

# As Passed by the Senate

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 181

Representative Setzer

Cosponsors: Representatives Stebelton, Evans, Healy, Combs, Yuko,  
Harwood, Huffman, Collier, Webster, Brown, Patton, Williams, B., Lundy,  
Dyer, Heard, Barrett, Boyd, Budish, Chandler, DeBose, Distel, Domenick,  
Driehaus, Fende, Flowers, Foley, Garrison, Gibbs, Hagan, J., Hagan, R., Hite,  
Letson, Luckie, Mallory, Miller, Oelslager, Okey, Otterman, Schindel,  
Schlichter, Schneider, Strahorn, Szollosi, Uecker, Wagoner, Williams, S.,  
Zehringer

Senators Grendell, Cates, Harris, Mumper, Niehaus, Padgett, Seitz, Spada,  
Stivers, Fedor, Sawyer, Jacobson

—

## A B I L L

To amend sections 2151.417, 2151.424, 2901.30,	1
2949.092, 3313.672, 4511.181, and 4511.191 and to	2
enact sections 120.08, 2949.094, and 5502.68 of	3
the Revised Code to revise the law with respect to	4
law enforcement cooperation and schools' record	5
keeping duties in missing children investigations;	6
to require a court to impose an additional court	7
cost of ten dollars for a moving violation to	8
provide funds for certain costs of drug task	9
forces, certain costs of alcohol monitoring	10
provided to indigent offenders, and certain	11
indigent defense costs; to create the Drug Law	12
Enforcement Fund to be administered by the	13
Division of Criminal Justice Services of the	14
Department of Public Safety for the provision of	15

funds for drug task forces; to create the Indigent 16  
Defense Support Fund to be administered by the 17  
State Public Defender for the provision of the 18  
funds for indigent defense; to provide the funds 19  
for the costs of alcohol monitoring provided to 20  
indigent defendants out of the Indigent Drivers 21  
Alcohol Treatment Fund; to require the court to 22  
consider in-state and out-of-state placement 23  
options in review hearings for permanency plans 24  
for children not to be returned to parents; to 25  
require in any such review hearing the court or a 26  
court-appointed citizens board to consult in an 27  
age-appropriate manner with the child about any 28  
proposed permanency plan; to specify that, in 29  
certain reviews or hearings regarding foster care 30  
placement of a child, custody of a child with a 31  
relative other than a parent, or adoption of a 32  
child, the foster caregiver, relative, or 33  
prospective adoptive parent has the right to 34  
present evidence; and to declare an emergency. 35  
36

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

**Section 1.** That sections 2151.417, 2151.424, 2901.30, 37  
2949.092, 3313.672, 4511.181, and 4511.191 be amended and sections 38  
120.08, 2949.094, and 5502.68 of the Revised Code be enacted to 39  
read as follows: 40

**Sec. 120.08.** There is hereby created in the state treasury 41  
the indigent defense support fund, consisting of money paid into 42  
the fund pursuant to section 2949.094 of the Revised Code out of 43  
the additional court costs imposed under that section. The state 44

public defender shall use the money in the fund for the purpose of  
reimbursing county governments for expenses incurred pursuant to  
sections 120.18, 120.28, and 120.33 of the Revised Code.  
Disbursements from the fund to county governments shall be made in  
each state fiscal year and shall be allocated proportionately so  
that each county receives an equal percentage of its total cost  
for operating its county public defender system, its joint county  
public defender system, or its county appointed counsel system.

**Sec. 2151.417.** (A) Any court that issues a dispositional  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the  
Revised Code may review at any time the child's placement or  
custody arrangement, the case plan prepared for the child pursuant  
to section 2151.412 of the Revised Code, the actions of the public  
children services agency or private child placing agency in  
implementing that case plan, the child's permanency plan, if the  
child's permanency plan has been approved, and any other aspects  
of the child's placement or custody arrangement. In conducting the  
review, the court shall determine the appropriateness of any  
agency actions, the safety and appropriateness of continuing the  
child's placement or custody arrangement, and whether any changes  
should be made with respect to the child's permanency plan or  
placement or custody arrangement or with respect to the actions of  
the agency under the child's placement or custody arrangement.  
Based upon the evidence presented at a hearing held after notice  
to all parties and the guardian ad litem of the child, the court  
may require the agency, the parents, guardian, or custodian of the  
child, and the physical custodians of the child to take any  
reasonable action that the court determines is necessary and in  
the best interest of the child or to discontinue any action that  
it determines is not in the best interest of the child.

(B) If a court issues a dispositional order pursuant to 76  
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 77  
court has continuing jurisdiction over the child as set forth in 78  
division (E)(1) of section 2151.353 of the Revised Code. The court 79  
may amend a dispositional order in accordance with division (E)(2) 80  
of section 2151.353 of the Revised Code at any time upon its own 81  
motion or upon the motion of any interested party. The court shall 82  
comply with section 2151.42 of the Revised Code in amending any 83  
dispositional order pursuant to this division. 84

(C) Any court that issues a dispositional order pursuant to 85  
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 86  
hold a review hearing one year after the earlier of the date on 87  
which the complaint in the case was filed or the child was first 88  
placed into shelter care to review the case plan prepared pursuant 89  
to section 2151.412 of the Revised Code and the child's placement 90  
or custody arrangement, to approve or review the permanency plan 91  
for the child, and to make changes to the case plan and placement 92  
or custody arrangement consistent with the permanency plan. The 93  
court shall schedule the review hearing at the time that it holds 94  
the dispositional hearing pursuant to section 2151.35 of the 95  
Revised Code. 96

The court shall hold a similar review hearing no later than 97  
every twelve months after the initial review hearing until the 98  
child is adopted, returned to the parents, or the court otherwise 99  
terminates the child's placement or custody arrangement, except 100  
that the dispositional hearing held pursuant to section 2151.415 101  
of the Revised Code shall take the place of the first review 102  
hearing to be held under this section. The court shall schedule 103  
each subsequent review hearing at the conclusion of the review 104  
hearing immediately preceding the review hearing to be scheduled. 105

(D) If, within fourteen days after a written summary of an 106  
administrative review is filed with the court pursuant to section 107

2151.416 of the Revised Code, the court does not approve the 108  
proposed change to the case plan filed pursuant to division (E) of 109  
section 2151.416 of the Revised Code or a party or the guardian ad 110  
litem requests a review hearing pursuant to division (E) of that 111  
section, the court shall hold a review hearing in the same manner 112  
that it holds review hearings pursuant to division (C) of this 113  
section, except that if a review hearing is required by this 114  
division and if a hearing is to be held pursuant to division (C) 115  
of this section or section 2151.415 of the Revised Code, the 116  
hearing held pursuant to division (C) of this section or section 117  
2151.415 of the Revised Code shall take the place of the review 118  
hearing required by this division. 119

(E) If a court determines pursuant to section 2151.419 of the 120  
Revised Code that a public children services agency or private 121  
child placing agency is not required to make reasonable efforts to 122  
prevent the removal of a child from the child's home, eliminate 123  
the continued removal of a child from the child's home, and return 124  
the child to the child's home, and the court does not return the 125  
child to the child's home pursuant to division (A)(3) of section 126  
2151.419 of the Revised Code, the court shall hold a review 127  
hearing to approve the permanency plan for the child and, if 128  
appropriate, to make changes to the child's case plan and the 129  
child's placement or custody arrangement consistent with the 130  
permanency plan. The court may hold the hearing immediately 131  
following the determination under section 2151.419 of the Revised 132  
Code and shall hold it no later than thirty days after making that 133  
determination. 134

(F) The court shall give notice of the review hearings held 135  
pursuant to this section to every interested party, including, but 136  
not limited to, the appropriate agency employees who are 137  
responsible for the child's care and planning, the child's 138  
parents, any person who had guardianship or legal custody of the 139

child prior to the custody order, the child's guardian ad litem, 140  
and the child. The court shall summon every interested party to 141  
appear at the review hearing and give them an opportunity to 142  
testify and to present other evidence with respect to the child's 143  
custody arrangement, including, but not limited to, the following: 144  
the case plan for the child, the permanency plan, if one exists; 145  
the actions taken by the child's custodian; the need for a change 146  
in the child's custodian or caseworker; and the need for any 147  
specific action to be taken with respect to the child. The court 148  
shall require any interested party to testify or present other 149  
evidence when necessary to a proper determination of the issues 150  
presented at the review hearing. In any review hearing that 151  
pertains to a permanency plan for a child who will not be returned 152  
to the parent, the court shall consider in-state and out-of-state 153  
placement options, and the court shall determine whether the 154  
in-state or the out-of-state placement continues to be appropriate 155  
and in the best interests of the child. In any review hearing that 156  
pertains to a permanency plan for a child, the court or a citizens 157  
board appointed by the court pursuant to division (H) of this 158  
section shall consult with the child, in an age-appropriate 159  
manner, regarding the proposed permanency plan for the child. 160

(G) After the review hearing, the court shall take the 161  
following actions based upon the evidence presented: 162

(1) If an administrative review has been conducted, determine 163  
whether the conclusions of the review are supported by a 164  
preponderance of the evidence and approve or modify the case plan 165  
based upon that evidence; 166

(2) If the hearing was held under division (C) or (E) of this 167  
section, approve a permanency plan for the child that specifies 168  
whether and, if applicable, when the child will be safely returned 169  
home or placed for adoption, for legal custody, or in a planned 170  
permanent living arrangement. A permanency plan approved after a 171

hearing under division (E) of this section shall not include any 172  
provision requiring the child to be returned to the child's home. 173

(3) If the child is in temporary custody, do all of the 174  
following: 175

(a) Determine whether the child can and should be returned 176  
home with or without an order for protective supervision; 177

(b) If the child can and should be returned home with or 178  
without an order for protective supervision, terminate the order 179  
for temporary custody; 180

(c) If the child cannot or should not be returned home with 181  
an order for protective supervision, determine whether the agency 182  
currently with custody of the child should retain custody or 183  
whether another public children services agency, private child 184  
placing agency, or an individual should be given custody of the 185  
child. 186

The court shall comply with section 2151.42 of the Revised 187  
Code in taking any action under this division. 188

(4) If the child is in permanent custody, determine what 189  
actions are required by the custodial agency and of any other 190  
organizations or persons in order to facilitate an adoption of the 191  
child and make any appropriate orders with respect to the custody 192  
arrangement or conditions of the child, including, but not limited 193  
to, a transfer of permanent custody to another public children 194  
services agency or private child placing agency; 195

(5) Journalize the terms of the updated case plan for the 196  
child. 197

(H) The court may appoint a referee or a citizens review 198  
board to conduct the review hearings that the court is required by 199  
this section to conduct, subject to the review and approval by the 200  
court of any determinations made by the referee or citizens review 201

board. If the court appoints a citizens review board to conduct 202  
the review hearings, the board shall consist of one member 203  
representing the general public and four members who are trained 204  
or experienced in the care or placement of children and have 205  
training or experience in the fields of medicine, psychology, 206  
social work, education, or any related field. Of the initial 207  
appointments to the board, two shall be for a term of one year, 208  
two shall be for a term of two years, and one shall be for a term 209  
of three years, with all the terms ending one year after the date 210  
on which the appointment was made. Thereafter, all terms of the 211  
board members shall be for three years and shall end on the same 212  
day of the same month of the year as did the term that they 213  
succeed. Any member appointed to fill a vacancy occurring prior to 214  
the expiration of the term for which the member's predecessor was 215  
appointed shall hold office for the remainder of the term. 216

(I) A copy of the court's determination following any review 217  
hearing held pursuant to this section shall be sent to the 218  
custodial agency, the guardian ad litem of the child who is the 219  
subject of the review hearing, and, if that child is not the 220  
subject of a permanent commitment hearing, the parents of the 221  
child. 222

(J) If the hearing held under this section takes the place of 223  
an administrative review that otherwise would have been held under 224  
section 2151.416 of the Revised Code, the court at the hearing 225  
held under this section shall do all of the following in addition 226  
to any other requirements of this section: 227

(1) Determine the continued necessity for and the safety and 228  
appropriateness of the child's placement; 229

(2) Determine the extent of compliance with the child's case 230  
plan; 231

(3) Determine the extent of progress that has been made 232



toward alleviating or mitigating the causes necessitating the 233  
child's placement in foster care; 234

(4) Project a likely date by which the child may be safely 235  
returned home or placed for adoption or legal custody. 236

(K)(1) Whenever the court is required to approve a permanency 237  
plan under this section or section 2151.415 of the Revised Code, 238  
the public children services agency or private child placing 239  
agency that filed the complaint in the case, has custody of the 240  
child, or will be given custody of the child shall develop a 241  
permanency plan for the child. The agency must file the plan with 242  
the court prior to the hearing under this section or section 243  
2151.415 of the Revised Code. 244

(2) The permanency plan developed by the agency must specify 245  
whether and, if applicable, when the child will be safely returned 246  
home or placed for adoption or legal custody. If the agency 247  
determines that there is a compelling reason why returning the 248  
child home or placing the child for adoption or legal custody is 249  
not in the best interest of the child, the plan shall provide that 250  
the child will be placed in a planned permanent living 251  
arrangement. A permanency plan developed as a result of a 252  
determination made under division (A)(2) of section 2151.419 of 253  
the Revised Code may not include any provision requiring the child 254  
to be returned home. 255

**Sec. 2151.424.** (A) If a child has been placed in a certified 256  
foster home or is in the custody of a relative of the child, other 257  
than a parent of the child, a court, prior to conducting any 258  
hearing pursuant to division (E)(2) or (3) of section 2151.412 or 259  
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 260  
or 2151.417 of the Revised Code with respect to the child, shall 261  
notify the foster caregiver or relative of the date, time, and 262  
place of the hearing. At the hearing, the foster caregiver or 263

relative ~~may~~ shall have the right to present evidence. 264

(B) If a public children services agency or private child 265  
placing agency has permanent custody of a child and a petition to 266  
adopt the child has been filed under Chapter 3107. of the Revised 267  
Code, the agency, prior to conducting a review under section 268  
2151.416 of the Revised Code, or a court, prior to conducting a 269  
hearing under division (E)(2) or (3) of section 2151.412 or 270  
section 2151.416 or 2151.417 of the Revised Code, shall notify the 271  
prospective adoptive parent of the date, time, and place of the 272  
review or hearing. At the review or hearing, the prospective 273  
adoptive parent ~~may~~ shall have the right to present evidence. 274

(C) The notice and the opportunity to present evidence do not 275  
make the foster caregiver, relative, or prospective adoptive 276  
parent a party in the action or proceeding pursuant to which the 277  
review or hearing is conducted. 278

**Sec. 2901.30.** (A) As used in sections 2901.30 to 2901.32 of 279  
the Revised Code: 280

(1) "Information" means information that can be integrated 281  
into the computer system and that relates to the physical or 282  
mental description of a minor including, but not limited to, 283  
height, weight, color of hair and eyes, use of eyeglasses or 284  
contact lenses, skin coloring, physical or mental handicaps, 285  
special medical conditions or needs, abnormalities, problems, 286  
scars and marks, and distinguishing characteristics, and other 287  
information that could assist in identifying a minor including, 288  
but not limited to, full name and nickname, date and place of 289  
birth, age, names and addresses of parents and other relatives, 290  
fingerprints, dental records, photographs, social security number, 291  
driver's license number, credit card numbers, bank account 292  
numbers, and clothing. 293

(2) "Minor" means a person under eighteen years of age. 294

(3) "Missing children" or "missing child" means either of the 295  
following: 296

(a) A minor who has run away from or who otherwise is missing 297  
from the home of, or the care, custody, and control of, the 298  
minor's parents, parent who is the residential parent and legal 299  
custodian, guardian, legal custodian, or other person having 300  
responsibility for the care of the minor; 301

(b) A minor who is missing and about whom there is reason to 302  
believe the minor could be the victim of a violation of section 303  
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 304  
violation of section 2905.04 of the Revised Code as it existed 305  
prior to ~~the effective date of this amendment~~ July 1, 1996. 306

(B) When a law enforcement agency in this state that has 307  
jurisdiction in the matter is informed that a minor is or may be a 308  
missing child and that the person providing the information wishes 309  
to file a missing child report, the law enforcement agency shall 310  
take that report. Upon taking the report, the law enforcement 311  
agency shall take prompt action upon it, including, but not 312  
limited to, concerted efforts to locate the missing child. No law 313  
enforcement agency in this state shall have a rule or policy that 314  
prohibits or discourages the filing of or the taking of action 315  
upon a missing child report, within a specified period following 316  
the discovery or formulation of a belief that a minor is or could 317  
be a missing child. 318

(C) If a missing child report is made to a law enforcement 319  
agency in this state that has jurisdiction in the matter, the law 320  
enforcement agency shall gather readily available information 321  
about the missing child and integrate it into the national crime 322  
information center computer within twelve hours following the 323  
making of the report. The law enforcement agency shall make 324  
reasonable efforts to acquire additional information about the 325  
missing child following the transmittal of the initially available 326

information, and promptly integrate any additional information 327  
acquired into such computer systems. 328

Whenever a law enforcement agency integrates information 329  
about a missing child into the national crime information center 330  
computer, the law enforcement agency promptly shall notify the 331  
missing child's parents, parent who is the residential parent and 332  
legal custodian, guardian, or legal custodian, or any other person 333  
responsible for the care of the missing child, that it has so 334  
integrated the information. 335

The parents, parent who is the residential parent and legal 336  
custodian, guardian, legal custodian, or other person responsible 337  
for the care of the missing child shall provide available 338  
information upon request, and may provide information voluntarily, 339  
to the law enforcement agency during the information gathering 340  
process. The law enforcement agency also may obtain available 341  
information about the missing child from other persons, subject to 342  
constitutional and statutory limitations. 343

(D) Upon the filing of a missing child report, the law 344  
enforcement agency involved may notify the public or nonpublic 345  
school in which the missing child is or was most recently 346  
enrolled, as ascertained by the agency, that the child is the 347  
subject of a missing child report and that the child's school 348  
records are to be marked in accordance with section 3313.672 of 349  
the Revised Code. 350

(E) Upon the filing of a missing child report, the law 351  
enforcement agency involved promptly shall make a reasonable 352  
attempt to notify other law enforcement agencies within its county 353  
and, if the agency has jurisdiction in a municipal corporation or 354  
township that borders another county, to notify the law 355  
enforcement agency for the municipal corporation or township in 356  
the other county with which it shares the border, that it has 357  
taken a missing child report and may be requesting assistance or 358

cooperation in the case, and provide relevant information to the 359  
other law enforcement agencies. The agency may notify additional 360  
law enforcement agencies, or appropriate public children services 361  
agencies, about the case, request their assistance or cooperation 362  
in the case, and provide them with relevant information. 363

Upon request from a law enforcement agency, a public children 364  
services agency shall grant the law enforcement agency access to 365  
all information concerning a missing child that the agency 366  
possesses that may be relevant to the law enforcement agency in 367  
investigating a missing child report concerning that child. The 368  
information obtained by the law enforcement agency shall be used 369  
only to further the investigation to locate the missing child. 370

~~(E)~~(F) Upon request, law enforcement agencies in this state 371  
shall provide assistance to, and cooperate with, other law 372  
enforcement agencies in their investigation of missing child 373  
cases. The assistance and cooperation under this paragraph shall 374  
be pursuant to any terms agreed upon by the law enforcement 375  
agencies, which may include the provision of law enforcement 376  
services or the use of law enforcement equipment or the 377  
interchange of services and equipment among the cooperating law 378  
enforcement agencies. Chapter 2744. of the Revised Code, insofar 379  
as it applies to the operation of law enforcement agencies, shall 380  
apply to the cooperating political subdivisions and to the law 381  
enforcement agency employees when they are rendering services 382  
pursuant to this paragraph outside the territory of the political 383  
subdivision by which they are employed. Law enforcement agency 384  
employees rendering services outside the territory of the 385  
political subdivision in which they are employed, pursuant to this 386  
paragraph, shall be entitled to participate in any indemnity fund 387  
established by their employer to the same extent as if they were 388  
rendering service within the territory of their employing 389  
political subdivision. Those law enforcement agency employees also 390

shall be entitled to all the rights and benefits of Chapter 4123. 391  
of the Revised Code to the same extent as if rendering services 392  
within the territory of their employing political subdivision. 393

The information in any missing child report made to a law 394  
enforcement agency shall be made available, upon request, to law 395  
enforcement personnel of this state, other states, and the federal 396  
government when the law enforcement personnel indicate that the 397  
request is to aid in identifying or locating a missing child or 398  
the possible identification of a deceased minor who, upon 399  
discovery, cannot be identified. 400

~~(F)~~(G) When a missing child has not been located within 401  
thirty days after the date on which the missing child report 402  
pertaining to the child was filed with a law enforcement agency, 403  
that law enforcement agency shall request the missing child's 404  
parents, parent who is the residential parent and legal custodian, 405  
guardian, or legal custodian, or any other person responsible for 406  
the care of the missing child, to provide written consent for the 407  
law enforcement agency to contact the missing child's dentist and 408  
request the missing child's dental records. Upon receipt of such 409  
written consent, the dentist shall release a copy of the missing 410  
child's dental records to the law enforcement agency and shall 411  
provide and encode the records in such form as requested by the 412  
law enforcement agency. The law enforcement agency then shall 413  
integrate information in the records into the national crime 414  
information center computer in order to compare the records to 415  
those of unidentified deceased persons. This division does not 416  
prevent a law enforcement agency from seeking consent to obtain 417  
copies of a missing child's dental records, or prevent a missing 418  
child's parents, parent who is the residential parent and legal 419  
custodian, guardian, or legal custodian, or any other person 420  
responsible for the care of the missing child, from granting 421  
consent for the release of copies of the missing child's dental 422

records to a law enforcement agency, at any time. 423

~~(G)~~(H) A missing child's parents, parent who is the 424  
residential parent and legal custodian, guardian, or legal 425  
custodian, or any other persons responsible for the care of a 426  
missing child, immediately shall notify the law enforcement agency 427  
with which they filed the missing child report whenever the child 428  
has returned to their home or to their care, custody, and control, 429  
has been released if the missing child was the victim of an 430  
offense listed in division (A)(3)(b) of this section, or otherwise 431  
has been located. Upon such notification or upon otherwise 432  
learning that a missing child has returned to the home of, or to 433  
the care, custody, and control of the missing child's parents, 434  
parent who is the residential parent and legal custodian, 435  
guardian, legal custodian, or other person responsible for the 436  
missing child's care, has been released if the missing child was 437  
the victim of an offense listed in division (A)(3)(b) of this 438  
section, or otherwise has been located, the law enforcement agency 439  
involved promptly shall integrate the fact that the minor no 440  
longer is a missing child into the national crime information 441  
center computer and shall inform any school that was notified 442  
under division (D) of this section that the minor is no longer a 443  
missing child. 444

~~(H)~~(I) Nothing contained in this section shall be construed 445  
to impair the confidentiality of services provided to runaway 446  
minors by shelters for runaway minors pursuant to sections 5119.64 447  
to 5119.68 of the Revised Code. 448

**Sec. 2949.092.** If a person is convicted of or pleads guilty 449  
to an offense and the court specifically is required, pursuant to 450  
section 2743.70, 2949.091, ~~or~~ 2949.093, or 2949.094 of the Revised 451  
Code or pursuant to any other section of the Revised Code to 452  
impose a specified sum of money as costs in the case in addition 453

to any other costs that the court is required or permitted by law 454  
to impose in the case, the court shall not waive the payment of 455  
the specified additional court costs that the section of the 456  
Revised Code specifically requires the court to impose unless the 457  
court determines that the offender is indigent and the court 458  
waives the payment of all court costs imposed upon the offender. 459

Sec. 2949.094. (A) The court in which any person is convicted 460  
of or pleads guilty to any moving violation shall impose an 461  
additional court cost of ten dollars upon the offender. The court 462  
shall not waive the payment of the ten dollars unless the court 463  
determines that the offender is indigent and waives the payment of 464  
all court costs imposed upon the indigent offender. 465

The clerk of the court shall transmit thirty-five per cent of 466  
all additional court costs collected pursuant to this division 467  
during a month on the first business day of the following month to 468  
the division of criminal justice services, and the division of 469  
criminal justice services shall deposit the money so transmitted 470  
into the drug law enforcement fund created under section 5502.68 471  
of the Revised Code. The clerk shall transmit fifteen per cent of 472  
all additional court costs so collected during a month on the 473  
first business day of the following month to the state treasury to 474  
be credited to the indigent drivers alcohol treatment fund created 475  
under section 4511.191 of the Revised Code and to be distributed 476  
by the department of alcohol and drug addiction services as 477  
provided in division (H) of that section. The clerk shall transmit 478  
fifty per cent of all additional court costs so collected during a 479  
month on the first business day of the following month to the 480  
state treasury to be credited to the indigent defense support fund 481  
created pursuant to section 120.08 of the Revised Code. 482

(B) The juvenile court in which a child is found to be a 483  
484



juvenile traffic offender for an act that is a moving violation 485  
shall impose an additional court cost of ten dollars upon the 486  
juvenile traffic offender. The juvenile court shall not waive the 487  
payment of the ten dollars unless the court determines that the 488  
juvenile is indigent and waives the payment of all court costs 489  
imposed upon the indigent offender. 490

The clerk of the court shall transmit thirty-five per cent of 491  
all additional court costs collected pursuant to this division 492  
during a month on the first business day of the following month to 493  
the division of criminal justice services, and the division of 494  
criminal justice services shall deposit the money so transmitted 495  
into the drug law enforcement fund created under section 5502.68 496  
of the Revised Code. The clerk shall transmit fifteen per cent of 497  
all additional court costs so collected during a month on the 498  
first business day of the following month to the state treasury to 499  
be credited to the indigent drivers alcohol treatment fund created 500  
under section 4511.191 of the Revised Code and to be distributed 501  
by the department of alcohol and drug addiction services as 502  
provided in division (H) of that section. The clerk shall transmit 503  
fifty per cent of all additional court costs so collected during a 504  
month on the first business day of the following month to the 505  
state treasury to be credited to the indigent defense support fund 506  
created pursuant to section 120.08 of the Revised Code. 507

508

(C) Whenever a person is charged with any offense that is a 509  
moving violation and posts bail, the court shall add to the amount 510  
of the bail the ten dollars required to be paid by division (A) of 511  
this section. The clerk of the court shall retain the ten dollars 512  
until the person is convicted, pleads guilty, forfeits bail, is 513  
found not guilty, or has the charges dismissed. If the person is 514  
convicted, pleads guilty, or forfeits bail, the clerk shall 515  
transmit three dollars and fifty cents out of the ten dollars to 516

the division of criminal justice services, and the division of 517  
criminal justice services shall deposit the money so transmitted 518  
into the drug law enforcement fund created under section 5502.68 519  
of the Revised Code, the clerk shall transmit one dollar and fifty 520  
cents out of the ten dollars to the state treasury to be credited 521  
to the indigent drivers alcohol treatment fund created under 522  
section 4511.191 of the Revised Code and to be distributed by the 523  
department of alcohol and drug addiction services as provided in 524  
division (H) of that section, and the clerk shall transmit five 525  
dollars out of the ten dollars to the state treasury to be 526  
credited to the indigent defense support fund created under 527  
section 120.08 of the Revised Code. If the person is found not 528  
guilty or the charges are dismissed, the clerk shall return the 529  
ten dollars to the person. 530

(D) No person shall be placed or held in a detention facility 531  
for failing to pay the court cost or bail that is required to be 532  
paid by this section. 533

(E) As used in this section: 534

(1) "Bail" and "moving violation" have the same meanings as 535  
in section 2949.093 of the Revised Code. 536

(2) "Detention facility" has the same meaning as in section 537  
2921.01 of the Revised Code. 538

(3) "Division of criminal justice services" means the 539  
division of criminal justice services of the department of public 540  
safety, created by section 5502.62 of the Revised Code. 541

**Sec. 3313.672.** (A)(1) At the time of initial entry to a 542  
public or nonpublic school, a pupil shall present to the person in 543  
charge of admission any records given the pupil by the public or 544  
nonpublic elementary or secondary school the pupil most recently 545  
attended; a certified copy of an order or decree, or modification 546

of such an order or decree allocating parental rights and 547  
responsibilities for the care of a child and designating a 548  
residential parent and legal custodian of the child, as provided 549  
in division (B) of this section, if that type of order or decree 550  
has been issued; a copy of a power of attorney or caretaker 551  
authorization affidavit, if either has been executed with respect 552  
to the child pursuant to sections 3109.51 to 3109.80 of the 553  
Revised Code; and a certification of birth issued pursuant to 554  
Chapter 3705. of the Revised Code, a comparable certificate or 555  
certification issued pursuant to the statutes of another state, 556  
territory, possession, or nation, or a document in lieu of a 557  
certificate or certification as described in divisions (A)(1)(a) 558  
to (e) of this section. Any of the following shall be accepted in 559  
lieu of a certificate or certification of birth by the person in 560  
charge of admission: 561

(a) A passport or attested transcript of a passport filed 562  
with a registrar of passports at a point of entry of the United 563  
States showing the date and place of birth of the child; 564

(b) An attested transcript of the certificate of birth; 565

(c) An attested transcript of the certificate of baptism or 566  
other religious record showing the date and place of birth of the 567  
child; 568

(d) An attested transcript of a hospital record showing the 569  
date and place of birth of the child; 570

(e) A birth affidavit. 571

(2) If a pupil requesting admission to a school of the school 572  
district in which the pupil is entitled to attend school under 573  
section 3313.64 or 3313.65 of the Revised Code has been discharged 574  
or released from the custody of the department of youth services 575  
under section 5139.51 of the Revised Code just prior to requesting 576  
admission to the school, no school official shall admit that pupil 577

until the records described in divisions (D)(4)(a) to (d) of 578  
section 2152.18 of the Revised Code have been received by the 579  
superintendent of the school district. 580

(3) Except as otherwise provided in division (A)(2) of this 581  
section, within twenty-four hours of the entry into the school of 582  
a pupil described in division (A)(1) of this section, a school 583  
official shall request the pupil's official records from the 584  
public or nonpublic elementary or secondary school the pupil most 585  
recently attended. If the public or nonpublic school the pupil 586  
claims to have most recently attended indicates that it has no 587  
record of the pupil's attendance or the records are not received 588  
within fourteen days of the date of request, or if the pupil does 589  
not present a certification of birth described in division (A)(1) 590  
of this section, a comparable certificate or certification from 591  
another state, territory, possession, or nation, or another 592  
document specified in divisions (A)(1)(a) to ~~(d)~~(e) of this 593  
section, the principal or chief administrative officer of the 594  
school shall notify the law enforcement agency having jurisdiction 595  
in the area where the pupil resides of this fact and of the 596  
possibility that the pupil may be a missing child, as defined in 597  
section 2901.30 of the Revised Code. 598

(B)(1) Whenever an order or decree allocating parental rights 599  
and responsibilities for the care of a child and designating a 600  
residential parent and legal custodian of the child, including a 601  
temporary order, is issued resulting from an action of divorce, 602  
alimony, annulment, or dissolution of marriage, and the order or 603  
decree pertains to a child who is a pupil in a public or nonpublic 604  
school, the residential parent of the child shall notify the 605  
school of those allocations and designations by providing the 606  
person in charge of admission at the pupil's school with a 607  
certified copy of the order or decree that made the allocation and 608  
designation. Whenever there is a modification of any order or 609

decree allocating parental rights and responsibilities for the 610  
care of a child and designating a residential parent and legal 611  
custodian of the child that has been submitted to a school, the 612  
residential parent shall provide the person in charge of admission 613  
at the pupil's school with a certified copy of the order or decree 614  
that makes the modification. 615

(2) Whenever a power of attorney is executed under sections 616  
3109.51 to 3109.62 of the Revised Code that pertains to a child 617  
who is a pupil in a public or nonpublic school, the attorney in 618  
fact shall notify the school of the power of attorney by providing 619  
the person in charge of admission with a copy of the power of 620  
attorney. Whenever a caretaker authorization affidavit is executed 621  
under sections 3109.64 to 3109.73 of the Revised Code that 622  
pertains to a child who is in a public or nonpublic school, the 623  
grandparent who executed the affidavit shall notify the school of 624  
the affidavit by providing the person in charge of admission with 625  
a copy of the affidavit. 626

(C) If, at the time of a pupil's initial entry to a public or 627  
nonpublic school, the pupil is under the care of a shelter for 628  
victims of domestic violence, as defined in section 3113.33 of the 629  
Revised Code, the pupil or the pupil's parent shall notify the 630  
school of that fact. Upon being so informed, the school shall 631  
inform the elementary or secondary school from which it requests 632  
the pupil's records of that fact. 633

(D) Whenever a public or nonpublic school is notified by a 634  
law enforcement agency pursuant to division (D) of section 2901.30 635  
of the Revised Code that a missing child report has been filed 636  
regarding a pupil who is currently or was previously enrolled in 637  
the school, the person in charge of admission at the school shall 638  
mark that pupil's records in such a manner that whenever a copy of 639  
or information regarding the records is requested, any school 640  
official responding to the request is alerted to the fact that the 641

records are those of a missing child. Upon any request for a copy 642  
of or information regarding a pupil's records that have been so 643  
marked, the person in charge of admission immediately shall report 644  
the request to the law enforcement agency that notified the school 645  
that the pupil is a missing child. When forwarding a copy of or 646  
information from the pupil's records in response to a request, the 647  
person in charge of admission shall do so in such a way that the 648  
receiving district or school would be unable to discern that the 649  
pupil's records are marked pursuant to this division but shall 650  
retain the mark in the pupil's records until notified that the 651  
pupil is no longer a missing child. Upon notification by a law 652  
enforcement agency that a pupil is no longer a missing child, the 653  
person in charge of admission shall remove the mark from the 654  
pupil's records in such a way that if the records were forwarded 655  
to another district or school, the receiving district or school 656  
would be unable to discern that the records were ever marked. 657

**Sec. 4511.181.** As used in sections 4511.181 to 4511.197 of 658  
the Revised Code: 659

(A) "Equivalent offense" means any of the following: 660

(1) A violation of division (A) or (B) of section 4511.19 of 661  
the Revised Code; 662

(2) A violation of a municipal OVI ordinance; 663

(3) A violation of section 2903.04 of the Revised Code in a 664  
case in which the offender was subject to the sanctions described 665  
in division (D) of that section; 666

(4) A violation of division (A)(1) of section 2903.06 or 667  
2903.08 of the Revised Code or a municipal ordinance that is 668  
substantially equivalent to either of those divisions; 669

(5) A violation of division (A)(2), (3), or (4) of section 670  
2903.06, division (A)(2) of section 2903.08, or former section 671

2903.07 of the Revised Code, or a municipal ordinance that is 672  
substantially equivalent to any of those divisions or that former 673  
section, in a case in which a judge or jury as the trier of fact 674  
found that the offender was under the influence of alcohol, a drug 675  
of abuse, or a combination of them; 676

(6) A violation of an existing or former municipal ordinance, 677  
law of another state, or law of the United States that is 678  
substantially equivalent to division (A) or (B) of section 4511.19 679  
of the Revised Code; 680

(7) A violation of a former law of this state that was 681  
substantially equivalent to division (A) or (B) of section 4511.19 682  
of the Revised Code. 683

(B) "Mandatory jail term" means the mandatory term in jail of 684  
three, six, ten, twenty, thirty, or sixty days that must be 685  
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 686  
of the Revised Code upon an offender convicted of a violation of 687  
division (A) of that section and in relation to which all of the 688  
following apply: 689

(1) Except as specifically authorized under section 4511.19 690  
of the Revised Code, the term must be served in a jail. 691

(2) Except as specifically authorized under section 4511.19 692  
of the Revised Code, the term cannot be suspended, reduced, or 693  
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 694  
other provision of the Revised Code. 695

(C) "Municipal OVI ordinance" and "municipal OVI offense" 696  
mean any municipal ordinance prohibiting a person from operating a 697  
vehicle while under the influence of alcohol, a drug of abuse, or 698  
a combination of them or prohibiting a person from operating a 699  
vehicle with a prohibited concentration of alcohol, a controlled 700  
substance, or a metabolite of a controlled substance in the whole 701  
blood, blood serum or plasma, breath, or urine. 702

(D) "Community residential sanction," "continuous alcohol monitoring," "jail," "mandatory prison term," "mandatory term of local incarceration," "sanction," and "prison term" have the same meanings as in section 2929.01 of the Revised Code.

(E) "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

**Sec. 4511.191.** (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

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



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

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

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the

period of time specified in division (B)(3) of section 4510.02 of 766  
the Revised Code. 767

(b) If the arrested person, within six years of the date on 768  
which the person refused the request to consent to the chemical 769  
test, had refused one previous request to consent to a chemical 770  
test, the suspension shall be a class B suspension imposed for the 771  
period of time specified in division (B)(2) of section 4510.02 of 772  
the Revised Code. 773

(c) If the arrested person, within six years of the date on 774  
which the person refused the request to consent to the chemical 775  
test, had refused two previous requests to consent to a chemical 776  
test, the suspension shall be a class A suspension imposed for the 777  
period of time specified in division (B)(1) of section 4510.02 of 778  
the Revised Code. 779

(d) If the arrested person, within six years of the date on 780  
which the person refused the request to consent to the chemical 781  
test, had refused three or more previous requests to consent to a 782  
chemical test, the suspension shall be for five years. 783

(2) The registrar shall terminate a suspension of the 784  
driver's or commercial driver's license or permit of a resident or 785  
of the operating privilege of a nonresident, or a denial of a 786  
driver's or commercial driver's license or permit, imposed 787  
pursuant to division (B)(1) of this section upon receipt of notice 788  
that the person has entered a plea of guilty to, or that the 789  
person has been convicted after entering a plea of no contest to, 790  
operating a vehicle in violation of section 4511.19 of the Revised 791  
Code or in violation of a municipal OVI ordinance, if the offense 792  
for which the conviction is had or the plea is entered arose from 793  
the same incident that led to the suspension or denial. 794

The registrar shall credit against any judicial suspension of 795  
a person's driver's or commercial driver's license or permit or 796

nonresident operating privilege imposed pursuant to section 797  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 798  
Revised Code for a violation of a municipal OVI ordinance, any 799  
time during which the person serves a related suspension imposed 800  
pursuant to division (B)(1) of this section. 801

(C)(1) Upon receipt of the sworn report of the law 802  
enforcement officer who arrested a person for a violation of 803  
division (A) or (B) of section 4511.19 of the Revised Code or a 804  
municipal OVI ordinance that was completed and sent to the 805  
registrar and a court pursuant to section 4511.192 of the Revised 806  
Code in regard to a person whose test results indicate that the 807  
person's whole blood, blood serum or plasma, breath, or urine 808  
contained at least the concentration of alcohol specified in 809  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 810  
Revised Code or at least the concentration of a listed controlled 811  
substance or a listed metabolite of a controlled substance 812  
specified in division (A)(1)(j) of section 4511.19 of the Revised 813  
Code, the registrar shall enter into the registrar's records the 814  
fact that the person's driver's or commercial driver's license or 815  
permit or nonresident operating privilege was suspended by the 816  
arresting officer under this division and section 4511.192 of the 817  
Revised Code and the period of the suspension, as determined under 818  
divisions (F)(1) to (4) of this section. The suspension shall be 819  
subject to appeal as provided in section 4511.197 of the Revised 820  
Code. The suspension described in this division does not apply to, 821  
and shall not be imposed upon, a person arrested for a violation 822  
of section 4511.194 of the Revised Code or a substantially 823  
equivalent municipal ordinance who submits to a designated 824  
chemical test. The suspension shall be for whichever of the 825  
following periods applies: 826

(a) Except when division (C)(1)(b), (c), or (d) of this 827  
section applies and specifies a different period, the suspension 828

shall be a class E suspension imposed for the period of time 829  
specified in division (B)(5) of section 4510.02 of the Revised 830  
Code. 831

(b) The suspension shall be a class C suspension for the 832  
period of time specified in division (B)(3) of section 4510.02 of 833  
the Revised Code if the person has been convicted of or pleaded 834  
guilty to, within six years of the date the test was conducted, 835  
one violation of division (A) or (B) of section 4511.19 of the 836  
Revised Code or one other equivalent offense. 837

(c) If, within six years of the date the test was conducted, 838  
the person has been convicted of or pleaded guilty to two 839  
violations of a statute or ordinance described in division 840  
(C)(1)(b) of this section, the suspension shall be a class B 841  
suspension imposed for the period of time specified in division 842  
(B)(2) of section 4510.02 of the Revised Code. 843

(d) If, within six years of the date the test was conducted, 844  
the person has been convicted of or pleaded guilty to more than 845  
two violations of a statute or ordinance described in division 846  
(C)(1)(b) of this section, the suspension shall be a class A 847  
suspension imposed for the period of time specified in division 848  
(B)(1) of section 4510.02 of the Revised Code. 849

(2) The registrar shall terminate a suspension of the 850  
driver's or commercial driver's license or permit of a resident or 851  
of the operating privilege of a nonresident, or a denial of a 852  
driver's or commercial driver's license or permit, imposed 853  
pursuant to division (C)(1) of this section upon receipt of notice 854  
that the person has entered a plea of guilty to, or that the 855  
person has been convicted after entering a plea of no contest to, 856  
operating a vehicle in violation of section 4511.19 of the Revised 857  
Code or in violation of a municipal OVI ordinance, if the offense 858  
for which the conviction is had or the plea is entered arose from 859  
the same incident that led to the suspension or denial. 860

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, any  
time during which the person serves a related suspension imposed  
pursuant to division (C)(1) of this section.

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

(2) If a person is arrested for 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 for being 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, regardless of whether the person's driver's or  
commercial driver's license or permit or nonresident operating  
privilege is or is not suspended under division (B) or (C) of this  
section or Chapter 4510. of the Revised Code, the person's initial  
appearance on the charge resulting from the arrest shall be held  
within five days of the person's arrest or the issuance of the  
citation to the person, subject to any continuance granted by the  
court pursuant to section 4511.197 of the Revised Code regarding  
the issues specified in that division.

(E) When it finally has been determined under the procedures

of this section and sections 4511.192 to 4511.197 of the Revised 893  
Code that a nonresident's privilege to operate a vehicle within 894  
this state has been suspended, the registrar shall give 895  
information in writing of the action taken to the motor vehicle 896  
administrator of the state of the person's residence and of any 897  
state in which the person has a license. 898

(F) At the end of a suspension period under this section, 899  
under section 4511.194, section 4511.196, or division (G) of 900  
section 4511.19 of the Revised Code, or under section 4510.07 of 901  
the Revised Code for a violation of a municipal OVI ordinance and 902  
upon the request of the person whose driver's or commercial 903  
driver's license or permit was suspended and who is not otherwise 904  
subject to suspension, cancellation, or disqualification, the 905  
registrar shall return the driver's or commercial driver's license 906  
or permit to the person upon the occurrence of all of the 907  
conditions specified in divisions (F)(1) and (2) of this section: 908

(1) A showing that the person has proof of financial 909  
responsibility, a policy of liability insurance in effect that 910  
meets the minimum standards set forth in section 4509.51 of the 911  
Revised Code, or proof, to the satisfaction of the registrar, that 912  
the person is able to respond in damages in an amount at least 913  
equal to the minimum amounts specified in section 4509.51 of the 914  
Revised Code. 915

(2) Subject to the limitation contained in division (F)(3) of 916  
this section, payment by the person to the bureau of motor 917  
vehicles of a license reinstatement fee of four hundred 918  
twenty-five dollars, which fee shall be deposited in the state 919  
treasury and credited as follows: 920

(a) One hundred twelve dollars and fifty cents shall be 921  
credited to the statewide treatment and prevention fund created by 922  
section 4301.30 of the Revised Code. The fund shall be used to pay 923  
the costs of driver treatment and intervention programs operated 924

pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 925  
director of alcohol and drug addiction services shall determine 926  
the share of the fund that is to be allocated to alcohol and drug 927  
addiction programs authorized by section 3793.02 of the Revised 928  
Code, and the share of the fund that is to be allocated to 929  
drivers' intervention programs authorized by section 3793.10 of 930  
the Revised Code. 931

(b) Seventy-five dollars shall be credited to the reparations 932  
fund created by section 2743.191 of the Revised Code. 933

(c) Thirty-seven dollars and fifty cents shall be credited to 934  
the indigent drivers alcohol treatment fund, which is hereby 935  
established. Except as otherwise provided in division (F)(2)(c) of 936  
this section, moneys in the fund shall be distributed by the 937  
department of alcohol and drug addiction services to the county 938  
indigent drivers alcohol treatment funds, the county juvenile 939  
indigent drivers alcohol treatment funds, and the municipal 940  
indigent drivers alcohol treatment funds that are required to be 941  
established by counties and municipal corporations pursuant to 942  
this section, and shall be used only to pay the cost of an alcohol 943  
and drug addiction treatment program attended by an offender or 944  
juvenile traffic offender who is ordered to attend an alcohol and 945  
drug addiction treatment program by a county, juvenile, or 946  
municipal court judge and who is determined by the county, 947  
juvenile, or municipal court judge not to have the means to pay 948  
for the person's attendance at the program or to pay the costs 949  
specified in division (H)(4) of this section in accordance with 950  
that division. In addition, a county, juvenile, or municipal court 951  
judge may use moneys in the county indigent drivers alcohol 952  
treatment fund, county juvenile indigent drivers alcohol treatment 953  
fund, or municipal indigent drivers alcohol treatment fund to pay 954  
for the cost of the continued use of an ~~electronic continuous~~ 955  
alcohol monitoring device as described in divisions (H)(3) and (4) 956

of this section. Moneys in the fund that are not distributed to a 957  
county indigent drivers alcohol treatment fund, a county juvenile 958  
indigent drivers alcohol treatment fund, or a municipal indigent 959  
drivers alcohol treatment fund under division (H) of this section 960  
because the director of alcohol and drug addiction services does 961  
not have the information necessary to identify the county or 962  
municipal corporation where the offender or juvenile offender was 963  
arrested may be transferred by the director of budget and 964  
management to the statewide treatment and prevention fund created 965  
by section 4301.30 of the Revised Code, upon certification of the 966  
amount by the director of alcohol and drug addiction services. 967

(d) Seventy-five dollars shall be credited to the Ohio 968  
rehabilitation services commission established by section 3304.12 969  
of the Revised Code, to the services for rehabilitation fund, 970  
which is hereby established. The fund shall be used to match 971  
available federal matching funds where appropriate, and for any 972  
other purpose or program of the commission to rehabilitate people 973  
with disabilities to help them become employed and independent. 974

(e) Seventy-five dollars shall be deposited into the state 975  
treasury and credited to the drug abuse resistance education 976  
programs fund, which is hereby established, to be used by the 977  
attorney general for the purposes specified in division (F)(4) of 978  
this section. 979

(f) Thirty dollars shall be credited to the state bureau of 980  
motor vehicles fund created by section 4501.25 of the Revised 981  
Code. 982

(g) Twenty dollars shall be credited to the trauma and 983  
emergency medical services grants fund created by section 4513.263 984  
of the Revised Code. 985

(3) If a person's driver's or commercial driver's license or 986  
permit is suspended under this section, under section 4511.196 or 987



division (G) of section 4511.19 of the Revised Code, under section 988  
4510.07 of the Revised Code for a violation of a municipal OVI 989  
ordinance or under any combination of the suspensions described in 990  
division (F)(3) of this section, and if the suspensions arise from 991  
a single incident or a single set of facts and circumstances, the 992  
person is liable for payment of, and shall be required to pay to 993  
the bureau, only one reinstatement fee of four hundred twenty-five 994  
dollars. The reinstatement fee shall be distributed by the bureau 995  
in accordance with division (F)(2) of this section. 996

(4) The attorney general shall use amounts in the drug abuse 997  
resistance education programs fund to award grants to law 998  
enforcement agencies to establish and implement drug abuse 999  
resistance education programs in public schools. Grants awarded to 1000  
a law enforcement agency under this section shall be used by the 1001  
agency to pay for not more than fifty per cent of the amount of 1002  
the salaries of law enforcement officers who conduct drug abuse 1003  
resistance education programs in public schools. The attorney 1004  
general shall not use more than six per cent of the amounts the 1005  
attorney general's office receives under division (F)(2)(e) of 1006  
this section to pay the costs it incurs in administering the grant 1007  
program established by division (F)(2)(e) of this section and in 1008  
providing training and materials relating to drug abuse resistance 1009  
education programs. 1010

The attorney general shall report to the governor and the 1011  
general assembly each fiscal year on the progress made in 1012  
establishing and implementing drug abuse resistance education 1013  
programs. These reports shall include an evaluation of the 1014  
effectiveness of these programs. 1015

(G) Suspension of a commercial driver's license under 1016  
division (B) or (C) of this section shall be concurrent with any 1017  
period of disqualification under section 3123.611 or 4506.16 of 1018  
the Revised Code or any period of suspension under section 3123.58 1019

of the Revised Code. 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 division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in accordance

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

(2) That portion of the license reinstatement fee that is  
paid under division (F) of this section and that is credited under  
that division to the indigent drivers alcohol treatment fund and  
that portion of the additional court cost that is imposed under  
section 2949.094 of the Revised Code and that is specified by that  
section for deposit into the indigent drivers alcohol treatment  
fund shall be deposited into a county indigent drivers alcohol  
treatment fund, a county juvenile indigent drivers alcohol  
treatment fund, or a municipal indigent drivers alcohol treatment  
fund as follows:

(a) ~~If the~~ Regarding a suspension in question was imposed  
under this section or additional court costs, that portion of the  
fee shall be deposited as follows:

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

(ii) If the fee or court cost is paid by a person who was  
charged in a juvenile court with the violation that resulted in  
the suspension or in the imposition of the court costs, the  
portion shall be deposited into the county juvenile indigent  
drivers alcohol treatment fund established in the county served by  
the court;

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

(b) ~~If the~~ Regarding a 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, that portion of the fee shall be deposited as follows:

(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;

(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.

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of attendance at the treatment program or for payment of the costs specified in division (H)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug

addiction, and mental health services established pursuant to 1117  
section 340.02 or 340.021 of the Revised Code and serving the 1118  
alcohol, drug addiction, and mental health service district in 1119  
which the court is located shall administer the indigent drivers 1120  
alcohol treatment program of the court. When a court orders an 1121  
offender or juvenile traffic offender to attend an alcohol and 1122  
drug addiction treatment program, the board shall determine which 1123  
program is suitable to meet the needs of the offender or juvenile 1124  
traffic offender, and when a suitable program is located and space 1125  
is available at the program, the offender or juvenile traffic 1126  
offender shall attend the program designated by the board. A 1127  
reasonable amount not to exceed five per cent of the amounts 1128  
credited to and deposited into the county indigent drivers alcohol 1129  
treatment fund, the county juvenile indigent drivers alcohol 1130  
treatment fund, or the municipal indigent drivers alcohol 1131  
treatment fund serving every court whose program is administered 1132  
by that board shall be paid to the board to cover the costs it 1133  
incurs in administering those indigent drivers alcohol treatment 1134  
programs. 1135

In addition, a county, juvenile, or municipal court judge may 1136  
use moneys in the county indigent drivers alcohol treatment fund, 1137  
county juvenile indigent drivers alcohol treatment fund, or 1138  
municipal indigent drivers alcohol treatment fund in the following 1139  
manners: 1140

(a) If the source of the moneys was an appropriation of the 1141  
general assembly, a portion of a fee that was paid under division 1142  
(F) of this section, a portion of a fine that was specified for 1143  
deposit into the fund by section 4511.193 of the Revised Code, or 1144  
a portion of a fine that was paid for a violation of section 1145  
4511.19 of the Revised Code or of a provision contained in Chapter 1146  
4510. of the Revised Code that was required to be deposited into 1147  
the fund, to pay for the continued use of an ~~electronic continuous~~ 1148

alcohol monitoring device by an offender or juvenile traffic 1149  
offender, in conjunction with a treatment program approved by the 1150  
department of alcohol and drug addiction services, when such use 1151  
is determined clinically necessary by the treatment program and 1152  
when the court determines that the offender or juvenile traffic 1153  
offender is unable to pay all or part of the daily monitoring or 1154  
cost of the device; 1155

(b) If the source of the moneys was a portion of an 1156  
additional court cost imposed under section 2949.094 of the 1157  
Revised Code, to pay for the continued use of an alcohol 1158  
monitoring device by an offender or juvenile traffic offender when 1159  
the court determines that the offender or juvenile traffic 1160  
offender is unable to pay all or part of the daily monitoring or 1161  
cost of the device. The moneys may be used for a device as 1162  
described in this division if the use of the device is in 1163  
conjunction with a treatment program approved by the department of 1164  
alcohol and drug addiction services, when the use of the device is 1165  
determined clinically necessary by the treatment program, but the 1166  
use of a device is not required to be in conjunction with a 1167  
treatment program approved by the department in order for the 1168  
moneys to be used for the device as described in this division. 1169

(4) If a county, juvenile, or municipal court determines, in 1170  
consultation with the alcohol and drug addiction services board or 1171  
the board of alcohol, drug addiction, and mental health services 1172  
established pursuant to section 340.02 or 340.021 of the Revised 1173  
Code and serving the alcohol, drug addiction, and mental health 1174  
district in which the court is located, that the funds in the 1175  
county indigent drivers alcohol treatment fund, the county 1176  
juvenile indigent drivers alcohol treatment fund, or the municipal 1177  
indigent drivers alcohol treatment fund under the control of the 1178  
court are more than sufficient to satisfy the purpose for which 1179  
the fund was established, as specified in divisions (H)(1) to (3) 1180

of this section, the court may declare a surplus in the fund. If 1181  
the court declares a surplus in the fund, the court may expend the 1182  
amount of the surplus in the fund for: 1183

(a) Alcohol and drug abuse assessment and treatment of 1184  
persons who are charged in the court with committing a criminal 1185  
offense or with being a delinquent child or juvenile traffic 1186  
offender and in relation to whom both of the following apply: 1187

(i) The court determines that substance abuse was a 1188  
contributing factor leading to the criminal or delinquent activity 1189  
or the juvenile traffic offense with which the person is charged. 1190

(ii) The court determines that the person is unable to pay 1191  
the cost of the alcohol and drug abuse assessment and treatment 1192  
for which the surplus money will be used. 1193

(b) All or part of the cost of purchasing ~~electronic~~ 1194  
~~continuous~~ alcohol monitoring devices to be used in conjunction 1195  
with division (H)(3) of this section. 1196

**Sec. 5502.68.** (A) There is hereby created in the state 1197  
treasury the drug law enforcement fund. Three dollars and fifty 1198  
cents out of each ten-dollar court cost imposed pursuant to 1199  
section 2949.094 of the Revised Code shall be credited to the 1200  
fund. Money in the fund shall be in an interest-bearing account, 1201  
and all interest earned shall be credited to the fund. Money in 1202  
the fund shall be used only in accordance with this section to 1203  
award grants to counties, municipal corporations, townships, 1204  
township police districts, and joint township police districts to 1205  
defray the expenses that a drug task force organized in the 1206  
county, or in the county in which the municipal corporation, 1207  
township, or district is located, incurs in performing its 1208  
functions related to the enforcement of the state's drug laws and 1209  
other state laws related to illegal drug activity. 1210

The division of criminal justice services shall administer 1211  
all money deposited into the drug law enforcement fund and, by 1212  
rule adopted under Chapter 119. of the Revised Code, shall 1213  
establish procedures for a county, municipal corporation, 1214  
township, township police district, or joint township police 1215  
district to apply for money from the fund to defray the expenses 1216  
that a drug task force organized in the county, or in the county 1217  
in which the municipal corporation, township, or district is 1218  
located, incurs in performing its functions related to the 1219  
enforcement of the state's drug laws and other state laws related 1220  
to illegal drug activity, procedures and criteria for determining 1221  
eligibility of applicants to be provided money from the fund, and 1222  
procedures and criteria for determining the amount of money to be 1223  
provided out of the fund to eligible applicants. 1224

(B) The procedures and criteria established under division 1225  
(A) of this section for applying for money from the fund shall 1226  
include, but shall not be limited to, a provision requiring a 1227  
county, municipal corporation, township, township police district, 1228  
or joint township police district that applies for money from the 1229  
fund to specify in its application the amount of money desired 1230  
from the fund, provided that the cumulative amount requested in 1231  
all applications submitted for any single drug task force may not 1232  
exceed more than two hundred fifty thousand dollars in any 1233  
calendar year for that task force. 1234

(C) The procedures and criteria established under division 1235  
(A) of this section for determining eligibility of applicants to 1236  
be provided money from the fund and for determining the amount of 1237  
money to be provided out of the fund to eligible applicants shall 1238  
include, but not be limited to, all of the following: 1239

(1) Provisions requiring that, in order to be eligible to be 1240  
provided money from the fund, a drug task force that applies for 1241  
money from the fund must provide evidence that the drug task force 1242



will receive a local funding match of at least twenty-five per 1243  
cent of the task force's projected operating costs in the period 1244  
of time covered by the grant; 1245

(2) Provisions requiring that money from the fund be 1246  
allocated and provided to drug task forces that apply for money 1247  
from the fund in accordance with the following priorities: 1248

(a) Drug task forces that apply, that are in existence on the 1249  
date of the application, that are determined to be eligible 1250  
applicants, and to which either of the following applies shall be 1251  
given first priority to be provided money from the fund: 1252

(i) Drug task forces that received funding through the 1253  
division of criminal justice service in calendar year 2007; 1254

(ii) Drug task forces in a county that has a population that 1255  
exceeds seven hundred fifty thousand. 1256

(b) If any moneys remain in the fund after all drug task 1257  
forces that apply, that are in existence on the date of the 1258  
application, that are determined to be eligible applicants, and 1259  
that satisfy the criteria set forth in division (C)(2)(a)(i) or 1260  
(ii) of this section are provided money from the fund as described 1261  
in division (C)(2)(a) of this section, the following categories of 1262  
drug task forces that apply and that are determined to be eligible 1263  
applicants shall be given priority to be provided money from the 1264  
fund in the order in which they apply for money from the fund: 1265

(i) Drug task forces that are not in existence on the date of 1267  
the application; 1268

(ii) Drug task forces that are in existence on the date of 1269  
the application but that do not satisfy the criteria set forth in 1270  
division (C)(2)(a)(i) or (ii) of this section. 1271

(D) The procedures and criteria established under division 1272

(A) of this section for determining the amount of money to be 1273  
provided out of the fund to eligible applicants shall include, but 1274  
shall not be limited to, a provision specifying that the 1275  
cumulative amount provided to any single drug task force may not 1276  
exceed more than two hundred fifty thousand dollars in any 1277  
calendar year. 1278

(E) As used in this section, "drug task force" means a drug 1279  
task force organized in any county by the sheriff of the county, 1280  
the prosecuting attorney of the county, the chief of police of the 1281  
organized police department of any municipal corporation or 1282  
township in the county, and the chief of police of the police 1283  
force of any township police district or joint township police 1284  
district in the county to perform functions related to the 1285  
enforcement of state drug laws and other state laws related to 1286  
illegal drug activity. 1287

**Section 2.** That existing sections 2151.417, 2151.424, 1288  
2901.30, 2949.092, 3313.672, 4511.181, and 4511.191 of the Revised 1289  
Code are hereby repealed. 1290

**Section 3.** This act is hereby declared to be an emergency 1291  
measure necessary for the immediate preservation of the public 1292  
peace, health, and safety. The reason for such necessity is that 1293  
the changes made by this act in sections 2151.417 and 2151.424 of 1294  
the Revised Code are crucially needed to be enacted prior to the 1295  
end of calendar year 2007 in order to comply with federal 1296  
mandates. Therefore, this act shall go into immediate effect. 1297