec. 4511.194. (A) As used in this section: 19622

(1) "National highway traffic safety administration" has the 19623
same meaning as in section 4511.19 of the Revised Code. 19624

(2) "Physical control" means being in the driver's position 19625
of the front seat of a vehicle or in the driver's position of a 19626
streetcar or trackless trolley and having possession of the 19627
vehicle's, streetcar's, or trackless trolley's ignition key or 19628
other ignition device. 19629

(B) No person shall be in physical control of a vehicle, 19630
streetcar, or trackless trolley if, at the time of the physical 19631
control, any of the following apply: 19632

(1) The person is under the influence of alcohol, a drug of 19633
abuse, or a combination of them. 19634

(2) The person's whole blood, blood serum or plasma, breath, 19635
or urine contains at least the concentration of alcohol specified 19636

in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 19637
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(3) Except as provided in division (E) of this section, 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 concentration specified in division (A)(1)(j) of section 4511.19 of the Revised Code. 19639
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(C)(1) In any criminal prosecution or juvenile court proceeding for a violation of this section or a substantially equivalent municipal ordinance or township resolution, if a law enforcement officer has administered a field sobriety test to the person in physical control 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: 19645
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(a) The officer may testify concerning the results of the field sobriety test so administered. 19657
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(b) 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. 19659
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(c) If testimony is presented or evidence is introduced under division (C)(1)(a) or (b) 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. 19662
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(2) Division (C)(1) of this section does not limit or 19668
preclude a court, in its determination of whether the arrest of a 19669
person was supported by probable cause or its determination of any 19670
other matter in a criminal prosecution or juvenile court 19671
proceeding of a type described in that division, from considering 19672
evidence or testimony that is not otherwise disallowed by division 19673
(C)(1) of this section. 19674

(D) Whoever violates this section is guilty of having 19675
physical control of a vehicle while under the influence, a 19676
misdemeanor of the first degree. In addition to other sanctions 19677
imposed, the court may impose on the offender a class seven 19678
suspension of the offender's driver's license, commercial driver's 19679
license, temporary instruction permit, probationary license, or 19680
nonresident operating privilege from the range specified in 19681
division (A)(7) of section 4510.02 of the Revised Code. 19682

(E) Division (B)(3) of this section does not apply to a 19683
person who is in physical control of a vehicle, streetcar, or 19684
trackless trolley while the person has a concentration of a listed 19685
controlled substance or a listed metabolite of a controlled 19686
substance in the person's whole blood, blood serum or plasma, or 19687
urine that equals or exceeds the amount specified in division 19688
(A)(1)(j) of section 4511.19 of the Revised Code, if both of the 19689
following apply: 19690

(1) The person obtained the controlled substance pursuant to 19691
a prescription issued by a licensed health professional authorized 19692
to prescribe drugs. 19693

(2) The person injected, ingested, or inhaled the controlled 19694
substance in accordance with the health professional's directions. 19695

Sec. 4511.195. (A) As used in this section: 19696

(1) "Arrested person" means a person who is arrested for a 19697

violation of division (A) of section 4511.19 of the Revised Code 19698
or a municipal OVI ordinance or township OVI resolution and whose 19699
arrest results in a vehicle being seized under division (B) of 19700
this section. 19701

(2) "Vehicle owner" means either of the following: 19702

(a) The person in whose name is registered, at the time of 19703
the seizure, a vehicle that is seized under division (B) of this 19704
section; 19705

(b) A person to whom the certificate of title to a vehicle 19706
that is seized under division (B) of this section has been 19707
assigned and who has not obtained a certificate of title to the 19708
vehicle in that person's name, but who is deemed by the court as 19709
being the owner of the vehicle at the time the vehicle was seized 19710
under division (B) of this section. 19711

(3) "Interested party" includes the owner of a vehicle seized 19712
under this section, all lienholders, the arrested person, the 19713
owner of the place of storage at which a vehicle seized under this 19714
section is stored, and the person or entity that caused the 19715
vehicle to be removed. 19716

(B)(1) The arresting officer or another officer of the law 19717
enforcement agency that employs the arresting officer, in addition 19718
to any action that the arresting officer is required or authorized 19719
to take by section 4511.19 or 4511.191 of the Revised Code or by 19720
any other provision of law, shall seize the vehicle that a person 19721
was operating at the time of the alleged offense and its license 19722
plates if the vehicle is registered in the arrested person's name 19723
and if either of the following applies: 19724

(a) The person is arrested for a violation of division (A) of 19725
section 4511.19 of the Revised Code or of a municipal OVI 19726
ordinance or township OVI resolution and, within six years of the 19727
alleged violation, the person previously has been convicted of or 19728

pleaded guilty to one or more violations of division (A) or (B) of 19729
section 4511.19 of the Revised Code or one or more other 19730
equivalent offenses. 19731

(b) The person is arrested for a violation of division (A) of 19732
section 4511.19 of the Revised Code or of a municipal OVI 19733
ordinance or township OVI resolution and the person previously has 19734
been convicted of or pleaded guilty to a violation of division (A) 19735
of section 4511.19 of the Revised Code under circumstances in 19736
which the violation was a felony, regardless of when the prior 19737
felony violation of division (A) of section 4511.19 of the Revised 19738
Code and the conviction or guilty plea occurred. 19739

(2) A law enforcement agency that employs a law enforcement 19740
officer who makes an arrest of a type that is described in 19741
division (B)(1) of this section and that involves a rented or 19742
leased vehicle that is being rented or leased for a period of 19743
thirty days or less shall notify, within twenty-four hours after 19744
the officer makes the arrest, the lessor or owner of the vehicle 19745
regarding the circumstances of the arrest and the location at 19746
which the vehicle may be picked up. At the time of the seizure of 19747
the vehicle, the law enforcement officer who made the arrest shall 19748
give the arrested person written notice that the vehicle and its 19749
license plates have been seized; that the vehicle either will be 19750
kept by the officer's law enforcement agency or will be 19751
immobilized at least until the operator's initial appearance on 19752
the charge of the offense for which the arrest was made; that, at 19753
the initial appearance, the court in certain circumstances may 19754
order that the vehicle and license plates be released to the 19755
arrested person until the disposition of that charge; and that, if 19756
the arrested person is convicted of that charge, the court 19757
generally must order the immobilization of the vehicle and the 19758
impoundment of its license plates, or the forfeiture of the 19759
vehicle. 19760

(3) The arresting officer or a law enforcement officer of the agency that employs the arresting officer shall give written notice of the seizure to the court that will conduct the initial appearance of the arrested person on the charges arising out of the arrest. Upon receipt of the notice, the court promptly shall determine whether the arrested person is the vehicle owner. If the court determines that the arrested person is not the vehicle owner, it promptly shall send by regular mail written notice of the seizure to the vehicle's registered owner. The written notice shall contain all of the information required by division (B)(2) of this section to be in a notice to be given to the arrested person and also shall specify the date, time, and place of the arrested person's initial appearance. The notice also shall inform the vehicle owner 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. The notice also shall state that if the vehicle is immobilized under division (A) of section 4503.233 of the Revised Code, seven days after the end of the period of immobilization a law enforcement agency will send the vehicle owner a notice, informing the owner that if the release of the vehicle is not obtained in accordance with division (D)(3) of section 4503.233 of the Revised Code, the vehicle shall be forfeited. The notice also shall inform the vehicle owner that the vehicle owner may be charged expenses or charges incurred under this section and section 4503.233 of the Revised Code for the removal and storage of the vehicle.

The written notice that is given to the arrested person also shall state that if the person is convicted of or pleads guilty to the offense and the court issues an immobilization and impoundment order relative to that vehicle, division (D)(4) of section 4503.233 of the Revised Code prohibits the vehicle from being sold

during the period of immobilization without the prior approval of the court. 19794
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(4) At or before the initial appearance, the vehicle owner may file a motion requesting the court to order that the vehicle and its license plates be released to the vehicle owner. Except as provided in this division and subject to the payment of expenses or charges incurred in the removal and storage of the vehicle, the court, in its discretion, then may issue an order releasing the vehicle and its license plates to the vehicle owner. Such an order may be conditioned upon such terms as the court determines appropriate, including the posting of a bond in an amount determined by the court. If the arrested person is not the vehicle owner and if the vehicle owner is not present at the arrested person's initial appearance, and if the court believes that the vehicle owner was not provided with adequate notice of the initial appearance, the court, in its discretion, may allow the vehicle owner to file a motion within seven days of the initial appearance. If the court allows the vehicle owner to file such a motion after the initial appearance, the extension of time granted by the court does not extend the time within which the initial appearance is to be conducted. If the court issues an order for the release of the vehicle and its license plates, a copy of the order shall be made available to the vehicle owner. If the vehicle owner presents a copy of the order to the law enforcement agency that employs the law enforcement officer who arrested the arrested person, the law enforcement agency promptly shall release the vehicle and its license plates to the vehicle owner upon payment by the vehicle owner of any expenses or charges incurred in the removal and storage of the vehicle. 19796
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(5) A vehicle seized under division (B)(1) of this section either shall be towed to a place specified by the law enforcement agency that employs the arresting officer to be safely kept by the 19823
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agency at that place for the time and in the manner specified in 19826
this section or shall be otherwise immobilized for the time and in 19827
the manner specified in this section. A law enforcement officer of 19828
that agency shall remove the identification license plates of the 19829
vehicle, and they shall be safely kept by the agency for the time 19830
and in the manner specified in this section. No vehicle that is 19831
seized and either towed or immobilized pursuant to this division 19832
shall be considered contraband for purposes of Chapter 2981. of 19833
the Revised Code. The vehicle shall not be immobilized at any 19834
place other than a commercially operated private storage lot, a 19835
place owned by a law enforcement agency or other government 19836
agency, or a place to which one of the following applies: 19837

(a) The place is leased by or otherwise under the control of 19838
a law enforcement agency or other government agency. 19839

(b) The place is owned by the vehicle operator, the vehicle 19840
operator's spouse, or a parent or child of the vehicle operator. 19841

(c) The place is owned by a private person or entity, and, 19842
prior to the immobilization, the private entity or person that 19843
owns the place, or the authorized agent of that private entity or 19844
person, has given express written consent for the immobilization 19845
to be carried out at that place. 19846

(d) The place is a street or highway on which the vehicle is 19847
parked in accordance with the law. 19848

(C)(1) A vehicle seized under division (B) of this section 19849
shall be safely kept at the place to which it is towed or 19850
otherwise moved by the law enforcement agency that employs the 19851
arresting officer until the initial appearance of the arrested 19852
person relative to the charge in question. The license plates of 19853
the vehicle that are removed pursuant to division (B) of this 19854
section shall be safely kept by the law enforcement agency that 19855
employs the arresting officer until the initial appearance of the 19856

arrested person relative to the charge in question. 19857

(2)(a) At the initial appearance or not less than seven days 19858
prior to the date of final disposition, the court shall notify the 19859
arrested person that, if title to a motor vehicle that is subject 19860
to an order for criminal forfeiture under this section is assigned 19861
or transferred and division (B)(2) or (3) of section 4503.234 of 19862
the Revised Code applies, the court may fine the arrested person 19863
the value of the vehicle. If, at the initial appearance, the 19864
arrested person pleads guilty to the violation of division (A) of 19865
section 4511.19 of the Revised Code or of the municipal OVI 19866
ordinance or township OVI resolution or pleads no contest to and 19867
is convicted of the violation, the court shall impose sentence 19868
upon the person as provided by law or ordinance; the court shall 19869
order the immobilization of the vehicle the arrested person was 19870
operating at the time of the offense if registered in the arrested 19871
person's name and the impoundment of its license plates under 19872
section 4503.233 and section 4511.19 or 4511.193 of the Revised 19873
Code or the criminal forfeiture to the state of the vehicle if 19874
registered in the arrested person's name under section 4503.234 19875
and section 4511.19 or 4511.193 of the Revised Code, whichever is 19876
applicable; and the vehicle and its license plates shall not be 19877
returned or released to the arrested person. 19878

(b) If, at any time, the charge that the arrested person 19879
violated division (A) of section 4511.19 of the Revised Code or 19880
the municipal OVI ordinance or township OVI resolution is 19881
dismissed for any reason, the court shall order that the vehicle 19882
seized at the time of the arrest and its license plates 19883
immediately be released to the person. 19884

(D) If a vehicle and its license plates are seized under 19885
division (B) of this section and are not returned or released to 19886
the arrested person pursuant to division (C) of this section, the 19887
vehicle and its license plates shall be retained until the final 19888

disposition of the charge in question. Upon the final disposition 19889
of that charge, the court shall do whichever of the following is 19890
applicable: 19891

(1) If the arrested person is convicted of or pleads guilty 19892
to the violation of division (A) of section 4511.19 of the Revised 19893
Code or of the municipal OVI ordinance or township OVI resolution, 19894
the court shall impose sentence upon the person as provided by law 19895
~~or~~ ordinance, or resolution and shall order the immobilization of 19896
the vehicle the person was operating at the time of the offense if 19897
it is registered in the arrested person's name and the impoundment 19898
of its license plates under section 4503.233 and section 4511.19 19899
or 4511.193 of the Revised Code, or the criminal forfeiture of the 19900
vehicle if it is registered in the arrested person's name under 19901
section 4503.234 and section 4511.19 or 4511.193 of the Revised 19902
Code, whichever is applicable. 19903

(2) If the arrested person is found not guilty of the 19904
violation of division (A) of section 4511.19 of the Revised Code 19905
or of the municipal OVI ordinance or township OVI resolution, the 19906
court shall order that the vehicle and its license plates 19907
immediately be released to the arrested person. 19908

(3) If the charge that the arrested person violated division 19909
(A) of section 4511.19 of the Revised Code or the municipal OVI 19910
ordinance or township OVI resolution is dismissed for any reason, 19911
the court shall order that the vehicle and its license plates 19912
immediately be released to the arrested person. 19913

(4) If the impoundment of the vehicle was not authorized 19914
under this section, the court shall order that the vehicle and its 19915
license plates be returned immediately to the arrested person or, 19916
if the arrested person is not the vehicle owner, to the vehicle 19917
owner, and shall order that the state or political subdivision of 19918
the law enforcement agency served by the law enforcement officer 19919
who seized the vehicle pay all expenses and charges incurred in 19920

its removal and storage. 19921

(E) If a vehicle is seized under division (B) of this 19922
section, the time between the seizure of the vehicle and either 19923
its release to the arrested person under division (C) of this 19924
section or the issuance of an order of immobilization of the 19925
vehicle under section 4503.233 of the Revised Code shall be 19926
credited against the period of immobilization ordered by the 19927
court. 19928

(F)(1) Except as provided in division (D)(4) of this section, 19929
the arrested person may be charged expenses or charges incurred in 19930
the removal and storage of the immobilized vehicle. The court with 19931
jurisdiction over the case, after notice to all interested 19932
parties, including lienholders, and after an opportunity for them 19933
to be heard, if the court finds that the arrested person does not 19934
intend to seek release of the vehicle at the end of the period of 19935
immobilization under section 4503.233 of the Revised Code or that 19936
the arrested person is not or will not be able to pay the expenses 19937
and charges incurred in its removal and storage, may order that 19938
title to the vehicle be transferred, in order of priority, first 19939
into the name of the person or entity that removed it, next into 19940
the name of a lienholder, or lastly into the name of the owner of 19941
the place of storage. 19942

Any lienholder that receives title under a court order shall 19943
do so on the condition that it pay any expenses or charges 19944
incurred in the vehicle's removal and storage. If the person or 19945
entity that receives title to the vehicle is the person or entity 19946
that removed it, the person or entity shall receive title on the 19947
condition that it pay any lien on the vehicle. The court shall not 19948
order that title be transferred to any person or entity other than 19949
the owner of the place of storage if the person or entity refuses 19950
to receive the title. Any person or entity that receives title 19951
either may keep title to the vehicle or may dispose of the vehicle 19952

in any legal manner that it considers appropriate, including 19953
assignment of the certificate of title to the motor vehicle to a 19954
salvage dealer or a scrap metal processing facility. The person or 19955
entity shall not transfer the vehicle to the person who is the 19956
vehicle's immediate previous owner. 19957

If the person or entity that receives title assigns the motor 19958
vehicle to a salvage dealer or scrap metal processing facility, 19959
the person or entity shall send the assigned certificate of title 19960
to the motor vehicle to the clerk of the court of common pleas of 19961
the county in which the salvage dealer or scrap metal processing 19962
facility is located. The person or entity shall mark the face of 19963
the certificate of title with the words "FOR DESTRUCTION" and 19964
shall deliver a photocopy of the certificate of title to the 19965
salvage dealer or scrap metal processing facility for its records. 19966

(2) Whenever a court issues an order under division (F)(1) of 19967
this section, the court also shall order removal of the license 19968
plates from the vehicle and cause them to be sent to the registrar 19969
of motor vehicles if they have not already been sent to the 19970
registrar. Thereafter, no further proceedings shall take place 19971
under this section or under section 4503.233 of the Revised Code. 19972

(3) Prior to initiating a proceeding under division (F)(1) of 19973
this section, and upon payment of the fee under division (B) of 19974
section 4505.14 of the Revised Code, any interested party may 19975
cause a search to be made of the public records of the bureau of 19976
motor vehicles or the clerk of the court of common pleas, to 19977
ascertain the identity of any lienholder of the vehicle. The 19978
initiating party shall furnish this information to the clerk of 19979
the court with jurisdiction over the case, and the clerk shall 19980
provide notice to the arrested person, any lienholder, and any 19981
other interested parties listed by the initiating party, at the 19982
last known address supplied by the initiating party, by certified 19983
mail or, at the option of the initiating party, by personal 19984

service or ordinary mail. 19985

Sec. 4511.196. (A) If a person is arrested for being in 19986
physical control of a vehicle, streetcar, or trackless trolley in 19987
violation of section 4511.194 of the Revised Code or a 19988
substantially equivalent municipal ordinance or township 19989
resolution, or for operating a vehicle, streetcar, or trackless 19990
trolley in violation of division (A) or (B) of section 4511.19 of 19991
the Revised Code or a municipal OVI ordinance or township OVI 19992
resolution, regardless of whether the person's driver's or 19993
commercial driver's license or permit or nonresident operating 19994
privilege is or is not suspended under section 4511.191 of the 19995
Revised Code, the person's initial appearance on the charge 19996
resulting from the arrest shall be held within five days of the 19997
person's arrest or the issuance of the citation to the person. 19998

(B)(1) If a person is arrested as described in division (A) 19999
of this section, if the person's driver's or commercial driver's 20000
license or permit or nonresident operating privilege has been 20001
suspended under section 4511.191 of the Revised Code in relation 20002
to that arrest, if the person appeals the suspension in accordance 20003
with section 4511.197 of the Revised Code, and if the judge, 20004
magistrate, or mayor terminates the suspension in accordance with 20005
that section, the judge, magistrate, or mayor, at any time prior 20006
to adjudication on the merits of the charge resulting from the 20007
arrest, may impose a new suspension of the person's license, 20008
permit, or nonresident operating privilege, notwithstanding the 20009
termination, if the judge, magistrate, or mayor determines that 20010
the person's continued driving will be a threat to public safety. 20011

(2) If a person is arrested as described in division (A) of 20012
this section and if the person's driver's or commercial driver's 20013
license or permit or nonresident operating privilege has not been 20014
suspended under section 4511.191 of the Revised Code in relation 20015

to that arrest, the judge, magistrate, or mayor, at any time prior 20016
to the adjudication on the merits of the charge resulting from the 20017
arrest, may impose a suspension of the person's license, permit, 20018
or nonresident operating privilege if the judge, magistrate, or 20019
mayor determines that the person's continued driving will be a 20020
threat to public safety. 20021

(C) A suspension under division (B)(1) or (2) of this section 20022
shall continue until the complaint on the charge resulting from 20023
the arrest is adjudicated on the merits. A court that imposes a 20024
suspension under division (B)(2) of this section shall send the 20025
person's driver's license or permit to the registrar of motor 20026
vehicles. If the court possesses the license or permit of a person 20027
in the category described in division (B)(2) of this section and 20028
the court does not impose a suspension under that division, the 20029
court shall return the license or permit to the person if the 20030
license or permit has not otherwise been suspended or cancelled. 20031

Any time during which the person serves a suspension of the 20032
person's license, permit, or privilege that is imposed pursuant to 20033
division (B)(1) or (2) of this section shall be credited against 20034
any period of judicial suspension of the person's license, permit, 20035
or privilege that is imposed under division (G) of section 4511.19 20036
of the Revised Code or under section 4510.07 of the Revised Code 20037
for a violation of a municipal ordinance substantially equivalent 20038
to division (A) of section 4511.19 of the Revised Code. 20039

(D) If a person is arrested and charged with a violation of 20040
section 2903.08 of the Revised Code or a violation of section 20041
2903.06 of the Revised Code that is a felony offense, the judge at 20042
the person's initial appearance, preliminary hearing, or 20043
arraignment may suspend the person's driver's or commercial 20044
driver's license or permit or nonresident operating privilege if 20045
the judge determines at any of those proceedings that the person's 20046
continued driving will be a threat to public safety. 20047

A suspension imposed under this division shall continue until 20048
the indictment or information alleging the violation specified in 20049
this division is adjudicated on the merits. A court that imposes a 20050
suspension under this division shall send the person's driver's or 20051
commercial driver's license or permit to the registrar. 20052

Sec. 4511.197. (A) If a person is arrested for operating a 20053
vehicle, streetcar, or trackless trolley in violation of division 20054
(A) or (B) of section 4511.19 of the Revised Code or a municipal 20055
OVI ordinance or township OVI resolution or for being in physical 20056
control of a vehicle, streetcar, or trackless trolley in violation 20057
of section 4511.194 of the Revised Code or a substantially 20058
equivalent municipal ordinance or township resolution and if the 20059
person's driver's or commercial driver's license or permit or 20060
nonresident operating privilege is suspended under section 20061
4511.191 of the Revised Code, the person may appeal the suspension 20062
at the person's initial appearance on the charge resulting from 20063
the arrest or within the period ending thirty days after the 20064
person's initial appearance on that charge, in the court in which 20065
the person will appear on that charge. If the person appeals the 20066
suspension, the appeal itself does not stay the operation of the 20067
suspension. If the person appeals the suspension, either the 20068
person or the registrar of motor vehicles may request a 20069
continuance of the appeal, and the court may grant the 20070
continuance. The court also may continue the appeal on its own 20071
motion. Neither the request for, nor the granting of, a 20072
continuance stays the suspension that is the subject of the 20073
appeal, unless the court specifically grants a stay. 20074

(B) A person shall file an appeal under division (A) of this 20075
section in the municipal court, county court, juvenile court, 20076
~~mayer's~~ community court, or court of common pleas that has 20077
jurisdiction over the charge in relation to which the person was 20078
arrested. 20079

(C) If a person appeals a suspension under division (A) of this section, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met:

(1) Whether the arresting law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or township OVI resolution or was in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance or township resolution and whether the arrested person was in fact placed under arrest;

(2) Whether the law enforcement officer requested the arrested person to submit to the chemical test or tests designated pursuant to division (A) of section 4511.191 of the Revised Code;

(3) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test or tests;

(4) Whichever of the following is applicable:

(a) Whether the arrested person refused to submit to the chemical test or tests requested by the officer;

(b) Whether the arrest was for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or township OVI resolution and, if it was, whether the chemical test results indicate that the arrested person's whole blood contained a concentration of eight-hundredths of one per cent or more by weight of alcohol, the person's blood serum or plasma contained a concentration of ninety-six-thousandths of one per cent or more by weight of alcohol, the person's breath contained a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's

breath, or the person's urine contained a concentration of 20111
eleven-hundredths of one gram or more by weight of alcohol per one 20112
hundred milliliters of the person's urine at the time of the 20113
alleged offense. 20114

(D) A person who appeals a suspension under division (A) of 20115
this section has the burden of proving, by a preponderance of the 20116
evidence, that one or more of the conditions specified in division 20117
(C) of this section has not been met. If, during the appeal, the 20118
judge or magistrate of the court ~~or the mayor of the mayor's court~~ 20119
determines that all of those conditions have been met, the judge, 20120
or magistrate, ~~or mayor~~ shall uphold the suspension, continue the 20121
suspension, and notify the registrar of motor vehicles of the 20122
decision on a form approved by the registrar. 20123

Except as otherwise provided in this section, if a suspension 20124
imposed under section 4511.191 of the Revised Code is upheld on 20125
appeal or if the subject person does not appeal the suspension 20126
under division (A) of this section, the suspension shall continue 20127
until the complaint alleging the violation for which the person 20128
was arrested and in relation to which the suspension was imposed 20129
is adjudicated on the merits or terminated pursuant to law. If the 20130
suspension was imposed under division (B)(1) of section 4511.191 20131
of the Revised Code and it is continued under this section, any 20132
subsequent finding that the person is not guilty of the charge 20133
that resulted in the person being requested to take the chemical 20134
test or tests under division (A) of section 4511.191 of the 20135
Revised Code does not terminate or otherwise affect the 20136
suspension. If the suspension was imposed under division (C) of 20137
section 4511.191 of the Revised Code in relation to an alleged 20138
misdemeanor violation of division (A) or (B) of section 4511.19 of 20139
the Revised Code or of a municipal OVI ordinance or township OVI 20140
resolution and it is continued under this section, the suspension 20141
shall terminate if, for any reason, the person subsequently is 20142

found not guilty of the charge that resulted in the person taking 20143
the chemical test or tests. 20144

If, during the appeal, the judge or magistrate of the trial 20145
court ~~or the mayor of the mayor's court~~ determines that one or 20146
more of the conditions specified in division (C) of this section 20147
have not been met, the judge, or magistrate, ~~or mayor~~ shall 20148
terminate the suspension, subject to the imposition of a new 20149
suspension under division (B) of section 4511.196 of the Revised 20150
Code; shall notify the registrar of motor vehicles of the decision 20151
on a form approved by the registrar; and, except as provided in 20152
division (B) of section 4511.196 of the Revised Code, shall order 20153
the registrar to return the driver's or commercial driver's 20154
license or permit to the person or to take any other measures that 20155
may be necessary, if the license or permit was destroyed under 20156
section 4510.53 of the Revised Code, to permit the person to 20157
obtain a replacement driver's or commercial driver's license or 20158
permit from the registrar or a deputy registrar in accordance with 20159
that section. The court also shall issue to the person a court 20160
order, valid for not more than ten days from the date of issuance, 20161
granting the person operating privileges for that period. 20162

(E) Any person whose driver's or commercial driver's license 20163
or permit or nonresident operating privilege has been suspended 20164
pursuant to section 4511.191 of the Revised Code may file a 20165
petition requesting limited driving privileges in the common pleas 20166
court, municipal court, county court, ~~mayor's~~ community court, or 20167
juvenile court with jurisdiction over the related criminal or 20168
delinquency case. The petition may be filed at any time subsequent 20169
to the date on which the arresting law enforcement officer serves 20170
the notice of suspension upon the arrested person but no later 20171
than thirty days after the arrested person's initial appearance or 20172
arraignment. Upon the making of the request, limited driving 20173
privileges may be granted under sections 4510.021 and 4510.13 of 20174

the Revised Code, regardless of whether the person appeals the suspension under this section or appeals the decision of the court on the appeal, and, if the person has so appealed the suspension or decision, regardless of whether the matter has been heard or decided by the court. The person shall pay the costs of the proceeding, notify the registrar of the filing of the petition, and send the registrar a copy of the petition.

The court may not grant the person limited driving privileges when prohibited by section 4510.13 or 4511.191 of the Revised Code.

(F) Any person whose driver's or commercial driver's license or permit has been suspended under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a municipal OVI offense or township OVI resolution and who desires to retain the license or permit during the pendency of an appeal, at the time sentence is pronounced, shall notify the court ~~of record or mayor's court~~ that suspended the license or permit of the person's intention to appeal. If the person so notifies the court, the court, ~~mayor,~~ or clerk of the court shall retain the license or permit until the appeal is perfected, and, if execution of sentence is stayed, the license or permit shall be returned to the person to be held by the person during the pendency of the appeal. If the appeal is not perfected or is dismissed or terminated in an affirmance of the conviction, then the license or permit shall be taken up by the court, ~~mayor,~~ or clerk, at the time of putting the sentence into execution, and the court shall proceed in the same manner as if no appeal was taken.

(G) Except as otherwise provided in this division, if a person whose driver's or commercial driver's license or permit or nonresident operating privilege was suspended under section 4511.191 of the Revised Code appeals the suspension under division (A) of this section, the prosecuting attorney of the county in

which the arrest occurred shall represent the registrar of motor vehicles in the appeal. If the arrest occurred within a municipal corporation or urban township within the jurisdiction of the court in which the appeal is conducted, the ~~city director of law, village solicitor, or other~~ chief legal officer of that municipal corporation or urban township shall represent the registrar. If the appeal is conducted in a municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the appeal is conducted in a ~~mayer's~~ community court, the city director of law, village solicitor, or other chief legal officer of the municipal corporation or urban township that operates that ~~mayer's~~ community court shall represent the registrar.

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(H) The court shall give information in writing of any action taken under this section to the registrar of motor vehicles.

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(I) When it finally has been determined under the procedures of this section that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar of motor vehicles shall give information in writing of the action taken to the motor vehicle administrator of the state of the nonresident's residence and of any state in which the nonresident has a license.

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Sec. 4511.203. (A) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

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(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

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(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or

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permit or nonresident operating privileges have been suspended or 20238
canceled under Chapter 4510. or any other provision of the Revised 20239
Code. 20240

(3) The offender knows or has reasonable cause to believe 20241
that the other person's act of driving the motor vehicle would 20242
violate any prohibition contained in Chapter 4509. of the Revised 20243
Code. 20244

(4) The offender knows or has reasonable cause to believe 20245
that the other person's act of driving would violate section 20246
4511.19 of the Revised Code or any substantially equivalent 20247
municipal ordinance or township resolution. 20248

(B) Without limiting or precluding the consideration of any 20249
other evidence in determining whether a violation of division 20250
(A)(1), (2), (3), or (4) of this section has occurred, it shall be 20251
prima-facie evidence that the offender knows or has reasonable 20252
cause to believe that the operator of the motor vehicle owned by 20253
the offender or under the offender's control is in a category 20254
described in division (A)(1), (2), (3), or (4) of this section if 20255
any of the following applies: 20256

(1) Regarding an operator allegedly in the category described 20257
in division (A)(1) or (3) of this section, the offender and the 20258
operator of the motor vehicle reside in the same household and are 20259
related by consanguinity or affinity. 20260

(2) Regarding an operator allegedly in the category described 20261
in division (A)(2) of this section, the offender and the operator 20262
of the motor vehicle reside in the same household, and the 20263
offender knows or has reasonable cause to believe that the 20264
operator has been charged with or convicted of any violation of 20265
law or ordinance, or has committed any other act or omission, that 20266
would or could result in the suspension or cancellation of the 20267
operator's license, permit, or privilege. 20268

(3) Regarding an operator allegedly in the category described 20269
in division (A)(4) of this section, the offender and the operator 20270
of the motor vehicle occupied the motor vehicle together at the 20271
time of the offense. 20272

(C) Whoever violates this section is guilty of wrongful 20273
entrustment of a motor vehicle, a misdemeanor of the first degree. 20274
In addition to the penalties imposed under Chapter 2929. of the 20275
Revised Code, the court shall impose a class seven suspension of 20276
the offender's driver's license, commercial driver's license, 20277
temporary instruction permit, probationary license, or nonresident 20278
operating privilege from the range specified in division (A)(7) of 20279
section 4510.02 of the Revised Code, and, if the vehicle involved 20280
in the offense is registered in the name of the offender, the 20281
court shall order one of the following: 20282

(1) Except as otherwise provided in division (C)(2) or (3) of 20283
this section, the court shall order, for thirty days, the 20284
immobilization of the vehicle involved in the offense and the 20285
impoundment of that vehicle's license plates. The order shall be 20286
issued and enforced under section 4503.233 of the Revised Code. 20287

(2) If the offender previously has been convicted of or 20288
pleaded guilty to one violation of this section or a substantially 20289
equivalent municipal ordinance or township resolution, the court 20290
shall order, for sixty days, the immobilization of the vehicle 20291
involved in the offense and the impoundment of that vehicle's 20292
license plates. The order shall be issued and enforced under 20293
section 4503.233 of the Revised Code. 20294

(3) If the offender previously has been convicted of or 20295
pleaded guilty to two or more violations of this section or a 20296
substantially equivalent municipal ordinance or township 20297
resolution, the court shall order the criminal forfeiture to the 20298
state of the vehicle involved in the offense. The order shall be 20299
issued and enforced under section 4503.234 of the Revised Code. 20300

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

(D) If a court orders the immobilization of a vehicle under division (C) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) If a court orders the criminal forfeiture of a vehicle under division (C) of this section, upon receipt of the order from the court, neither the registrar of motor vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the registrar of the termination. If the court terminates the forfeiture and notifies the registrar, the registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(F) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in section 4549.65 of the Revised Code.

(G) Evidence of a conviction of, plea of guilty to, or 20333
adjudication as a delinquent child for a violation of this section 20334
or a substantially similar municipal ordinance or township 20335
resolution shall not be admissible as evidence in any civil action 20336
that involves the offender or delinquent child who is the subject 20337
of the conviction, plea, or adjudication and that arises from the 20338
wrongful entrustment of a motor vehicle. 20339

(H) As used in this section, a vehicle is owned by a person 20340
if, at the time of a violation of this section, the vehicle is 20341
registered in the person's name. 20342

Sec. 4511.211. (A) The owner of a private road or driveway 20343
located in a private residential area containing twenty or more 20344
dwelling units may establish a speed limit on the road or driveway 20345
by complying with all of the following requirements: 20346

(1) The speed limit is not less than twenty-five miles per 20347
hour and is indicated by a sign that is in a proper position, is 20348
sufficiently legible to be seen by an ordinarily observant person, 20349
and meets the specifications for the basic speed limit sign 20350
included in the manual adopted by the department of transportation 20351
pursuant to section 4511.09 of the Revised Code; 20352

(2) The owner has posted a sign at the entrance of the 20353
private road or driveway that is in plain view and clearly informs 20354
persons entering the road or driveway that they are entering 20355
private property, a speed limit has been established for the road 20356
or driveway, and the speed limit is enforceable by law enforcement 20357
officers under state law. 20358

(B) No person shall operate a vehicle upon a private road or 20359
driveway as provided in division (A) of this section at a speed 20360
exceeding any speed limit established and posted pursuant to that 20361
division. 20362

(C) When a speed limit is established and posted in accordance with division (A) of this section, any law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in section 4511.091 of the Revised Code or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(D) Points shall be assessed for violation of a speed limit established and posted in accordance with division (A) of this section in accordance with section 4510.036 of the Revised Code.

(E) As used in this section:

(1) "Owner" includes but is not limited to a person who holds title to the real property in fee simple, a condominium owners' association, a property owner's association, the board of directors or trustees of a private community, and a nonprofit corporation governing a private community.

(2) "Private residential area containing twenty or more dwelling units" does not include a Chautauqua assembly as defined in section 4511.90 of the Revised Code.

(F) A violation of division (B) of this section is one of the following:

(1) Except as otherwise provided in divisions (F)(2) and (3) of this section, a minor misdemeanor;

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of division (B) of this section or of any municipal ordinance or township resolution that is substantially similar to division (B) of this section, a misdemeanor of the fourth degree;

(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or

more violations of division (B) of this section or of any 20393
municipal ordinance or township resolution that is substantially 20394
similar to division (B) of this section, a misdemeanor of the 20395
third degree. 20396

Sec. 4511.512. (A)(1) Electric personal assistive mobility 20397
devices may be operated on the public streets, highways, 20398
sidewalks, and paths and portions of roadways set aside for the 20399
exclusive use of bicycles in accordance with this section. 20400

(2) Except as otherwise provided in this section, those 20401
sections of this chapter that by their nature are applicable to an 20402
electric personal assistive mobility device apply to the device 20403
and the person operating it whenever it is operated upon any 20404
public street, highway, sidewalk, or path or upon any portion of a 20405
roadway set aside for the exclusive use of bicycles. 20406

(3) A local authority may regulate or prohibit the operation 20407
of electric personal assistive mobility devices on public streets, 20408
highways, sidewalks, and paths, and portions of roadways set aside 20409
for the exclusive use of bicycles, under its jurisdiction. 20410

(B) No operator of an electric personal assistive mobility 20411
device shall do any of the following: 20412

(1) Fail to yield the right-of-way to all pedestrians and 20413
human-powered vehicles at all times; 20414

(2) Fail to give an audible signal before overtaking and 20415
passing a pedestrian; 20416

(3) Operate the device at night unless the device or its 20417
operator is equipped with or wearing both of the following: 20418

(a) A lamp pointing to the front that emits a white light 20419
visible from a distance of not less than five hundred feet; 20420

(b) A red reflector facing the rear that is visible from all 20421
distances from one hundred feet to six hundred feet when directly 20422

in front of lawful lower beams of head lamps on a motor vehicle. 20423

(4) Operate the device on any portion of a street or highway 20424
that has an established speed limit of fifty-five miles per hour 20425
or more; 20426

(5) Operate the device upon any path set aside for the 20427
exclusive use of pedestrians or other specialized use when an 20428
appropriate sign giving notice of the specialized use is posted on 20429
the path; 20430

(6) If under eighteen years of age, operate the device unless 20431
wearing a protective helmet on the person's head with the chin 20432
strap properly fastened; 20433

(7) If under sixteen years of age, operate the device unless, 20434
during the operation, the person is under the direct visual and 20435
audible supervision of another person who is eighteen years of age 20436
or older and is responsible for the immediate care of the person 20437
under sixteen years of age. 20438

(C) No person who is under fourteen years of age shall 20439
operate an electric personal assistive mobility device. 20440

(D) No person shall distribute or sell an electric personal 20441
assistive mobility device unless the device is accompanied by a 20442
written statement that is substantially equivalent to the 20443
following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE 20444
ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST 20445
GUARDS, ELBOW PADS, AND KNEE PADS." 20446

(E) Nothing in this section affects or shall be construed to 20447
affect any rule of the director of natural resources or a board of 20448
park district commissioners governing the operation of vehicles on 20449
lands under the control of the director or board, as applicable. 20450

(F)(1) Whoever violates division (B) or (C) of this section 20451
is guilty of a minor misdemeanor and shall be punished as follows: 20452

(a) The offender shall be fined ten dollars. 20453

(b) If the offender previously has been convicted of or 20454
pleaded guilty to a violation of division (B) or (C) of this 20455
section or a substantially similar municipal ordinance or township 20456
resolution, the court, in addition to imposing the fine required 20457
under division (F)(1) of this section, shall do one of the 20458
following: 20459

(i) Order the impoundment for not less than one day but not 20460
more than thirty days of the electric personal assistive mobility 20461
device that was involved in the current violation of that 20462
division. The court shall order the device to be impounded at a 20463
safe indoor location designated by the court and may assess 20464
storage fees of not more than five dollars per day, provided the 20465
total storage, processing, and release fees assessed against the 20466
offender or the device in connection with the device's impoundment 20467
or subsequent release shall not exceed fifty dollars. 20468

(ii) If the court does not issue an impoundment order 20469
pursuant to division (F)(1)(b)(i) of this section, issue an order 20470
prohibiting the offender from operating any electric personal 20471
assistive mobility device on the public streets, highways, 20472
sidewalks, and paths and portions of roadways set aside for the 20473
exclusive use of bicycles for not less than one day but not more 20474
than thirty days. 20475

(2) Whoever violates division (D) of this section is guilty 20476
of a minor misdemeanor. 20477

Sec. 4511.63. (A) Except as provided in division (B) of this 20478
section, the operator of any bus, any school vehicle, or any 20479
vehicle transporting a material or materials required to be 20480
placarded under 49 C.F.R. Parts 100-185, before crossing at grade 20481
any track of a railroad, shall stop the vehicle and, while so 20482
stopped, shall listen through an open door or open window and look 20483

in both directions along the track for any approaching train, and 20484
for signals indicating the approach of a train, and shall proceed 20485
only upon exercising due care after stopping, looking, and 20486
listening as required by this section. Upon proceeding, the 20487
operator of such a vehicle shall cross only in a gear that will 20488
ensure there will be no necessity for changing gears while 20489
traversing the crossing and shall not shift gears while crossing 20490
the tracks. 20491

(B) This section does not apply at grade crossings when the 20492
public utilities commission has authorized and approved an exempt 20493
crossing as provided in this division. 20494

(1) Any local authority may file an application with the 20495
commission requesting the approval of an exempt crossing. Upon 20496
receipt of such a request, the commission shall authorize a 20497
limited period for the filing of comments by any party regarding 20498
the application and then shall conduct a public hearing in the 20499
community seeking the exempt crossing designation. The commission 20500
shall provide appropriate prior public notice of the comment 20501
period and the public hearing. By registered mail, the commission 20502
shall notify each railroad operating over the crossing of the 20503
comment period. 20504

(2) After considering any comments or other information 20505
received, the commission may approve or reject the application. By 20506
order, the commission may establish conditions for the exempt 20507
crossing designation, including compliance with division (b) of 49 20508
C.F.R. Part 392.10, when applicable. An exempt crossing 20509
designation becomes effective only when appropriate signs giving 20510
notice of the exempt designation are erected at the crossing as 20511
ordered by the commission and any other conditions ordered by the 20512
commission are satisfied. 20513

(3) By order, the commission may rescind any exempt crossing 20514
designation made under this section if the commission finds that a 20515

condition at the exempt crossing has changed to such an extent 20516
that the continuation of the exempt crossing designation 20517
compromises public safety. The commission may conduct a public 20518
hearing to investigate and determine whether to rescind the exempt 20519
crossing designation. If the commission rescinds the designation, 20520
it shall order the removal of any exempt crossing signs and may 20521
make any other necessary order. 20522

(C) As used in this section: 20523

(1) "School vehicle" means any vehicle used for the 20524
transportation of pupils to and from a school or school-related 20525
function if the vehicle is owned or operated by, or operated under 20526
contract with, a public or nonpublic school. 20527

(2) "Bus" means any vehicle originally designed by its 20528
manufacturer to transport sixteen or more passengers, including 20529
the driver, or carries sixteen or more passengers, including the 20530
driver. 20531

(3) "Exempt crossing" means a highway rail grade crossing 20532
authorized and approved by the public utilities commission under 20533
division (B) of this section at which vehicles may cross without 20534
making the stop otherwise required by this section. 20535

(D) Except as otherwise provided in this division, whoever 20536
violates this section is guilty of a minor misdemeanor. If the 20537
offender previously has been convicted of or pleaded guilty to one 20538
or more violations of this section or section 4511.76, 4511.761, 20539
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 20540
municipal ordinance or township resolution that is substantially 20541
similar to any of those sections, whoever violates this section is 20542
guilty of a misdemeanor of the fourth degree. 20543

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 20544
roadway where there is an adjacent curb shall be stopped or parked 20545

with the right-hand wheels of the vehicle parallel with and not 20546
more than twelve inches from the right-hand curb, unless it is 20547
impossible to approach so close to the curb; in such case the stop 20548
shall be made as close to the curb as possible and only for the 20549
time necessary to discharge and receive passengers or to load or 20550
unload merchandise. Local authorities by ordinance may permit 20551
angle parking on any roadway under their jurisdiction, except that 20552
angle parking shall not be permitted on a state route within a 20553
municipal corporation unless an unoccupied roadway width of not 20554
less than twenty-five feet is available for free-moving traffic. 20555

(B) Local authorities by ordinance may permit parking of 20556
vehicles with the left-hand wheels adjacent to and within twelve 20557
inches of the left-hand curb of a one-way roadway. 20558

(C) No vehicle or trackless trolley shall be stopped or 20559
parked on a road or highway with the vehicle or trackless trolley 20560
facing in a direction other than the direction of travel on that 20561
side of the road or highway. 20562

(D) Notwithstanding any statute or any rule, resolution, or 20563
ordinance adopted by any local authority, air compressors, 20564
tractors, trucks, and other equipment, while being used in the 20565
construction, reconstruction, installation, repair, or removal of 20566
facilities near, on, over, or under a street or highway, may stop, 20567
stand, or park where necessary in order to perform such work, 20568
provided a flagperson is on duty or warning signs or lights are 20569
displayed as may be prescribed by the director of transportation. 20570

(E) Special parking locations and privileges for persons with 20571
disabilities that limit or impair the ability to walk, also known 20572
as handicapped parking spaces or disability parking spaces, shall 20573
be provided and designated by all political subdivisions and by 20574
the state and all agencies and instrumentalities thereof at all 20575
offices and facilities, where parking is provided, whether owned, 20576

rented, or leased, and at all publicly owned parking garages. The 20577
locations shall be designated through the posting of an elevated 20578
sign, whether permanently affixed or movable, imprinted with the 20579
international symbol of access and shall be reasonably close to 20580
exits, entrances, elevators, and ramps. All elevated signs posted 20581
in accordance with this division and division (C) of section 20582
3781.111 of the Revised Code shall be mounted on a fixed or 20583
movable post, and the distance from the ground to the top edge of 20584
the sign shall measure five feet. If a new sign or a replacement 20585
sign designating a special parking location is posted on or after 20586
October 14, 1999, there also shall be affixed upon the surface of 20587
that sign or affixed next to the designating sign a notice that 20588
states the fine applicable for the offense of parking a motor 20589
vehicle in the special designated parking location if the motor 20590
vehicle is not legally entitled to be parked in that location. 20591

(F)(1) No person shall stop, stand, or park any motor vehicle 20592
at special parking locations provided under division (E) of this 20593
section or at special clearly marked parking locations provided in 20594
or on privately owned parking lots, parking garages, or other 20595
parking areas and designated in accordance with that division, 20596
unless one of the following applies: 20597

(a) The motor vehicle is being operated by or for the 20598
transport of a person with a disability that limits or impairs the 20599
ability to walk and is displaying a valid removable windshield 20600
placard or special license plates; 20601

(b) The motor vehicle is being operated by or for the 20602
transport of a handicapped person and is displaying a parking card 20603
or special handicapped license plates. 20604

(2) Any motor vehicle that is parked in a special marked 20605
parking location in violation of division (F)(1)(a) or (b) of this 20606
section may be towed or otherwise removed from the parking 20607
location by the law enforcement agency of the political 20608

subdivision in which the parking location is located. A motor 20609
vehicle that is so towed or removed shall not be released to its 20610
owner until the owner presents proof of ownership of the motor 20611
vehicle and pays all towing and storage fees normally imposed by 20612
that political subdivision for towing and storing motor vehicles. 20613
If the motor vehicle is a leased vehicle, it shall not be released 20614
to the lessee until the lessee presents proof that that person is 20615
the lessee of the motor vehicle and pays all towing and storage 20616
fees normally imposed by that political subdivision for towing and 20617
storing motor vehicles. 20618

(3) If a person is charged with a violation of division 20619
(F)(1)(a) or (b) of this section, it is an affirmative defense to 20620
the charge that the person suffered an injury not more than 20621
seventy-two hours prior to the time the person was issued the 20622
ticket or citation and that, because of the injury, the person 20623
meets at least one of the criteria contained in division (A)(1) of 20624
section 4503.44 of the Revised Code. 20625

(G) When a motor vehicle is being operated by or for the 20626
transport of a person with a disability that limits or impairs the 20627
ability to walk and is displaying a removable windshield placard 20628
or a temporary removable windshield placard or special license 20629
plates, or when a motor vehicle is being operated by or for the 20630
transport of a handicapped person and is displaying a parking card 20631
or special handicapped license plates, the motor vehicle is 20632
permitted to park for a period of two hours in excess of the legal 20633
parking period permitted by local authorities, except where local 20634
ordinances or police rules provide otherwise or where the vehicle 20635
is parked in such a manner as to be clearly a traffic hazard. 20636

(H) No owner of an office, facility, or parking garage where 20637
special parking locations are required to be designated in 20638
accordance with division (E) of this section shall fail to 20639
properly mark the special parking locations in accordance with 20640

that division or fail to maintain the markings of the special 20641
locations, including the erection and maintenance of the fixed or 20642
movable signs. 20643

(I) Nothing in this section shall be construed to require a 20644
person or organization to apply for a removable windshield placard 20645
or special license plates if the parking card or special license 20646
plates issued to the person or organization under prior law have 20647
not expired or been surrendered or revoked. 20648

(J)(1) Whoever violates division (A) or (C) of this section 20649
is guilty of a minor misdemeanor. 20650

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 20651
section is guilty of a misdemeanor and shall be punished as 20652
provided in division (J)(2)(a) and (b) of this section. Except as 20653
otherwise provided in division (J)(2)(a) of this section, an 20654
offender who violates division (F)(1)(a) or (b) of this section 20655
shall be fined not less than two hundred fifty nor more than five 20656
hundred dollars. An offender who violates division (F)(1)(a) or 20657
(b) of this section shall be fined not more than one hundred 20658
dollars if the offender, prior to sentencing, proves either of the 20659
following to the satisfaction of the court: 20660

(i) At the time of the violation of division (F)(1)(a) of 20661
this section, the offender or the person for whose transport the 20662
motor vehicle was being operated had been issued a removable 20663
windshield placard that then was valid or special license plates 20664
that then were valid but the offender or the person neglected to 20665
display the placard or license plates as described in division 20666
(F)(1)(a) of this section. 20667

(ii) At the time of the violation of division (F)(1)(b) of 20668
this section, the offender or the person for whose transport the 20669
motor vehicle was being operated had been issued a parking card 20670
that then was valid or special handicapped license plates that 20671

then were valid but the offender or the person neglected to 20672
display the card or license plates as described in division 20673
(F)(1)(b) of this section. 20674

(b) In no case shall an offender who violates division 20675
(F)(1)(a) or (b) of this section be sentenced to any term of 20676
imprisonment. 20677

An arrest or conviction for a violation of division (F)(1)(a) 20678
or (b) of this section does not constitute a criminal record and 20679
need not be reported by the person so arrested or convicted in 20680
response to any inquiries contained in any application for 20681
employment, license, or other right or privilege, or made in 20682
connection with the person's appearance as a witness. 20683

The clerk of the court shall pay every fine collected under 20684
division (J)(2) of this section to the political subdivision in 20685
which the violation occurred. Except as provided in division 20686
(J)(2) of this section, the political subdivision shall use the 20687
fine moneys it receives under division (J)(2) of this section to 20688
pay the expenses it incurs in complying with the signage and 20689
notice requirements contained in division (E) of this section. The 20690
political subdivision may use up to fifty per cent of each fine it 20691
receives under division (J)(2) of this section to pay the costs of 20692
educational, advocacy, support, and assistive technology programs 20693
for persons with disabilities, and for public improvements within 20694
the political subdivision that benefit or assist persons with 20695
disabilities, if governmental agencies or nonprofit organizations 20696
offer the programs. 20697

(3) Whoever violates division (H) of this section shall be 20698
punished as follows: 20699

(a) Except as otherwise provided in division (J)(3) of this 20700
section, the offender shall be issued a warning. 20701

(b) If the offender previously has been convicted of or 20702

pleaded guilty to a violation of division (H) of this section or 20703
of a municipal ordinance or township resolution that is 20704
substantially similar to that division, the offender shall not be 20705
issued a warning but shall be fined not more than twenty-five 20706
dollars for each parking location that is not properly marked or 20707
whose markings are not properly maintained. 20708

(K) As used in this section: 20709

(1) "Handicapped person" means any person who has lost the 20710
use of one or both legs or one or both arms, who is blind, deaf, 20711
or so severely handicapped as to be unable to move without the aid 20712
of crutches or a wheelchair, or whose mobility is restricted by a 20713
permanent cardiovascular, pulmonary, or other handicapping 20714
condition. 20715

(2) "Person with a disability that limits or impairs the 20716
ability to walk" has the same meaning as in section 4503.44 of the 20717
Revised Code. 20718

(3) "Special license plates" and "removable windshield 20719
placard" mean any license plates or removable windshield placard 20720
or temporary removable windshield placard issued under section 20721
4503.41 or 4503.44 of the Revised Code, and also mean any 20722
substantially similar license plates or removable windshield 20723
placard or temporary removable windshield placard issued by a 20724
state, district, country, or sovereignty. 20725

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 20726
trackless trolley upon meeting or overtaking from either direction 20727
any school bus stopped for the purpose of receiving or discharging 20728
any school child, person attending programs offered by community 20729
boards of mental health and county boards of mental retardation 20730
and developmental disabilities, or child attending a program 20731
offered by a head start agency, shall stop at least ten feet from 20732
the front or rear of the school bus and shall not proceed until 20733

such school bus resumes motion, or until signaled by the school bus driver to proceed. 20734
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It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section. 20736
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(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board. 20740
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(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of 20760
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mental retardation and developmental disabilities, or children 20766
attending programs offered by head start agencies. The driver of 20767
any vehicle, streetcar, or trackless trolley overtaking the school 20768
bus shall comply with division (A) of this section. 20769

(D) School buses operating on divided highways or on highways 20770
with four or more traffic lanes shall receive and discharge all 20771
school children, persons attending programs offered by community 20772
boards of mental health and county boards of mental retardation 20773
and developmental disabilities, and children attending programs 20774
offered by head start agencies on their residence side of the 20775
highway. 20776

(E) No school bus driver shall start the driver's bus until 20777
after any child, person attending programs offered by community 20778
boards of mental health and county boards of mental retardation 20779
and developmental disabilities, or child attending a program 20780
offered by a head start agency who may have alighted therefrom has 20781
reached a place of safety on the child's or person's residence 20782
side of the road. 20783

(F)(1) Whoever violates division (A) of this section may be 20784
fined an amount not to exceed five hundred dollars. A person who 20785
is issued a citation for a violation of division (A) of this 20786
section is not permitted to enter a written plea of guilty and 20787
waive the person's right to contest the citation in a trial but 20788
instead must appear in person in the proper court to answer the 20789
charge. 20790

(2) In addition to and independent of any other penalty 20791
provided by law, the court ~~or mayor~~ may impose upon an offender 20792
who violates this section a class seven suspension of the 20793
offender's driver's license, commercial driver's license, 20794
temporary instruction permit, probationary license, or nonresident 20795
operating privilege from the range specified in division (A)(7) of 20796
section 4510.02 of the Revised Code. When a license is suspended 20797

under this section, the court ~~or mayor~~ shall cause the offender to 20798
deliver the license to the court, and the court or clerk of the 20799
court immediately shall forward the license to the registrar of 20800
motor vehicles, together with notice of the court's action. 20801

(G) As used in this section: 20802

(1) "Head start agency" has the same meaning as in section 20803
3301.32 of the Revised Code. 20804

(2) "School bus," as used in relation to children who attend 20805
a program offered by a head start agency, means a bus that is 20806
owned and operated by a head start agency, is equipped with an 20807
automatically extended stop warning sign of a type approved by the 20808
state board of education, is painted the color and displays the 20809
markings described in section 4511.77 of the Revised Code, and is 20810
equipped with amber and red visual signals meeting the 20811
requirements of section 4511.771 of the Revised Code, irrespective 20812
of whether or not the bus has fifteen or more children aboard at 20813
any time. "School bus" does not include a van owned and operated 20814
by a head start agency, irrespective of its color, lights, or 20815
markings. 20816

Sec. 4511.76. (A) The department of public safety, by and 20817
with the advice of the superintendent of public instruction, shall 20818
adopt and enforce rules relating to the construction, design, and 20819
equipment, including lighting equipment required by section 20820
4511.771 of the Revised Code, of all school buses both publicly 20821
and privately owned and operated in this state. 20822

(B) The department of education, by and with the advice of 20823
the director of public safety, shall adopt and enforce rules 20824
relating to the operation of all vehicles used for pupil 20825
transportation. 20826

(C) No person shall operate a vehicle used for pupil 20827

transportation within this state in violation of the rules of the 20828
department of education or the department of public safety. No 20829
person, being the owner thereof or having the supervisory 20830
responsibility therefor, shall permit the operation of a vehicle 20831
used for pupil transportation within this state in violation of 20832
the rules of the department of education or the department of 20833
public safety. 20834

(D) The department of public safety shall adopt and enforce 20835
rules relating to the issuance of a license under section 4511.763 20836
of the Revised Code. The rules may relate to the moral character 20837
of the applicant; the condition of the equipment to be operated; 20838
the liability and property damage insurance carried by the 20839
applicant; the posting of satisfactory and sufficient bond; and 20840
such other rules as the director of public safety determines 20841
reasonably necessary for the safety of the pupils to be 20842
transported. 20843

(E) As used in this section, "vehicle used for pupil 20844
transportation" means any vehicle that is identified as such by 20845
the department of education by rule and that is subject to Chapter 20846
3301-83 of the Administrative Code. 20847

(F) Except as otherwise provided in this division, whoever 20848
violates this section is guilty of a minor misdemeanor. If the 20849
offender previously has been convicted of or pleaded guilty to one 20850
or more violations of this section or section 4511.63, 4511.761, 20851
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 20852
municipal ordinance or township resolution that is substantially 20853
similar to any of those sections, whoever violates this section is 20854
guilty of a misdemeanor of the fourth degree. 20855

Sec. 4511.761. (A) The state highway patrol shall inspect 20856
every school bus to ascertain whether its construction, design, 20857
and equipment comply with the regulations adopted pursuant to 20858

section 4511.76 of the Revised Code and all other provisions of 20859
law. 20860

The superintendent of the state highway patrol shall adopt a 20861
distinctive inspection decal not less than twelve inches in size, 20862
and bearing the date of the inspection, which shall be affixed to 20863
the outside surface of each side of each school bus which upon 20864
such inspection is found to comply with the regulations adopted 20865
pursuant to section 4511.76 of the Revised Code. The appearance of 20866
said decal shall be changed from year to year as to shape and 20867
color in order to provide easy visual inspection. 20868

No person shall operate, nor shall any person being the owner 20869
thereof or having supervisory responsibility therefor permit the 20870
operation of, a school bus within this state unless there are 20871
displayed thereon the decals issued by the state highway patrol 20872
bearing the proper date of inspection for the calendar year for 20873
which the inspection decals were issued. 20874

(B) Except as otherwise provided in this division, whoever 20875
violates this section is guilty of a minor misdemeanor. If the 20876
offender previously has been convicted of or pleaded guilty to one 20877
or more violations of this section or section 4511.63, 4511.76, 20878
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 20879
municipal ordinance or township resolution that is substantially 20880
similar to any of those sections, whoever violates this section is 20881
guilty of a misdemeanor of the fourth degree. 20882

(C) Whenever a person is found guilty in a court of record of 20883
a violation of this section, the trial judge, in addition to or 20884
independent of all other penalties provided by law, may suspend 20885
for any period of time not exceeding three years, or cancel the 20886
license of any person, partnership, association, or corporation, 20887
issued under section 4511.763 of the Revised Code. 20888

Sec. 4511.762. (A) Except as provided in division (B) of this 20889

section, no person who is the owner of a bus that previously was 20890
registered as a school bus that is used or is to be used 20891
exclusively for purposes other than the transportation of 20892
children, shall operate the bus or permit it to be operated within 20893
this state unless the bus has been painted a color different from 20894
that prescribed for school buses by section 4511.77 of the Revised 20895
Code and painted in such a way that the words "stop" and "school 20896
bus" are obliterated. 20897

(B) Any church bus that previously was registered as a school 20898
bus and is registered under section 4503.07 of the Revised Code 20899
may retain the paint color prescribed for school buses by section 20900
4511.77 of the Revised Code if the bus complies with all of the 20901
following: 20902

(1) The words "school bus" required by section 4511.77 of the 20903
Revised Code are covered or obliterated and the bus is marked on 20904
the front and rear with the words "church bus" painted in black 20905
lettering not less than ten inches in height; 20906

(2) The automatically extended stop warning sign required by 20907
section 4511.75 of the Revised Code is removed and the word "stop" 20908
required by section 4511.77 of the Revised Code is covered or 20909
obliterated; 20910

(3) The flashing red and amber lights required by section 20911
4511.771 of the Revised Code are covered or removed; 20912

(4) The inspection decal required by section 4511.761 of the 20913
Revised Code is covered or removed; 20914

(5) The identification number assigned under section 4511.764 20915
of the Revised Code and marked in black lettering on the front and 20916
rear of the bus is covered or obliterated. 20917

(C) Except as otherwise provided in this division, whoever 20918
violates this section is guilty of a minor misdemeanor. If the 20919
offender previously has been convicted of or pleaded guilty to one 20920

or more violations of this section or section 4511.63, 4511.76, 20921
4511.761, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 20922
municipal ordinance or township resolution that is substantially 20923
similar to any of those sections, whoever violates this section is 20924
guilty of a misdemeanor of the fourth degree. 20925

(D) Whenever a person is found guilty in a court of record of 20926
a violation of this section, the trial judge, in addition to or 20927
independent of all other penalties provided by law, may suspend 20928
for any period of time not exceeding three years, or cancel the 20929
license of any person, partnership, association, or corporation, 20930
issued under section 4511.763 of the Revised Code. 20931

Sec. 4511.764. (A) The superintendent of the state highway 20932
patrol shall require school buses to be registered, in the name of 20933
the owner, with the state highway patrol on forms and in 20934
accordance with regulations as the superintendent may adopt. 20935

When the superintendent is satisfied that the registration 20936
has been completed, the superintendent shall assign an identifying 20937
number to each school bus registered in accordance with this 20938
section. The number so assigned shall be marked on the front and 20939
rear of the vehicle in black lettering not less than six inches in 20940
height and will remain unchanged as long as the ownership of that 20941
vehicle remains the same. 20942

No person shall operate, nor shall any person, being the 20943
owner thereof or having supervisory responsibility therefor, 20944
permit the operation of a school bus within this state unless 20945
there is displayed thereon an identifying number in accordance 20946
with this section. 20947

(B) Except as otherwise provided in this division, whoever 20948
violates this section is guilty of a minor misdemeanor. If the 20949
offender previously has been convicted of or pleaded guilty to one 20950
or more violations of section 4511.63, 4511.76, 4511.761, 20951

4511.762, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance or township resolution that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.77. (A) No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this state unless it is painted national school bus yellow and is marked on both front and rear with the words "school bus" in black lettering not less than eight inches in height and on the rear of the bus with the word "stop" in black lettering not less than ten inches in height.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised Code or a municipal ordinance or township resolution that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(C) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under section 4511.763 of the Revised Code.

Sec. 4511.79. (A) No person shall drive a "commercial motor vehicle" as defined in section 4506.01 of the Revised Code, or a "commercial car" or "commercial tractor," as defined in section 4501.01 of the Revised Code, while the person's ability or

alertness is so impaired by fatigue, illness, or other causes that 20982
it is unsafe for the person to drive such vehicle. No driver shall 20983
use any drug which would adversely affect the driver's ability or 20984
alertness. 20985

(B) No owner, as defined in section 4501.01 of the Revised 20986
Code, of a "commercial motor vehicle," "commercial car," or 20987
"commercial tractor," or a person employing or otherwise directing 20988
the driver of such vehicle, shall require or knowingly permit a 20989
driver in any such condition described in division (A) of this 20990
section to drive such vehicle upon any street or highway. 20991

(C) Except as otherwise provided in this division, whoever 20992
violates this section is guilty of a minor misdemeanor. If the 20993
offender previously has been convicted of or pleaded guilty to one 20994
or more violations of this section or section 4511.63, 4511.76, 20995
4511.761, 4511.762, 4511.764, or 4511.77 of the Revised Code or a 20996
municipal ordinance or township resolution that is substantially 20997
similar to any of those sections, whoever violates this section is 20998
guilty of a misdemeanor of the fourth degree. 20999

Sec. 4511.81. (A) When any child who is in either or both of 21000
the following categories is being transported in a motor vehicle, 21001
other than a taxicab or public safety vehicle as defined in 21002
section 4511.01 of the Revised Code, that is required by the 21003
United States department of transportation to be equipped with 21004
seat belts at the time of manufacture or assembly, the operator of 21005
the motor vehicle shall have the child properly secured in 21006
accordance with the manufacturer's instructions in a child 21007
restraint system that meets federal motor vehicle safety 21008
standards: 21009

(1) A child who is less than four years of age; 21010

(2) A child who weighs less than forty pounds. 21011

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(C) When any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has

been or is being committed. 21044

(E) The director of public safety shall adopt such rules as 21045
are necessary to carry out this section. 21046

(F) The failure of an operator of a motor vehicle to secure a 21047
child in a child restraint system or in an occupant restraining 21048
device as required by this section is not negligence imputable to 21049
the child, is not admissible as evidence in any civil action 21050
involving the rights of the child against any other person 21051
allegedly liable for injuries to the child, is not to be used as a 21052
basis for a criminal prosecution of the operator of the motor 21053
vehicle other than a prosecution for a violation of this section, 21054
and is not admissible as evidence in any criminal action involving 21055
the operator of the motor vehicle other than a prosecution for a 21056
violation of this section. 21057

(G) This section does not apply when an emergency exists that 21058
threatens the life of any person operating a motor vehicle and to 21059
whom this section otherwise would apply or the life of any child 21060
who otherwise would be required to be restrained under this 21061
section. 21062

(H) There is hereby created in the state treasury the "child 21063
highway safety fund," consisting of fines imposed pursuant to 21064
division (J)(1) of this section for violations of divisions (A), 21065
(B), and (C) of this section. The money in the fund shall be used 21066
by the department of health only to defray the cost of designating 21067
hospitals as pediatric trauma centers under section 3727.081 of 21068
the Revised Code and to establish and administer a child highway 21069
safety program. The purpose of the program shall be to educate the 21070
public about child restraint systems generally and the importance 21071
of their proper use. The program also shall include a process for 21072
providing child restraint systems to persons who meet the 21073
eligibility criteria established by the department, and a 21074
toll-free telephone number the public may utilize to obtain 21075

information about child restraint systems and their proper use. 21076

(I) The director of health, in accordance with Chapter 119. 21077
of the Revised Code, shall adopt any rules necessary to carry out 21078
this section, including rules establishing the criteria a person 21079
must meet in order to receive a child restraint system under the 21080
department's child restraint system program; provided that rules 21081
relating to the verification of pediatric trauma centers shall not 21082
be adopted under this section. 21083

(J)(1) Whoever violates division (A), (B), or (C) of this 21084
section shall be punished as follows: 21085

(a) Except as otherwise provided in division (J)(1)(b) of 21086
this section, the offender is guilty of a minor misdemeanor and 21087
shall be fined not less than twenty-five dollars. 21088

(b) If the offender previously has been convicted of or 21089
pleaded guilty to a violation of division (A), (B), or (C) of this 21090
section or of a municipal ordinance or township resolution that is 21091
substantially similar to any of those divisions, the offender is 21092
guilty of a misdemeanor of the fourth degree. 21093

(2) All fines imposed pursuant to division (J)(1) of this 21094
section shall be forwarded to the treasurer of state for deposit 21095
in the "child highway safety fund" created by division (H) of this 21096
section. 21097

Sec. 4513.263. (A) As used in this section and in section 21098
4513.99 of the Revised Code: 21099

(1) "Automobile" means any commercial tractor, passenger car, 21100
commercial car, or truck that is required to be factory-equipped 21101
with an occupant restraining device for the operator or any 21102
passenger by regulations adopted by the United States secretary of 21103
transportation pursuant to the "National Traffic and Motor Vehicle 21104
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 21105

(2) "Occupant restraining device" means a seat safety belt, 21106
shoulder belt, harness, or other safety device for restraining a 21107
person who is an operator of or passenger in an automobile and 21108
that satisfies the minimum federal vehicle safety standards 21109
established by the United States department of transportation. 21110

(3) "Passenger" means any person in an automobile, other than 21111
its operator, who is occupying a seating position for which an 21112
occupant restraining device is provided. 21113

(4) "Commercial tractor," "passenger car," and "commercial 21114
car" have the same meanings as in section 4501.01 of the Revised 21115
Code. 21116

(5) "Vehicle" and "motor vehicle," as used in the definitions 21117
of the terms set forth in division (A)(4) of this section, have 21118
the same meanings as in section 4511.01 of the Revised Code. 21119

(6) "Tort action" means a civil action for damages for 21120
injury, death, or loss to person or property. "Tort action" 21121
includes a product liability claim, as defined in section 2307.71 21122
of the Revised Code, and an asbestos claim, as defined in section 21123
2307.91 of the Revised Code, but does not include a civil action 21124
for damages for breach of contract or another agreement between 21125
persons. 21126

(B) No person shall do any of the following: 21127

(1) Operate an automobile on any street or highway unless 21128
that person is wearing all of the available elements of a properly 21129
adjusted occupant restraining device, or operate a school bus that 21130
has an occupant restraining device installed for use in its 21131
operator's seat unless that person is wearing all of the available 21132
elements of the device, as properly adjusted; 21133

(2) Operate an automobile on any street or highway unless 21134
each passenger in the automobile who is subject to the requirement 21135
set forth in division (B)(3) of this section is wearing all of the 21136

available elements of a properly adjusted occupant restraining device; 21137
21138

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 21139
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form. 21143
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(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device. Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical. 21146
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(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect 21160
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any automobile being operated on any street or highway for the 21169
sole purpose of determining whether a violation of that nature has 21170
been or is being committed. 21171

(E) ~~All~~ Subject to division (F)(2) of section 1901.31 of the 21172
Revised Code, all fines collected for violations of division (B) 21173
of this section, or for violations of any ordinance or resolution 21174
of a political subdivision that is substantively comparable to 21175
that division, shall be forwarded to the treasurer of state for 21176
deposit as follows: 21177

(1) Eight per cent shall be deposited into the seat belt 21178
education fund, which is hereby created in the state treasury, and 21179
shall be used by the department of public safety to establish a 21180
seat belt education program. 21181

(2) Eight per cent shall be deposited into the elementary 21182
school program fund, which is hereby created in the state 21183
treasury, and shall be used by the department of public safety to 21184
establish and administer elementary school programs that encourage 21185
seat safety belt use. 21186

(3) Two per cent shall be deposited into the Ohio medical 21187
transportation trust fund created by section 4766.05 of the 21188
Revised Code. 21189

(4) Twenty-eight per cent shall be deposited into the trauma 21190
and emergency medical services fund, which is hereby created in 21191
the state treasury, and shall be used by the department of public 21192
safety for the administration of the division of emergency medical 21193
services and the state board of emergency medical services. 21194

(5) Fifty-four per cent shall be deposited into the trauma 21195
and emergency medical services grants fund, which is hereby 21196
created in the state treasury, and shall be used by the state 21197
board of emergency medical services to make grants, in accordance 21198
with section 4765.07 of the Revised Code and rules the board 21199

adopts under section 4765.11 of the Revised Code. 21200

(F)(1) Subject to division (F)(2) of this section, the 21201
failure of a person to wear all of the available elements of a 21202
properly adjusted occupant restraining device in violation of 21203
division (B)(1) or (3) of this section or the failure of a person 21204
to ensure that each minor who is a passenger of an automobile 21205
being operated by that person is wearing all of the available 21206
elements of a properly adjusted occupant restraining device in 21207
violation of division (B)(2) of this section shall not be 21208
considered or used by the trier of fact in a tort action as 21209
evidence of negligence or contributory negligence. But, the trier 21210
of fact may determine based on evidence admitted consistent with 21211
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 21212
contributed to the harm alleged in the tort action and may 21213
diminish a recovery of compensatory damages that represents 21214
noneconomic loss, as defined in section 2307.011 of the Revised 21215
Code, in a tort action that could have been recovered but for the 21216
plaintiff's failure to wear all of the available elements of a 21217
properly adjusted occupant restraining device. Evidence of that 21218
failure shall not be used as a basis for a criminal prosecution of 21219
the person other than a prosecution for a violation of this 21220
section; and shall not be admissible as evidence in a criminal 21221
action involving the person other than a prosecution for a 21222
violation of this section. 21223

(2) If, at the time of an accident involving a passenger car 21224
equipped with occupant restraining devices, any occupant of the 21225
passenger car who sustained injury or death was not wearing an 21226
available occupant restraining device, was not wearing all of the 21227
available elements of such a device, or was not wearing such a 21228
device as properly adjusted, then, consistent with the Rules of 21229
Evidence, the fact that the occupant was not wearing the available 21230
occupant restraining device, was not wearing all of the available 21231

elements of such a device, or was not wearing such a device as 21232
properly adjusted is admissible in evidence in relation to any 21233
claim for relief in a tort action to the extent that the claim for 21234
relief satisfies all of the following: 21235

(a) It seeks to recover damages for injury or death to the 21236
occupant. 21237

(b) The defendant in question is the manufacturer, designer, 21238
distributor, or seller of the passenger car. 21239

(c) The claim for relief against the defendant in question is 21240
that the injury or death sustained by the occupant was enhanced or 21241
aggravated by some design defect in the passenger car or that the 21242
passenger car was not crashworthy. 21243

(G)(1) Whoever violates division (B)(1) of this section shall 21244
be fined thirty dollars. 21245

(2) Whoever violates division (B)(3) of this section shall be 21246
fined twenty dollars. 21247

(3) Except as otherwise provided in this division, whoever 21248
violates division (B)(4) of this section is guilty of a minor 21249
misdemeanor. If the offender previously has been convicted of or 21250
pleaded guilty to a violation of division (B)(4) of this section, 21251
whoever violates division (B)(4) of this section is guilty of a 21252
misdemeanor of the third degree. 21253

Sec. 4513.35. (A) All fines collected under sections 4511.01 21254
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 21255
shall be paid into the county treasury and, with the exception of 21256
that portion distributed under section 3375.53 of the Revised 21257
Code, shall be placed to the credit of the fund for the 21258
maintenance and repair of the highways within that county, except 21259
that: 21260

(1) All fines for violations of division (B) of section 21261

4513.263 shall be delivered to the treasurer of state as provided 21262
in division (E) of section 4513.263 of the Revised Code. 21263

(2) All fines collected from, or moneys arising from bonds 21264
forfeited by, persons apprehended or arrested by state highway 21265
patrolmen shall be distributed as provided in section 5503.04 of 21266
the Revised Code. 21267

(3)(a) Subject to division (E) of section 4513.263 of the 21268
Revised Code and except as otherwise provided in division 21269
(A)(3)(b) of this section, one-half of all fines collected from, 21270
and one-half of all moneys arising from bonds forfeited by, 21271
persons apprehended or arrested by a township constable or other 21272
township police officer shall be paid to the township treasury to 21273
be placed to the credit of the general fund. 21274

(b) All fines collected from, and all moneys arising from 21275
bonds forfeited by, persons apprehended or arrested by a township 21276
constable or other township police officer pursuant to division 21277
(B)(2) of section 4513.39 of the Revised Code for a violation of 21278
section 4511.21 of the Revised Code or any other law, ordinance, 21279
or regulation pertaining to speed that occurred on a highway 21280
included as part of the interstate system, as defined in section 21281
5516.01 of the Revised Code, shall be paid into the county 21282
treasury and be credited as provided in the first paragraph of 21283
this section. 21284

(B) Notwithstanding any other provision of this section or of 21285
any other section of the Revised Code: 21286

(1) All fines collected from, and all moneys arising from 21287
bonds forfeited by, persons arrested under division (E)(1) or (2) 21288
of section 2935.03 of the Revised Code are deemed to be collected, 21289
and to arise, from arrests made within the jurisdiction in which 21290
the arresting officer is appointed, elected, or employed, for 21291
violations of one of the sections or chapters of the Revised Code 21292

listed in division (E)(1) of that section and shall be distributed 21293
accordingly. 21294

(2) All fines collected from, and all moneys arising from 21295
bonds forfeited by, persons arrested under division (E)(3) of 21296
section 2935.03 of the Revised Code are deemed to be collected, 21297
and to arise, from arrests made within the jurisdiction in which 21298
the arresting officer is appointed, elected, or employed, for 21299
violations of municipal ordinances or township resolutions that 21300
are substantially equivalent to one of the sections or one of the 21301
provisions of one of the chapters of the Revised Code listed in 21302
division (E)(1) of that section and for violations of one of the 21303
sections or one of the provisions of one of the chapters of the 21304
Revised Code listed in division (E)(1) of that section, and shall 21305
be distributed accordingly. 21306

Sec. 4513.37. Every ~~county~~ court judge, ~~mayor,~~ and clerk ~~of a~~ 21307
~~court of record~~ shall keep a full record of every case in which a 21308
person is charged with any violation of sections 4511.01 to 21309
4511.78, section 4511.99, and sections 4513.01 to 4513.37 of the 21310
Revised Code, or of any other law ~~or,~~ ordinance, or resolution 21311
regulating the operation of vehicles, streetcars, and trackless 21312
trolleys on highways. 21313

Within ten days after the conviction or forfeiture of bail of 21314
a person upon a charge of violating any of such sections or other 21315
law ~~or,~~ ordinance, or resolution regulating the operation of 21316
vehicles, streetcars, and trackless trolleys on highways, ~~said~~ 21317
~~judge, mayor, or the~~ clerk shall prepare and immediately forward 21318
to the department of public safety an abstract of the court record 21319
covering the case in which ~~said the~~ person was convicted for 21320
forfeited bail, which abstract must be certified by the person 21321
required to prepare the same to be true and correct. 21322

~~Said The~~ The abstract shall be made upon a form approved and 21323

furnished by the department and shall include the name and address 21324
of the party charged, the number of ~~his~~ the party's driver's or 21325
commercial driver's license, the registration number of the 21326
vehicle involved, the nature of the offense, the date of hearing, 21327
the plea, the judgment, or whether bail forfeited, and the amount 21328
of the fine or forfeiture. 21329

Every court ~~of record~~ clerk shall also forward a like report 21330
to the department upon the conviction of any person of 21331
manslaughter or other felony in the commission of which a vehicle 21332
was used. 21333

The failure, refusal, or neglect of ~~such officer~~ a court 21334
clerk to comply with this section constitutes misconduct in office 21335
and is ground for removal therefrom. 21336

The department shall keep all abstracts received under this 21337
section at its main office. 21338

Sec. 4521.01. As used in this chapter: 21339

(A) "Parking infraction" means a violation of any ordinance, 21340
resolution, or regulation enacted by a local authority that 21341
regulates the standing or parking of vehicles and that is 21342
authorized pursuant to section 505.17 or 4511.07 of the Revised 21343
Code, or a violation of any ordinance, resolution, or regulation 21344
enacted by a local authority as authorized by this chapter, if the 21345
local authority in either of these cases also has enacted an 21346
ordinance, resolution, or regulation of the type described in 21347
division (A) of section 4521.02 of the Revised Code in relation to 21348
the particular regulatory ordinance, resolution, or regulation. 21349

(B) "Vehicle" has the same meaning as in section 4511.01 of 21350
the Revised Code. 21351

(C) "Court" means a municipal court, county court, juvenile 21352
court, or ~~mayer's~~ community court, unless specifically identified 21353

as one of these courts, in which case it means the specifically 21354
identified court. 21355

(D) "Local authority" means every county, municipal 21356
corporation, township, or other local board or body having 21357
authority to adopt police regulations pursuant to the constitution 21358
and laws of this state. 21359

(E) "Disability parking space" means a motor vehicle parking 21360
location that is reserved for the exclusive standing or parking of 21361
a vehicle that is operated by or on behalf of a person with a 21362
disability that limits or impairs the ability to walk and displays 21363
a placard or license plates issued under section 4503.44 of the 21364
Revised Code. 21365

(F) "Person with a disability that limits or impairs the 21366
ability to walk" has the same meaning as in section 4503.44 of the 21367
Revised Code. 21368

Sec. 4549.17. (A) No law enforcement officer employed by a 21369
law enforcement agency of a municipal corporation, township, or 21370
joint township police district shall issue any citation, summons, 21371
or ticket for a violation of section 4511.21 of the Revised Code 21372
or a substantially similar municipal ordinance or township 21373
resolution or for a violation of section 5577.04 of the Revised 21374
Code or a substantially similar municipal ordinance, if all of the 21375
following apply: 21376

(1) The citation, summons, or ticket would be issued for a 21377
violation described in division (A) of this section that occurs on 21378
a freeway that is part of the interstate system; 21379

(2) The municipal corporation, township, or joint township 21380
police district that employs the law enforcement officer has less 21381
than eight hundred eighty yards of the freeway that is part of the 21382
interstate system within its jurisdiction; 21383

(3) The law enforcement officer must travel outside the 21384
boundaries of the municipal corporation, township, or joint 21385
township police district that employs ~~him~~ the officer in order to 21386
enter onto the freeway; 21387

(4) The law enforcement officer travels onto the freeway for 21388
the primary purpose of issuing citations, summonses, or tickets 21389
for violations of section 4511.21 of the Revised Code or a 21390
substantially similar municipal ordinance or township resolution 21391
or for violations of section 5577.04 of the Revised Code or a 21392
substantially similar municipal ordinance or township resolution. 21393

(B) As used in this section, "interstate system" has the same 21394
meaning as in section 5516.01 of the Revised Code. 21395

Sec. 4730.31. (A) As used in this section, "prosecutor" has 21396
the same meaning as in section 2935.01 of the Revised Code. 21397

(B) Whenever any person holding a valid certificate issued 21398
pursuant to this chapter pleads guilty to, is subject to a 21399
judicial finding of guilt of, or is subject to a judicial finding 21400
of eligibility for intervention in lieu of conviction for a 21401
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 21402
of any substantively comparable ordinance of a municipal 21403
corporation or resolution of a township in connection with 21404
practicing as a physician assistant, the prosecutor in the case 21405
shall, on forms prescribed and provided by the state medical 21406
board, promptly notify the board of the conviction. Within thirty 21407
days of receipt of such information, the board shall initiate 21408
action in accordance with Chapter 119. of the Revised Code to 21409
determine whether to suspend or revoke the certificate under 21410
section 4730.25 of the Revised Code. 21411

(C) The prosecutor in any case against any person holding a 21412
valid certificate issued pursuant to this chapter shall, on forms 21413
prescribed and provided by the state medical board, notify the 21414

board of any of the following: 21415

(1) A plea of guilty to, a judicial finding of guilt of, or 21416
judicial finding of eligibility for intervention in lieu of 21417
conviction for a felony, or a case where the trial court issues an 21418
order of dismissal upon technical or procedural grounds of a 21419
felony charge; 21420

(2) A plea of guilty to, a judicial finding of guilt of, or 21421
judicial finding or eligibility for intervention in lieu of 21422
conviction for a misdemeanor committed in the course of practice, 21423
or a case where the trial court issues an order of dismissal upon 21424
technical or procedural grounds of a charge of a misdemeanor, if 21425
the alleged act was committed in the course of practice; 21426

(3) A plea of guilty to, a judicial finding of guilt of, or 21427
judicial finding of eligibility for intervention in lieu of 21428
conviction for a misdemeanor involving moral turpitude, or a case 21429
where the trial court issues an order of dismissal upon technical 21430
or procedural grounds of a charge of a misdemeanor involving moral 21431
turpitude. 21432

The report shall include the name and address of the 21433
certificate holder, the nature of the offense for which the action 21434
was taken, and the certified court documents recording the action. 21435

Sec. 4731.223. (A) As used in this section, "prosecutor" has 21436
the same meaning as in section 2935.01 of the Revised Code. 21437

(B) Whenever any person holding a valid certificate issued 21438
pursuant to this chapter pleads guilty to, is subject to a 21439
judicial finding of guilt of, or is subject to a judicial finding 21440
of eligibility for intervention in lieu of conviction for a 21441
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 21442
of any substantively comparable ordinance of a municipal 21443
corporation or resolution of a township in connection with the 21444

person's practice, or for a second or subsequent time pleads 21445
guilty to, or is subject to a judicial finding of guilt of, a 21446
violation of section 2919.123 of the Revised Code, the prosecutor 21447
in the case, on forms prescribed and provided by the state medical 21448
board, shall promptly notify the board of the conviction or guilty 21449
plea. Within thirty days of receipt of that information, the board 21450
shall initiate action in accordance with Chapter 119. of the 21451
Revised Code to determine whether to suspend or revoke the 21452
certificate under section 4731.22 of the Revised Code. 21453

(C) The prosecutor in any case against any person holding a 21454
valid certificate issued pursuant to this chapter, on forms 21455
prescribed and provided by the state medical board, shall notify 21456
the board of any of the following: 21457

(1) A plea of guilty to, a finding of guilt by a jury or 21458
court of, or judicial finding of eligibility for intervention in 21459
lieu of conviction for a felony, or a case in which the trial 21460
court issues an order of dismissal upon technical or procedural 21461
grounds of a felony charge; 21462

(2) A plea of guilty to, a finding of guilt by a jury or 21463
court of, or judicial finding of eligibility for intervention in 21464
lieu of conviction for a misdemeanor committed in the course of 21465
practice, or a case in which the trial court issues an order of 21466
dismissal upon technical or procedural grounds of a charge of a 21467
misdemeanor, if the alleged act was committed in the course of 21468
practice; 21469

(3) A plea of guilty to, a finding of guilt by a jury or 21470
court of, or judicial finding of eligibility for intervention in 21471
lieu of conviction for a misdemeanor involving moral turpitude, or 21472
a case in which the trial court issues an order of dismissal upon 21473
technical or procedural grounds of a charge of a misdemeanor 21474
involving moral turpitude. 21475

The report shall include the name and address of the certificate holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

Sec. 4760.15. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation or resolution of a township in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the certificate under section 4760.13 of the Revised Code.

(C) The prosecutor in any case against any person holding a valid certificate of registration issued pursuant to this chapter, on forms prescribed and provided by the state medical board, shall notify the board of any of the following:

(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of

practice, or a case in which the trial court issues an order of 21507
dismissal upon technical or procedural grounds of a charge of a 21508
misdemeanor, if the alleged act was committed in the course of 21509
practice; 21510

(3) A plea of guilty to, a finding of guilt by a jury or 21511
court of, or judicial finding of eligibility for intervention in 21512
lieu of conviction for a misdemeanor involving moral turpitude, or 21513
a case in which the trial court issues an order of dismissal upon 21514
technical or procedural grounds of a charge of a misdemeanor 21515
involving moral turpitude. 21516

The report shall include the name and address of the 21517
certificate holder, the nature of the offense for which the action 21518
was taken, and the certified court documents recording the action. 21519

Sec. 4762.15. (A) As used in this section, "prosecutor" has 21520
the same meaning as in section 2935.01 of the Revised Code. 21521

(B) Whenever any person holding a valid certificate issued 21522
pursuant to this chapter pleads guilty to, is subject to a 21523
judicial finding of guilt of, or is subject to a judicial finding 21524
of eligibility for intervention in lieu of conviction for a 21525
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 21526
of any substantively comparable ordinance of a municipal 21527
corporation or resolution of a township in connection with the 21528
person's practice, the prosecutor in the case, on forms prescribed 21529
and provided by the state medical board, shall promptly notify the 21530
board of the conviction. Within thirty days of receipt of that 21531
information, the board shall initiate action in accordance with 21532
Chapter 119. of the Revised Code to determine whether to suspend 21533
or revoke the certificate under section 4762.13 of the Revised 21534
Code. 21535

(C) The prosecutor in any case against any person holding a 21536
valid certificate issued pursuant to this chapter, on forms 21537

prescribed and provided by the state medical board, shall notify 21538
the board of any of the following: 21539

(1) A plea of guilty to, a finding of guilt by a jury or 21540
court of, or judicial finding of eligibility for intervention in 21541
lieu of conviction for a felony, or a case in which the trial 21542
court issues an order of dismissal upon technical or procedural 21543
grounds of a felony charge; 21544

(2) A plea of guilty to, a finding of guilt by a jury or 21545
court of, or judicial finding of eligibility for intervention in 21546
lieu of conviction for a misdemeanor committed in the course of 21547
practice, or a case in which the trial court issues an order of 21548
dismissal upon technical or procedural grounds of a charge of a 21549
misdemeanor, if the alleged act was committed in the course of 21550
practice; 21551

(3) A plea of guilty to, a finding of guilt by a jury or 21552
court of, or judicial finding of eligibility for intervention in 21553
lieu of conviction for a misdemeanor involving moral turpitude, or 21554
a case in which the trial court issues an order of dismissal upon 21555
technical or procedural grounds of a charge of a misdemeanor 21556
involving moral turpitude. 21557

The report shall include the name and address of the 21558
certificate holder, the nature of the offense for which the action 21559
was taken, and the certified court documents recording the action. 21560

Sec. 4999.06. No superintendent, trainmaster, or other 21561
employee of a railroad shall send or cause to be sent outside of 21562
yard limits, a passenger train of ~~not more than~~ five or fewer 21563
cars, any one of which carries passengers, with a crew consisting 21564
of less than one engineer, one ~~fireman~~ firefighter, one conductor, 21565
and one ~~brakeman~~ brakeperson. If four of ~~said the~~ cars are day 21566
coaches carrying passengers, or if in a train of more than five 21567
cars, three or more cars are day coaches carrying passengers, ~~of~~ 21568

or if in a train of more than six cars, four cars carrying 21569
passengers, or if in a train of more than seven cars, two or more 21570
cars are carrying passengers, ~~of~~ or if in any train, six or more 21571
cars are carrying passengers, ~~such~~ the crew shall consist of at 21572
least one additional ~~brakeman~~ brakeperson, regularly employed as 21573
such. When ~~such~~ the train consists of more than two cars, either 21574
of which carries passengers, no such superintendent, trainmaster, 21575
or other employee shall require a ~~brakeman~~ brakeperson to perform 21576
the duties of baggage master or express agent. Whoever violates 21577
this section shall be fined not less than twenty-five dollars for 21578
each offense. 21579

For the purpose of this section, a combination mail or 21580
baggage and passenger car is a day coach, but straight dining cars 21581
and private cars are not cars carrying passengers. 21582

This section does not apply to trains picking up a car 21583
between terminals in this state, or to cars propelled by 21584
electricity. 21585

~~Mayers~~ Community court magistrates and county court judges 21586
have jurisdiction under this section. The public utilities 21587
commission shall enforce this section. 21588

Sec. 5104.09. (A)(1) Except as provided in rules adopted 21589
pursuant to division (D) of this section: 21590

(a) No individual who has been convicted of or pleaded guilty 21591
to a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 21592
2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 21593
2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2907.02, 2907.03, 21594
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 21595
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 21596
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 21597
2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 21598
2919.24, 2919.25, 2921.03, 2921.34, 2921.35, 2923.12, 2923.13, 21599

2923.161, 2919.22, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 21600
3716.11 of the Revised Code, a violation of section 2925.11 of the 21601
Revised Code that is not a minor drug possession offense, as 21602
defined in section 2925.01 of the Revised Code, felonious sexual 21603
penetration in violation of former section 2907.12 of the Revised 21604
Code, or a violation of an existing or former law ~~or~~ ordinance of 21605
any municipal corporation, resolution of any township, this state, 21606
any other state, or the United States that is substantially 21607
equivalent to any of those violations shall be certified as an 21608
in-home aide or be employed in any capacity in or own or operate a 21609
child day-care center, type A family day-care home, type B family 21610
day-care home, or certified type B family day-care home. 21611

(b) No individual who has been convicted of or pleaded guilty 21612
to a violation of section 2913.02, 2913.03, 2913.04, 2913.041, 21613
2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 21614
2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 21615
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 21616
2923.01 of the Revised Code, a violation of section 2923.02 or 21617
2923.03 of the Revised Code that relates to a crime specified in 21618
this division or division (A)(1)(a) of this section, a second 21619
violation of section 4511.19 of the Revised Code within five years 21620
of the date of operation of the child day-care center or family 21621
day-care home, or two violations of section 4511.19 of the Revised 21622
Code during operation of the center or home, or a violation of an 21623
existing or former law of this state, any other state, or the 21624
United States that is substantially equivalent to any of those 21625
violations shall own or operate a child day-care center, type A 21626
family day-care home, type B family day-care home, or certified 21627
type B family day-care home. 21628

(2) Each employee of a child day-care center and type A home 21629
and every person eighteen years of age or older residing in a type 21630
A home shall sign a statement on forms prescribed by the director 21631

of job and family services attesting to the fact that the employee 21632
or resident person has not been convicted of or pleaded guilty to 21633
any offense set forth in division (A)(1)(a) of this section and 21634
that no child has been removed from the employee's or resident 21635
person's home pursuant to section 2151.353 of the Revised Code. 21636
Each licensee of a type A home shall sign a statement on a form 21637
prescribed by the director attesting to the fact that no person 21638
who resides at the type A home and who is under the age of 21639
eighteen has been adjudicated a delinquent child for committing a 21640
violation of any section listed in division (A)(1)(a) of this 21641
section. The statements shall be kept on file at the center or 21642
type A home. 21643

(3) Each in-home aide and every person eighteen years of age 21644
or older residing in a certified type B home shall sign a 21645
statement on forms prescribed by the director of job and family 21646
services attesting that the aide or resident person has not been 21647
convicted of or pleaded guilty to any offense set forth in 21648
division (A)(1)(a) of this section and that no child has been 21649
removed from the aide's or resident person's home pursuant to 21650
section 2151.353 of the Revised Code. Each authorized provider 21651
shall sign a statement on forms prescribed by the director 21652
attesting that the provider has not been convicted of or pleaded 21653
guilty to any offense set forth in division (A)(1)(a) or (b) of 21654
this section and that no child has been removed from the 21655
provider's home pursuant to section 2151.353 of the Revised Code. 21656
Each authorized provider shall sign a statement on a form 21657
prescribed by the director attesting to the fact that no person 21658
who resides at the certified type B home and who is under the age 21659
of eighteen has been adjudicated a delinquent child for committing 21660
a violation of any section listed in division (A)(1)(a) of this 21661
section. The statements shall be kept on file at the county 21662
department of job and family services. 21663

(4) Each administrator and licensee of a center or type A home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1)(a) or (b) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center or type A home.

(B) No in-home aide, no administrator, licensee, authorized provider, or employee of a center, type A home, or certified type B home, and no person eighteen years of age or older residing in a type A home or certified type B home shall withhold information from, or falsify information on, any statement required pursuant to division (A)(2), (3), or (4) of this section.

(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.

(D) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (A)(1) of this section for persons who have been convicted of an offense listed in that division but meet rehabilitation standards set by the department.

Sec. 5123.081. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment to or employment with the department of mental retardation and developmental disabilities, including, but not limited to, a person who is being transferred to the department and an employee who is being recalled or reemployed after a layoff.

(2) "Criminal records check" has the same meaning as in 21695
section 109.572 of the Revised Code. 21696

(3) "Minor drug possession offense" has the same meaning as 21697
in section 2925.01 of the Revised Code. 21698

(B) The director of mental retardation and developmental 21699
disabilities shall request the superintendent of the bureau of 21700
criminal identification and investigation to conduct a criminal 21701
records check with respect to each applicant, except that the 21702
director is not required to request a criminal records check for 21703
an employee of the department who is being considered for a 21704
different position or is returning after a leave of absence or 21705
seasonal break in employment, as long as the director has no 21706
reason to believe that the employee has committed any of the 21707
offenses listed or described in division (E) of this section. 21708

If the applicant does not present proof that the applicant 21709
has been a resident of this state for the five-year period 21710
immediately prior to the date upon which the criminal records 21711
check is requested, the director shall request that the 21712
superintendent of the bureau obtain information from the federal 21713
bureau of investigation as a part of the criminal records check 21714
for the applicant. If the applicant presents proof that the 21715
applicant has been a resident of this state for that five-year 21716
period, the director may request that the superintendent of the 21717
bureau include information from the federal bureau of 21718
investigation in the criminal records check. For purposes of this 21719
division, an applicant may provide proof of residency in this 21720
state by presenting, with a notarized statement asserting that the 21721
applicant has been a resident of this state for that five-year 21722
period, a valid driver's license, notification of registration as 21723
an elector, a copy of an officially filed federal or state tax 21724
form identifying the applicant's permanent residence, or any other 21725
document the director considers acceptable. 21726

(C) The director shall provide to each applicant a copy of 21727
the form prescribed pursuant to division (C)(1) of section 109.572 21728
of the Revised Code, provide to each applicant a standard 21729
impression sheet to obtain fingerprint impressions prescribed 21730
pursuant to division (C)(2) of section 109.572 of the Revised 21731
Code, obtain the completed form and impression sheet from each 21732
applicant, and forward the completed form and impression sheet to 21733
the superintendent of the bureau of criminal identification and 21734
investigation at the time the criminal records check is requested. 21735

Any applicant who receives pursuant to this division a copy 21736
of the form prescribed pursuant to division (C)(1) of section 21737
109.572 of the Revised Code and a copy of an impression sheet 21738
prescribed pursuant to division (C)(2) of that section and who is 21739
requested to complete the form and provide a set of fingerprint 21740
impressions shall complete the form or provide all the information 21741
necessary to complete the form and shall provide the material with 21742
the impressions of the applicant's fingerprints. If an applicant, 21743
upon request, fails to provide the information necessary to 21744
complete the form or fails to provide impressions of the 21745
applicant's fingerprints, the director shall not employ the 21746
applicant. 21747

(D) The director may request any other state or federal 21748
agency to supply the director with a written report regarding the 21749
criminal record of each applicant. With regard to an applicant who 21750
becomes a department employee, if the employee holds an 21751
occupational or professional license or other credentials, the 21752
director may request that the state or federal agency that 21753
regulates the employee's occupation or profession supply the 21754
director with a written report of any information pertaining to 21755
the employee's criminal record that the agency obtains in the 21756
course of conducting an investigation or in the process of 21757
renewing the employee's license or other credentials. 21758

(E) Except as provided in division (K)(2) of this section and 21759
in rules adopted by the director in accordance with division (M) 21760
of this section, the director shall not employ a person to fill a 21761
position with the department who has been convicted of or pleaded 21762
guilty to any of the following: 21763

(1) A violation of section 2903.01, 2903.02, 2903.03, 21764
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 21765
2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 21766
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 21767
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 21768
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 21769
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 21770
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 21771
section 2905.04 of the Revised Code as it existed prior to July 1, 21772
1996, a violation of section 2919.23 of the Revised Code that 21773
would have been a violation of section 2905.04 of the Revised Code 21774
as it existed prior to July 1, 1996, had the violation occurred 21775
prior to that date, a violation of section 2925.11 of the Revised 21776
Code that is not a minor drug possession offense, or felonious 21777
sexual penetration in violation of former section 2907.12 of the 21778
Revised Code; 21779

(2) A felony contained in the Revised Code that is not listed 21780
in this division, if the felony bears a direct and substantial 21781
relationship to the duties and responsibilities of the position 21782
being filled; 21783

(3) Any offense contained in the Revised Code constituting a 21784
misdemeanor of the first degree on the first offense and a felony 21785
on a subsequent offense, if the offense bears a direct and 21786
substantial relationship to the position being filled and the 21787
nature of the services being provided by the department; 21788

(4) A violation of an existing or former municipal ordinance, 21789
township resolution, or law of this state, any other state, or the 21790

United States, if the offense is substantially equivalent to any 21791
of the offenses listed or described in division (E)(1), (2), or 21792
(3) of this section. 21793

(F) Prior to employing an applicant, the director shall 21794
require the applicant to submit a statement with the applicant's 21795
signature attesting that the applicant has not been convicted of 21796
or pleaded guilty to any of the offenses listed or described in 21797
division (E) of this section. The director also shall require the 21798
applicant to sign an agreement under which the applicant agrees to 21799
notify the director within fourteen calendar days if, while 21800
employed with the department, the applicant is ever formally 21801
charged with, convicted of, or pleads guilty to any of the 21802
offenses listed or described in division (E) of this section. The 21803
agreement shall inform the applicant that failure to report formal 21804
charges, a conviction, or a guilty plea may result in being 21805
dismissed from employment. 21806

(G) The director shall pay to the bureau of criminal 21807
identification and investigation the fee prescribed pursuant to 21808
division (C)(3) of section 109.572 of the Revised Code for each 21809
criminal records check requested and conducted pursuant to this 21810
section. 21811

(H)(1) Any report obtained pursuant to this section is not a 21812
public record for purposes of section 149.43 of the Revised Code 21813
and shall not be made available to any person, other than the 21814
applicant who is the subject of the records check or criminal 21815
records check or the applicant's representative, the department or 21816
its representative, a county board of mental retardation and 21817
developmental disabilities, and any court, hearing officer, or 21818
other necessary individual involved in a case dealing with the 21819
denial of employment to the applicant or the denial, suspension, 21820
or revocation of a certificate or evidence of registration under 21821
section 5123.082 of the Revised Code. 21822

(2) An individual for whom the director has obtained reports 21823
under this section may submit a written request to the director to 21824
have copies of the reports sent to any state agency, entity of 21825
local government, or private entity. The individual shall specify 21826
in the request the agencies or entities to which the copies are to 21827
be sent. On receiving the request, the director shall send copies 21828
of the reports to the agencies or entities specified. 21829

The director may request that a state agency, entity of local 21830
government, or private entity send copies to the director of any 21831
report regarding a records check or criminal records check that 21832
the agency or entity possesses, if the director obtains the 21833
written consent of the individual who is the subject of the 21834
report. 21835

(I) The director shall request the registrar of motor 21836
vehicles to supply the director with a certified abstract 21837
regarding the record of convictions for violations of motor 21838
vehicle laws of each applicant who will be required by the 21839
applicant's employment to transport individuals with mental 21840
retardation or a developmental disability or to operate the 21841
department's vehicles for any other purpose. For each abstract 21842
provided under this section, the director shall pay the amount 21843
specified in section 4509.05 of the Revised Code. 21844

(J) The director shall provide each applicant with a copy of 21845
any report or abstract obtained about the applicant under this 21846
section. 21847

(K)(1) The director shall inform each person, at the time of 21848
the person's initial application for employment, that the person 21849
is required to provide a set of impressions of the person's 21850
fingerprints and that a criminal records check is required to be 21851
conducted and satisfactorily completed in accordance with section 21852
109.572 of the Revised Code if the person comes under final 21853
consideration for employment as a precondition to employment in a 21854

position. 21855

(2) The director may employ an applicant pending receipt of 21856
reports requested under this section. The director shall terminate 21857
employment of any such applicant if it is determined from the 21858
reports that the applicant failed to inform the director that the 21859
applicant had been convicted of or pleaded guilty to any of the 21860
offenses listed or described in division (E) of this section. 21861

(L) The director may charge an applicant a fee for costs the 21862
director incurs in obtaining reports, abstracts, or fingerprint 21863
impressions under this section. A fee charged under this division 21864
shall not exceed the amount of the fees the director pays under 21865
divisions (G) and (I) of this section. If a fee is charged under 21866
this division, the director shall notify the applicant of the 21867
amount of the fee at the time of the applicant's initial 21868
application for employment and that, unless the fee is paid, the 21869
director will not consider the applicant for employment. 21870

(M) The director shall adopt rules in accordance with Chapter 21871
119. of the Revised Code to implement this section, including 21872
rules specifying circumstances under which the director may employ 21873
a person who has been convicted of or pleaded guilty to an offense 21874
listed or described in division (E) of this section but who meets 21875
standards in regard to rehabilitation set by the director. 21876

Sec. 5126.28. (A) As used in this section: 21877

(1) "Applicant" means a person who is under final 21878
consideration for appointment to or employment in a position with 21879
a county board of mental retardation and developmental 21880
disabilities, including, but not limited to, a person who is being 21881
transferred to the county board and an employee who is being 21882
recalled or reemployed after a layoff. 21883

(2) "Criminal records check" has the same meaning as in 21884

section 109.572 of the Revised Code. 21885

(3) "Minor drug possession offense" has the same meaning as 21886
in section 2925.01 of the Revised Code. 21887

(B) The superintendent of a county board of mental 21888
retardation and developmental disabilities shall request the 21889
superintendent of the bureau of criminal identification and 21890
investigation to conduct a criminal records check with respect to 21891
any applicant who has applied to the board for employment in any 21892
position, except that a county board superintendent is not 21893
required to request a criminal records check for an employee of 21894
the board who is being considered for a different position or is 21895
returning after a leave of absence or seasonal break in 21896
employment, as long as the superintendent has no reason to believe 21897
that the employee has committed any of the offenses listed or 21898
described in division (E) of this section. 21899

If the applicant does not present proof that the applicant 21900
has been a resident of this state for the five-year period 21901
immediately prior to the date upon which the criminal records 21902
check is requested, the county board superintendent shall request 21903
that the superintendent of the bureau obtain information from the 21904
federal bureau of investigation as a part of the criminal records 21905
check for the applicant. If the applicant presents proof that the 21906
applicant has been a resident of this state for that five-year 21907
period, the county board superintendent may request that the 21908
superintendent of the bureau include information from the federal 21909
bureau of investigation in the criminal records check. For 21910
purposes of this division, an applicant may provide proof of 21911
residency in this state by presenting, with a notarized statement 21912
asserting that the applicant has been a resident of this state for 21913
that five-year period, a valid driver's license, notification of 21914
registration as an elector, a copy of an officially filed federal 21915
or state tax form identifying the applicant's permanent residence, 21916

or any other document the superintendent considers acceptable. 21917

(C) The county board superintendent shall provide to each 21918
applicant a copy of the form prescribed pursuant to division 21919
(C)(1) of section 109.572 of the Revised Code, provide to each 21920
applicant a standard impression sheet to obtain fingerprint 21921
impressions prescribed pursuant to division (C)(2) of section 21922
109.572 of the Revised Code, obtain the completed form and 21923
impression sheet from each applicant, and forward the completed 21924
form and impression sheet to the superintendent of the bureau of 21925
criminal identification and investigation at the time the criminal 21926
records check is requested. 21927

Any applicant who receives pursuant to this division a copy 21928
of the form prescribed pursuant to division (C)(1) of section 21929
109.572 of the Revised Code and a copy of an impression sheet 21930
prescribed pursuant to division (C)(2) of that section and who is 21931
requested to complete the form and provide a set of fingerprint 21932
impressions shall complete the form or provide all the information 21933
necessary to complete the form and shall provide the impression 21934
sheet with the impressions of the applicant's fingerprints. If an 21935
applicant, upon request, fails to provide the information 21936
necessary to complete the form or fails to provide impressions of 21937
the applicant's fingerprints, the county board superintendent 21938
shall not employ that applicant. 21939

(D) A county board superintendent may request any other state 21940
or federal agency to supply the board with a written report 21941
regarding the criminal record of each applicant. With regard to an 21942
applicant who becomes a board employee, if the employee holds an 21943
occupational or professional license or other credentials, the 21944
superintendent may request that the state or federal agency that 21945
regulates the employee's occupation or profession supply the board 21946
with a written report of any information pertaining to the 21947
employee's criminal record that the agency obtains in the course 21948

of conducting an investigation or in the process of renewing the 21949
employee's license or other credentials. 21950

(E) Except as provided in division (K)(2) of this section and 21951
in rules adopted by the department of mental retardation and 21952
developmental disabilities in accordance with division (M) of this 21953
section, no county board of mental retardation and developmental 21954
disabilities shall employ a person to fill a position with the 21955
board who has been convicted of or pleaded guilty to any of the 21956
following: 21957

(1) A violation of section 2903.01, 2903.02, 2903.03, 21958
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 21959
2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 21960
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 21961
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 21962
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 21963
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 21964
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 21965
section 2905.04 of the Revised Code as it existed prior to July 1, 21966
1996, a violation of section 2919.23 of the Revised Code that 21967
would have been a violation of section 2905.04 of the Revised Code 21968
as it existed prior to July 1, 1996, had the violation occurred 21969
prior to that date, a violation of section 2925.11 of the Revised 21970
Code that is not a minor drug possession offense, or felonious 21971
sexual penetration in violation of former section 2907.12 of the 21972
Revised Code; 21973

(2) A felony contained in the Revised Code that is not listed 21974
in this division, if the felony bears a direct and substantial 21975
relationship to the duties and responsibilities of the position 21976
being filled; 21977

(3) Any offense contained in the Revised Code constituting a 21978
misdemeanor of the first degree on the first offense and a felony 21979
on a subsequent offense, if the offense bears a direct and 21980

substantial relationship to the position being filled and the 21981
nature of the services being provided by the county board; 21982

(4) A violation of an existing or former municipal ordinance, 21983
township resolution, or law of this state, any other state, or the 21984
United States, if the offense is substantially equivalent to any 21985
of the offenses listed or described in division (E)(1), (2), or 21986
(3) of this section. 21987

(F) Prior to employing an applicant, the county board 21988
superintendent shall require the applicant to submit a statement 21989
with the applicant's signature attesting that the applicant has 21990
not been convicted of or pleaded guilty to any of the offenses 21991
listed or described in division (E) of this section. The 21992
superintendent also shall require the applicant to sign an 21993
agreement under which the applicant agrees to notify the 21994
superintendent within fourteen calendar days if, while employed by 21995
the board, the applicant is ever formally charged with, convicted 21996
of, or pleads guilty to any of the offenses listed or described in 21997
division (E) of this section. The agreement shall inform the 21998
applicant that failure to report formal charges, a conviction, or 21999
a guilty plea may result in being dismissed from employment. 22000

(G) A county board of mental retardation and developmental 22001
disabilities shall pay to the bureau of criminal identification 22002
and investigation the fee prescribed pursuant to division (C)(3) 22003
of section 109.572 of the Revised Code for each criminal records 22004
check requested and conducted pursuant to this section. 22005

(H)(1) Any report obtained pursuant to this section is not a 22006
public record for purposes of section 149.43 of the Revised Code 22007
and shall not be made available to any person, other than the 22008
applicant who is the subject of the records check or criminal 22009
records check or the applicant's representative, the board 22010
requesting the records check or criminal records check or its 22011
representative, the department of mental retardation and 22012

developmental disabilities, and any court, hearing officer, or 22013
other necessary individual involved in a case dealing with the 22014
denial of employment to the applicant or the denial, suspension, 22015
or revocation of a certificate or evidence of registration under 22016
section 5126.25 of the Revised Code. 22017

(2) An individual for whom a county board superintendent has 22018
obtained reports under this section may submit a written request 22019
to the county board to have copies of the reports sent to any 22020
state agency, entity of local government, or private entity. The 22021
individual shall specify in the request the agencies or entities 22022
to which the copies are to be sent. On receiving the request, the 22023
county board shall send copies of the reports to the agencies or 22024
entities specified. 22025

A county board may request that a state agency, entity of 22026
local government, or private entity send copies to the board of 22027
any report regarding a records check or criminal records check 22028
that the agency or entity possesses, if the county board obtains 22029
the written consent of the individual who is the subject of the 22030
report. 22031

(I) Each county board superintendent shall request the 22032
registrar of motor vehicles to supply the superintendent with a 22033
certified abstract regarding the record of convictions for 22034
violations of motor vehicle laws of each applicant who will be 22035
required by the applicant's employment to transport individuals 22036
with mental retardation or developmental disabilities or to 22037
operate the board's vehicles for any other purpose. For each 22038
abstract provided under this section, the board shall pay the 22039
amount specified in section 4509.05 of the Revised Code. 22040

(J) The county board superintendent shall provide each 22041
applicant with a copy of any report or abstract obtained about the 22042
applicant under this section. At the request of the director of 22043
mental retardation and developmental disabilities, the 22044

superintendent also shall provide the director with a copy of a 22045
report or abstract obtained under this section. 22046

(K)(1) The county board superintendent shall inform each 22047
person, at the time of the person's initial application for 22048
employment, that the person is required to provide a set of 22049
impressions of the person's fingerprints and that a criminal 22050
records check is required to be conducted and satisfactorily 22051
completed in accordance with section 109.572 of the Revised Code 22052
if the person comes under final consideration for appointment or 22053
employment as a precondition to employment in a position. 22054

(2) A board may employ an applicant pending receipt of 22055
reports requested under this section. The board shall terminate 22056
employment of any such applicant if it is determined from the 22057
reports that the applicant failed to inform the county board that 22058
the applicant had been convicted of or pleaded guilty to any of 22059
the offenses listed or described in division (E) of this section. 22060

(L) The board may charge an applicant a fee for costs it 22061
incurs in obtaining reports, abstracts, or fingerprint impressions 22062
under this section. A fee charged under this division shall not 22063
exceed the amount of the fees the board pays under divisions (G) 22064
and (I) of this section. If a fee is charged under this division, 22065
the board shall notify the applicant of the amount of the fee at 22066
the time of the applicant's initial application for employment and 22067
that, unless the fee is paid, the board will not consider the 22068
applicant for employment. 22069

(M) The department of mental retardation and developmental 22070
disabilities shall adopt rules pursuant to Chapter 119. of the 22071
Revised Code to implement this section and section 5126.281 of the 22072
Revised Code, including rules specifying circumstances under which 22073
a county board or contracting entity may hire a person who has 22074
been convicted of or pleaded guilty to an offense listed or 22075
described in division (E) of this section but who meets standards 22076

in regard to rehabilitation set by the department. The rules may 22077
not authorize a county board or contracting entity to hire an 22078
individual who is included in the registry established under 22079
section 5123.52 of the Revised Code. 22080

Sec. 5309.54. Whenever any transcript from the docket of a 22081
judge of a county court ~~or mayor~~, magistrate of a community court, 22082
or other officer or tribunal ~~which~~ that may render judgments, is 22083
filed in the office of the clerk of the court of common pleas for 22084
a lien, the party, or ~~his~~ the party's agent or attorney, filing 22085
~~such~~ the transcript shall notify the clerk whether the land upon 22086
which the lien is sought is registered. If ~~such~~ the land is 22087
registered, in addition to the fee required for such filing, ~~such~~ 22088
the party shall pay ~~such~~ the clerk's fee for a certificate ~~which~~ 22089
that the clerk shall thereupon issue to ~~such~~ the party under ~~such~~ 22090
the clerk's hand and the seal of the court of common pleas stating 22091
the number of the case, parties, date of the judgment, amount of 22092
judgment, and costs, and the exact time when filed in ~~his~~ the 22093
clerk's office, and the volume and page where entered. The party 22094
receiving ~~such~~ the certificate shall file it with the county 22095
recorder, who shall make notation of the filing and enter a 22096
memorial thereof on the last registered certificate of title for 22097
~~such~~ the land. No lien shall attach to any registered land under 22098
~~such~~ the transcript until ~~such~~ the certificate is filed with the 22099
recorder and noted by ~~him~~ the recorder. 22100

Sec. 5321.05. (A) A tenant who is a party to a rental 22101
agreement shall do all of the following: 22102

(1) Keep that part of the premises that ~~he~~ the tenant 22103
occupies and uses safe and sanitary; 22104

(2) Dispose of all rubbish, garbage, and other waste in a 22105
clean, safe, and sanitary manner; 22106

- (3) Keep all plumbing fixtures in the dwelling unit or used by ~~him~~ the tenant as clean as their condition permits; 22107
22108
- (4) Use and operate all electrical and plumbing fixtures properly; 22109
22110
- (5) Comply with the requirements imposed on tenants by all applicable state and local housing, health, and safety codes; 22111
22112
- (6) Personally refrain and forbid any other person who is on the premises with ~~his~~ the tenant's permission from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the premises; 22113
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- (7) Maintain in good working order and condition any range, ~~refrigerator~~ refrigerator, washer, dryer, dishwasher, or other appliances supplied by the landlord and required to be maintained by the tenant under the terms and conditions of a written rental agreement; 22117
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22119
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- (8) Conduct ~~himself~~ self and require other persons on the premises with ~~his~~ the tenant's consent to conduct themselves in a manner that will not disturb ~~his~~ the tenant's neighbors' peaceful enjoyment of the premises; 22122
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22125
- (9) Conduct ~~himself~~ self, and require persons in ~~his~~ the tenant's household and persons on the premises with ~~his~~ the tenant's consent to conduct themselves, in connection with the premises so as not to violate the prohibitions contained in Chapters 2925. and 3719. of the Revised Code, or in municipal ordinances or township resolutions that are substantially similar to any section in either of those chapters, which relate to controlled substances. 22126
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- (B) The tenant shall not unreasonably withhold consent for the landlord to enter into the dwelling unit in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels that 22134
22135
22136
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are too large for the tenant's mail facilities, supply necessary 22138
or agreed services, or exhibit the dwelling unit to prospective or 22139
actual purchasers, mortgagees, tenants, ~~workmen~~ workers, or 22140
contractors. 22141

(C)(1) If the tenant violates any provision of this section, 22142
other than division (A)(9) of this section, the landlord may 22143
recover any actual damages that result from the violation together 22144
with reasonable attorney's fees. This remedy is in addition to any 22145
right of the landlord to terminate the rental agreement, to 22146
maintain an action for the possession of the premises, or to 22147
obtain injunctive relief to compel access under division (B) of 22148
this section. 22149

(2) If the tenant violates division (A)(9) of this section 22150
and if the landlord has actual knowledge of or has reasonable 22151
cause to believe that the tenant, any person in the tenant's 22152
household, or any person on the premises with the consent of the 22153
tenant previously has or presently is engaged in a violation as 22154
described in division (A)(6)(a)(i) of section 1923.02 of the 22155
Revised Code, whether or not the tenant or other person has been 22156
charged with, has pleaded guilty to or been convicted of, or has 22157
been determined to be a delinquent child for an act that, if 22158
committed by an adult, would be a violation as described in that 22159
division, then the landlord promptly shall give the notice 22160
required by division (C) of section 5321.17 of the Revised Code. 22161
If the tenant fails to vacate the premises within three days after 22162
the giving of that notice, then the landlord promptly shall comply 22163
with division (A)(9) of section 5321.04 of the Revised Code. For 22164
purposes of this division, actual knowledge or reasonable cause to 22165
believe as described in this division shall be determined in 22166
accordance with division (A)(6)(a)(i) of section 1923.02 of the 22167
Revised Code. 22168

Sec. 5502.61. As used in sections 5502.61 to 5502.66 of the Revised Code:

(A) "Federal criminal justice acts" means any federal law that authorizes financial assistance and other forms of assistance to be given by the federal government to the states to be used for the improvement of the criminal and juvenile justice systems of the states.

(B)(1) "Criminal justice system" includes all of the functions of the following:

(a) The state highway patrol, county sheriff offices, municipal and township police departments, and all other law enforcement agencies;

(b) The courts of appeals, courts of common pleas, municipal courts, county courts, and ~~mayer's~~ community courts, when dealing with criminal cases;

(c) The prosecuting attorneys, city directors of law, village solicitors, and other prosecuting authorities when prosecuting or otherwise handling criminal cases, and the county and joint county public defenders and other public defender agencies or offices;

(d) The department of rehabilitation and correction, probation departments, county and municipal jails and workhouses, and any other department, agency, or facility that is concerned with the rehabilitation or correction of criminal offenders;

(e) Any public or private agency whose purposes include the prevention of crime or the diversion, adjudication, detention, or rehabilitation of criminal offenders;

(f) Any public or private agency, the purposes of which include assistance to crime victims or witnesses.

(2) The inclusion of any public or private agency, the purposes of which include assistance to crime victims or

witnesses, as part of the criminal justice system pursuant to 22199
division (B)(1) of this section does not limit, and shall not be 22200
construed as limiting, the discretion or authority of the attorney 22201
general with respect to crime victim assistance and criminal 22202
justice programs. 22203

(C) "Juvenile justice system" includes all of the functions 22204
of the juvenile courts, the department of youth services, any 22205
public or private agency whose purposes include the prevention of 22206
delinquency or the diversion, adjudication, detention, or 22207
rehabilitation of delinquent children, and any of the functions of 22208
the criminal justice system that are applicable to children. 22209

(D) "Comprehensive plan" means a document that coordinates, 22210
evaluates, and otherwise assists, on an annual or multi-year 22211
basis, any of the functions of the criminal and juvenile justice 22212
systems of the state or a specified area of the state, that 22213
conforms to the priorities of the state with respect to criminal 22214
and juvenile justice systems, and that conforms with the 22215
requirements of all federal criminal justice acts. These functions 22216
may include, but are not limited to, any of the following: 22217

(1) Crime and delinquency prevention; 22218

(2) Identification, detection, apprehension, and detention of 22219
persons charged with criminal offenses or delinquent acts; 22220

(3) Assistance to crime victims or witnesses, except that the 22221
comprehensive plan does not include the functions of the attorney 22222
general pursuant to sections 109.91 and 109.92 of the Revised 22223
Code; 22224

(4) Adjudication or diversion of persons charged with 22225
criminal offenses or delinquent acts; 22226

(5) Custodial treatment of criminal offenders, delinquent 22227
children, or both; 22228

(6) Institutional and noninstitutional rehabilitation of	22229
criminal offenders, delinquent children, or both.	22230
(E) "Metropolitan county criminal justice services agency"	22231
means an agency that is established pursuant to division (A) of	22232
section 5502.64 of the Revised Code.	22233
(F) "Administrative planning district" means a district that	22234
is established pursuant to division (A) or (B) of section 5502.66	22235
of the Revised Code.	22236
(G) "Criminal justice coordinating council" means a criminal	22237
justice services agency that is established pursuant to division	22238
(D) of section 5502.66 of the Revised Code.	22239
(H) "Local elected official" means any person who is a member	22240
of a board of county commissioners or township trustees or of a	22241
city or village council, judge of the court of common pleas, a	22242
municipal court, or a county court, sheriff, county coroner,	22243
prosecuting attorney, city director of law, village solicitor, or	22244
mayor.	22245
(I) "Juvenile justice coordinating council" means a juvenile	22246
justice services agency that is established pursuant to division	22247
(D) of section 5502.66 of the Revised Code.	22248
(J) "Mcgruff house program" means a program in which	22249
individuals or families volunteer to have their homes or other	22250
buildings serve as places of temporary refuge for children and to	22251
display the mcgruff house symbol identifying the home or building	22252
as that type of place.	22253
(K) "Mcgruff house symbol" means the symbol that is	22254
characterized by the image of "mcgruff," the crime dog, and the	22255
slogan "take a bite out of crime," and that has been adopted by	22256
the national crime prevention council as the symbol of its	22257
national citizens' crime prevention campaign.	22258

(L) "Sponsoring agency" means any of the following:	22259
(1) The board of education of any city, local, or exempted village school district;	22260 22261
(2) The governing board of any educational service center;	22262
(3) The governing authority of any chartered nonpublic school;	22263 22264
(4) The police department of any municipal corporation, township, township police district, or joint township police district;	22265 22266 22267
(5) The office of any township constable or county sheriff.	22268
Sec. 5503.04. Forty-five <u>Subject to division (F)(2) of section 1901.31 of the Revised Code, forty-five</u> per cent of the fines collected from or moneys arising from bail forfeited by persons apprehended or arrested by state highway patrol troopers shall be paid into the state treasury to be credited to the general revenue fund, five per cent shall be paid into the state treasury to be credited to the trauma and emergency medical services grants fund created by division (E) of section 4513.263 of the Revised Code, and fifty per cent shall be paid into the treasury of the municipal corporation where the case is prosecuted, if in a mayer's <u>community</u> court. If the prosecution is in a trial court outside a municipal corporation, or outside the territorial jurisdiction of a municipal court, the fifty per cent of the fines and moneys that is not paid into the state treasury shall be paid into the treasury of the county where the case is prosecuted. The fines and moneys paid into a county treasury and the fines and moneys paid into the treasury of a municipal corporation shall be deposited one-half to the same fund and expended in the same manner as is the revenue received from the registration of motor vehicles, and one-half to the general fund	22269 22270 22271 22272 22273 22274 22275 22276 22277 22278 22279 22280 22281 22282 22283 22284 22285 22286 22287 22288

of such county or municipal corporation. 22289

If the prosecution is in a municipal court, forty-five per 22290
cent of the fines and moneys shall be paid into the state treasury 22291
to be credited to the general revenue fund, five per cent shall be 22292
paid into the state treasury to be credited to the trauma and 22293
emergency medical services grants fund created by division (E) of 22294
section 4513.263 of the Revised Code, ten per cent shall be paid 22295
into the county treasury to be credited to the general fund of the 22296
county, and forty per cent shall be paid into the municipal 22297
treasury to be credited to the general fund of the municipal 22298
corporation. In the Auglaize county, Clermont county, Crawford 22299
county, Hocking county, Jackson county, Lawrence county, Madison 22300
county, Miami county, Ottawa county, Portage county, and Wayne 22301
county municipal courts, that portion of money otherwise paid into 22302
the municipal treasury shall be paid into the county treasury. 22303

The trial court shall make remittance of the fines and moneys 22304
as prescribed in this section, and at the same time as the 22305
remittance is made of the state's portion to the state treasury, 22306
the trial court shall notify the superintendent of the state 22307
highway patrol of the case and the amount covered by the 22308
remittance. 22309

This section does not apply to fines for violations of 22310
division (B) of section 4513.263 of the Revised Code, or for 22311
violations of any municipal ordinance or township resolution that 22312
is substantively comparable to that division, all of which, 22313
subject to division (F)(2) of section 1901.31 of the Revised Code, 22314
shall be delivered to the treasurer of state as provided in 22315
division (E) of section 4513.263 of the Revised Code. 22316

Section 2. That existing sections 109.42, 109.572, 109.60, 22317
120.03, 120.14, 120.15, 120.16, 120.18, 120.24, 120.25, 120.26, 22318
120.28, 120.33, 120.36, 141.04, 309.08, 341.23, 341.33, 503.44, 22319

503.46, 504.04, 504.05, 504.06, 504.08, 504.15, 705.14, 705.55, 22320
733.40, 733.44, 733.51, 733.52, 743.14, 753.02, 753.021, 753.04, 22321
753.08, 925.31, 955.99, 1901.021, 1901.024, 1901.026, 1901.04, 22322
1901.08, 1901.11, 1901.181, 1901.31, 1905.29, 1907.012, 1907.20, 22323
1923.01, 1923.02, 1923.10, 2152.021, 2152.03, 2152.16, 2152.18, 22324
2152.21, 2152.41, 2325.15, 2335.06, 2335.08, 2335.09, 2743.51, 22325
2743.60, 2743.70, 2901.01, 2903.04, 2903.06, 2903.08, 2903.212, 22326
2903.213, 2903.214, 2907.24, 2907.27, 2907.28, 2907.41, 2913.01, 22327
2915.01, 2917.11, 2917.41, 2919.25, 2919.251, 2919.26, 2919.271, 22328
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2937.08, 2937.221, 2937.23, 2937.46, 2937.99, 2938.02, 2938.04, 22332
2941.51, 2945.17, 2947.23, 2949.02, 2950.01, 2951.01, 2951.041, 22333
2953.02, 2953.03, 2953.07, 2953.09, 2953.31, 2953.36, 3113.31, 22334
3301.88, 3313.662, 3319.20, 3319.31, 3327.10, 3345.23, 3375.50, 22335
3375.51, 3397.41, 3397.43, 4112.02, 4113.52, 4301.252, 4501.11, 22336
4503.13, 4503.233, 4503.234, 4506.07, 4506.15, 4506.18, 4507.02, 22337
4507.06, 4507.091, 4507.164, 4509.33, 4509.35, 4510.01, 4510.03, 22338
4510.031, 4510.032, 4510.034, 4510.036, 4510.038, 4510.04, 22339
4510.05, 4510.07, 4510.11, 4510.12, 4510.13, 4510.14, 4510.15, 22340
4510.16, 4510.161, 4510.17, 4510.22, 4510.31, 4510.41, 4510.43, 22341
4510.53, 4510.54, 4511.01, 4511.181, 4511.19, 4511.191, 4511.192, 22342
4511.193, 4511.194, 4511.195, 4511.196, 4511.197, 4511.203, 22343
4511.211, 4511.512, 4511.63, 4511.69, 4511.75, 4511.76, 4511.761, 22344
4511.762, 4511.764, 4511.77, 4511.79, 4511.81, 4513.263, 4513.35, 22345
4513.37, 4521.01, 4549.17, 4730.31, 4731.223, 4760.15, 4762.15, 22346
4999.06, 5104.09, 5123.081, 5126.28, 5309.54, 5321.05, 5502.61, 22347
and 5503.04 and sections 1905.01, 1905.02, 1905.03, 1905.031, 22348
1905.032, 1905.033, 1905.04, 1905.05, 1905.08, 1905.17, 1905.20, 22349
1905.201, 1905.21, 1905.22, 1905.23, 1905.24, 1905.25, 1905.26, 22350
1905.28, 1905.30, 1905.31, 1905.32, 1905.34, 1905.35, 1905.36, 22351
1905.37, 2933.07, 2933.08, and 2933.09 of the Revised Code are 22352

hereby repealed. 22353
22354

Section 3. Sections 1 and 2 of this act, except for sections 22355
1905.41, 1905.42, and 1905.43 of the Revised Code, shall take 22356
effect on January 1, 2009. 22357

Section 4. (A) Effective January 1, 2009, all mayor's courts 22358
are abolished. 22359

(B) All causes, executions, and other proceedings pending in 22360
a mayor's court at the close of business on December 31, 2008, 22361
shall be transferred to and proceed in the appropriate municipal 22362
court, county court, or community court pursuant to sections 22363
1905.41 and 1905.42 of the Revised Code on January 1, 2009, as if 22364
originally instituted in that court. Parties to those causes, 22365
executions, and proceedings may make any amendments to their 22366
pleadings that are required to conform them to the rules of 22367
transferee court. The clerk or other custodian of each mayor's 22368
court shall transfer to the appropriate municipal, county, or 22369
community court all pleadings, orders, entries, dockets, bonds, 22370
papers, records, books, exhibits, files, moneys, property, and 22371
persons that belong to, are in the possession of, or are subject 22372
to the jurisdiction of the mayor's court, or any officer of that 22373
court, at the close of business on December 31, 2008, and that 22374
pertain to those causes, executions, and proceedings. 22375

Section 5. The General Assembly, applying the principle 22376
stated in division (B) of section 1.52 of the Revised Code that 22377
amendments are to be harmonized if reasonably capable of 22378
simultaneous operation, finds that the following sections, 22379
presented in this act as composites of the sections as amended by 22380
the acts indicated, are the resulting versions of the sections in 22381
effect prior to the effective date of the sections as presented in 22382

this act:	22383
Section 1923.01 of the Revised Code as amended by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.	22384 22385
Section 1923.02 of the Revised Code as amended by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.	22386 22387
Section 2921.51 of the Revised Code as amended by both Sub. H.B. 259 and Sub. S.B. 281 of the 126th General Assembly.	22388 22389
Section 2935.01 of the Revised Code as amended by both Sub. H.B. 545 and H.B. 675 of the 124th General Assembly.	22390 22391
Section 2935.36 of the Revised Code as amended by both Am. Sub. H.B. 95 and Am. Sub. S.B. 5 of the 125th General Assembly.	22392 22393
Section 2937.23 of the Revised Code as amended by both Sub. H.B. 202 and Am. S.B. 142 of the 123rd General Assembly.	22394 22395
Section 2953.07 of the Revised Code as amended by both Am. Sub. S.B. 2 and Am. Sub. S.B. 4 of the 121st General Assembly.	22396 22397
Section 4503.13 of the Revised Code as amended by Am. Sub. H.B. 490 of the 124th General Assembly and Am. Sub. H.B. 230 of the 125th General Assembly.	22398 22399 22400
Sections 4503.233, 4503.234, and 4510.41 of the Revised Code as amended by both Sub. H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly.	22401 22402 22403