

As Reported by the Senate Judiciary--Criminal Justice Committee

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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

Senator Grendell

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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
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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 45

reimbursing county governments for expenses incurred pursuant to 46
sections 120.18, 120.28, and 120.33 of the Revised Code. 47
Disbursements from the fund to county governments shall be made in 48
each state fiscal year and shall be allocated proportionately so 49
that each county receives an equal percentage of its total cost 50
for operating its county public defender system, its joint county 51
public defender system, or its county appointed counsel system. 52

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Sec. 2151.417. (A) Any court that issues a dispositional 54
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 55
Revised Code may review at any time the child's placement or 56
custody arrangement, the case plan prepared for the child pursuant 57
to section 2151.412 of the Revised Code, the actions of the public 58
children services agency or private child placing agency in 59
implementing that case plan, the child's permanency plan, if the 60
child's permanency plan has been approved, and any other aspects 61
of the child's placement or custody arrangement. In conducting the 62
review, the court shall determine the appropriateness of any 63
agency actions, the safety and appropriateness of continuing the 64
child's placement or custody arrangement, and whether any changes 65
should be made with respect to the child's permanency plan or 66
placement or custody arrangement or with respect to the actions of 67
the agency under the child's placement or custody arrangement. 68
Based upon the evidence presented at a hearing held after notice 69
to all parties and the guardian ad litem of the child, the court 70
may require the agency, the parents, guardian, or custodian of the 71
child, and the physical custodians of the child to take any 72
reasonable action that the court determines is necessary and in 73
the best interest of the child or to discontinue any action that 74
it determines is not in the best interest of the child. 75

(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
appear at the review hearing and give them an opportunity to
testify and to present other evidence with respect to the child's
custody arrangement, including, but not limited to, the following:
the case plan for the child, the permanency plan, if one exists;
the actions taken by the child's custodian; the need for a change
in the child's custodian or caseworker; and the need for any
specific action to be taken with respect to the child. The court
shall require any interested party to testify or present other
evidence when necessary to a proper determination of the issues
presented at the review hearing. In any review hearing that
pertains to a permanency plan for a child who will not be returned
to the parent, the court shall consider in-state and out-of-state
placement options, and the court shall determine whether the
in-state or the out-of-state placement continues to be appropriate
and in the best interests of the child. In any review hearing that
pertains to a permanency plan for a child, the court or a citizens
board appointed by the court pursuant to division (H) of this
section shall consult with the child, in an age-appropriate
manner, regarding the proposed permanency plan for the child.

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

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

(2) If the hearing was held under division (C) or (E) of this
section, approve a permanency plan for the child that specifies
whether and, if applicable, when the child will be safely returned
home or placed for adoption, for legal custody, or in a planned
permanent living arrangement. A permanency plan approved after a
hearing under division (E) of this section shall not include any

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 following:	174
(a) Determine whether the child can and should be returned home with or without an order for protective supervision;	175
(b) If the child can and should be returned home with or without an order for protective supervision, terminate the order for temporary custody;	177
(c) If the child cannot or should not be returned home with an order for protective supervision, determine whether the agency currently with custody of the child should retain custody or whether another public children services agency, private child placing agency, or an individual should be given custody of the child.	178
The court shall comply with section 2151.42 of the Revised Code in taking any action under this division.	179
(4) If the child is in permanent custody, determine what actions are required by the custodial agency and of any other organizations or persons in order to facilitate an adoption of the child and make any appropriate orders with respect to the custody arrangement or conditions of the child, including, but not limited to, a transfer of permanent custody to another public children services agency or private child placing agency;	180
(5) Journalize the terms of the updated case plan for the child.	181
(H) The court may appoint a referee or a citizens review board to conduct the review hearings that the court is required by this section to conduct, subject to the review and approval by the court of any determinations made by the referee or citizens review board. If the court appoints a citizens review board to conduct	182
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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 placing agency has permanent custody of a child and a petition to adopt the child has been filed under Chapter 3107. of the Revised Code, the agency, prior to conducting a review under section 2151.416 of the Revised Code, or a court, prior to conducting a hearing under division (E)(2) or (3) of section 2151.412 or section 2151.416 or 2151.417 of the Revised Code, shall notify the prospective adoptive parent of the date, time, and place of the review or hearing. At the review or hearing, the prospective adoptive parent ~~may~~ shall have the right to present evidence.

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

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

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

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

(3) "Missing children" or "missing child" means either of the

following:	296
(a) A minor who has run away from or who otherwise is missing from the home of, or the care, custody, and control of, the minor's parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person having responsibility for the care of the minor;	297 298 299 300 301
(b) A minor who is missing and about whom there is reason to believe the minor could be the victim of a violation of section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a violation of section 2905.04 of the Revised Code as it existed prior to the effective date of this amendment <u>July 1, 1996</u> .	302 303 304 305 306
(B) When a law enforcement agency in this state that has jurisdiction in the matter is informed that a minor is or may be a missing child and that the person providing the information wishes to file a missing child report, the law enforcement agency shall take that report. Upon taking the report, the law enforcement agency shall take prompt action upon it, including, but not limited to, concerted efforts to locate the missing child. No law enforcement agency in this state shall have a rule or policy that prohibits or discourages the filing of or the taking of action upon a missing child report, within a specified period following the discovery or formulation of a belief that a minor is or could be a missing child.	307 308 309 310 311 312 313 314 315 316 317 318
(C) If a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the law enforcement agency shall gather readily available information about the missing child and integrate it into the national crime information center computer within twelve hours following the making of the report. The law enforcement agency shall make reasonable efforts to acquire additional information about the missing child following the transmittal of the initially available information, and promptly integrate any additional information	319 320 321 322 323 324 325 326 327

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 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

(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 703
monitoring," "jail," "mandatory prison term," "mandatory term of 704

local incarceration," "sanction," and "prison term" have the same 705
meanings as in section 2929.01 of the Revised Code. 706

(E) "Drug of abuse" has the same meaning as in section 707
4506.01 of the Revised Code. 708

Sec. 4511.191. (A)(1) As used in this section: 709

(a) "Physical control" has the same meaning as in section 710
4511.194 of the Revised Code. 711

(b) "Alcohol monitoring device" means any device that 712
provides for continuous alcohol monitoring, any ignition interlock 713
device, any immobilizing or disabling device other than an 714
ignition interlock device that is constantly available to monitor 715
the concentration of alcohol in a person's system, or any other 716
device that provides for the automatic testing and periodic 717
reporting of alcohol consumption by a person and that a court 718
orders a person to use as a sanction imposed as a result of the 719
person's conviction of or plea of guilty to an offense. 720

(2) Any person who operates a vehicle, streetcar, or 721
trackless trolley upon a highway or any public or private property 722
used by the public for vehicular travel or parking within this 723
state or who is in physical control of a vehicle, streetcar, or 724
trackless trolley shall be deemed to have given consent to a 725
chemical test or tests of the person's whole blood, blood serum or 726
plasma, breath, or urine to determine the alcohol, drug of abuse, 727
controlled substance, metabolite of a controlled substance, or 728
combination content of the person's whole blood, blood serum or 729
plasma, breath, or urine if arrested for a violation of division 730
(A) or (B) of section 4511.19 of the Revised Code, section 731
4511.194 of the Revised Code or a substantially equivalent 732
municipal ordinance, or a municipal OVI ordinance. 733

(3) The chemical test or tests under division (A)(2) of this 734

section shall be administered at the request of a law enforcement 735
officer having reasonable grounds to believe the person was 736
operating or in physical control of a vehicle, streetcar, or 737
trackless trolley in violation of a division, section, or 738
ordinance identified in division (A)(2) of this section. The law 739
enforcement agency by which the officer is employed shall 740
designate which of the tests shall be administered. 741

(4) Any person who is dead or unconscious, or who otherwise 742
is in a condition rendering the person incapable of refusal, shall 743
be deemed to have consented as provided in division (A)(2) of this 744
section, and the test or tests may be administered, subject to 745
sections 313.12 to 313.16 of the Revised Code. 746

(B)(1) Upon receipt of the sworn report of a law enforcement 747
officer who arrested a person for a violation of division (A) or 748
(B) of section 4511.19 of the Revised Code, section 4511.194 of 749
the Revised Code or a substantially equivalent municipal 750
ordinance, or a municipal OVI ordinance that was completed and 751
sent to the registrar and a court pursuant to section 4511.192 of 752
the Revised Code in regard to a person who refused to take the 753
designated chemical test, the registrar shall enter into the 754
registrar's records the fact that the person's driver's or 755
commercial driver's license or permit or nonresident operating 756
privilege was suspended by the arresting officer under this 757
division and that section and the period of the suspension, as 758
determined under this section. The suspension shall be subject to 759
appeal as provided in section 4511.197 of the Revised Code. The 760
suspension shall be for whichever of the following periods 761
applies: 762

(a) Except when division (B)(1)(b), (c), or (d) of this 763
section applies and specifies a different class or length of 764
suspension, the suspension shall be a class C suspension for the 765
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 Revised Code for a violation of a municipal OVI ordinance, 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 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 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. 830
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 861
a person's driver's or commercial driver's license or permit or 862
nonresident operating privilege imposed pursuant to section 863
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 864
Revised Code for a violation of a municipal OVI ordinance, any 865
time during which the person serves a related suspension imposed 866
pursuant to division (C)(1) of this section. 867

(D)(1) A suspension of a person's driver's or commercial 868
driver's license or permit or nonresident operating privilege 869
under this section for the time described in division (B) or (C) 870
of this section is effective immediately from the time at which 871
the arresting officer serves the notice of suspension upon the 872
arrested person. Any subsequent finding that the person is not 873
guilty of the charge that resulted in the person being requested 874
to take the chemical test or tests under division (A) of this 875
section does not affect the suspension. 876

(2) If a person is arrested for operating a vehicle, 877
streetcar, or trackless trolley in violation of division (A) or 878
(B) of section 4511.19 of the Revised Code or a municipal OVI 879
ordinance, or for being in physical control of a vehicle, 880
streetcar, or trackless trolley in violation of section 4511.194 881
of the Revised Code or a substantially equivalent municipal 882
ordinance, regardless of whether the person's driver's or 883
commercial driver's license or permit or nonresident operating 884
privilege is or is not suspended under division (B) or (C) of this 885
section or Chapter 4510. of the Revised Code, the person's initial 886
appearance on the charge resulting from the arrest shall be held 887
within five days of the person's arrest or the issuance of the 888
citation to the person, subject to any continuance granted by the 889
court pursuant to section 4511.197 of the Revised Code regarding 890
the issues specified in that division. 891

(E) When it finally has been determined under the procedures 892

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

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

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

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

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

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 1020
holding a commercial driver's license under section 4506.16 of the 1021
Revised Code shall be issued a driver's license under Chapter 1022
4507. of the Revised Code during the period for which the 1023
commercial driver's license was suspended under division (B) or 1024
(C) of this section. No person whose commercial driver's license 1025
is suspended under division (B) or (C) of this section shall be 1026
issued a driver's license under Chapter 4507. of the Revised Code 1027
during the period of the suspension. 1028

(H)(1) Each county shall establish an indigent drivers 1029
alcohol treatment fund, each county shall establish a juvenile 1030
indigent drivers alcohol treatment fund, and each municipal 1031
corporation in which there is a municipal court shall establish an 1032
indigent drivers alcohol treatment fund. All revenue that the 1033
general assembly appropriates to the indigent drivers alcohol 1034
treatment fund for transfer to a county indigent drivers alcohol 1035
treatment fund, a county juvenile indigent drivers alcohol 1036
treatment fund, or a municipal indigent drivers alcohol treatment 1037
fund, all portions of fees that are paid under division (F) of 1038
this section and that are credited under that division to the 1039
indigent drivers alcohol treatment fund in the state treasury for 1040
a county indigent drivers alcohol treatment fund, a county 1041
juvenile indigent drivers alcohol treatment fund, or a municipal 1042
indigent drivers alcohol treatment fund, all portions of 1043
additional costs imposed under section 2949.094 of the Revised 1044
Code that are specified for deposit into a county, county 1045
juvenile, or municipal indigent drivers alcohol treatment fund by 1046
that section, and all portions of fines that are specified for 1047
deposit into a county or municipal indigent drivers alcohol 1048
treatment fund by section 4511.193 of the Revised Code shall be 1049
deposited into that county indigent drivers alcohol treatment 1050
fund, county juvenile indigent drivers alcohol treatment fund, or 1051
municipal indigent drivers alcohol treatment fund in accordance 1052

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 cent of the task force's projected operating costs in the period of time covered by the grant; 1243
1244
1245

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

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

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

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

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

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

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