

As Reported by the Senate Judiciary--Criminal Justice Committee

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Representative Schneider

**Cosponsors: Representatives Aslanides, Setzer, Uecker, Brinkman, Flowers,
Combs, Huffman, Zehringer, Widener, Adams, Hite, Jones, Hottinger,
Wachtmann, Seitz, Evans, Latta, Bulp, McGregor, J., Fessler, Wagner,
Wagoner, Collier, Schindel, Wolpert, Coley, Gibbs, Patton, DeGeeter, White,
Bolon, Blessing, Hagan, J., Mandel, Goodwin, Batchelder, Distel, Oelslager,
Brady, Barrett, Sears, Mecklenborg, Bacon, Daniels, Dodd, Dolan, Domenick,
Driehaus, Gardner, Hughes, Reinhard, Schlichter
Senators Grendell, Schaffer, Seitz, Turner, Fedor**

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A B I L L

To amend sections 2151.421, 2903.11, 2903.12, 1
2903.13, 2905.01, 2905.02, 2907.21, 2907.22, 2
2907.323, 2919.22, 2919.25, 2923.32, 2929.01, 3
2929.13, 2929.14, 2929.18, 2929.24, 3702.30, and 4
4731.22 and to enact sections 2941.1422, 5
2941.1423, and 3701.791 of the Revised Code to 6
require facilities that perform abortions to 7
display a sign; to enhance the criminal penalty 8
for domestic violence when the offender knew the 9
victim was pregnant at the time of the offense; to 10
require a mandatory jail term or mandatory prison 11
term for felonious assault, aggravated assault, 12
and assault if the offender is convicted of a 13
specification that the victim was a woman that the 14
offender knew was pregnant at the time of the 15
offense; to require a mandatory prison term and 16

payment of restitution to the victim for 17
kidnapping, abduction, compelling prostitution, 18
promoting prostitution, illegal use of a minor in 19
a nudity-oriented material or performance in 20
specified circumstances, endangering children in 21
specified circumstances, and engaging in a pattern 22
of corrupt activity if the offender is convicted 23
of a specification that the offender knowingly 24
committed the offense in furtherance of human 25
trafficking; to increase the penalty for engaging 26
in a pattern of corrupt activity if the offender 27
is convicted of a specification of that nature; to 28
strongly encourage the Attorney General to 29
establish a Trafficking in Persons Study 30
Commission to study and review the problem of 31
trafficking in persons and the relevant criminal 32
law and to develop recommendations, including 33
recommendations to improve or expand the criminal 34
law, to address the problem; to provide that 35
reports of other incidents of known or suspected 36
child abuse or neglect may be used in a civil 37
action against a person who is alleged to have 38
failed to report known or suspected child abuse or 39
neglect; and to provide that a person who fails to 40
report known or suspected child abuse or neglect 41
is liable for compensatory and exemplary damages 42
to the child who would have been the subject of 43
the report that was not made. 44
45

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

Section 1. That sections 2151.421, 2903.11, 2903.12, 2903.13, 46

2905.01, 2905.02, 2907.21, 2907.22, 2907.323, 2919.22, 2919.25, 47
2923.32, 2929.01, 2929.13, 2929.14, 2929.18, 2929.24, 3702.30, and 48
4731.22 be amended and sections 2941.1422, 2941.1423, and 3701.791 49
of the Revised Code be enacted to read as follows: 50

51

Sec. 2151.421. (A)(1)(a) No person described in division 52
(A)(1)(b) of this section who is acting in an official or 53
professional capacity and knows, or has reasonable cause to 54
suspect based on facts that would cause a reasonable person in a 55
similar position to suspect, that a child under eighteen years of 56
age or a mentally retarded, developmentally disabled, or 57
physically impaired child under twenty-one years of age has 58
suffered or faces a threat of suffering any physical or mental 59
wound, injury, disability, or condition of a nature that 60
reasonably indicates abuse or neglect of the child shall fail to 61
immediately report that knowledge or reasonable cause to suspect 62
to the entity or persons specified in this division. Except as 63
provided in section 5120.173 of the Revised Code, the person 64
making the report shall make it to the public children services 65
agency or a municipal or county peace officer in the county in 66
which the child resides or in which the abuse or neglect is 67
occurring or has occurred. In the circumstances described in 68
section 5120.173 of the Revised Code, the person making the report 69
shall make it to the entity specified in that section. 70

(b) Division (A)(1)(a) of this section applies to any person 71
who is an attorney; physician, including a hospital intern or 72
resident; dentist; podiatrist; practitioner of a limited branch of 73
medicine as specified in section 4731.15 of the Revised Code; 74
registered nurse; licensed practical nurse; visiting nurse; other 75
health care professional; licensed psychologist; licensed school 76
psychologist; independent marriage and family therapist or 77
marriage and family therapist; speech pathologist or audiologist; 78

coroner; administrator or employee of a child day-care center; 79
administrator or employee of a residential camp or child day camp; 80
administrator or employee of a certified child care agency or 81
other public or private children services agency; school teacher; 82
school employee; school authority; person engaged in social work 83
or the practice of professional counseling; agent of a county 84
humane society; person, other than a cleric, rendering spiritual 85
treatment through prayer in accordance with the tenets of a 86
well-recognized religion; employee of a county department of job 87
and family services who is a professional and who works with 88
children and families; superintendent, board member, or employee 89
of a county board of mental retardation; investigative agent 90
contracted with by a county board of mental retardation; employee 91
of the department of mental retardation and developmental 92
disabilities; employee of a facility or home that provides respite 93
care in accordance with section 5123.171 of the Revised Code; 94
employee of a home health agency; employee of an entity that 95
provides homemaker services; a person performing the duties of an 96
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 97
or third party employed by a public children services agency to 98
assist in providing child or family related services. 99

(2) Except as provided in division (A)(3) of this section, an 100
attorney or a physician is not required to make a report pursuant 101
to division (A)(1) of this section concerning any communication 102
the attorney or physician receives from a client or patient in an 103
attorney-client or physician-patient relationship, if, in 104
accordance with division (A) or (B) of section 2317.02 of the 105
Revised Code, the attorney or physician could not testify with 106
respect to that communication in a civil or criminal proceeding. 107

(3) The client or patient in an attorney-client or 108
physician-patient relationship described in division (A)(2) of 109
this section is deemed to have waived any testimonial privilege 110

under division (A) or (B) of section 2317.02 of the Revised Code 111
with respect to any communication the attorney or physician 112
receives from the client or patient in that attorney-client or 113
physician-patient relationship, and the attorney or physician 114
shall make a report pursuant to division (A)(1) of this section 115
with respect to that communication, if all of the following apply: 116

(a) The client or patient, at the time of the communication, 117
is either a child under eighteen years of age or a mentally 118
retarded, developmentally disabled, or physically impaired person 119
under twenty-one years of age. 120

(b) The attorney or physician knows, or has reasonable cause 121
to suspect based on facts that would cause a reasonable person in 122
similar position to suspect, as a result of the communication or 123
any observations made during that communication, that the client 124
or patient has suffered or faces a threat of suffering any 125
physical or mental wound, injury, disability, or condition of a 126
nature that reasonably indicates abuse or neglect of the client or 127
patient. 128

(c) The abuse or neglect does not arise out of the client's 129
or patient's attempt to have an abortion without the notification 130
of her parents, guardian, or custodian in accordance with section 131
2151.85 of the Revised Code. 132

(4)(a) No cleric and no person, other than a volunteer, 133
designated by any church, religious society, or faith acting as a 134
leader, official, or delegate on behalf of the church, religious 135
society, or faith who is acting in an official or professional 136
capacity, who knows, or has reasonable cause to believe based on 137
facts that would cause a reasonable person in a similar position 138
to believe, that a child under eighteen years of age or a mentally 139
retarded, developmentally disabled, or physically impaired child 140
under twenty-one years of age has suffered or faces a threat of 141
suffering any physical or mental wound, injury, disability, or 142

condition of a nature that reasonably indicates abuse or neglect 143
of the child, and who knows, or has reasonable cause to believe 144
based on facts that would cause a reasonable person in a similar 145
position to believe, that another cleric or another person, other 146
than a volunteer, designated by a church, religious society, or 147
faith acting as a leader, official, or delegate on behalf of the 148
church, religious society, or faith caused, or poses the threat of 149
causing, the wound, injury, disability, or condition that 150
reasonably indicates abuse or neglect shall fail to immediately 151
report that knowledge or reasonable cause to believe to the entity 152
or persons specified in this division. Except as provided in 153
section 5120.173 of the Revised Code, the person making the report 154
shall make it to the public children services agency or a 155
municipal or county peace officer in the county in which the child 156
resides or in which the abuse or neglect is occurring or has 157
occurred. In the circumstances described in section 5120.173 of 158
the Revised Code, the person making the report shall make it to 159
the entity specified in that section. 160

(b) Except as provided in division (A)(4)(c) of this section, 161
a cleric is not required to make a report pursuant to division 162
(A)(4)(a) of this section concerning any communication the cleric 163
receives from a penitent in a cleric-penitent relationship, if, in 164
accordance with division (C) of section 2317.02 of the Revised 165
Code, the cleric could not testify with respect to that 166
communication in a civil or criminal proceeding. 167

(c) The penitent in a cleric-penitent relationship described 168
in division (A)(4)(b) of this section is deemed to have waived any 169
testimonial privilege under division (C) of section 2317.02 of the 170
Revised Code with respect to any communication the cleric receives 171
from the penitent in that cleric-penitent relationship, and the 172
cleric shall make a report pursuant to division (A)(4)(a) of this 173
section with respect to that communication, if all of the 174

following apply: 175

(i) The penitent, at the time of the communication, is either 176
a child under eighteen years of age or a mentally retarded, 177
developmentally disabled, or physically impaired person under 178
twenty-one years of age. 179

(ii) The cleric knows, or has reasonable cause to believe 180
based on facts that would cause a reasonable person in a similar 181
position to believe, as a result of the communication or any 182
observations made during that communication, the penitent has 183
suffered or faces a threat of suffering any physical or mental 184
wound, injury, disability, or condition of a nature that 185
reasonably indicates abuse or neglect of the penitent. 186

(iii) The abuse or neglect does not arise out of the 187
penitent's attempt to have an abortion performed upon a child 188
under eighteen years of age or upon a mentally retarded, 189
developmentally disabled, or physically impaired person under 190
twenty-one years of age without the notification of her parents, 191
guardian, or custodian in accordance with section 2151.85 of the 192
Revised Code. 193

(d) Divisions (A)(4)(a) and (c) of this section do not apply 194
in a cleric-penitent relationship when the disclosure of any 195
communication the cleric receives from the penitent is in 196
violation of the sacred trust. 197

(e) As used in divisions (A)(1) and (4) of this section, 198
"cleric" and "sacred trust" have the same meanings as in section 199
2317.02 of the Revised Code. 200

(B) Anyone who knows, or has reasonable cause to suspect 201
based on facts that would cause a reasonable person in similar 202
circumstances to suspect, that a child under eighteen years of age 203
or a mentally retarded, developmentally disabled, or physically 204
impaired person under twenty-one years of age has suffered or 205

faces a threat of suffering any physical or mental wound, injury, 206
disability, or other condition of a nature that reasonably 207
indicates abuse or neglect of the child may report or cause 208
reports to be made of that knowledge or reasonable cause to 209
suspect to the entity or persons specified in this division. 210
Except as provided in section 5120.173 of the Revised Code, a 211
person making a report or causing a report to be made under this 212
division shall make it or cause it to be made to the public 213
children services agency or to a municipal or county peace 214
officer. In the circumstances described in section 5120.173 of the 215
Revised Code, a person making a report or causing a report to be 216
made under this division shall make it or cause it to be made to 217
the entity specified in that section. 218

(C) Any report made pursuant to division (A) or (B) of this 219
section shall be made forthwith either by telephone or in person 220
and shall be followed by a written report, if requested by the 221
receiving agency or officer. The written report shall contain: 222

(1) The names and addresses of the child and the child's 223
parents or the person or persons having custody of the child, if 224
known; 225

(2) The child's age and the nature and extent of the child's 226
injuries, abuse, or neglect that is known or reasonably suspected 227
or believed, as applicable, to have occurred or of the threat of 228
injury, abuse, or neglect that is known or reasonably suspected or 229
believed, as applicable, to exist, including any evidence of 230
previous injuries, abuse, or neglect; 231

(3) Any other information that might be helpful in 232
establishing the cause of the injury, abuse, or neglect that is 233
known or reasonably suspected or believed, as applicable, to have 234
occurred or of the threat of injury, abuse, or neglect that is 235
known or reasonably suspected or believed, as applicable, to 236
exist. 237

Any person, who is required by division (A) of this section 238
to report child abuse or child neglect that is known or reasonably 239
suspected or believed to have occurred, may take or cause to be 240
taken color photographs of areas of trauma visible on a child and, 241
if medically indicated, cause to be performed radiological 242
examinations of the child. 243

(D) As used in this division, "children's advocacy center" 244
and "sexual abuse of a child" have the same meanings as in section 245
2151.425 of the Revised Code. 246

(1) When a municipal or county peace officer receives a 247
report concerning the possible abuse or neglect of a child or the 248
possible threat of abuse or neglect of a child, upon receipt of 249
the report, the municipal or county peace officer who receives the 250
report shall refer the report to the appropriate public children 251
services agency. 252

(2) When a public children services agency receives a report 253
pursuant to this division or division (A) or (B) of this section, 254
upon receipt of the report, the public children services agency 255
shall do both of the following: 256

(a) Comply with section 2151.422 of the Revised Code; 257

(b) If the county served by the agency is also served by a 258
children's advocacy center and the report alleges sexual abuse of 259
a child or another type of abuse of a child that is specified in 260
the memorandum of understanding that creates the center as being 261
within the center's jurisdiction, comply regarding the report with 262
the protocol and procedures for referrals and investigations, with 263
the coordinating activities, and with the authority or 264
responsibility for performing or providing functions, activities, 265
and services stipulated in the interagency agreement entered into 266
under section 2151.428 of the Revised Code relative to that 267
center. 268

(E) No township, municipal, or county peace officer shall 269
remove a child about whom a report is made pursuant to this 270
section from the child's parents, stepparents, or guardian or any 271
other persons having custody of the child without consultation 272
with the public children services agency, unless, in the judgment 273
of the officer, and, if the report was made by physician, the 274
physician, immediate removal is considered essential to protect 275
the child from further abuse or neglect. The agency that must be 276
consulted shall be the agency conducting the investigation of the 277
report as determined pursuant to section 2151.422 of the Revised 278
Code. 279

(F)(1) Except as provided in section 2151.422 of the Revised 280
Code or in an interagency agreement entered into under section 281
2151.428 of the Revised Code that applies to the particular 282
report, the public children services agency shall investigate, 283
within twenty-four hours, each report of child abuse or child 284
neglect that is known or reasonably suspected or believed to have 285
occurred and of a threat of child abuse or child neglect that is 286
known or reasonably suspected or believed to exist that is 287
referred to it under this section to determine the circumstances 288
surrounding the injuries, abuse, or neglect or the threat of 289
injury, abuse, or neglect, the cause of the injuries, abuse, 290
neglect, or threat, and the person or persons responsible. The 291
investigation shall be made in cooperation with the law 292
enforcement agency and in accordance with the memorandum of 293
understanding prepared under division (J) of this section. A 294
representative of the public children services agency shall, at 295
the time of initial contact with the person subject to the 296
investigation, inform the person of the specific complaints or 297
allegations made against the person. The information shall be 298
given in a manner that is consistent with division (H)(1) of this 299
section and protects the rights of the person making the report 300
under this section. 301

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial

proceeding resulting from a report submitted pursuant to this 334
section. 335

(2) In any civil or criminal action or proceeding in which it 336
is alleged and proved that participation in the making of a report 337
under this section was not in good faith or participation in a 338
judicial proceeding resulting from a report made under this 339
section was not in good faith, the court shall award the 340
prevailing party reasonable attorney's fees and costs and, if a 341
civil action or proceeding is voluntarily dismissed, may award 342
reasonable attorney's fees and costs to the party against whom the 343
civil action or proceeding is brought. 344

(H)(1) Except as provided in divisions (H)(4) and ~~(M)~~(N) of 345
this section, a report made under this section is confidential. 346
The information provided in a report made pursuant to this section 347
and the name of the person who made the report shall not be 348
released for use, and shall not be used, as evidence in any civil 349
action or proceeding brought against the person who made the 350
report. Nothing in this division shall preclude the use of reports 351
of other incidents of known or suspected abuse or neglect in a 352
civil action or proceeding brought pursuant to division (M) of 353
this section against a person who is alleged to have violated 354
division (A)(1) of this section, provided that any information in 355
a report that would identify the child who is the subject of the 356
report or the maker of the report, if the maker of the report is 357
not the defendant or an agent or employee of the defendant, has 358
been redacted. In a criminal proceeding, the report is admissible 359
in evidence in accordance with the Rules of Evidence and is 360
subject to discovery in accordance with the Rules of Criminal 361
Procedure. 362

(2) No person shall permit or encourage the unauthorized 363
dissemination of the contents of any report made under this 364
section. 365

(3) A person who knowingly makes or causes another person to 366
make a false report under division (B) of this section that 367
alleges that any person has committed an act or omission that 368
resulted in a child being an abused child or a neglected child is 369
guilty of a violation of section 2921.14 of the Revised Code. 370

(4) If a report is made pursuant to division (A) or (B) of 371
this section and the child who is the subject of the report dies 372
for any reason at any time after the report is made, but before 373
the child attains eighteen years of age, the public children 374
services agency or municipal or county peace officer to which the 375
report was made or referred, on the request of the child fatality 376
review board, shall submit a summary sheet of information 377
providing a summary of the report to the review board of the 378
county in which the deceased child resided at the time of death. 379
On the request of the review board, the agency or peace officer 380
may, at its discretion, make the report available to the review 381
board. If the county served by the public children services agency 382
is also served by a children's advocacy center and the report of 383
alleged sexual abuse of a child or another type of abuse of a 384
child is specified in the memorandum of understanding that creates 385
the center as being within the center's jurisdiction, the agency 386
or center shall perform the duties and functions specified in this 387
division in accordance with the interagency agreement entered into 388
under section 2151.428 of the Revised Code relative to that 389
advocacy center. 390

(5) A public children services agency shall advise a person 391
alleged to have inflicted abuse or neglect on a child who is the 392
subject of a report made pursuant to this section, including a 393
report alleging sexual abuse of a child or another type of abuse 394
of a child referred to a children's advocacy center pursuant to an 395
interagency agreement entered into under section 2151.428 of the 396
Revised Code, in writing of the disposition of the investigation. 397

The agency shall not provide to the person any information that 398
identifies the person who made the report, statements of 399
witnesses, or police or other investigative reports. 400

(I) Any report that is required by this section, other than a 401
report that is made to the state highway patrol as described in 402
section 5120.173 of the Revised Code, shall result in protective 403
services and emergency supportive services being made available by 404
the public children services agency on behalf of the children 405
about whom the report is made, in an effort to prevent further 406
neglect or abuse, to enhance their welfare, and, whenever 407
possible, to preserve the family unit intact. The agency required 408
to provide the services shall be the agency conducting the 409
investigation of the report pursuant to section 2151.422 of the 410
Revised Code. 411

(J)(1) Each public children services agency shall prepare a 412
memorandum of understanding that is signed by all of the 413
following: 414

(a) If there is only one juvenile judge in the county, the 415
juvenile judge of the county or the juvenile judge's 416
representative; 417

(b) If there is more than one juvenile judge in the county, a 418
juvenile judge or the juvenile judges' representative selected by 419
the juvenile judges or, if they are unable to do so for any 420
reason, the juvenile judge who is senior in point of service or 421
the senior juvenile judge's representative; 422

(c) The county peace officer; 423

(d) All chief municipal peace officers within the county; 424

(e) Other law enforcement officers handling child abuse and 425
neglect cases in the county; 426

(f) The prosecuting attorney of the county; 427

(g) If the public children services agency is not the county 428
department of job and family services, the county department of 429
job and family services; 430

(h) The county humane society; 431

(i) If the public children services agency participated in 432
the execution of a memorandum of understanding under section 433
2151.426 of the Revised Code establishing a children's advocacy 434
center, each participating member of the children's advocacy 435
center established by the memorandum. 436

(2) A memorandum of understanding shall set forth the normal 437
operating procedure to be employed by all concerned officials in 438
the execution of their respective responsibilities under this 439
section and division (C) of section 2919.21, division (B)(1) of 440
section 2919.22, division (B) of section 2919.23, and section 441
2919.24 of the Revised Code and shall have as two of its primary 442
goals the elimination of all unnecessary interviews of children 443
who are the subject of reports made pursuant to division (A) or 444
(B) of this section and, when feasible, providing for only one 445
interview of a child who is the subject of any report made 446
pursuant to division (A) or (B) of this section. A failure to 447
follow the procedure set forth in the memorandum by the concerned 448
officials is not grounds for, and shall not result in, the 449
dismissal of any charges or complaint arising from any reported 450
case of abuse or neglect or the suppression of any evidence 451
obtained as a result of any reported child abuse or child neglect 452
and does not give, and shall not be construed as giving, any 453
rights or any grounds for appeal or post-conviction relief to any 454
person. 455

(3) A memorandum of understanding shall include all of the 456
following: 457

(a) The roles and responsibilities for handling emergency and 458

nonemergency cases of abuse and neglect; 459

(b) Standards and procedures to be used in handling and 460
coordinating investigations of reported cases of child abuse and 461
reported cases of child neglect, methods to be used in 462
interviewing the child who is the subject of the report and who 463
allegedly was abused or neglected, and standards and procedures 464
addressing the categories of persons who may interview the child 465
who is the subject of the report and who allegedly was abused or 466
neglected. 467

(4) If a public children services agency participated in the 468
execution of a memorandum of understanding under section 2151.426 469
of the Revised Code establishing a children's advocacy center, the 470
agency shall incorporate the contents of that memorandum in the 471
memorandum prepared pursuant to this section. 472

(5) The clerk of the court of common pleas in the county may 473
sign the memorandum of understanding prepared under division 474
(J)(1) of this section. If the clerk signs the memorandum of 475
understanding, the clerk shall execute all relevant 476
responsibilities as required of officials specified in the 477
memorandum. 478

(K)(1) Except as provided in division (K)(4) of this section, 479
a person who is required to make a report pursuant to division (A) 480
of this section may make a reasonable number of requests of the 481
public children services agency that receives or is referred the 482
report, or of the children's advocacy center that is referred the 483
report if the report is referred to a children's advocacy center 484
pursuant to an interagency agreement entered into under section 485
2151.428 of the Revised Code, to be provided with the following 486
information: 487

(a) Whether the agency or center has initiated an 488
investigation of the report; 489

(b) Whether the agency or center is continuing to investigate the report; 490
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(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 492
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(d) The general status of the health and safety of the child who is the subject of the report; 494
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 496
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(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 499
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When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 503
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Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions. 512
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(3) A request made pursuant to division (K)(1) of this 520

section is not a substitute for any report required to be made 521
pursuant to division (A) of this section. 522

(4) If an agency other than the agency that received or was 523
referred the report is conducting the investigation of the report 524
pursuant to section 2151.422 of the Revised Code, the agency 525
conducting the investigation shall comply with the requirements of 526
division (K) of this section. 527

(L) The director of job and family services shall adopt rules 528
in accordance with Chapter 119. of the Revised Code to implement 529
this section. The department of job and family services may enter 530
into a plan of cooperation with any other governmental entity to 531
aid in ensuring that children are protected from abuse and 532
neglect. The department shall make recommendations to the attorney 533
general that the department determines are necessary to protect 534
children from child abuse and child neglect. 535

(M) Whoever violates division (A) of this section is liable 536
for compensatory and exemplary damages to the child who would have 537
been the subject of the report that was not made. A person who 538
brings a civil action or proceeding pursuant to this division 539
against a person who is alleged to have violated division (A)(1) 540
of this section may use in the action or proceeding reports of 541
other incidents of known or suspected abuse or neglect, provided 542
that any information in a report that would identify the child who 543
is the subject of the report or the maker of the report, if the 544
maker is not the defendant or an agent or employee of the 545
defendant, has been redacted. 546

(N)(1) As used in this division: 547

(a) "Out-of-home care" includes a nonchartered nonpublic 548
school if the alleged child abuse or child neglect, or alleged 549
threat of child abuse or child neglect, described in a report 550
received by a public children services agency allegedly occurred 551

in or involved the nonchartered nonpublic school and the alleged 552
perpetrator named in the report holds a certificate, permit, or 553
license issued by the state board of education under section 554
3301.071 or Chapter 3319. of the Revised Code. 555

(b) "Administrator, director, or other chief administrative 556
officer" means the superintendent of the school district if the 557
out-of-home care entity subject to a report made pursuant to this 558
section is a school operated by the district. 559

(2) No later than the end of the day following the day on 560
which a public children services agency receives a report of 561
alleged child abuse or child neglect, or a report of an alleged 562
threat of child abuse or child neglect, that allegedly occurred in 563
or involved an out-of-home care entity, the agency shall provide 564
written notice of the allegations contained in and the person 565
named as the alleged perpetrator in the report to the 566
administrator, director, or other chief administrative officer of 567
the out-of-home care entity that is the subject of the report 568
unless the administrator, director, or other chief administrative 569
officer is named as an alleged perpetrator in the report. If the 570
administrator, director, or other chief administrative officer of 571
an out-of-home care entity is named as an alleged perpetrator in a 572
report of alleged child abuse or child neglect, or a report of an 573
alleged threat of child abuse or child neglect, that allegedly 574
occurred in or involved the out-of-home care entity, the agency 575
shall provide the written notice to the owner or governing board 576
of the out-of-home care entity that is the subject of the report. 577
The agency shall not provide witness statements or police or other 578
investigative reports. 579

(3) No later than three days after the day on which a public 580
children services agency that conducted the investigation as 581
determined pursuant to section 2151.422 of the Revised Code makes 582
a disposition of an investigation involving a report of alleged 583

child abuse or child neglect, or a report of an alleged threat of 584
child abuse or child neglect, that allegedly occurred in or 585
involved an out-of-home care entity, the agency shall send written 586
notice of the disposition of the investigation to the 587
administrator, director, or other chief administrative officer and 588
the owner or governing board of the out-of-home care entity. The 589
agency shall not provide witness statements or police or other 590
investigative reports. 591

Sec. 2903.11. (A) No person shall knowingly do either of the 592
following: 593

(1) Cause serious physical harm to another or to another's 594
unborn; 595

(2) Cause or attempt to cause physical harm to another or to 596
another's unborn by means of a deadly weapon or dangerous 597
ordnance. 598

(B) No person, with knowledge that the person has tested 599
positive as a carrier of a virus that causes acquired 600
immunodeficiency syndrome, shall knowingly do any of the 601
following: 602

(1) Engage in sexual conduct with another person without 603
disclosing that knowledge to the other person prior to engaging in 604
the sexual conduct; 605

(2) Engage in sexual conduct with a person whom the offender 606
knows or has reasonable cause to believe lacks the mental capacity 607
to appreciate the significance of the knowledge that the offender 608
has tested positive as a carrier of a virus that causes acquired 609
immunodeficiency syndrome; 610

(3) Engage in sexual conduct with a person under eighteen 611
years of age who is not the spouse of the offender. 612

(C) The prosecution of a person under this section does not 613

preclude prosecution of that person under section 2907.02 of the Revised Code.

(D)(1)(a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D)(1)(b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a peace officer or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first degree.

(b) Regardless of whether the felonious assault is a felony of the first or second degree under division (D)(1)(a) of this section, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division or unless a longer prison term is required under any other provision of law, the court shall sentence the offender to a mandatory prison term as provided in division (D)(8) of section 2929.14 of the Revised Code. If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, felonious assault is a felony of the first degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

court shall impose upon the offender a class two suspension of the 646
offender's driver's license, commercial driver's license, 647
temporary instruction permit, probationary license, or nonresident 648
operating privilege as specified in division (A)(2) of section 649
4510.02 of the Revised Code. 650

(E) As used in this section: 651

(1) "Deadly weapon" and "dangerous ordnance" have the same 652
meanings as in section 2923.11 of the Revised Code. 653

(2) "Motor vehicle" has the same meaning as in section 654
4501.01 of the Revised Code. 655

(3) "Peace officer" has the same meaning as in section 656
2935.01 of the Revised Code. 657

(4) "Sexual conduct" has the same meaning as in section 658
2907.01 of the Revised Code, except that, as used in this section, 659
it does not include the insertion of an instrument, apparatus, or 660
other object that is not a part of the body into the vaginal or 661
anal opening of another, unless the offender knew at the time of 662
the insertion that the instrument, apparatus, or other object 663
carried the offender's bodily fluid. 664

(5) "Investigator of the bureau of criminal identification 665
and investigation" means an investigator of the bureau of criminal 666
identification and investigation who is commissioned by the 667
superintendent of the bureau as a special agent for the purpose of 668
assisting law enforcement officers or providing emergency 669
assistance to peace officers pursuant to authority granted under 670
section 109.541 of the Revised Code. 671

(6) "Investigator" has the same meaning as in section 109.541 672
of the Revised Code. 673

Sec. 2903.12. (A) No person, while under the influence of 674
sudden passion or in a sudden fit of rage, either of which is 675

brought on by serious provocation occasioned by the victim that is 676
reasonably sufficient to incite the person into using deadly 677
force, shall knowingly: 678

(1) Cause serious physical harm to another or to another's 679
unborn; 680

(2) Cause or attempt to cause physical harm to another or to 681
another's unborn by means of a deadly weapon or dangerous 682
ordnance, as defined in section 2923.11 of the Revised Code. 683

(B) Whoever violates this section is guilty of aggravated 684
assault⁷. Except as otherwise provided in this division, 685
aggravated assault is a felony of the fourth degree. If the victim 686
of the offense is a peace officer or an investigator of the bureau 687
of criminal identification and investigation, aggravated assault 688
is a felony of the third degree. Regardless of whether the offense 689
is a felony of the third or fourth degree under this division, if 690
the offender also is convicted of or pleads guilty to a 691
specification as described in section 2941.1423 of the Revised 692
Code that was included in the indictment, count in the indictment, 693
or information charging the offense, except as otherwise provided 694
in this division, the court shall sentence the offender to a 695
mandatory prison term as provided in division (D)(8) of section 696
2929.14 of the Revised Code. If the victim of the offense is a 697
peace officer or an investigator of the bureau of criminal 698
identification and investigation, and if the victim suffered 699
serious physical harm as a result of the commission of the 700
offense, aggravated assault is a felony of the third degree, and 701
the court, pursuant to division (F) of section 2929.13 of the 702
Revised Code, shall impose as a mandatory prison term one of the 703
prison terms prescribed for a felony of the third degree. 704

(C) As used in this section: 705

(1) "Investigator of the bureau of criminal identification 706

and investigation" has the same meaning as in section 2903.11 of 707
the Revised Code. 708

(2) "Peace officer" has the same meaning as in section 709
2935.01 of the Revised Code. 710

Sec. 2903.13. (A) No person shall knowingly cause or attempt 711
to cause physical harm to another or to another's unborn. 712

(B) No person shall recklessly cause serious physical harm to 713
another or to another's unborn. 714

(C) Whoever violates this section is guilty of assault, and 715
the court shall sentence the offender as provided in this division 716
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 717
Except as otherwise provided in division (C)(1), (2), (3), (4), or 718
(5) of this section, assault is a misdemeanor of the first degree. 719

(1) Except as otherwise provided in this division, if the 720
offense is committed by a caretaker against a functionally 721
impaired person under the caretaker's care, assault is a felony of 722
the fourth degree. If the offense is committed by a caretaker 723
against a functionally impaired person under the caretaker's care, 724
if the offender previously has been convicted of or pleaded guilty 725
to a violation of this section or section 2903.11 or 2903.16 of 726
the Revised Code, and if in relation to the previous conviction 727
the offender was a caretaker and the victim was a functionally 728
impaired person under the offender's care, assault is a felony of 729
the third degree. 730

(2) If the offense is committed in any of the following 731
circumstances, assault is a felony of the fifth degree: 732

(a) The offense occurs in or on the grounds of a state 733
correctional institution or an institution of the department of 734
youth services, the victim of the offense is an employee of the 735
department of rehabilitation and correction, the department of 736

youth services, or a probation department or is on the premises of 737
the particular institution for business purposes or as a visitor, 738
and the offense is committed by a person incarcerated in the state 739
correctional institution, by a person institutionalized in the 740
department of youth services institution pursuant to a commitment 741
to the department of youth services, by a parolee, by an offender 742
under transitional control, under a community control sanction, or 743
on an escorted visit, by a person under post-release control, or 744
by an offender under any other type of supervision by a government 745
agency. 746

(b) The offense occurs in or on the grounds of a local 747
correctional facility, the victim of the offense is an employee of 748
the local correctional facility or a probation department or is on 749
the premises of the facility for business purposes or as a 750
visitor, and the offense is committed by a person who is under 751
custody in the facility subsequent to the person's arrest for any 752
crime or delinquent act, subsequent to the person's being charged 753
with or convicted of any crime, or subsequent to the person's 754
being alleged to be or adjudicated a delinquent child. 755

(c) The offense occurs off the grounds of a state 756
correctional institution and off the grounds of an institution of 757
the department of youth services, the victim of the offense is an 758
employee of the department of rehabilitation and correction, the 759
department of youth services, or a probation department, the 760
offense occurs during the employee's official work hours and while 761
the employee is engaged in official work responsibilities, and the 762
offense is committed by a person incarcerated in a state 763
correctional institution or institutionalized in the department of 764
youth services who temporarily is outside of the institution for 765
any purpose, by a parolee, by an offender under transitional 766
control, under a community control sanction, or on an escorted 767
visit, by a person under post-release control, or by an offender 768

under any other type of supervision by a government agency. 769

(d) The offense occurs off the grounds of a local 770
correctional facility, the victim of the offense is an employee of 771
the local correctional facility or a probation department, the 772
offense occurs during the employee's official work hours and while 773
the employee is engaged in official work responsibilities, and the 774
offense is committed by a person who is under custody in the 775
facility subsequent to the person's arrest for any crime or 776
delinquent act, subsequent to the person being charged with or 777
convicted of any crime, or subsequent to the person being alleged 778
to be or adjudicated a delinquent child and who temporarily is 779
outside of the facility for any purpose or by a parolee, by an 780
offender under transitional control, under a community control 781
sanction, or on an escorted visit, by a person under post-release 782
control, or by an offender under any other type of supervision by 783
a government agency. 784

(e) The victim of the offense is a school teacher or 785
administrator or a school bus operator, and the offense occurs in 786
a school, on school premises, in a school building, on a school 787
bus, or while the victim is outside of school premises or a school 788
bus and is engaged in duties or official responsibilities 789
associated with the victim's employment or position as a school 790
teacher or administrator or a school bus operator, including, but 791
not limited to, driving, accompanying, or chaperoning students at 792
or on class or field trips, athletic events, or other school 793
extracurricular activities or functions outside of school 794
premises. 795

(3) If the victim of the offense is a peace officer or an 796
investigator of the bureau of criminal identification and 797
investigation, a firefighter, or a person performing emergency 798
medical service, while in the performance of their official 799
duties, assault is a felony of the fourth degree. 800

(4) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation and if the victim suffered serious physical harm as a result of the commission of the offense, assault is a felony of the fourth degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.

(5) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(6) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in division (G) of section 2929.24 of the Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as

otherwise provided in division (C)(4) of this section, the court 833
shall sentence the offender to a mandatory prison term as provided 834
in division (D)(8) of section 2929.14 of the Revised Code. 835

836

(D) As used in this section: 837

(1) "Peace officer" has the same meaning as in section 838
2935.01 of the Revised Code. 839

(2) "Firefighter" has the same meaning as in section 3937.41 840
of the Revised Code. 841

(3) "Emergency medical service" has the same meaning as in 842
section 4765.01 of the Revised Code. 843

(4) "Local correctional facility" means a county, 844
multicounty, municipal, municipal-county, or multicounty-municipal 845
jail or workhouse, a minimum security jail established under 846
section 341.23 or 753.21 of the Revised Code, or another county, 847
multicounty, municipal, municipal-county, or multicounty-municipal 848
facility used for the custody of persons arrested for any crime or 849
delinquent act, persons charged with or convicted of any crime, or 850
persons alleged to be or adjudicated a delinquent child. 851

(5) "Employee of a local correctional facility" means a 852
person who is an employee of the political subdivision or of one 853
or more of the affiliated political subdivisions that operates the 854
local correctional facility and who operates or assists in the 855
operation of the facility. 856

(6) "School teacher or administrator" means either of the 857
following: 858

(a) A person who is employed in the public schools of the 859
state under a contract described in section 3319.08 of the Revised 860
Code in a position in which the person is required to have a 861
certificate issued pursuant to sections 3319.22 to 3319.311 of the 862

Revised Code. 863

(b) A person who is employed by a nonpublic school for which 864
the state board of education prescribes minimum standards under 865
section 3301.07 of the Revised Code and who is certificated in 866
accordance with section 3301.071 of the Revised Code. 867

(7) "Community control sanction" has the same meaning as in 868
section 2929.01 of the Revised Code. 869

(8) "Escorted visit" means an escorted visit granted under 870
section 2967.27 of the Revised Code. 871

(9) "Post-release control" and "transitional control" have 872
the same meanings as in section 2967.01 of the Revised Code. 873

(10) "Investigator of the bureau of criminal identification 874
and investigation" has the same meaning as in section 2903.11 of 875
the Revised Code. 876

Sec. 2905.01. (A) No person, by force, threat, or deception, 877
or, in the case of a victim under the age of thirteen or mentally 878
incompetent, by any means, shall remove another from the place 879
where the other person is found or restrain the liberty of the 880
other person, for any of the following purposes: 881

(1) To hold for ransom, or as a shield or hostage; 882

(2) To facilitate the commission of any felony or flight 883
thereafter; 884

(3) To terrorize, or to inflict serious physical harm on the 885
victim or another; 886

(4) To engage in sexual activity, as defined in section 887
2907.01 of the Revised Code, with the victim against the victim's 888
will; 889

(5) To hinder, impede, or obstruct a function of government, 890
or to force any action or concession on the part of governmental 891

authority. 892

(B) No person, by force, threat, or deception, or, in the 893
case of a victim under the age of thirteen or mentally 894
incompetent, by any means, shall knowingly do any of the 895
following, under circumstances that create a substantial risk of 896
serious physical harm to the victim or, in the case of a minor 897
victim, under circumstances that either create a substantial risk 898
of serious physical harm to the victim or cause physical harm to 899
the victim: 900

(1) Remove another from the place where the other person is 901
found; 902

(2) Restrain another of the other person's liberty; 903

(3) Hold another in a condition of involuntary servitude. 904

(C)(1) Whoever violates this section is guilty of kidnapping. 905
Except as otherwise provided in this division or division (C)(2) 906
or (3) of this section, kidnapping is a felony of the first 907
degree. Except as otherwise provided in this division or division 908
(C)(2) or (3) of this section, if the offender releases the victim 909
in a safe place unharmed, kidnapping is a felony of the second 910
degree. If 911

(2) If the offender also is convicted of or pleads guilty to 912
a specification as described in section 2941.1422 of the Revised 913
Code that was included in the indictment, count in the indictment, 914
or information charging the offense, the court shall order the 915
offender to make restitution as provided in division (B)(8) of 916
section 2929.18 of the Revised Code and, except as otherwise 917
provided in division (C)(3) of this section, shall sentence the 918
offender to a mandatory prison term as provided in division (D)(7) 919
of section 2929.14 of the Revised Code. 920

(3) If the victim of the offense is less than thirteen years 921
of age and if the offender also is convicted of or pleads guilty 922

to a sexual motivation specification that was included in the 923
indictment, count in the indictment, or information charging the 924
offense, kidnapping is a felony of the first degree, and, 925
notwithstanding the definite sentence provided for a felony of the 926
first degree in section 2929.14 of the Revised Code, the offender 927
shall be sentenced pursuant to section 2971.03 of the Revised Code 928
as follows: 929

~~(1)~~(a) Except as otherwise provided in division (C)~~(2)~~(3)~~(b)~~ 930
of this section, the offender shall be sentenced pursuant to that 931
section to an indefinite prison term consisting of a minimum term 932
of fifteen years and a maximum term of life imprisonment. 933
934

~~(2)~~(b) If the offender releases the victim in a safe place 935
unharmed, the offender shall be sentenced pursuant to that section 936
to an indefinite term consisting of a minimum term of ten years 937
and a maximum term of life imprisonment. 938

(D) As used in this section, "sexual motivation 939
specification" has the same meaning as in section 2971.01 of the 940
Revised Code. 941

Sec. 2905.02. (A) No person, without privilege to do so, 942
shall knowingly do any of the following: 943

(1) By force or threat, remove another from the place where 944
the other person is found; 945

(2) By force or threat, restrain the liberty of another 946
person under circumstances that create a risk of physical harm to 947
the victim or place the other person in fear; 948

(3) Hold another in a condition of involuntary servitude. 949

(B) No person, with a sexual motivation, shall violate 950
division (A) of this section. 951

(C) Whoever violates this section is guilty of abduction, a 952

felony of the third degree. If the offender also is convicted of 953
or pleads guilty to a specification as described in section 954
2941.1422 of the Revised Code that was included in the indictment, 955
count in the indictment, or information charging the offense, the 956
court shall sentence the offender to a mandatory prison term as 957
provided in division (D)(7) of section 2929.14 of the Revised Code 958
and shall order the offender to make restitution as provided in 959
division (B)(8) of section 2929.18 of the Revised Code. 960

(D) As used in this section, "sexual motivation" has the same 961
meaning as in section 2971.01 of the Revised Code. 962

Sec. 2907.21. (A) No person shall knowingly do any of the 963
following: 964

(1) Compel another to engage in sexual activity for hire; 965

(2) Induce, procure, encourage, solicit, request, or 966
otherwise facilitate either of the following: 967

(a) A minor to engage in sexual activity for hire, whether or 968
not the offender knows the age of the minor; 969

(b) A person the offender believes to be a minor to engage in 970
sexual activity for hire, whether or not the person is a minor. 971

(3)(a) Pay or agree to pay a minor, either directly or 972
through the minor's agent, so that the minor will engage in sexual 973
activity, whether or not the offender knows the age of the minor; 974

(b) Pay or agree to pay a person the offender believes to be 975
a minor, either directly or through the person's agent, so that 976
the person will engage in sexual activity, whether or not the 977
person is a minor. 978

(4)(a) Pay a minor, either directly or through the minor's 979
agent, for the minor having engaged in sexual activity pursuant to 980
a prior agreement, whether or not the offender knows the age of 981
the minor; 982

(b) Pay a person the offender believes to be a minor, either 983
directly or through the person's agent, for the person having 984
engaged in sexual activity pursuant to a prior agreement, whether 985
or not the person is a minor. 986

(5)(a) Allow a minor to engage in sexual activity for hire if 987
the person allowing the child to engage in sexual activity for 988
hire is the parent, guardian, custodian, person having custody or 989
control, or person in loco parentis of the minor; 990

(b) Allow a person the offender believes to be a minor to 991
engage in sexual activity for hire if the person allowing the 992
person to engage in sexual activity for hire is the parent, 993
guardian, custodian, person having custody or control, or person 994
in loco parentis of the person the offender believes to be a 995
minor, whether or not the person is a minor. 996

(B) Whoever violates this section is guilty of compelling 997
prostitution. Except as otherwise provided in this division, 998
compelling prostitution is a felony of the third degree. If the 999
offender commits a violation of division (A)(1) of this section 1000
and the person compelled to engage in sexual activity for hire in 1001
violation of that division is less than sixteen years of age, 1002
compelling prostitution is a felony of the second degree. If the 1003
offender in any case also is convicted of or pleads guilty to a 1004
specification as described in section 2941.1422 of the Revised 1005
Code that was included in the indictment, count in the indictment, 1006
or information charging the offense, the court shall sentence the 1007
offender to a mandatory prison term as provided in division (D)(7) 1008
of section 2929.14 of the Revised Code and shall order the 1009
offender to make restitution as provided in division (B)(8) of 1010
section 2929.18 of the Revised Code. 1011

Sec. 2907.22. (A) No person shall knowingly: 1012

(1) Establish, maintain, operate, manage, supervise, control, 1013

or have an interest in a brothel; 1014

(2) Supervise, manage, or control the activities of a 1015
prostitute in engaging in sexual activity for hire; 1016

(3) Transport another, or cause another to be transported 1017
across the boundary of this state or of any county in this state, 1018
in order to facilitate the other person's engaging in sexual 1019
activity for hire; 1020

(4) For the purpose of violating or facilitating a violation 1021
of this section, induce or procure another to engage in sexual 1022
activity for hire. 1023

(B) Whoever violates this section is guilty of promoting 1024
prostitution. Except as otherwise provided in this division, 1025
promoting prostitution is a felony of the fourth degree. If any 1026
prostitute in the brothel involved in the offense, or the 1027
prostitute whose activities are supervised, managed, or controlled 1028
by the offender, or the person transported, induced, or procured 1029
by the offender to engage in sexual activity for hire, is a minor, 1030
whether or not the offender knows the age of the minor, then 1031
promoting prostitution is a felony of the third degree. If the 1032
offender in any case also is convicted of or pleads guilty to a 1033
specification as described in section 2941.1422 of the Revised 1034
Code that was included in the indictment, count in the indictment, 1035
or information charging the offense, the court shall sentence the 1036
offender to a mandatory prison term as provided in division (D)(7) 1037
of section 2929.14 of the Revised Code and shall order the 1038
offender to make restitution as provided in division (B)(8) of 1039
section 2929.18 of the Revised Code. 1040

Sec. 2907.323. (A) No person shall do any of the following: 1041

(1) Photograph any minor who is not the person's child or 1042
ward in a state of nudity, or create, direct, produce, or transfer 1043

any material or performance that shows the minor in a state of 1044
nudity, unless both of the following apply: 1045

(a) The material or performance is, or is to be, sold, 1046
disseminated, displayed, possessed, controlled, brought or caused 1047
to be brought into this state, or presented for a bona fide 1048
artistic, medical, scientific, educational, religious, 1049
governmental, judicial, or other proper purpose, by or to a 1050
physician, psychologist, sociologist, scientist, teacher, person 1051
pursuing bona fide studies or research, librarian, ~~clergyman~~ 1052
member of the clergy, prosecutor, judge, or other person having a 1053
proper interest in the material or performance; 1054

(b) The minor's parents, guardian, or custodian consents in 1055
writing to the photographing of the minor, to the use of the minor 1056
in the material or performance, or to the transfer of the material 1057
and to the specific manner in which the material or performance is 1058
to be used. 1059

(2) Consent to the photographing of the person's minor child 1060
or ward, or photograph the person's minor child or ward, in a 1061
state of nudity or consent to the use of the person's minor child 1062
or ward in a state of nudity in any material or performance, or 1063
use or transfer a material or performance of that nature, unless 1064
the material or performance is sold, disseminated, displayed, 1065
possessed, controlled, brought or caused to be brought into this 1066
state, or presented for a bona fide artistic, medical, scientific, 1067
educational, religious, governmental, judicial, or other proper 1068
purpose, by or to a physician, psychologist, sociologist, 1069
scientist, teacher, person pursuing bona fide studies or research, 1070
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 1071
other person having a proper interest in the material or 1072
performance; 1073

(3) Possess or view any material or performance that shows a 1074
minor who is not the person's child or ward in a state of nudity, 1075

unless one of the following applies: 1076

(a) The material or performance is sold, disseminated, 1077
displayed, possessed, controlled, brought or caused to be brought 1078
into this state, or presented for a bona fide artistic, medical, 1079
scientific, educational, religious, governmental, judicial, or 1080
other proper purpose, by or to a physician, psychologist, 1081
sociologist, scientist, teacher, person pursuing bona fide studies 1082
or research, librarian, ~~clergyman~~ member of the clergy, 1083
prosecutor, judge, or other person having a proper interest in the 1084
material or performance. 1085

(b) The person knows that the parents, guardian, or custodian 1086
has consented in writing to the photographing or use of the minor 1087
in a state of nudity and to the manner in which the material or 1088
performance is used or transferred. 1089

(B) Whoever violates this section is guilty of illegal use of 1090
a minor in a nudity-oriented material or performance. Whoever 1091
violates division (A)(1) or (2) of this section is guilty of a 1092
felony of the second degree. ~~Whoever~~ Except as otherwise provided 1093
in this division, whoever violates division (A)(3) of this section 1094
is guilty of a felony of the fifth degree. If the offender 1095
previously has been convicted of or pleaded guilty to a violation 1096
of this section or section 2907.321 or 2907.322 of the Revised 1097
Code, illegal use of a minor in a nudity-oriented material or 1098
performance in violation of division (A)(3) of this section is a 1099
felony of the fourth degree. If the offender who violates division 1100
(A)(1) or (2) of this section also is convicted of or pleads 1101
guilty to a specification as described in section 2941.1422 of the 1102
Revised Code that was included in the indictment, count in the 1103
indictment, or information charging the offense, the court shall 1104
sentence the offender to a mandatory prison term as provided in 1105
division (D)(7) of section 2929.14 of the Revised Code and shall 1106
order the offender to make restitution as provided in division 1107

(B)(8) of section 2929.18 of the Revised Code. 1108

1109

Sec. 2919.22. (A) No person, who is the parent, guardian, 1110
custodian, person having custody or control, or person in loco 1111
parentis of a child under eighteen years of age or a mentally or 1112
physically handicapped child under twenty-one years of age, shall 1113
create a substantial risk to the health or safety of the child, by 1114
violating a duty of care, protection, or support. It is not a 1115
violation of a duty of care, protection, or support under this 1116
division when the parent, guardian, custodian, or person having 1117
custody or control of a child treats the physical or mental 1118
illness or defect of the child by spiritual means through prayer 1119
alone, in accordance with the tenets of a recognized religious 1120
body. 1121

(B) No person shall do any of the following to a child under 1122
eighteen years of age or a mentally or physically handicapped 1123
child under twenty-one years of age: 1124

(1) Abuse the child; 1125

(2) Torture or cruelly abuse the child; 1126

(3) Administer corporal punishment or other physical 1127
disciplinary measure, or physically restrain the child in a cruel 1128
manner or for a prolonged period, which punishment, discipline, or 1129
restraint is excessive under the circumstances and creates a 1130
substantial risk of serious physical harm to the child; 1131

(4) Repeatedly administer unwarranted disciplinary measures 1132
to the child, when there is a substantial risk that such conduct, 1133
if continued, will seriously impair or retard the child's mental 1134
health or development; 1135

(5) Entice, coerce, permit, encourage, compel, hire, employ, 1136
use, or allow the child to act, model, or in any other way 1137

participate in, or be photographed for, the production, 1138
presentation, dissemination, or advertisement of any material or 1139
performance that the offender knows or reasonably should know is 1140
obscene, is sexually oriented matter, or is nudity-oriented 1141
matter; 1142

(6) Allow the child to be on the same parcel of real property 1143
and within one hundred feet of, or, in the case of more than one 1144
housing unit on the same parcel of real property, in the same 1145
housing unit and within one hundred feet of, any act in violation 1146
of section 2925.04 or 2925.041 of the Revised Code when the person 1147
knows that the act is occurring, whether or not any person is 1148
prosecuted for or convicted of the violation of section 2925.04 or 1149
2925.041 of the Revised Code that is the basis of the violation of 1150
this division. 1151

(C)(1) No person shall operate a vehicle, streetcar, or 1152
trackless trolley within this state in violation of division (A) 1153
of section 4511.19 of the Revised Code when one or more children 1154
under eighteen years of age are in the vehicle, streetcar, or 1155
trackless trolley. Notwithstanding any other provision of law, a 1156
person may be convicted at the same trial or proceeding of a 1157
violation of this division and a violation of division (A) of 1158
section 4511.19 of the Revised Code that constitutes the basis of 1159
the charge of the violation of this division. For purposes of 1160
sections 4511.191 to 4511.197 of the Revised Code and all related 1161
provisions of law, a person arrested for a violation of this 1162
division shall be considered to be under arrest for operating a 1163
vehicle while under the influence of alcohol, a drug of abuse, or 1164
a combination of them or for operating a vehicle with a prohibited 1165
concentration of alcohol, a controlled substance, or a metabolite 1166
of a controlled substance in the whole blood, blood serum or 1167
plasma, breath, or urine. 1168

(2) As used in division (C)(1) of this section: 1169

(a) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	1170 1171
(b) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.	1172 1173
(D)(1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.	1174 1175 1176 1177 1178 1179 1180 1181
(2) Mistake of age is not a defense to a charge under division (B)(5) of this section.	1182 1183
(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.	1184 1185 1186 1187 1188 1189
(4) As used in this division and division (B)(5) of this section:	1190 1191
(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.	1192 1193 1194
(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.	1195 1196 1197 1198
(c) "Sexually oriented matter" means any material or	1199

performance that shows a minor participating or engaging in sexual 1200
activity, masturbation, or bestiality. 1201

(E)(1) Whoever violates this section is guilty of endangering 1202
children. 1203

(2) If the offender violates division (A) or (B)(1) of this 1204
section, endangering children is one of the following, and, in the 1205
circumstances described in division (E)(2)(e) of this section, 1206
that division applies: 1207

(a) Except as otherwise provided in division (E)(2)(b), (c), 1208
or (d) of this section, a misdemeanor of the first degree; 1209

(b) If the offender previously has been convicted of an 1210
offense under this section or of any offense involving neglect, 1211
abandonment, contributing to the delinquency of, or physical abuse 1212
of a child, except as otherwise provided in division (E)(2)(c) or 1213
(d) of this section, a felony of the fourth degree; 1214

(c) If the violation is a violation of division (A) of this 1215
section and results in serious physical harm to the child 1216
involved, a felony of the third degree; 1217

(d) If the violation is a violation of division (B)(1) of 1218
this section and results in serious physical harm to the child 1219
involved, a felony of the second degree. 1220

(e) If the violation is a felony violation of division (B)(1) 1221
of this section and the offender also is convicted of or pleads 1222
guilty to a specification as described in section 2941.1422 of the 1223
Revised Code that was included in the indictment, count in the 1224
indictment, or information charging the offense, the court shall 1225
sentence the offender to a mandatory prison term as provided in 1226
division (D)(7) of section 2929.14 of the Revised Code and shall 1227
order the offender to make restitution as provided in division 1228
(B)(8) of section 2929.18 of the Revised Code. 1229

(3) If the offender violates division (B)(2), (3), (4), or 1230
(6) of this section, except as otherwise provided in this 1231
division, endangering children is a felony of the third degree. If 1232
the violation results in serious physical harm to the child 1233
involved, or if the offender previously has been convicted of an 1234
offense under this section or of any offense involving neglect, 1235
abandonment, contributing to the delinquency of, or physical abuse 1236
of a child, endangering children is a felony of the second degree. 1237
If the offender violates division (B)(2), (3), or (4) of this 1238
section and the offender also is convicted of or pleads guilty to 1239
a specification as described in section 2941.1422 of the Revised 1240
Code that was included in the indictment, count in the indictment, 1241
or information charging the offense, the court shall sentence the 1242
offender to a mandatory prison term as provided in division (D)(7) 1243
of section 2929.14 of the Revised Code and shall order the 1244
offender to make restitution as provided in division (B)(8) of 1245
section 2929.18 of the Revised Code. If the offender violates 1246
division (B)(6) of this section and the drug involved is 1247
methamphetamine, the court shall impose a mandatory prison term on 1248
the offender as follows: 1249

(a) If the violation is a violation of division (B)(6) of 1250
this section that is a felony of the third degree under division 1251
(E)(3) of this section and the drug involved is methamphetamine, 1252
except as otherwise provided in this division, the court shall 1253
impose as a mandatory prison term one of the prison terms 1254
prescribed for a felony of the third degree that is not less than 1255
two years. If the violation is a violation of division (B)(6) of 1256
this section that is a felony of the third degree under division 1257
(E)(3) of this section, if the drug involved is methamphetamine, 1258
and if the offender previously has been convicted of or pleaded 1259
guilty to a violation of division (B)(6) of this section, a 1260
violation of division (A) of section 2925.04 of the Revised Code, 1261
or a violation of division (A) of section 2925.041 of the Revised 1262

Code, the court shall impose as a mandatory prison term one of the 1263
prison terms prescribed for a felony of the third degree that is 1264
not less than five years. 1265

(b) If the violation is a violation of division (B)(6) of 1266
this section that is a felony of the second degree under division 1267
(E)(3) of this section and the drug involved is methamphetamine, 1268
except as otherwise provided in this division, the court shall 1269
impose as a mandatory prison term one of the prison terms 1270
prescribed for a felony of the second degree that is not less than 1271
three years. If the violation is a violation of division (B)(6) of 1272
this section that is a felony of the second degree under division 1273
(E)(3) of this section, if the drug involved is methamphetamine, 1274
and if the offender previously has been convicted of or pleaded 1275
guilty to a violation of division (B)(6) of this section, a 1276
violation of division (A) of section 2925.04 of the Revised Code, 1277
or a violation of division (A) of section 2925.041 of the Revised 1278
Code, the court shall impose as a mandatory prison term one of the 1279
prison terms prescribed for a felony of the second degree that is 1280
not less than five years. 1281

(4) If the offender violates division (B)(5) of this section, 1282
endangering children is a felony of the second degree. If the 1283
offender also is convicted of or pleads guilty to a specification 1284
as described in section 2941.1422 of the Revised Code that was 1285
included in the indictment, count in the indictment, or 1286
information charging the offense, the court shall sentence the 1287
offender to a mandatory prison term as provided in division (D)(7) 1288
of section 2929.14 of the Revised Code and shall order the 1289
offender to make restitution as provided in division (B)(8) of 1290
section 2929.18 of the Revised Code. 1291

(5) If the offender violates division (C) of this section, 1292
the offender shall be punished as follows: 1293

(a) Except as otherwise provided in division (E)(5)(b) or (c) 1294

of this section, endangering children in violation of division (C) 1295
of this section is a misdemeanor of the first degree. 1296

(b) If the violation results in serious physical harm to the 1297
child involved or the offender previously has been convicted of an 1298
offense under this section or any offense involving neglect, 1299
abandonment, contributing to the delinquency of, or physical abuse 1300
of a child, except as otherwise provided in division (E)(5)(c) of 1301
this section, endangering children in violation of division (C) of 1302
this section is a felony of the fifth degree. 1303

(c) If the violation results in serious physical harm to the 1304
child involved and if the offender previously has been convicted 1305
of a violation of division (C) of this section, section 2903.06 or 1306
2903.08 of the Revised Code, section 2903.07 of the Revised Code 1307
as it existed prior to March 23, 2000, or section 2903.04 of the 1308
Revised Code in a case in which the offender was subject to the 1309
sanctions described in division (D) of that section, endangering 1310
children in violation of division (C) of this section is a felony 1311
of the fourth degree. 1312

(d) In addition to any term of imprisonment, fine, or other 1313
sentence, penalty, or sanction it imposes upon the offender 1314
pursuant to division (E)(5)(a), (b), or (c) of this section or 1315
pursuant to any other provision of law and in addition to any 1316
suspension of the offender's driver's or commercial driver's 1317
license or permit or nonresident operating privilege under Chapter 1318
4506., 4509., 4510., or 4511. of the Revised Code or under any 1319
other provision of law, the court also may impose upon the 1320
offender a class seven suspension of the offender's driver's or 1321
commercial driver's license or permit or nonresident operating 1322
privilege from the range specified in division (A)(7) of section 1323
4510.02 of the Revised Code. 1324

(e) In addition to any term of imprisonment, fine, or other 1325
sentence, penalty, or sanction imposed upon the offender pursuant 1326

to division (E)(5)(a), (b), (c), or (d) of this section or 1327
pursuant to any other provision of law for the violation of 1328
division (C) of this section, if as part of the same trial or 1329
proceeding the offender also is convicted of or pleads guilty to a 1330
separate charge charging the violation of division (A) of section 1331
4511.19 of the Revised Code that was the basis of the charge of 1332
the violation of division (C) of this section, the offender also 1333
shall be sentenced in accordance with section 4511.19 of the 1334
Revised Code for that violation of division (A) of section 4511.19 1335
of the Revised Code. 1336

(F)(1)(a) A court may require an offender to perform not more 1337
than two hundred hours of supervised community service work under 1338
the authority of an agency, subdivision, or charitable 1339
organization. The requirement shall be part of the community 1340
control sanction or sentence of the offender, and the court shall 1341
impose the community service in accordance with and subject to 1342
divisions (F)(1)(a) and (b) of this section. The court may require 1343
an offender whom it requires to perform supervised community 1344
service work as part of the offender's community control sanction 1345
or sentence to pay the court a reasonable fee to cover the costs 1346
of the offender's participation in the work, including, but not 1347
limited to, the costs of procuring a policy or policies of 1348
liability insurance to cover the period during which the offender 1349
will perform the work. If the court requires the offender to 1350
perform supervised community service work as part of the 1351
offender's community control sanction or sentence, the court shall 1352
do so in accordance with the following limitations and criteria: 1353

(i) The court shall require that the community service work 1354
be performed after completion of the term of imprisonment or jail 1355
term imposed upon the offender for the violation of division (C) 1356
of this section, if applicable. 1357

(ii) The supervised community service work shall be subject 1358

to the limitations set forth in divisions (B)(1), (2), and (3) of 1359
section 2951.02 of the Revised Code. 1360

(iii) The community service work shall be supervised in the 1361
manner described in division (B)(4) of section 2951.02 of the 1362
Revised Code by an official or person with the qualifications 1363
described in that division. The official or person periodically 1364
shall report in writing to the court concerning the conduct of the 1365
offender in performing the work. 1366

(iv) The court shall inform the offender in writing that if 1367
the offender does not adequately perform, as determined by the 1368
court, all of the required community service work, the court may 1369
order that the offender be committed to a jail or workhouse for a 1370
period of time that does not exceed the term of imprisonment that 1371
the court could have imposed upon the offender for the violation 1372
of division (C) of this section, reduced by the total amount of 1373
time that the offender actually was imprisoned under the sentence 1374
or term that was imposed upon the offender for that violation and 1375
by the total amount of time that the offender was confined for any 1376
reason arising out of the offense for which the offender was 1377
convicted and sentenced as described in sections 2949.08 and 1378
2967.191 of the Revised Code, and that, if the court orders that 1379
the offender be so committed, the court is authorized, but not 1380
required, to grant the offender credit upon the period of the 1381
commitment for the community service work that the offender 1382
adequately performed. 1383

(b) If a court, pursuant to division (F)(1)(a) of this 1384
section, orders an offender to perform community service work as 1385
part of the offender's community control sanction or sentence and 1386
if the offender does not adequately perform all of the required 1387
community service work, as determined by the court, the court may 1388
order that the offender be committed to a jail or workhouse for a 1389
period of time that does not exceed the term of imprisonment that 1390

the court could have imposed upon the offender for the violation 1391
of division (C) of this section, reduced by the total amount of 1392
time that the offender actually was imprisoned under the sentence 1393
or term that was imposed upon the offender for that violation and 1394
by the total amount of time that the offender was confined for any 1395
reason arising out of the offense for which the offender was 1396
convicted and sentenced as described in sections 2949.08 and 1397
2967.191 of the Revised Code. The court may order that a person 1398
committed pursuant to this division shall receive hour-for-hour 1399
credit upon the period of the commitment for the community service 1400
work that the offender adequately performed. No commitment 1401
pursuant to this division shall exceed the period of the term of 1402
imprisonment that the sentencing court could have imposed upon the 1403
offender for the violation of division (C) of this section, 1404
reduced by the total amount of time that the offender actually was 1405
imprisoned under that sentence or term and by the total amount of 1406
time that the offender was confined for any reason arising out of 1407
the offense for which the offender was convicted and sentenced as 1408
described in sections 2949.08 and 2967.191 of the Revised Code. 1409

(2) Division (F)(1) of this section does not limit or affect 1410
the authority of the court to suspend the sentence imposed upon a 1411
misdemeanor offender and place the offender under a community 1412
control sanction pursuant to section 2929.25 of the Revised Code, 1413
to require a misdemeanor or felony offender to perform supervised 1414
community service work in accordance with division (B) of section 1415
2951.02 of the Revised Code, or to place a felony offender under a 1416
community control sanction. 1417

(G)(1) If a court suspends an offender's driver's or 1418
commercial driver's license or permit or nonresident operating 1419
privilege under division (E)(5)(d) of this section, the period of 1420
the suspension shall be consecutive to, and commence after, the 1421
period of suspension of the offender's driver's or commercial 1422

driver's license or permit or nonresident operating privilege that 1423
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 1424
Revised Code or under any other provision of law in relation to 1425
the violation of division (C) of this section that is the basis of 1426
the suspension under division (E)(5)(d) of this section or in 1427
relation to the violation of division (A) of section 4511.19 of 1428
the Revised Code that is the basis for that violation of division 1429
(C) of this section. 1430

(2) An offender is not entitled to request, and the court 1431
shall not grant to the offender, limited driving privileges if the 1432
offender's license, permit, or privilege has been suspended under 1433
division (E)(5)(d) of this section and the offender, within the 1434
preceding six years, has been convicted of or pleaded guilty to 1435
three or more violations of one or more of the following: 1436

(a) Division (C) of this section; 1437

(b) Any equivalent offense, as defined in section 4511.181 of 1438
the Revised Code. 1439

(H)(1) If a person violates division (C) of this section and 1440
if, at the time of the violation, there were two or more children 1441
under eighteen years of age in the motor vehicle involved in the 1442
violation, the offender may be convicted of a violation of 1443
division (C) of this section for each of the children, but the 1444
court may sentence the offender for only one of the violations. 1445

(2)(a) If a person is convicted of or pleads guilty to a 1446
violation of division (C) of this section but the person is not 1447
also convicted of and does not also plead guilty to a separate 1448
charge charging the violation of division (A) of section 4511.19 1449
of the Revised Code that was the basis of the charge of the 1450
violation of division (C) of this section, both of the following 1451
apply: 1452

(i) For purposes of the provisions of section 4511.19 of the 1453

Revised Code that set forth the penalties and sanctions for a 1454
violation of division (A) of section 4511.19 of the Revised Code, 1455
the conviction of or plea of guilty to the violation of division 1456
(C) of this section shall not constitute a violation of division 1457
(A) of section 4511.19 of the Revised Code; 1458

(ii) For purposes of any provision of law that refers to a 1459
conviction of or plea of guilty to a violation of division (A) of 1460
section 4511.19 of the Revised Code and that is not described in 1461
division (H)(2)(a)(i) of this section, the conviction of or plea 1462
of guilty to the violation of division (C) of this section shall 1463
constitute a conviction of or plea of guilty to a violation of 1464
division (A) of section 4511.19 of the Revised Code. 1465

(b) If a person is convicted of or pleads guilty to a 1466
violation of division (C) of this section and the person also is 1467
convicted of or pleads guilty to a separate charge charging the 1468
violation of division (A) of section 4511.19 of the Revised Code 1469
that was the basis of the charge of the violation of division (C) 1470
of this section, the conviction of or plea of guilty to the 1471
violation of division (C) of this section shall not constitute, 1472
for purposes of any provision of law that refers to a conviction 1473
of or plea of guilty to a violation of division (A) of section 1474
4511.19 of the Revised Code, a conviction of or plea of guilty to 1475
a violation of division (A) of section 4511.19 of the Revised 1476
Code. 1477

(I) As used in this section: 1478

(1) "Community control sanction" has the same meaning as in 1479
section 2929.01 of the Revised Code; 1480

(2) "Limited driving privileges" has the same meaning as in 1481
section 4501.01 of the Revised Code; 1482

(3) "Methamphetamine" has the same meaning as in section 1483
2925.01 of the Revised Code. 1484

Sec. 2919.25. (A) No person shall knowingly cause or attempt 1485
to cause physical harm to a family or household member. 1486

(B) No person shall recklessly cause serious physical harm to 1487
a family or household member. 1488

(C) No person, by threat of force, shall knowingly cause a 1489
family or household member to believe that the offender will cause 1490
imminent physical harm to the family or household member. 1491

(D)(1) Whoever violates this section is guilty of domestic 1492
violence, and the court shall sentence the offender as provided in 1493
divisions (D)(2) to (6) of this section. 1494

(2) Except as otherwise provided in division (D)(3) ~~or (4)~~ to 1495
(5) of this section, a violation of division (C) of this section 1496
is a misdemeanor of the fourth degree, and a violation of division 1497
(A) or (B) of this section is a misdemeanor of the first degree. 1498

(3) Except as otherwise provided in division (D)(4) of this 1499
section, if the offender previously has pleaded guilty to or been 1500
convicted of domestic violence, a violation of an existing or 1501
former municipal ordinance or law of this or any other state or 1502
the United States that is substantially similar to domestic 1503
violence, a violation of section 2903.14, 2909.06, 2909.07, 1504
2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of 1505
the violation was a family or household member at the time of the 1506
violation, a violation of an existing or former municipal 1507
ordinance or law of this or any other state or the United States 1508
that is substantially similar to any of those sections if the 1509
victim of the violation was a family or household member at the 1510
time of the commission of the violation, or any offense of 1511
violence if the victim of the offense was a family or household 1512
member at the time of the commission of the offense, a violation 1513
of division (A) or (B) of this section is a felony of the fourth 1514
degree, and, if the offender knew that the victim of the violation 1515

was pregnant at the time of the violation, the court shall impose 1516
a mandatory prison term on the offender pursuant to division 1517
(A)(6) of this section, and a violation of division (C) of this 1518
section is a misdemeanor of the second degree. 1519

(4) If the offender previously has pleaded guilty to or been 1520
convicted of two or more offenses of domestic violence or two or 1521
more violations or offenses of the type described in division 1522
(D)(3) of this section involving a person who was a family or 1523
household member at the time of the violations or offenses, a 1524
violation of division (A) or (B) of this section is a felony of 1525
the third degree, and, if the offender knew that the victim of the 1526
violation was pregnant at the time of the violation, the court 1527
shall impose a mandatory prison term on the offender pursuant to 1528
division (A)(6) of this section, and a violation of division (C) 1529
of this section is a misdemeanor of the first degree. 1530

(5) Except as otherwise provided in division (D)(3) or (4) of 1531
this section, if the offender knew that the victim of the 1532
violation was pregnant at the time of the violation, a violation 1533
of division (A) or (B) of this section is a felony of the fifth 1534
degree, and the court shall impose a mandatory prison term on the 1535
offender pursuant to division (A)(6) of this section, and a 1536
violation of division (C) of this section is a misdemeanor of the 1537
third degree. 1538

(6) If division (A)(3), (4), or (5) of this section requires 1539
the court that sentences an offender for a violation of division 1540
(A) or (B) of this section to impose a mandatory prison term on 1541
the offender pursuant to this division, the court shall impose the 1542
mandatory prison term as follows: 1543

(a) If the violation of division (A) or (B) of this section 1544
is a felony of the fourth or fifth degree, except as otherwise 1545
provided in division (A)(6)(b) or (c) of this section, the court 1546
shall impose a mandatory prison on the offender of at least six 1547

months. 1548

(b) If the violation of division (A) or (B) of this section 1549
is a felony of the fifth degree and the offender, in committing 1550
the violation, caused serious physical harm to the pregnant 1551
woman's unborn or caused the termination of the pregnant woman's 1552
pregnancy, the court shall impose a mandatory prison term on the 1553
offender of twelve months. 1554

(c) If the violation of division (A) or (B) of this section 1555
is a felony of the fourth degree and the offender, in committing 1556
the violation, caused serious physical harm to the pregnant 1557
woman's unborn or caused the termination of the pregnant woman's 1558
pregnancy, the court shall impose a mandatory prison term on the 1559
offender of at least twelve months. 1560

(d) If the violation of division (A) or (B) of this section 1561
is a felony of the third degree, except as otherwise provided in 1562
division (A)(6)(e) of this section and notwithstanding the range 1563
of prison terms prescribed in section 2929.14 of the Revised Code 1564
for a felony of the third degree, the court shall impose a 1565
mandatory prison term on the offender of either a definite term of 1566
six months or one of the prison terms prescribed in section 1567
2929.14 of the Revised Code for felonies of the third degree. 1568

(e) If the violation of division (A) or (B) of this section 1569
is a felony of the third degree and the offender, in committing 1570
the violation, caused serious physical harm to the pregnant 1571
woman's unborn or caused the termination of the pregnant woman's 1572
pregnancy, notwithstanding the range of prison terms prescribed in 1573
section 2929.14 of the Revised Code for a felony of the third 1574
degree, the court shall impose a mandatory prison term on the 1575
offender of either a definite term of one year or one of the 1576
prison terms prescribed in section 2929.14 of the Revised Code for 1577
felonies of the third degree. 1578

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially similar to this section or in connection with the prosecution of any charges so filed.

(F) As used in this section and sections 2919.251 and 2919.26 of the Revised Code:

(1) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with the offender:

(i) A spouse, a person living as a spouse, or a former spouse of the offender;

(ii) A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.

(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of

that section applies regarding the use of the term in this 1609
section, except that the second and third sentences of division 1610
(C)(1) of that section shall be construed for purposes of this 1611
section as if they included a reference to this section in the 1612
listing of Revised Code sections they contain. 1613

(4) "Termination of the pregnant woman's pregnancy" has the 1614
same meaning as "unlawful termination of another's pregnancy," as 1615
set forth in section 2903.09 of the Revised Code, as it relates to 1616
the pregnant woman. Division (C) of that section applies regarding 1617
the use of the term in this section, except that the second and 1618
third sentences of division (C)(1) of that section shall be 1619
construed for purposes of this section as if they included a 1620
reference to this section in the listing of Revised Code sections 1621
they contain. 1622

Sec. 2923.32. (A)(1) No person employed by, or associated 1623
with, any enterprise shall conduct or participate in, directly or 1624
indirectly, the affairs of the enterprise through a pattern of 1625
corrupt activity or the collection of an unlawful debt. 1626

(2) No person, through a pattern of corrupt activity or the 1627
collection of an unlawful debt, shall acquire or maintain, 1628
directly or indirectly, any interest in, or control of, any 1629
enterprise or real property. 1630

(3) No person, who knowingly has received any proceeds 1631
derived, directly or indirectly, from a pattern of corrupt 1632
activity or the collection of any unlawful debt, shall use or 1633
invest, directly or indirectly, any part of those proceeds, or any 1634
proceeds derived from the use or investment of any of those 1635
proceeds, in the acquisition of any title to, or any right, 1636
interest, or equity in, real property or in the establishment or 1637
operation of any enterprise. 1638

A purchase of securities on the open market with intent to 1639

make an investment, without intent to control or participate in 1640
the control of the issuer, and without intent to assist another to 1641
do so is not a violation of this division, if the securities of 1642
the issuer held after the purchase by the purchaser, the members 1643
of the purchaser's immediate family, and the purchaser's or the 1644
immediate family members' accomplices in any pattern of corrupt 1645
activity or the collection of an unlawful debt do not aggregate 1646
one per cent of the outstanding securities of any one class of the 1647
issuer and do not confer, in law or in fact, the power to elect 1648
one or more directors of the issuer. 1649

(B)(1) Whoever violates this section is guilty of engaging in 1650
a pattern of corrupt activity. Except as otherwise provided in 1651
this division, engaging in corrupt activity is a felony of the 1652
second degree. ~~If~~ Except as otherwise provided in this division, 1653
if at least one of the incidents of corrupt activity is a felony 1654
of the first, second, or third degree, aggravated murder, or 1655
murder, if at least one of the incidents was a felony under the 1656
law of this state that was committed prior to July 1, 1996, and 1657
that would constitute a felony of the first, second, or third 1658
degree, aggravated murder, or murder if committed on or after July 1659
1, 1996, or if at least one of the incidents of corrupt activity 1660
is a felony under the law of the United States or of another state 1661
that, if committed in this state on or after July 1, 1996, would 1662
constitute a felony of the first, second, or third degree, 1663
aggravated murder, or murder under the law of this state, engaging 1664
in a pattern of corrupt activity is a felony of the first degree. 1665
If the offender also is convicted of or pleads guilty to a 1666
specification as described in section 2941.1422 of the Revised 1667
Code that was included in the indictment, count in the indictment, 1668
or information charging the offense, engaging in a pattern of 1669
corrupt activity is a felony of the first degree, and the court 1670
shall sentence the offender to a mandatory prison term as provided 1671
in division (D)(7) of section 2929.14 of the Revised Code and 1672

shall order the offender to make restitution as provided in 1673
division (B)(8) of section 2929.18 of the Revised Code. 1674

Notwithstanding any other provision of law, a person may be 1675
convicted of violating the provisions of this section as well as 1676
of a conspiracy to violate one or more of those provisions under 1677
section 2923.01 of the Revised Code. 1678

(2) Notwithstanding the financial sanctions authorized by 1679
section 2929.18 of the Revised Code, the court may do all of the 1680
following with respect to any person who derives pecuniary value 1681
or causes property damage, personal injury other than pain and 1682
suffering, or other loss through or by the violation of this 1683
section: 1684

(a) In lieu of the fine authorized by that section, impose a 1685
fine not exceeding the greater of three times the gross value 1686
gained or three times the gross loss caused and order the clerk of 1687
the court to pay the fine into the state treasury to the credit of 1688
the corrupt activity investigation and prosecution fund, which is 1689
hereby created; 1690

(b) In addition to the fine described in division (B)(2)(a) 1691
of this section and the financial sanctions authorized by section 1692
2929.18 of the Revised Code, order the person to pay court costs; 1693

(c) In addition to the fine described in division (B)(2)(a) 1694
of this section and the financial sanctions authorized by section 1695
2929.18 of the Revised Code, order the person to pay to the state, 1696
municipal, or county law enforcement agencies that handled the 1697
investigation and prosecution the costs of investigation and 1698
prosecution that are reasonably incurred. 1699

The court shall hold a hearing to determine the amount of 1700
fine, court costs, and other costs to be imposed under this 1701
division. 1702

(3) In addition to any other penalty or disposition 1703

authorized or required by law, the court shall order any person 1704
who is convicted of or pleads guilty to a violation of this 1705
section or who is adjudicated delinquent by reason of a violation 1706
of this section to criminally forfeit to the state under Chapter 1707
2981. of the Revised Code any personal or real property in which 1708
the person has an interest and that was used in the course of or 1709
intended for use in the course of a violation of this section, or 1710
that was derived from or realized through conduct in violation of 1711
this section, including any property constituting an interest in, 1712
means of control over, or influence over the enterprise involved 1713
in the violation and any property constituting proceeds derived 1714
from the violation, including all of the following: 1715

(a) Any position, office, appointment, tenure, commission, or 1716
employment contract of any kind acquired or maintained by the 1717
person in violation of this section, through which the person, in 1718
violation of this section, conducted or participated in the 1719
conduct of an enterprise, or that afforded the person a source of 1720
influence or control over an enterprise that the person exercised 1721
in violation of this section; 1722

(b) Any compensation, right, or benefit derived from a 1723
position, office, appointment, tenure, commission, or employment 1724
contract described in division (B)(3)(a) of this section that 1725
accrued to the person in violation of this section during the 1726
period of the pattern of corrupt activity; 1727

(c) Any interest in, security of, claim against, or property 1728
or contractual right affording the person a source of influence or 1729
control over the affairs of an enterprise that the person 1730
exercised in violation of this section; 1731

(d) Any amount payable or paid under any contract for goods 1732
or services that was awarded or performed in violation of this 1733
section. 1734

Sec. 2929.01. As used in this chapter:	1735
(A)(1) "Alternative residential facility" means, subject to	1736
division (A)(2) of this section, any facility other than an	1737
offender's home or residence in which an offender is assigned to	1738
live and that satisfies all of the following criteria:	1739
(a) It provides programs through which the offender may seek	1740
or maintain employment or may receive education, training,	1741
treatment, or habilitation.	1742
(b) It has received the appropriate license or certificate	1743
for any specialized education, training, treatment, habilitation,	1744
or other service that it provides from the government agency that	1745
is responsible for licensing or certifying that type of education,	1746
training, treatment, habilitation, or service.	1747
(2) "Alternative residential facility" does not include a	1748
community-based correctional facility, jail, halfway house, or	1749
prison.	1750
(B) "Bad time" means the time by which the parole board	1751
administratively extends an offender's stated prison term or terms	1752
pursuant to section 2967.11 of the Revised Code because the parole	1753
board finds by clear and convincing evidence that the offender,	1754
while serving the prison term or terms, committed an act that is a	1755
criminal offense under the law of this state or the United States,	1756
whether or not the offender is prosecuted for the commission of	1757
that act.	1758
(C) "Basic probation supervision" means a requirement that	1759
the offender maintain contact with a person appointed to supervise	1760
the offender in accordance with sanctions imposed by the court or	1761
imposed by the parole board pursuant to section 2967.28 of the	1762
Revised Code. "Basic probation supervision" includes basic parole	1763
supervision and basic post-release control supervision.	1764

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

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

(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

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

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

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

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

(K) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the

offender has ingested any alcohol or other drugs. 1796

(L) "Drug treatment program" means any program under which a 1797
person undergoes assessment and treatment designed to reduce or 1798
completely eliminate the person's physical or emotional reliance 1799
upon alcohol, another drug, or alcohol and another drug and under 1800
which the person may be required to receive assessment and 1801
treatment on an outpatient basis or may be required to reside at a 1802
facility other than the person's home or residence while 1803
undergoing assessment and treatment. 1804

(M) "Economic loss" means any economic detriment suffered by 1805
a victim as a direct and proximate result of the commission of an 1806
offense and includes any loss of income due to lost time at work 1807
because of any injury caused to the victim, and any property loss, 1808
medical cost, or funeral expense incurred as a result of the 1809
commission of the offense. "Economic loss" does not include 1810
non-economic loss or any punitive or exemplary damages. 1811

(N) "Education or training" includes study at, or in 1812
conjunction with a program offered by, a university, college, or 1813
technical college or vocational study and also includes the 1814
completion of primary school, secondary school, and literacy 1815
curricula or their equivalent. 1816

(O) "Firearm" has the same meaning as in section 2923.11 of 1817
the Revised Code. 1818

(P) "Halfway house" means a facility licensed by the division 1819
of parole and community services of the department of 1820
rehabilitation and correction pursuant to section 2967.14 of the 1821
Revised Code as a suitable facility for the care and treatment of 1822
adult offenders. 1823

(Q) "House arrest" means a period of confinement of an 1824
offender that is in the offender's home or in other premises 1825
specified by the sentencing court or by the parole board pursuant 1826

to section 2967.28 of the Revised Code and during which all of the 1827
following apply: 1828

(1) The offender is required to remain in the offender's home 1829
or other specified premises for the specified period of 1830
confinement, except for periods of time during which the offender 1831
is at the offender's place of employment or at other premises as 1832
authorized by the sentencing court or by the parole board. 1833

(2) The offender is required to report periodically to a 1834
person designated by the court or parole board. 1835

(3) The offender is subject to any other restrictions and 1836
requirements that may be imposed by the sentencing court or by the 1837
parole board. 1838

(R) "Intensive probation supervision" means a requirement 1839
that an offender maintain frequent contact with a person appointed 1840
by the court, or by the parole board pursuant to section 2967.28 1841
of the Revised Code, to supervise the offender while the offender 1842
is seeking or maintaining necessary employment and participating 1843
in training, education, and treatment programs as required in the 1844
court's or parole board's order. "Intensive probation supervision" 1845
includes intensive parole supervision and intensive post-release 1846
control supervision. 1847

(S) "Jail" means a jail, workhouse, minimum security jail, or 1848
other residential facility used for the confinement of alleged or 1849
convicted offenders that is operated by a political subdivision or 1850
a combination of political subdivisions of this state. 1851

(T) "Jail term" means the term in a jail that a sentencing 1852
court imposes or is authorized to impose pursuant to section 1853
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1854
provision of the Revised Code that authorizes a term in a jail for 1855
a misdemeanor conviction. 1856

(U) "Mandatory jail term" means the term in a jail that a 1857

sentencing court is required to impose pursuant to division (G) of 1858
section 1547.99 of the Revised Code, division (E) or (G) of 1859
section 2903.06 or division (D) of section 2903.08 of the Revised 1860
Code, division (E) of section 2929.24 of the Revised Code, 1861
division (B) of section 4510.14 of the Revised Code, or division 1862
(G) of section 4511.19 of the Revised Code or pursuant to any 1863
other provision of the Revised Code that requires a term in a jail 1864
for a misdemeanor conviction. 1865

(V) "Delinquent child" has the same meaning as in section 1866
2152.02 of the Revised Code. 1867

(W) "License violation report" means a report that is made by 1868
a sentencing court, or by the parole board pursuant to section 1869
2967.28 of the Revised Code, to the regulatory or licensing board 1870
or agency that issued an offender a professional license or a 1871
license or permit to do business in this state and that specifies 1872
that the offender has been convicted of or pleaded guilty to an 1873
offense that may violate the conditions under which the offender's 1874
professional license or license or permit to do business in this 1875
state was granted or an offense for which the offender's 1876
professional license or license or permit to do business in this 1877
state may be revoked or suspended. 1878

(X) "Major drug offender" means an offender who is convicted 1879
of or pleads guilty to the possession of, sale of, or offer to 1880
sell any drug, compound, mixture, preparation, or substance that 1881
consists of or contains at least one thousand grams of hashish; at 1882
least one hundred grams of crack cocaine; at least one thousand 1883
grams of cocaine that is not crack cocaine; at least two thousand 1884
five hundred unit doses or two hundred fifty grams of heroin; at 1885
least five thousand unit doses of L.S.D. or five hundred grams of 1886
L.S.D. in a liquid concentrate, liquid extract, or liquid 1887
distillate form; or at least one hundred times the amount of any 1888
other schedule I or II controlled substance other than marihuana 1889

that is necessary to commit a felony of the third degree pursuant 1890
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1891
Code that is based on the possession of, sale of, or offer to sell 1892
the controlled substance. 1893

(Y) "Mandatory prison term" means any of the following: 1894

(1) Subject to division (Y)(2) of this section, the term in 1895
prison that must be imposed for the offenses or circumstances set 1896
forth in divisions (F)(1) to (8) or (F)(12) to ~~(14)~~(18) of section 1897
2929.13 and division (D) of section 2929.14 of the Revised Code. 1898
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1899
and 2925.11 of the Revised Code, unless the maximum or another 1900
specific term is required under section 2929.14 or 2929.142 of the 1901
Revised Code, a mandatory prison term described in this division 1902
may be any prison term authorized for the level of offense. 1903

(2) The term of sixty or one hundred twenty days in prison 1904
that a sentencing court is required to impose for a third or 1905
fourth degree felony OVI offense pursuant to division (G)(2) of 1906
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1907
of the Revised Code or the term of one, two, three, four, or five 1908
years in prison that a sentencing court is required to impose 1909
pursuant to division (G)(2) of section 2929.13 of the Revised 1910
Code. 1911

(3) The term in prison imposed pursuant to division (A) of 1912
section 2971.03 of the Revised Code for the offenses and in the 1913
circumstances described in division (F)(11) of section 2929.13 of 1914
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 1915
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1916
2971.03 of the Revised Code and that term as modified or 1917
terminated pursuant to section 2971.05 of the Revised Code. 1918

(Z) "Monitored time" means a period of time during which an 1919
offender continues to be under the control of the sentencing court 1920

or parole board, subject to no conditions other than leading a law-abiding life.

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

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

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

(1) A stated prison term;

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

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

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

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

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

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

section. 1951

(2) The person previously was convicted of or pleaded guilty 1952
to an offense described in division (DD)(1)(a) or (b) of this 1953
section. 1954

(EE) "Sanction" means any penalty imposed upon an offender 1955
who is convicted of or pleads guilty to an offense, as punishment 1956
for the offense. "Sanction" includes any sanction imposed pursuant 1957
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1958
2929.28 of the Revised Code. 1959

(FF) "Sentence" means the sanction or combination of 1960
sanctions imposed by the sentencing court on an offender who is 1961
convicted of or pleads guilty to an offense. 1962

(GG) "Stated prison term" means the prison term, mandatory 1963
prison term, or combination of all prison terms and mandatory 1964
prison terms imposed by the sentencing court pursuant to section 1965
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 1966
2919.25 of the Revised Code. "Stated prison term" includes any 1967
credit received by the offender for time spent in jail awaiting 1968
trial, sentencing, or transfer to prison for the offense and any 1969
time spent under house arrest or house arrest with electronic 1970
monitoring imposed after earning credits pursuant to section 1971
2967.193 of the Revised Code. 1972

(HH) "Victim-offender mediation" means a reconciliation or 1973
mediation program that involves an offender and the victim of the 1974
offense committed by the offender and that includes a meeting in 1975
which the offender and the victim may discuss the offense, discuss 1976
restitution, and consider other sanctions for the offense. 1977

(II) "Fourth degree felony OVI offense" means a violation of 1978
division (A) of section 4511.19 of the Revised Code that, under 1979
division (G) of that section, is a felony of the fourth degree. 1980

(JJ) "Mandatory term of local incarceration" means the term 1981

of sixty or one hundred twenty days in a jail, a community-based 1982
correctional facility, a halfway house, or an alternative 1983
residential facility that a sentencing court may impose upon a 1984
person who is convicted of or pleads guilty to a fourth degree 1985
felony OVI offense pursuant to division (G)(1) of section 2929.13 1986
of the Revised Code and division (G)(1)(d) or (e) of section 1987
4511.19 of the Revised Code. 1988

(KK) "Designated homicide, assault, or kidnapping offense," 1989
"violent sex offense," "sexual motivation specification," 1990
"sexually violent offense," "sexually violent predator," and 1991
"sexually violent predator specification" have the same meanings 1992
as in section 2971.01 of the Revised Code. 1993

(LL) "Sexually oriented offense," "child-victim oriented 1994
offense," and "tier III sex offender/child-victim offender," have 1995
the same meanings as in section 2950.01 of the Revised Code. 1996

(MM) An offense is "committed in the vicinity of a child" if 1997
the offender commits the offense within thirty feet of or within 1998
the same residential unit as a child who is under eighteen years 1999
of age, regardless of whether the offender knows the age of the 2000
child or whether the offender knows the offense is being committed 2001
within thirty feet of or within the same residential unit as the 2002
child and regardless of whether the child actually views the 2003
commission of the offense. 2004

(NN) "Family or household member" has the same meaning as in 2005
section 2919.25 of the Revised Code. 2006

(OO) "Motor vehicle" and "manufactured home" have the same 2007
meanings as in section 4501.01 of the Revised Code. 2008

(PP) "Detention" and "detention facility" have the same 2009
meanings as in section 2921.01 of the Revised Code. 2010

(QQ) "Third degree felony OVI offense" means a violation of 2011
division (A) of section 4511.19 of the Revised Code that, under 2012

division (G) of that section, is a felony of the third degree. 2013

(RR) "Random drug testing" has the same meaning as in section 2014
5120.63 of the Revised Code. 2015

(SS) "Felony sex offense" has the same meaning as in section 2016
2967.28 of the Revised Code. 2017

(TT) "Body armor" has the same meaning as in section 2018
2941.1411 of the Revised Code. 2019

(UU) "Electronic monitoring" means monitoring through the use 2020
of an electronic monitoring device. 2021

(VV) "Electronic monitoring device" means any of the 2022
following: 2023

(1) Any device that can be operated by electrical or battery 2024
power and that conforms with all of the following: 2025

(a) The device has a transmitter that can be attached to a 2026
person, that will transmit a specified signal to a receiver of the 2027
type described in division (VV)(1)(b) of this section if the 2028
transmitter is removed from the person, turned off, or altered in 2029
any manner without prior court approval in relation to electronic 2030
monitoring or without prior approval of the department of 2031
rehabilitation and correction in relation to the use of an 2032
electronic monitoring device for an inmate on transitional control 2033
or otherwise is tampered with, that can transmit continuously and 2034
periodically a signal to that receiver when the person is within a 2035
specified distance from the receiver, and that can transmit an 2036
appropriate signal to that receiver if the person to whom it is 2037
attached travels a specified distance from that receiver. 2038

(b) The device has a receiver that can receive continuously 2039
the signals transmitted by a transmitter of the type described in 2040
division (VV)(1)(a) of this section, can transmit continuously 2041
those signals by telephone to a central monitoring computer of the 2042

type described in division (VV)(1)(c) of this section, and can 2043
transmit continuously an appropriate signal to that central 2044
monitoring computer if the receiver is turned off or altered 2045
without prior court approval or otherwise tampered with. 2046

(c) The device has a central monitoring computer that can 2047
receive continuously the signals transmitted by telephone by a 2048
receiver of the type described in division (VV)(1)(b) of this 2049
section and can monitor continuously the person to whom an 2050
electronic monitoring device of the type described in division 2051
(VV)(1)(a) of this section is attached. 2052

(2) Any device that is not a device of the type described in 2053
division (VV)(1) of this section and that conforms with all of the 2054
following: 2055

(a) The device includes a transmitter and receiver that can 2056
monitor and determine the location of a subject person at any 2057
time, or at a designated point in time, through the use of a 2058
central monitoring computer or through other electronic means. 2059

(b) The device includes a transmitter and receiver that can 2060
determine at any time, or at a designated point in time, through 2061
the use of a central monitoring computer or other electronic means 2062
the fact that the transmitter is turned off or altered in any 2063
manner without prior approval of the court in relation to the 2064
electronic monitoring or without prior approval of the department 2065
of rehabilitation and correction in relation to the use of an 2066
electronic monitoring device for an inmate on transitional control 2067
or otherwise is tampered with. 2068

(3) Any type of technology that can adequately track or 2069
determine the location of a subject person at any time and that is 2070
approved by the director of rehabilitation and correction, 2071
including, but not limited to, any satellite technology, voice 2072
tracking system, or retinal scanning system that is so approved. 2073

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

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

(YY) "Continuous alcohol monitoring" means the ability to automatically test and periodically transmit alcohol consumption levels and tamper attempts at least every hour, regardless of the location of the person who is being monitored.

(ZZ) A person is "adjudicated a sexually violent predator" if the person is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that violent sex offense or if the person is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that designated homicide, assault, or kidnapping offense.

(AAA) An offense is "committed in proximity to a school" if the offender commits the offense in a school safety zone or within five hundred feet of any school building or the boundaries of any school premises, regardless of whether the offender knows the offense is being committed in a school safety zone or within five hundred feet of any school building or the boundaries of any school premises.

(BBB) "Human trafficking" means a scheme or plan to which all 2106
of the following apply: 2107

(1) Its object is to compel a victim or victims to engage in 2108
sexual activity for hire, to engage in a performance that is 2109
obscene, sexually oriented, or nudity oriented, or to be a model 2110
or participant in the production of material that is obscene, 2111
sexually oriented, or nudity oriented. 2112

(2) It involves at least two felony offenses, whether or not 2113
there has been a prior conviction for any of the felony offenses, 2114
to which all of the following apply: 2115

(a) Each of the felony offenses is a violation of section 2116
2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or 2117
(2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) 2118
of section 2919.22 of the Revised Code or is a violation of a law 2119
of any state other than this state that is substantially similar 2120
to any of the sections or divisions of the Revised Code identified 2121
in this division. 2122

(b) At least one of the felony offenses was committed in this 2123
state. 2124

(c) The felony offenses are related to the same scheme or 2125
plan, are not isolated instances, and are not so closely related 2126
to each other and connected in time and place that they constitute 2127
a single event or transaction. 2128

(CCC) "Material," "nudity," "obscene," "performance," and 2129
"sexual activity" have the same meanings as in section 2907.01 of 2130
the Revised Code. 2131

(DDD) "Material that is obscene, sexually oriented, or nudity 2132
oriented" means any material that is obscene, that shows a person 2133
participating or engaging in sexual activity, masturbation, or 2134
bestiality, or that shows a person in a state of nudity. 2135

(EEE) "Performance that is obscene, sexually oriented, or
nudity oriented" means any performance that is obscene, that shows
a person participating or engaging in sexual activity,
masturbation, or bestiality, or that shows a person in a state of
nudity.

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

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

If the offender is being sentenced for a fourth degree felony
OVI offense or for a third degree felony OVI offense, in addition
to the mandatory term of local incarceration or the mandatory
prison term required for the offense by division (G)(1) or (2) of
this section, the court shall impose upon the offender a mandatory

fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

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

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (D)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1) Except as provided in division (B)(2), (E), (F), or (G) of this section, in sentencing an offender for a felony of the fourth or fifth degree, the sentencing court shall determine whether any of the following apply:

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

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

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

(d) The offender held a public office or position of trust 2198
and the offense related to that office or position; the offender's 2199
position obliged the offender to prevent the offense or to bring 2200
those committing it to justice; or the offender's professional 2201
reputation or position facilitated the offense or was likely to 2202
influence the future conduct of others. 2203

(e) The offender committed the offense for hire or as part of 2204
an organized criminal activity. 2205

(f) The offense is a sex offense that is a fourth or fifth 2206
degree felony violation of section 2907.03, 2907.04, 2907.05, 2207
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 2208
Revised Code. 2209

(g) The offender at the time of the offense was serving, or 2210
the offender previously had served, a prison term. 2211

(h) The offender committed the offense while under a 2212
community control sanction, while on probation, or while released 2213
from custody on a bond or personal recognizance. 2214

(i) The offender committed the offense while in possession of 2215
a firearm. 2216

(2)(a) If the court makes a finding described in division 2217
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 2218
section and if the court, after considering the factors set forth 2219
in section 2929.12 of the Revised Code, finds that a prison term 2220
is consistent with the purposes and principles of sentencing set 2221
forth in section 2929.11 of the Revised Code and finds that the 2222
offender is not amenable to an available community control 2223
sanction, the court shall impose a prison term upon the offender. 2224

(b) Except as provided in division (E), (F), or (G) of this 2225
section, if the court does not make a finding described in 2226
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 2227
this section and if the court, after considering the factors set 2228

forth in section 2929.12 of the Revised Code, finds that a 2229
community control sanction or combination of community control 2230
sanctions is consistent with the purposes and principles of 2231
sentencing set forth in section 2929.11 of the Revised Code, the 2232
court shall impose a community control sanction or combination of 2233
community control sanctions upon the offender. 2234

(C) Except as provided in division (D), (E), (F), or (G) of 2235
this section, in determining whether to impose a prison term as a 2236
sanction for a felony of the third degree or a felony drug offense 2237
that is a violation of a provision of Chapter 2925. of the Revised 2238
Code and that is specified as being subject to this division for 2239
purposes of sentencing, the sentencing court shall comply with the 2240
purposes and principles of sentencing under section 2929.11 of the 2241
Revised Code and with section 2929.12 of the Revised Code. 2242

(D)(1) Except as provided in division (E) or (F) of this 2243
section, for a felony of the first or second degree, for a felony 2244
drug offense that is a violation of any provision of Chapter 2245
2925., 3719., or 4729. of the Revised Code for which a presumption 2246
in favor of a prison term is specified as being applicable, and 2247
for a violation of division (A)(4) or (B) of section 2907.05 of 2248
the Revised Code for which a presumption in favor of a prison term 2249
is specified as being applicable, it is presumed that a prison 2250
term is necessary in order to comply with the purposes and 2251
principles of sentencing under section 2929.11 of the Revised 2252
Code. Division (D)(2) of this section does not apply to a 2253
presumption established under this division for a violation of 2254
division (A)(4) of section 2907.05 of the Revised Code. 2255

(2) Notwithstanding the presumption established under 2256
division (D)(1) of this section for the offenses listed in that 2257
division other than a violation of division (A)(4) or (B) of 2258
section 2907.05 of the Revised Code, the sentencing court may 2259
impose a community control sanction or a combination of community 2260

control sanctions instead of a prison term on an offender for a 2261
felony of the first or second degree or for a felony drug offense 2262
that is a violation of any provision of Chapter 2925., 3719., or 2263
4729. of the Revised Code for which a presumption in favor of a 2264
prison term is specified as being applicable if it makes both of 2265
the following findings: 2266

(a) A community control sanction or a combination of 2267
community control sanctions would adequately punish the offender 2268
and protect the public from future crime, because the applicable 2269
factors under section 2929.12 of the Revised Code indicating a 2270
lesser likelihood of recidivism outweigh the applicable factors 2271
under that section indicating a greater likelihood of recidivism. 2272

(b) A community control sanction or a combination of 2273
community control sanctions would not demean the seriousness of 2274
the offense, because one or more factors under section 2929.12 of 2275
the Revised Code that indicate that the offender's conduct was 2276
less serious than conduct normally constituting the offense are 2277
applicable, and they outweigh the applicable factors under that 2278
section that indicate that the offender's conduct was more serious 2279
than conduct normally constituting the offense. 2280

(E)(1) Except as provided in division (F) of this section, 2281
for any drug offense that is a violation of any provision of 2282
Chapter 2925. of the Revised Code and that is a felony of the 2283
third, fourth, or fifth degree, the applicability of a presumption 2284
under division (D) of this section in favor of a prison term or of 2285
division (B) or (C) of this section in determining whether to 2286
impose a prison term for the offense shall be determined as 2287
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2288
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 2289
Revised Code, whichever is applicable regarding the violation. 2290

(2) If an offender who was convicted of or pleaded guilty to 2291
a felony violates the conditions of a community control sanction 2292

imposed for the offense solely by reason of producing positive 2293
results on a drug test, the court, as punishment for the violation 2294
of the sanction, shall not order that the offender be imprisoned 2295
unless the court determines on the record either of the following: 2296

(a) The offender had been ordered as a sanction for the 2297
felony to participate in a drug treatment program, in a drug 2298
education program, or in narcotics anonymous or a similar program, 2299
and the offender continued to use illegal drugs after a reasonable 2300
period of participation in the program. 2301

(b) The imprisonment of the offender for the violation is 2302
consistent with the purposes and principles of sentencing set 2303
forth in section 2929.11 of the Revised Code. 2304

(F) Notwithstanding divisions (A) to (E) of this section, the 2305
court shall impose a prison term or terms under sections 2929.02 2306
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 2307
of the Revised Code and except as specifically provided in section 2308
2929.20 or 2967.191 of the Revised Code or when parole is 2309
authorized for the offense under section 2967.13 of the Revised 2310
Code shall not reduce the term or terms pursuant to section 2311
2929.20, section 2967.193, or any other provision of Chapter 2967. 2312
or Chapter 5120. of the Revised Code for any of the following 2313
offenses: 2314

(1) Aggravated murder when death is not imposed or murder; 2315

(2) Any rape, regardless of whether force was involved and 2316
regardless of the age of the victim, or an attempt to commit rape 2317
if, had the offender completed the rape that was attempted, the 2318
offender would have been guilty of a violation of division 2319
(A)(1)(b) of section 2907.02 of the Revised Code and would be 2320
sentenced under section 2971.03 of the Revised Code; 2321

(3) Gross sexual imposition or sexual battery, if the victim 2322
is less than thirteen years of age and if any of the following 2323

applies:	2324
(a) Regarding gross sexual imposition, the offender	2325
previously was convicted of or pleaded guilty to rape, the former	2326
offense of felonious sexual penetration, gross sexual imposition,	2327
or sexual battery, and the victim of the previous offense was less	2328
than thirteen years of age;	2329
(b) Regarding gross sexual imposition, the offense was	2330
committed on or after August 3, 2006, and evidence other than the	2331
testimony of the victim was admitted in the case corroborating the	2332
violation.	2333
(c) Regarding sexual battery, either of the following	2334
applies:	2335
(i) The offense was committed prior to August 3, 2006, the	2336
offender previously was convicted of or pleaded guilty to rape,	2337
the former offense of felonious sexual penetration, or sexual	2338
battery, and the victim of the previous offense was less than	2339
thirteen years of age.	2340
(ii) The offense was committed on or after August 3, 2006.	2341
(4) A felony violation of section 2903.04, 2903.06, 2903.08,	2342
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the	2343
section requires the imposition of a prison term;	2344
(5) A first, second, or third degree felony drug offense for	2345
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	2346
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or	2347
4729.99 of the Revised Code, whichever is applicable regarding the	2348
violation, requires the imposition of a mandatory prison term;	2349
(6) Any offense that is a first or second degree felony and	2350
that is not set forth in division (F)(1), (2), (3), or (4) of this	2351
section, if the offender previously was convicted of or pleaded	2352
guilty to aggravated murder, murder, any first or second degree	2353

felony, or an offense under an existing or former law of this 2354
state, another state, or the United States that is or was 2355
substantially equivalent to one of those offenses; 2356

(7) Any offense that is a third degree felony and either is a 2357
violation of section 2903.04 of the Revised Code or an attempt to 2358
commit a felony of the second degree that is an offense of 2359
violence and involved an attempt to cause serious physical harm to 2360
a person or that resulted in serious physical harm to a person if 2361
the offender previously was convicted of or pleaded guilty to any 2362
of the following offenses: 2363

(a) Aggravated murder, murder, involuntary manslaughter, 2364
rape, felonious sexual penetration as it existed under section 2365
2907.12 of the Revised Code prior to September 3, 1996, a felony 2366
of the first or second degree that resulted in the death of a 2367
person or in physical harm to a person, or complicity in or an 2368
attempt to commit any of those offenses; 2369

(b) An offense under an existing or former law of this state, 2370
another state, or the United States that is or was substantially 2371
equivalent to an offense listed in division (F)(7)(a) of this 2372
section that resulted in the death of a person or in physical harm 2373
to a person. 2374

(8) Any offense, other than a violation of section 2923.12 of 2375
the Revised Code, that is a felony, if the offender had a firearm 2376
on or about the offender's person or under the offender's control 2377
while committing the felony, with respect to a portion of the 2378
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 2379
of the Revised Code for having the firearm; 2380

(9) Any offense of violence that is a felony, if the offender 2381
wore or carried body armor while committing the felony offense of 2382
violence, with respect to the portion of the sentence imposed 2383
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 2384

Code for wearing or carrying the body armor;	2385
(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;	2386 2387 2388 2389
(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;	2390 2391 2392
(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;	2393 2394 2395 2396 2397
(13) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (D)(5) of section 2929.14 of the Revised Code;	2398 2399 2400 2401 2402 2403 2404
(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (D)(6) of section 2929.14 of the Revised Code;	2405 2406 2407 2408 2409 2410 2411 2412 2413
(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of	2414 2415

division (F) of this section applies; 2416

(16) Kidnapping, abduction, compelling prostitution, 2417
promoting prostitution, engaging in a pattern of corrupt activity, 2418
illegal use of a minor in a nudity-oriented material or 2419
performance in violation of division (A)(1) or (2) of section 2420
2907.323 of the Revised Code, or endangering children in violation 2421
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 2422
the Revised Code, if the offender is convicted of or pleads guilty 2423
to a specification as described in section 2941.1422 of the 2424
Revised Code that was included in the indictment, count in the 2425
indictment, or information charging the offense; 2426

(17) A felony violation of division (A) or (B) of section 2427
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 2428
that section, and division (A)(6) of that section, require the 2429
imposition of a prison term; 2430

(18) A felony violation of section 2903.11, 2903.12, or 2431
2903.13 of the Revised Code, if the victim of the offense was a 2432
woman that the offender knew was pregnant at the time of the 2433
violation, with respect to a portion of the sentence imposed 2434
pursuant to division (D)(8) of section 2929.14 of the Revised 2435
Code. 2436

(G) Notwithstanding divisions (A) to (E) of this section, if 2437
an offender is being sentenced for a fourth degree felony OVI 2438
offense or for a third degree felony OVI offense, the court shall 2439
impose upon the offender a mandatory term of local incarceration 2440
or a mandatory prison term in accordance with the following: 2441

(1) If the offender is being sentenced for a fourth degree 2442
felony OVI offense and if the offender has not been convicted of 2443
and has not pleaded guilty to a specification of the type 2444
described in section 2941.1413 of the Revised Code, the court may 2445
impose upon the offender a mandatory term of local incarceration 2446

of sixty days or one hundred twenty days as specified in division 2447
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 2448
not reduce the term pursuant to section 2929.20, 2967.193, or any 2449
other provision of the Revised Code. The court that imposes a 2450
mandatory term of local incarceration under this division shall 2451
specify whether the term is to be served in a jail, a 2452
community-based correctional facility, a halfway house, or an 2453
alternative residential facility, and the offender shall serve the 2454
term in the type of facility specified by the court. A mandatory 2455
term of local incarceration imposed under division (G)(1) of this 2456
section is not subject to extension under section 2967.11 of the 2457
Revised Code, to a period of post-release control under section 2458
2967.28 of the Revised Code, or to any other Revised Code 2459
provision that pertains to a prison term except as provided in 2460
division (A)(1) of this section. 2461

(2) If the offender is being sentenced for a third degree 2462
felony OVI offense, or if the offender is being sentenced for a 2463
fourth degree felony OVI offense and the court does not impose a 2464
mandatory term of local incarceration under division (G)(1) of 2465
this section, the court shall impose upon the offender a mandatory 2466
prison term of one, two, three, four, or five years if the 2467
offender also is convicted of or also pleads guilty to a 2468
specification of the type described in section 2941.1413 of the 2469
Revised Code or shall impose upon the offender a mandatory prison 2470
term of sixty days or one hundred twenty days as specified in 2471
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2472
if the offender has not been convicted of and has not pleaded 2473
guilty to a specification of that type. The court shall not reduce 2474
the term pursuant to section 2929.20, 2967.193, or any other 2475
provision of the Revised Code. The offender shall serve the one-, 2476
two-, three-, four-, or five-year mandatory prison term 2477
consecutively to and prior to the prison term imposed for the 2478
underlying offense and consecutively to any other mandatory prison 2479

term imposed in relation to the offense. In no case shall an 2480
offender who once has been sentenced to a mandatory term of local 2481
incarceration pursuant to division (G)(1) of this section for a 2482
fourth degree felony OVI offense be sentenced to another mandatory 2483
term of local incarceration under that division for any violation 2484
of division (A) of section 4511.19 of the Revised Code. In 2485
addition to the mandatory prison term described in division (G)(2) 2486
of this section, the court may sentence the offender to a 2487
community control sanction under section 2929.16 or 2929.17 of the 2488
Revised Code, but the offender shall serve the prison term prior 2489
to serving the community control sanction. The department of 2490
rehabilitation and correction may place an offender sentenced to a 2491
mandatory prison term under this division in an intensive program 2492
prison established pursuant to section 5120.033 of the Revised 2493
Code if the department gave the sentencing judge prior notice of 2494
its intent to place the offender in an intensive program prison 2495
established under that section and if the judge did not notify the 2496
department that the judge disapproved the placement. Upon the 2497
establishment of the initial intensive program prison pursuant to 2498
section 5120.033 of the Revised Code that is privately operated 2499
and managed by a contractor pursuant to a contract entered into 2500
under section 9.06 of the Revised Code, both of the following 2501
apply: 2502

(a) The department of rehabilitation and correction shall 2503
make a reasonable effort to ensure that a sufficient number of 2504
offenders sentenced to a mandatory prison term under this division 2505
are placed in the privately operated and managed prison so that 2506
the privately operated and managed prison has full occupancy. 2507

(b) Unless the privately operated and managed prison has full 2508
occupancy, the department of rehabilitation and correction shall 2509
not place any offender sentenced to a mandatory prison term under 2510
this division in any intensive program prison established pursuant 2511

to section 5120.033 of the Revised Code other than the privately 2512
operated and managed prison. 2513

(H) If an offender is being sentenced for a sexually oriented 2514
offense or child-victim oriented offense that is a felony 2515
committed on or after January 1, 1997, the judge shall require the 2516
offender to submit to a DNA specimen collection procedure pursuant 2517
to section 2901.07 of the Revised Code. 2518

(I) If an offender is being sentenced for a sexually oriented 2519
offense or a child-victim oriented offense committed on or after 2520
January 1, 1997, the judge shall include in the sentence a summary 2521
of the offender's duties imposed under sections 2950.04, 2950.041, 2522
2950.05, and 2950.06 of the Revised Code and the duration of the 2523
duties. The judge shall inform the offender, at the time of 2524
sentencing, of those duties and of their duration. If required 2525
under division (A)(2) of section 2950.03 of the Revised Code, the 2526
judge shall perform the duties specified in that section, or, if 2527
required under division (A)(6) of section 2950.03 of the Revised 2528
Code, the judge shall perform the duties specified in that 2529
division. 2530

(J)(1) Except as provided in division (J)(2) of this section, 2531
when considering sentencing factors under this section in relation 2532
to an offender who is convicted of or pleads guilty to an attempt 2533
to commit an offense in violation of section 2923.02 of the 2534
Revised Code, the sentencing court shall consider the factors 2535
applicable to the felony category of the violation of section 2536
2923.02 of the Revised Code instead of the factors applicable to 2537
the felony category of the offense attempted. 2538

(2) When considering sentencing factors under this section in 2539
relation to an offender who is convicted of or pleads guilty to an 2540
attempt to commit a drug abuse offense for which the penalty is 2541
determined by the amount or number of unit doses of the controlled 2542
substance involved in the drug abuse offense, the sentencing court 2543

shall consider the factors applicable to the felony category that 2544
the drug abuse offense attempted would be if that drug abuse 2545
offense had been committed and had involved an amount or number of 2546
unit doses of the controlled substance that is within the next 2547
lower range of controlled substance amounts than was involved in 2548
the attempt. 2549

(K) As used in this section, "drug abuse offense" has the 2550
same meaning as in section 2925.01 of the Revised Code. 2551

(L) At the time of sentencing an offender for any sexually 2552
oriented offense, if the offender is a tier III sex 2553
offender/child-victim offender relative to that offense and the 2554
offender does not serve a prison term or jail term, the court may 2555
require that the offender be monitored by means of a global 2556
positioning device. If the court requires such monitoring, the 2557
cost of monitoring shall be borne by the offender. If the offender 2558
is indigent, the cost of compliance shall be paid by the crime 2559
victims reparations fund. 2560

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2561
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), 2562
(J), or (L) of this section or in division (D)(6) of section 2563
2919.25 of the Revised Code and except in relation to an offense 2564
for which a sentence of death or life imprisonment is to be 2565
imposed, if the court imposing a sentence upon an offender for a 2566
felony elects or is required to impose a prison term on the 2567
offender pursuant to this chapter, the court shall impose a 2568
definite prison term that shall be one of the following: 2569

(1) For a felony of the first degree, the prison term shall 2571
be three, four, five, six, seven, eight, nine, or ten years. 2572

(2) For a felony of the second degree, the prison term shall 2573
be two, three, four, five, six, seven, or eight years. 2574

(3) For a felony of the third degree, the prison term shall 2575
be one, two, three, four, or five years. 2576

(4) For a felony of the fourth degree, the prison term shall 2577
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2578
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2579

(5) For a felony of the fifth degree, the prison term shall 2580
be six, seven, eight, nine, ten, eleven, or twelve months. 2581

(B) Except as provided in division (C), (D)(1), (D)(2), 2582
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), (J), or (L) of 2583
this section, in section 2907.02 ~~or~~, 2907.05, or 2919.25 of the 2584
Revised Code, or in Chapter 2925. of the Revised Code, if the 2585
court imposing a sentence upon an offender for a felony elects or 2586
is required to impose a prison term on the offender, the court 2587
shall impose the shortest prison term authorized for the offense 2588
pursuant to division (A) of this section, unless one or more of 2589
the following applies: 2590

(1) The offender was serving a prison term at the time of the 2591
offense, or the offender previously had served a prison term. 2592

(2) The court finds on the record that the shortest prison 2593
term will demean the seriousness of the offender's conduct or will 2594
not adequately protect the public from future crime by the 2595
offender or others. 2596

(C) Except as provided in division (D)(7), (D)(8), (G), or 2597
(L) of this section, in section 2919.25 of the Revised Code, or in 2598
Chapter 2925. of the Revised Code, the court imposing a sentence 2599
upon an offender for a felony may impose the longest prison term 2600
authorized for the offense pursuant to division (A) of this 2601
section only upon offenders who committed the worst forms of the 2602
offense, upon offenders who pose the greatest likelihood of 2603
committing future crimes, upon certain major drug offenders under 2604
division (D)(3) of this section, and upon certain repeat violent 2605

offenders in accordance with division (D)(2) of this section. 2606

2607

(D)(1)(a) Except as provided in division (D)(1)(e) of this 2608
section, if an offender who is convicted of or pleads guilty to a 2609
felony also is convicted of or pleads guilty to a specification of 2610
the type described in section 2941.141, 2941.144, or 2941.145 of 2611
the Revised Code, the court shall impose on the offender one of 2612
the following prison terms: 2613

(i) A prison term of six years if the specification is of the 2614
type described in section 2941.144 of the Revised Code that 2615
charges the offender with having a firearm that is an automatic 2616
firearm or that was equipped with a firearm muffler or silencer on 2617
or about the offender's person or under the offender's control 2618
while committing the felony; 2619

(ii) A prison term of three years if the specification is of 2620
the type described in section 2941.145 of the Revised Code that 2621
charges the offender with having a firearm on or about the 2622
offender's person or under the offender's control while committing 2623
the offense and displaying the firearm, brandishing the firearm, 2624
indicating that the offender possessed the firearm, or using it to 2625
facilitate the offense; 2626

(iii) A prison term of one year if the specification is of 2627
the type described in section 2941.141 of the Revised Code that 2628
charges the offender with having a firearm on or about the 2629
offender's person or under the offender's control while committing 2630
the felony. 2631

(b) If a court imposes a prison term on an offender under 2632
division (D)(1)(a) of this section, the prison term shall not be 2633
reduced pursuant to section 2929.20, section 2967.193, or any 2634
other provision of Chapter 2967. or Chapter 5120. of the Revised 2635
Code. Except as provided in division (D)(1)(g) of this section, a 2636

court shall not impose more than one prison term on an offender 2637
under division (D)(1)(a) of this section for felonies committed as 2638
part of the same act or transaction. 2639

(c) Except as provided in division (D)(1)(e) of this section, 2640
if an offender who is convicted of or pleads guilty to a violation 2641
of section 2923.161 of the Revised Code or to a felony that 2642
includes, as an essential element, purposely or knowingly causing 2643
or attempting to cause the death of or physical harm to another, 2644
also is convicted of or pleads guilty to a specification of the 2645
type described in section 2941.146 of the Revised Code that 2646
charges the offender with committing the offense by discharging a 2647
firearm from a motor vehicle other than a manufactured home, the 2648
court, after imposing a prison term on the offender for the 2649
violation of section 2923.161 of the Revised Code or for the other 2650
felony offense under division (A), (D)(2), or (D)(3) of this 2651
section, shall impose an additional prison term of five years upon 2652
the offender that shall not be reduced pursuant to section 2653
2929.20, section 2967.193, or any other provision of Chapter 2967. 2654
or Chapter 5120. of the Revised Code. A court shall not impose 2655
more than one additional prison term on an offender under division 2656
(D)(1)(c) of this section for felonies committed as part of the 2657
same act or transaction. If a court imposes an additional prison 2658
term on an offender under division (D)(1)(c) of this section 2659
relative to an offense, the court also shall impose a prison term 2660
under division (D)(1)(a) of this section relative to the same 2661
offense, provided the criteria specified in that division for 2662
imposing an additional prison term are satisfied relative to the 2663
offender and the offense. 2664

(d) If an offender who is convicted of or pleads guilty to an 2665
offense of violence that is a felony also is convicted of or 2666
pleads guilty to a specification of the type described in section 2667
2941.1411 of the Revised Code that charges the offender with 2668

wearing or carrying body armor while committing the felony offense 2669
of violence, the court shall impose on the offender a prison term 2670
of two years. The prison term so imposed shall not be reduced 2671
pursuant to section 2929.20, section 2967.193, or any other 2672
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2673
court shall not impose more than one prison term on an offender 2674
under division (D)(1)(d) of this section for felonies committed as 2675
part of the same act or transaction. If a court imposes an 2676
additional prison term under division (D)(1)(a) or (c) of this 2677
section, the court is not precluded from imposing an additional 2678
prison term under division (D)(1)(d) of this section. 2679

(e) The court shall not impose any of the prison terms 2680
described in division (D)(1)(a) of this section or any of the 2681
additional prison terms described in division (D)(1)(c) of this 2682
section upon an offender for a violation of section 2923.12 or 2683
2923.123 of the Revised Code. The court shall not impose any of 2684
the prison terms described in division (D)(1)(a) or (b) of this 2685
section upon an offender for a violation of section 2923.122 that 2686
involves a deadly weapon that is a firearm other than a dangerous 2687
ordnance, section 2923.16, or section 2923.121 of the Revised 2688
Code. The court shall not impose any of the prison terms described 2689
in division (D)(1)(a) of this section or any of the additional 2690
prison terms described in division (D)(1)(c) of this section upon 2691
an offender for a violation of section 2923.13 of the Revised Code 2692
unless all of the following apply: 2693

(i) The offender previously has been convicted of aggravated 2694
murder, murder, or any felony of the first or second degree. 2695

(ii) Less than five years have passed since the offender was 2696
released from prison or post-release control, whichever is later, 2697
for the prior offense. 2698

(f) If an offender is convicted of or pleads guilty to a 2699
felony that includes, as an essential element, causing or 2700

attempting to cause the death of or physical harm to another and 2701
also is convicted of or pleads guilty to a specification of the 2702
type described in section 2941.1412 of the Revised Code that 2703
charges the offender with committing the offense by discharging a 2704
firearm at a peace officer as defined in section 2935.01 of the 2705
Revised Code or a corrections officer, as defined in section 2706
2941.1412 of the Revised Code, the court, after imposing a prison 2707
term on the offender for the felony offense under division (A), 2708
(D)(2), or (D)(3) of this section, shall impose an additional 2709
prison term of seven years upon the offender that shall not be 2710
reduced pursuant to section 2929.20, section 2967.193, or any 2711
other provision of Chapter 2967. or Chapter 5120. of the Revised 2712
Code. If an offender is convicted of or pleads guilty to two or 2713
more felonies that include, as an essential element, causing or 2714
attempting to cause the death or physical harm to another and also 2715
is convicted of or pleads guilty to a specification of the type 2716
described under division (D)(1)(f) of this section in connection 2717
with two or more of the felonies of which the offender is 2718
convicted or to which the offender pleads guilty, the sentencing 2719
court shall impose on the offender the prison term specified under 2720
division (D)(1)(f) of this section for each of two of the 2721
specifications of which the offender is convicted or to which the 2722
offender pleads guilty and, in its discretion, also may impose on 2723
the offender the prison term specified under that division for any 2724
or all of the remaining specifications. If a court imposes an 2725
additional prison term on an offender under division (D)(1)(f) of 2726
this section relative to an offense, the court shall not impose a 2727
prison term under division (D)(1)(a) or (c) of this section 2728
relative to the same offense. 2729

(g) If an offender is convicted of or pleads guilty to two or 2730
more felonies, if one or more of those felonies is aggravated 2731
murder, murder, attempted aggravated murder, attempted murder, 2732
aggravated robbery, felonious assault, or rape, and if the 2733

offender is convicted of or pleads guilty to a specification of 2734
the type described under division (D)(1)(a) of this section in 2735
connection with two or more of the felonies, the sentencing court 2736
shall impose on the offender the prison term specified under 2737
division (D)(1)(a) of this section for each of the two most 2738
serious specifications of which the offender is convicted or to 2739
which the offender pleads guilty and, in its discretion, also may 2740
impose on the offender the prison term specified under that 2741
division for any or all of the remaining specifications. 2742

(2)(a) If division (D)(2)(b) of this section does not apply, 2743
the court may impose on an offender, in addition to the longest 2744
prison term authorized or required for the offense, an additional 2745
definite prison term of one, two, three, four, five, six, seven, 2746
eight, nine, or ten years if all of the following criteria are 2747
met: 2748

(i) The offender is convicted of or pleads guilty to a 2749
specification of the type described in section 2941.149 of the 2750
Revised Code that the offender is a repeat violent offender. 2751

(ii) The offense of which the offender currently is convicted 2752
or to which the offender currently pleads guilty is aggravated 2753
murder and the court does not impose a sentence of death or life 2754
imprisonment without parole, murder, terrorism and the court does 2755
not impose a sentence of life imprisonment without parole, any 2756
felony of the first degree that is an offense of violence and the 2757
court does not impose a sentence of life imprisonment without 2758
parole, or any felony of the second degree that is an offense of 2759
violence and the trier of fact finds that the offense involved an 2760
attempt to cause or a threat to cause serious physical harm to a 2761
person or resulted in serious physical harm to a person. 2762

(iii) The court imposes the longest prison term for the 2763
offense that is not life imprisonment without parole. 2764

(iv) The court finds that the prison terms imposed pursuant to division (D)(2)(a)(iii) of this section and, if applicable, division (D)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

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

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

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

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

division of which the offender previously has been convicted or to 2797
which the offender previously pleaded guilty, whether prosecuted 2798
together or separately. 2799

(iii) The offense or offenses of which the offender currently 2800
is convicted or to which the offender currently pleads guilty is 2801
aggravated murder and the court does not impose a sentence of 2802
death or life imprisonment without parole, murder, terrorism and 2803
the court does not impose a sentence of life imprisonment without 2804
parole, any felony of the first degree that is an offense of 2805
violence and the court does not impose a sentence of life 2806
imprisonment without parole, or any felony of the second degree 2807
that is an offense of violence and the trier of fact finds that 2808
the offense involved an attempt to cause or a threat to cause 2809
serious physical harm to a person or resulted in serious physical 2810
harm to a person. 2811

(c) For purposes of division (D)(2)(b) of this section, two 2812
or more offenses committed at the same time or as part of the same 2813
act or event shall be considered one offense, and that one offense 2814
shall be the offense with the greatest penalty. 2815

(d) A sentence imposed under division (D)(2)(a) or (b) of 2816
this section shall not be reduced pursuant to section 2929.20 or 2817
section 2967.193, or any other provision of Chapter 2967. or 2818
Chapter 5120. of the Revised Code. The offender shall serve an 2819
additional prison term imposed under this section consecutively to 2820
and prior to the prison term imposed for the underlying offense. 2821

(e) When imposing a sentence pursuant to division (D)(2)(a) 2822
or (b) of this section, the court shall state its findings 2823
explaining the imposed sentence. 2824

(3)(a) Except when an offender commits a violation of section 2825
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2826
the violation is life imprisonment or commits a violation of 2827

section 2903.02 of the Revised Code, if the offender commits a 2828
violation of section 2925.03 or 2925.11 of the Revised Code and 2829
that section classifies the offender as a major drug offender and 2830
requires the imposition of a ten-year prison term on the offender, 2831
if the offender commits a felony violation of section 2925.02, 2832
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2833
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2834
division (C) of section 4729.51, or division (J) of section 2835
4729.54 of the Revised Code that includes the sale, offer to sell, 2836
or possession of a schedule I or II controlled substance, with the 2837
exception of marihuana, and the court imposing sentence upon the 2838
offender finds that the offender is guilty of a specification of 2839
the type described in section 2941.1410 of the Revised Code 2840
charging that the offender is a major drug offender, if the court 2841
imposing sentence upon an offender for a felony finds that the 2842
offender is guilty of corrupt activity with the most serious 2843
offense in the pattern of corrupt activity being a felony of the 2844
first degree, or if the offender is guilty of an attempted 2845
violation of section 2907.02 of the Revised Code and, had the 2846
offender completed the violation of section 2907.02 of the Revised 2847
Code that was attempted, the offender would have been subject to a 2848
sentence of life imprisonment or life imprisonment without parole 2849
for the violation of section 2907.02 of the Revised Code, the 2850
court shall impose upon the offender for the felony violation a 2851
ten-year prison term that cannot be reduced pursuant to section 2852
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2853

(b) The court imposing a prison term on an offender under 2854
division (D)(3)(a) of this section may impose an additional prison 2855
term of one, two, three, four, five, six, seven, eight, nine, or 2856
ten years, if the court, with respect to the term imposed under 2857
division (D)(3)(a) of this section and, if applicable, divisions 2858
(D)(1) and (2) of this section, makes both of the findings set 2859
forth in divisions (D)(2)(a)(iv) and (v) of this section. 2860

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (D)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code and the court imposes a mandatory term of local

incarceration, the court may impose a prison term as described in 2894
division (A)(1) of that section. 2895

(5) If an offender is convicted of or pleads guilty to a 2896
violation of division (A)(1) or (2) of section 2903.06 of the 2897
Revised Code and also is convicted of or pleads guilty to a 2898
specification of the type described in section 2941.1414 of the 2899
Revised Code that charges that the victim of the offense is a 2900
peace officer, as defined in section 2935.01 of the Revised Code, 2901
or an investigator of the bureau of criminal identification and 2902
investigation, as defined in section 2903.11 of the Revised Code, 2903
the court shall impose on the offender a prison term of five 2904
years. If a court imposes a prison term on an offender under 2905
division (D)(5) of this section, the prison term shall not be 2906
reduced pursuant to section 2929.20, section 2967.193, or any 2907
other provision of Chapter 2967. or Chapter 5120. of the Revised 2908
Code. A court shall not impose more than one prison term on an 2909
offender under division (D)(5) of this section for felonies 2910
committed as part of the same act. 2911

(6) If an offender is convicted of or pleads guilty to a 2912
violation of division (A)(1) or (2) of section 2903.06 of the 2913
Revised Code and also is convicted of or pleads guilty to a 2914
specification of the type described in section 2941.1415 of the 2915
Revised Code that charges that the offender previously has been 2916
convicted of or pleaded guilty to three or more violations of 2917
division (A) or (B) of section 4511.19 of the Revised Code or an 2918
equivalent offense, as defined in section 2941.1415 of the Revised 2919
Code, or three or more violations of any combination of those 2920
divisions and offenses, the court shall impose on the offender a 2921
prison term of three years. If a court imposes a prison term on an 2922
offender under division (D)(6) of this section, the prison term 2923
shall not be reduced pursuant to section 2929.20, section 2924
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2925

of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(6) of this section for felonies committed as part of the same act.

(7)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than ten years;

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code;

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised.

(b) The prison term imposed under division (D)(7)(a) of this section shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(7)(a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a

felony violation of section 2903.11, 2903.12, or 2903.13 of the 2957
Revised Code and also is convicted of or pleads guilty to a 2958
specification of the type described in section 2941.1423 of the 2959
Revised Code that charges that the victim of the violation was a 2960
woman whom the offender knew was pregnant at the time of the 2961
violation, notwithstanding the range of prison terms prescribed in 2962
division (A) of this section for felonies of the same degree as 2963
the violation, the court shall impose on the offender a mandatory 2964
prison term that is either a definite prison term of six months or 2965
one of the prison terms prescribed in section 2929.14 of the 2966
Revised Code for felonies of the same degree as the violation. 2967

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2968
mandatory prison term is imposed upon an offender pursuant to 2969
division (D)(1)(a) of this section for having a firearm on or 2970
about the offender's person or under the offender's control while 2971
committing a felony, if a mandatory prison term is imposed upon an 2972
offender pursuant to division (D)(1)(c) of this section for 2973
committing a felony specified in that division by discharging a 2974
firearm from a motor vehicle, or if both types of mandatory prison 2975
terms are imposed, the offender shall serve any mandatory prison 2976
term imposed under either division consecutively to any other 2977
mandatory prison term imposed under either division or under 2978
division (D)(1)(d) of this section, consecutively to and prior to 2979
any prison term imposed for the underlying felony pursuant to 2980
division (A), (D)(2), or (D)(3) of this section or any other 2981
section of the Revised Code, and consecutively to any other prison 2982
term or mandatory prison term previously or subsequently imposed 2983
upon the offender. 2984

(b) If a mandatory prison term is imposed upon an offender 2985
pursuant to division (D)(1)(d) of this section for wearing or 2986
carrying body armor while committing an offense of violence that 2987
is a felony, the offender shall serve the mandatory term so 2988

imposed consecutively to any other mandatory prison term imposed 2989
under that division or under division (D)(1)(a) or (c) of this 2990
section, consecutively to and prior to any prison term imposed for 2991
the underlying felony under division (A), (D)(2), or (D)(3) of 2992
this section or any other section of the Revised Code, and 2993
consecutively to any other prison term or mandatory prison term 2994
previously or subsequently imposed upon the offender. 2995

(c) If a mandatory prison term is imposed upon an offender 2996
pursuant to division (D)(1)(f) of this section, the offender shall 2997
serve the mandatory prison term so imposed consecutively to and 2998
prior to any prison term imposed for the underlying felony under 2999
division (A), (D)(2), or (D)(3) of this section or any other 3000
section of the Revised Code, and consecutively to any other prison 3001
term or mandatory prison term previously or subsequently imposed 3002
upon the offender. 3003

(d) If a mandatory prison term is imposed upon an offender 3004
pursuant to division (D)(7) or (8) of this section, the offender 3005
shall serve the mandatory prison term so imposed consecutively to 3006
any other mandatory prison term imposed under that division or 3007
under any other provision of law and consecutively to any other 3008
prison term or mandatory prison term previously or subsequently 3009
imposed upon the offender. 3010

(2) If an offender who is an inmate in a jail, prison, or 3011
other residential detention facility violates section 2917.02, 3012
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 3013
who is under detention at a detention facility commits a felony 3014
violation of section 2923.131 of the Revised Code, or if an 3015
offender who is an inmate in a jail, prison, or other residential 3016
detention facility or is under detention at a detention facility 3017
commits another felony while the offender is an escapee in 3018
violation of section 2921.34 of the Revised Code, any prison term 3019
imposed upon the offender for one of those violations shall be 3020

served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.

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

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

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

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

(c) The offender's history of criminal conduct demonstrates 3052
that consecutive sentences are necessary to protect the public 3053
from future crime by the offender. 3054

(5) If a mandatory prison term is imposed upon an offender 3055
pursuant to division (D)(5) or (6) of this section, the offender 3056
shall serve the mandatory prison term consecutively to and prior 3057
to any prison term imposed for the underlying violation of 3058
division (A)(1) or (2) of section 2903.06 of the Revised Code 3059
pursuant to division (A) of this section or section 2929.142 of 3060
the Revised Code. If a mandatory prison term is imposed upon an 3061
offender pursuant to division (D)(5) of this section, and if a 3062
mandatory prison term also is imposed upon the offender pursuant 3063
to division (D)(6) of this section in relation to the same 3064
violation, the offender shall serve the mandatory prison term 3065
imposed pursuant to division (D)(5) of this section consecutively 3066
to and prior to the mandatory prison term imposed pursuant to 3067
division (D)(6) of this section and consecutively to and prior to 3068
any prison term imposed for the underlying violation of division 3069
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 3070
division (A) of this section or section 2929.142 of the Revised 3071
Code. 3072

(6) When consecutive prison terms are imposed pursuant to 3073
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 3074
of this section, the term to be served is the aggregate of all of 3075
the terms so imposed. 3076

(F)(1) If a court imposes a prison term for a felony of the 3077
first degree, for a felony of the second degree, for a felony sex 3078
offense, or for a felony of the third degree that is not a felony 3079
sex offense and in the commission of which the offender caused or 3080
threatened to cause physical harm to a person, it shall include in 3081
the sentence a requirement that the offender be subject to a 3082
period of post-release control after the offender's release from 3083

imprisonment, in accordance with that division. If a court imposes 3084
a sentence including a prison term of a type described in this 3085
division on or after July 11, 2006, the failure of a court to 3086
include a post-release control requirement in the sentence 3087
pursuant to this division does not negate, limit, or otherwise 3088
affect the mandatory period of post-release control that is 3089
required for the offender under division (B) of section 2967.28 of 3090
the Revised Code. Section 2929.191 of the Revised Code applies if, 3091
prior to July 11, 2006, a court imposed a sentence including a 3092
prison term of a type described in this division and failed to 3093
include in the sentence pursuant to this division a statement 3094
regarding post-release control. 3095

(2) If a court imposes a prison term for a felony of the 3096
third, fourth, or fifth degree that is not subject to division 3097
(F)(1) of this section, it shall include in the sentence a 3098
requirement that the offender be subject to a period of 3099
post-release control after the offender's release from 3100
imprisonment, in accordance with that division, if the parole 3101
board determines that a period of post-release control is 3102
necessary. Section 2929.191 of the Revised Code applies if, prior 3103
to July 11, 2006, a court imposed a sentence including a prison 3104
term of a type described in this division and failed to include in 3105
the sentence pursuant to this division a statement regarding 3106
post-release control. 3107

(G) The court shall impose sentence upon the offender in 3108
accordance with section 2971.03 of the Revised Code, and Chapter 3109
2971. of the Revised Code applies regarding the prison term or 3110
term of life imprisonment without parole imposed upon the offender 3111
and the service of that term of imprisonment if any of the 3112
following apply: 3113

(1) A person is convicted of or pleads guilty to a violent 3114
sex offense or a designated homicide, assault, or kidnapping 3115

offense, and, in relation to that offense, the offender is 3116
adjudicated a sexually violent predator. 3117

(2) A person is convicted of or pleads guilty to a violation 3118
of division (A)(1)(b) of section 2907.02 of the Revised Code 3119
committed on or after January 2, 2007, and either the court does 3120
not impose a sentence of life without parole when authorized 3121
pursuant to division (B) of section 2907.02 of the Revised Code, 3122
or division (B) of section 2907.02 of the Revised Code provides 3123
that the court shall not sentence the offender pursuant to section 3124
2971.03 of the Revised Code. 3125

(3) A person is convicted of or pleads guilty to attempted 3126
rape committed on or after January 2, 2007, and a specification of 3127
the type described in section 2941.1418, 2941.1419, or 2941.1420 3128
of the Revised Code. 3129

(4) A person is convicted of or pleads guilty to a violation 3130
of section 2905.01 of the Revised Code committed on or after 3131
January 1, 2008, and that section requires the court to sentence 3132
the offender pursuant to section 2971.03 of the Revised Code. 3133

(5) A person is convicted of or pleads guilty to aggravated 3134
murder committed on or after January 1, 2008, and division 3135
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 3136
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 3137
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 3138
2929.06 of the Revised Code requires the court to sentence the 3139
offender pursuant to division (B)(3) of section 2971.03 of the 3140
Revised Code. 3141

(6) A person is convicted of or pleads guilty to murder 3142
committed on or after January 1, 2008, and division (B)(2) of 3143
section 2929.02 of the Revised Code requires the court to sentence 3144
the offender pursuant to section 2971.03 of the Revised Code. 3145

3146

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

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

(J)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (J)(2)(a)(ii) of this section, an additional prison term of one, two, three, four, five, or six

months; 3179

(ii) If the offender previously has been convicted of or 3180
pleaded guilty to one or more felony or misdemeanor violations of 3181
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 3182
Revised Code and also was convicted of or pleaded guilty to a 3183
specification of the type described in section 2941.1421 of the 3184
Revised Code regarding one or more of those violations, an 3185
additional prison term of one, two, three, four, five, six, seven, 3186
eight, nine, ten, eleven, or twelve months. 3187

(b) In lieu of imposing an additional prison term under 3188
division (J)(2)(a) of this section, the court may directly impose 3189
on the offender a sanction that requires the offender to wear a 3190
real-time processing, continual tracking electronic monitoring 3191
device during the period of time specified by the court. The 3192
period of time specified by the court shall equal the duration of 3193
an additional prison term that the court could have imposed upon 3194
the offender under division (J)(2)(a) of this section. A sanction 3195
imposed under this division shall commence on the date specified 3196
by the court, provided that the sanction shall not commence until 3197
after the offender has served the prison term imposed for the 3198
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 3199
of the Revised Code and any residential sanction imposed for the 3200
violation under section 2929.16 of the Revised Code. A sanction 3201
imposed under this division shall be considered to be a community 3202
control sanction for purposes of section 2929.15 of the Revised 3203
Code, and all provisions of the Revised Code that pertain to 3204
community control sanctions shall apply to a sanction imposed 3205
under this division, except to the extent that they would by their 3206
nature be clearly inapplicable. The offender shall pay all costs 3207
associated with a sanction imposed under this division, including 3208
the cost of the use of the monitoring device. 3209

(K) At the time of sentencing, the court may recommend the 3210

offender for placement in a program of shock incarceration under 3211
section 5120.031 of the Revised Code or for placement in an 3212
intensive program prison under section 5120.032 of the Revised 3213
Code, disapprove placement of the offender in a program of shock 3214
incarceration or an intensive program prison of that nature, or 3215
make no recommendation on placement of the offender. In no case 3216
shall the department of rehabilitation and correction place the 3217
offender in a program or prison of that nature unless the 3218
department determines as specified in section 5120.031 or 5120.032 3219
of the Revised Code, whichever is applicable, that the offender is 3220
eligible for the placement. 3221

If the court disapproves placement of the offender in a 3222
program or prison of that nature, the department of rehabilitation 3223
and correction shall not place the offender in any program of 3224
shock incarceration or intensive program prison. 3225

If the court recommends placement of the offender in a 3226
program of shock incarceration or in an intensive program prison, 3227
and if the offender is subsequently placed in the recommended 3228
program or prison, the department shall notify the court of the 3229
placement and shall include with the notice a brief description of 3230
the placement. 3231

If the court recommends placement of the offender in a 3232
program of shock incarceration or in an intensive program prison 3233
and the department does not subsequently place the offender in the 3234
recommended program or prison, the department shall send a notice 3235
to the court indicating why the offender was not placed in the 3236
recommended program or prison. 3237

If the court does not make a recommendation under this 3238
division with respect to an offender and if the department 3239
determines as specified in section 5120.031 or 5120.032 of the 3240
Revised Code, whichever is applicable, that the offender is 3241
eligible for placement in a program or prison of that nature, the 3242

department shall screen the offender and determine if there is an 3243
available program of shock incarceration or an intensive program 3244
prison for which the offender is suited. If there is an available 3245
program of shock incarceration or an intensive program prison for 3246
which the offender is suited, the department shall notify the 3247
court of the proposed placement of the offender as specified in 3248
section 5120.031 or 5120.032 of the Revised Code and shall include 3249
with the notice a brief description of the placement. The court 3250
shall have ten days from receipt of the notice to disapprove the 3251
placement. 3252

(L) If a person is convicted of or pleads guilty to 3253
aggravated vehicular homicide in violation of division (A)(1) of 3254
section 2903.06 of the Revised Code and division (B)(2)(c) of that 3255
section applies, the person shall be sentenced pursuant to section 3256
2929.142 of the Revised Code. 3257

Sec. 2929.18. (A) Except as otherwise provided in this 3258
division and in addition to imposing court costs pursuant to 3259
section 2947.23 of the Revised Code, the court imposing a sentence 3260
upon an offender for a felony may sentence the offender to any 3261
financial sanction or combination of financial sanctions 3262
authorized under this section or, in the circumstances specified 3263
in section 2929.32 of the Revised Code, may impose upon the 3264
offender a fine in accordance with that section. Financial 3265
sanctions that may be imposed pursuant to this section include, 3266
but are not limited to, the following: 3267

(1) Restitution by the offender to the victim of the 3268
offender's crime or any survivor of the victim, in an amount based 3269
on the victim's economic loss. If the court imposes restitution, 3270
the court shall order that the restitution be made to the victim 3271
in open court, to the adult probation department that serves the 3272
county on behalf of the victim, to the clerk of courts, or to 3273

another agency designated by the court. If the court imposes 3274
restitution, at sentencing, the court shall determine the amount 3275
of restitution to be made by the offender. If the court imposes 3276
restitution, the court may base the amount of restitution it 3277
orders on an amount recommended by the victim, the offender, a 3278
presentence investigation report, estimates or receipts indicating 3279
the cost of repairing or replacing property, and other 3280
information, provided that the amount the court orders as 3281
restitution shall not exceed the amount of the economic loss 3282
suffered by the victim as a direct and proximate result of the 3283
commission of the offense. If the court decides to impose 3284
restitution, the court shall hold a hearing on restitution if the 3285
offender, victim, or survivor disputes the amount. All restitution 3286
payments shall be credited against any recovery of economic loss 3287
in a civil action brought by the victim or any survivor of the 3288
victim against the offender. 3289

If the court imposes restitution, the court may order that 3290
the offender pay a surcharge of not more than five per cent of the 3291
amount of the restitution otherwise ordered to the entity 3292
responsible for collecting and processing restitution payments. 3293

The victim or survivor may request that the prosecutor in the 3294
case file a motion, or the offender may file a motion, for 3295
modification of the payment terms of any restitution ordered. If 3296
the court grants the motion, it may modify the payment terms as it 3297
determines appropriate. 3298

(2) Except as provided in division (B)(1), (3), or (4) of 3299
this section, a fine payable by the offender to the state, to a 3300
political subdivision, or as described in division (B)(2) of this 3301
section to one or more law enforcement agencies, with the amount 3302
of the fine based on a standard percentage of the offender's daily 3303
income over a period of time determined by the court and based 3304
upon the seriousness of the offense. A fine ordered under this 3305

division shall not exceed the maximum conventional fine amount 3306
authorized for the level of the offense under division (A)(3) of 3307
this section. 3308

(3) Except as provided in division (B)(1), (3), or (4) of 3309
this section, a fine payable by the offender to the state, to a 3310
political subdivision when appropriate for a felony, or as 3311
described in division (B)(2) of this section to one or more law 3312
enforcement agencies, in the following amount: 3313

(a) For a felony of the first degree, not more than twenty 3314
thousand dollars; 3315

(b) For a felony of the second degree, not more than fifteen 3316
thousand dollars; 3317

(c) For a felony of the third degree, not more than ten 3318
thousand dollars; 3319

(d) For a felony of the fourth degree, not more than five 3320
thousand dollars; 3321

(e) For a felony of the fifth degree, not more than two 3322
thousand five hundred dollars. 3323

(4) A state fine or costs as defined in section 2949.111 of 3324
the Revised Code. 3325

(5)(a) Reimbursement by the offender of any or all of the 3326
costs of sanctions incurred by the government, including the 3327
following: 3328

(i) All or part of the costs of implementing any community 3329
control sanction, including a supervision fee under section 3330
2951.021 of the Revised Code; 3331

(ii) All or part of the costs of confinement under a sanction 3332
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 3333
Revised Code, provided that the amount of reimbursement ordered 3334
under this division shall not exceed the total amount of 3335

reimbursement the offender is able to pay as determined at a 3336
hearing and shall not exceed the actual cost of the confinement; 3337

(iii) All or part of the cost of purchasing and using an 3338
immobilizing or disabling device, including a certified ignition 3339
interlock device, or a remote alcohol monitoring device that a 3340
court orders an offender to use under section 4510.13 of the 3341
Revised Code. 3342

(b) If the offender is sentenced to a sanction of confinement 3343
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 3344
to be served in a facility operated by a board of county 3345
commissioners, a legislative authority of a municipal corporation, 3346
or another local governmental entity, if, pursuant to section 3347
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 3348
or 2947.19 of the Revised Code and section 2929.37 of the Revised 3349
Code, the board, legislative authority, or other local 3350
governmental entity requires prisoners to reimburse the county, 3351
municipal corporation, or other entity for its expenses incurred 3352
by reason of the prisoner's confinement, and if the court does not 3353
impose a financial sanction under division (A)(5)(a)(ii) of this 3354
section, confinement costs may be assessed pursuant to section 3355
2929.37 of the Revised Code. In addition, the offender may be 3356
required to pay the fees specified in section 2929.38 of the 3357
Revised Code in accordance with that section. 3358

(c) Reimbursement by the offender for costs pursuant to 3359
section 2929.71 of the Revised Code. 3360

(B)(1) For a first, second, or third degree felony violation 3361
of any provision of Chapter 2925., 3719., or 4729. of the Revised 3362
Code, the sentencing court shall impose upon the offender a 3363
mandatory fine of at least one-half of, but not more than, the 3364
maximum statutory fine amount authorized for the level of the 3365
offense pursuant to division (A)(3) of this section. If an 3366
offender alleges in an affidavit filed with the court prior to 3367

sentencing that the offender is indigent and unable to pay the 3368
mandatory fine and if the court determines the offender is an 3369
indigent person and is unable to pay the mandatory fine described 3370
in this division, the court shall not impose the mandatory fine 3371
upon the offender. 3372

(2) Any mandatory fine imposed upon an offender under 3373
division (B)(1) of this section and any fine imposed upon an 3374
offender under division (A)(2) or (3) of this section for any 3375
fourth or fifth degree felony violation of any provision of 3376
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 3377
to law enforcement agencies pursuant to division (F) of section 3378
2925.03 of the Revised Code. 3379

(3) For a fourth degree felony OVI offense and for a third 3380
degree felony OVI offense, the sentencing court shall impose upon 3381
the offender a mandatory fine in the amount specified in division 3382
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 3383
is applicable. The mandatory fine so imposed shall be disbursed as 3384
provided in the division pursuant to which it is imposed. 3385

(4) Notwithstanding any fine otherwise authorized or required 3386
to be imposed under division (A)(2) or (3) or (B)(1) of this 3387
section or section 2929.31 of the Revised Code for a violation of 3388
section 2925.03 of the Revised Code, in addition to any penalty or 3389
sanction imposed for that offense under section 2925.03 or 3390
sections 2929.11 to 2929.18 of the Revised Code and in addition to 3391
the forfeiture of property in connection with the offense as 3392
prescribed in Chapter 2981. of the Revised Code, the court that 3393
sentences an offender for a violation of section 2925.03 of the 3394
Revised Code may impose upon the offender a fine in addition to 3395
any fine imposed under division (A)(2) or (3) of this section and 3396
in addition to any mandatory fine imposed under division (B)(1) of 3397
this section. The fine imposed under division (B)(4) of this 3398
section shall be used as provided in division (H) of section 3399

2925.03 of the Revised Code. A fine imposed under division (B)(4) 3400
of this section shall not exceed whichever of the following is 3401
applicable: 3402

(a) The total value of any personal or real property in which 3403
the offender has an interest and that was used in the course of, 3404
intended for use in the course of, derived from, or realized 3405
through conduct in violation of section 2925.03 of the Revised 3406
Code, including any property that constitutes proceeds derived 3407
from that offense; 3408

(b) If the offender has no interest in any property of the 3409
type described in division (B)(4)(a) of this section or if it is 3410
not possible to ascertain whether the offender has an interest in 3411
any property of that type in which the offender may have an 3412
interest, the amount of the mandatory fine for the offense imposed 3413
under division (B)(1) of this section or, if no mandatory fine is 3414
imposed under division (B)(1) of this section, the amount of the 3415
fine authorized for the level of the offense imposed under 3416
division (A)(3) of this section. 3417

(5) Prior to imposing a fine under division (B)(4) of this 3418
section, the court shall determine whether the offender has an 3419
interest in any property of the type described in division 3420
(B)(4)(a) of this section. Except as provided in division (B)(6) 3421
or (7) of this section, a fine that is authorized and imposed 3422
under division (B)(4) of this section does not limit or affect the 3423
imposition of the penalties and sanctions for a violation of 3424
section 2925.03 of the Revised Code prescribed under those 3425
sections or sections 2929.11 to 2929.18 of the Revised Code and 3426
does not limit or affect a forfeiture of property in connection 3427
with the offense as prescribed in Chapter 2981. of the Revised 3428
Code. 3429

(6) If the sum total of a mandatory fine amount imposed for a 3430
first, second, or third degree felony violation of section 2925.03 3431

of the Revised Code under division (B)(1) of this section plus the 3432
amount of any fine imposed under division (B)(4) of this section 3433
does not exceed the maximum statutory fine amount authorized for 3434
the level of the offense under division (A)(3) of this section or 3435
section 2929.31 of the Revised Code, the court may impose a fine 3436
for the offense in addition to the mandatory fine and the fine 3437
imposed under division (B)(4) of this section. The sum total of 3438
the amounts of the mandatory fine, the fine imposed under division 3439
(B)(4) of this section, and the additional fine imposed under 3440
division (B)(6) of this section shall not exceed the maximum 3441
statutory fine amount authorized for the level of the offense 3442
under division (A)(3) of this section or section 2929.31 of the 3443
Revised Code. The clerk of the court shall pay any fine that is 3444
imposed under division (B)(6) of this section to the county, 3445
township, municipal corporation, park district as created pursuant 3446
to section 511.18 or 1545.04 of the Revised Code, or state law 3447
enforcement agencies in this state that primarily were responsible 3448
for or involved in making the arrest of, and in prosecuting, the 3449
offender pursuant to division (F) of section 2925.03 of the 3450
Revised Code. 3451

(7) If the sum total of the amount of a mandatory fine 3452
imposed for a first, second, or third degree felony violation of 3453
section 2925.03 of the Revised Code plus the amount of any fine 3454
imposed under division (B)(4) of this section exceeds the maximum 3455
statutory fine amount authorized for the level of the offense 3456
under division (A)(3) of this section or section 2929.31 of the 3457
Revised Code, the court shall not impose a fine under division 3458
(B)(6) of this section. 3459

(8)(a) If an offender who is convicted of or pleads guilty to 3460
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 3461
2923.32, division (A)(1) or (2) of section 2907.323, or division 3462
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 3463

Code also is convicted of or pleads guilty to a specification of 3464
the type described in section 2941.1422 of the Revised Code that 3465
charges that the offender knowingly committed the offense in 3466
furtherance of human trafficking, the sentencing court shall 3467
sentence the offender to a financial sanction of restitution by 3468
the offender to the victim or any survivor of the victim, with the 3469
restitution including the costs of housing, counseling, and 3470
medical and legal assistance incurred by the victim as a direct 3471
result of the offense and the greater of the following: 3472

(i) The gross income or value to the offender of the victim's 3473
labor or services; 3474

(ii) The value of the victim's labor as guaranteed under the 3475
minimum wage and overtime provisions of the "Federal Fair Labor 3476
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 3477
labor laws. 3478

(b) If a court imposing sentence upon an offender for a 3479
felony is required to impose upon the offender a financial 3480
sanction of restitution under division (B)(8)(a) of this section, 3481
in addition to that financial sanction of restitution, the court 3482
may sentence the offender to any other financial sanction or 3483
combination of financial sanctions authorized under this section, 3484
including a restitution sanction under division (A)(1) of this 3485
section. 3486

(C)(1) The offender shall pay reimbursements imposed upon the 3487
offender pursuant to division (A)(5)(a) of this section to pay the 3488
costs incurred by the department of rehabilitation and correction 3489
in operating a prison or other facility used to confine offenders 3490
pursuant to sanctions imposed under section 2929.14, 2929.142, or 3491
2929.16 of the Revised Code to the treasurer of state. The 3492
treasurer of state shall deposit the reimbursements in the 3493
confinement cost reimbursement fund that is hereby created in the 3494
state treasury. The department of rehabilitation and correction 3495

shall use the amounts deposited in the fund to fund the operation 3496
of facilities used to confine offenders pursuant to sections 3497
2929.14, 2929.142, and 2929.16 of the Revised Code. 3498

(2) Except as provided in section 2951.021 of the Revised 3499
Code, the offender shall pay reimbursements imposed upon the 3500
offender pursuant to division (A)(5)(a) of this section to pay the 3501
costs incurred by a county pursuant to any sanction imposed under 3502
this section or section 2929.16 or 2929.17 of the Revised Code or 3503
in operating a facility used to confine offenders pursuant to a 3504
sanction imposed under section 2929.16 of the Revised Code to the 3505
county treasurer. The county treasurer shall deposit the 3506
reimbursements in the sanction cost reimbursement fund that each 3507
board of county commissioners shall create in its county treasury. 3508
The county shall use the amounts deposited in the fund to pay the 3509
costs incurred by the county pursuant to any sanction imposed 3510
under this section or section 2929.16 or 2929.17 of the Revised 3511
Code or in operating a facility used to confine offenders pursuant 3512
to a sanction imposed under section 2929.16 of the Revised Code. 3513

(3) Except as provided in section 2951.021 of the Revised 3514
Code, the offender shall pay reimbursements imposed upon the 3515
offender pursuant to division (A)(5)(a) of this section to pay the 3516
costs incurred by a municipal corporation pursuant to any sanction 3517
imposed under this section or section 2929.16 or 2929.17 of the 3518
Revised Code or in operating a facility used to confine offenders 3519
pursuant to a sanction imposed under section 2929.16 of the 3520
Revised Code to the treasurer of the municipal corporation. The 3521
treasurer shall deposit the reimbursements in a special fund that 3522
shall be established in the treasury of each municipal 3523
corporation. The municipal corporation shall use the amounts 3524
deposited in the fund to pay the costs incurred by the municipal 3525
corporation pursuant to any sanction imposed under this section or 3526
section 2929.16 or 2929.17 of the Revised Code or in operating a 3527

facility used to confine offenders pursuant to a sanction imposed 3528
under section 2929.16 of the Revised Code. 3529

(4) Except as provided in section 2951.021 of the Revised 3530
Code, the offender shall pay reimbursements imposed pursuant to 3531
division (A)(5)(a) of this section for the costs incurred by a 3532
private provider pursuant to a sanction imposed under this section 3533
or section 2929.16 or 2929.17 of the Revised Code to the provider. 3534

(D) Except as otherwise provided in this division, a 3535
financial sanction imposed pursuant to division (A) or (B) of this 3536
section is a judgment in favor of the state or a political 3537
subdivision in which the court that imposed the financial sanction 3538
is located, and the offender subject to the financial sanction is 3539
the judgment debtor. A financial sanction of reimbursement imposed 3540
pursuant to division (A)(5)(a)(ii) of this section upon an 3541
offender who is incarcerated in a state facility or a municipal 3542
jail is a judgment in favor of the state or the municipal 3543
corporation, and the offender subject to the financial sanction is 3544
the judgment debtor. A financial sanction of reimbursement imposed 3545
upon an offender pursuant to this section for costs incurred by a 3546
private provider of sanctions is a judgment in favor of the 3547
private provider, and the offender subject to the financial 3548
sanction is the judgment debtor. A financial sanction of 3549
restitution imposed pursuant to division (A)(1) or (B)(8) of this 3550
section is an order in favor of the victim of the offender's 3551
criminal act that can be collected through execution as described 3552
in division (D)(1) of this section or through an order as 3553
described in division (D)(2) of this section, and the offender 3554
shall be considered for purposes of the collection as the judgment 3555
debtor. Imposition of a financial sanction and execution on the 3556
judgment does not preclude any other power of the court to impose 3557
or enforce sanctions on the offender. Once the financial sanction 3558
is imposed as a judgment or order under this division, the victim, 3559

private provider, state, or political subdivision may bring an	3560
action to do any of the following:	3561
(1) Obtain execution of the judgment or order through any	3562
available procedure, including:	3563
(a) An execution against the property of the judgment debtor	3564
under Chapter 2329. of the Revised Code;	3565
(b) An execution against the person of the judgment debtor	3566
under Chapter 2331. of the Revised Code;	3567
(c) A proceeding in aid of execution under Chapter 2333. of	3568
the Revised Code, including:	3569
(i) A proceeding for the examination of the judgment debtor	3570
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27	3571
of the Revised Code;	3572
(ii) A proceeding for attachment of the person of the	3573
judgment debtor under section 2333.28 of the Revised Code;	3574
(iii) A creditor's suit under section 2333.01 of the Revised	3575
Code.	3576
(d) The attachment of the property of the judgment debtor	3577
under Chapter 2715. of the Revised Code;	3578
(e) The garnishment of the property of the judgment debtor	3579
under Chapter 2716. of the Revised Code.	3580
(2) Obtain an order for the assignment of wages of the	3581
judgment debtor under section 1321.33 of the Revised Code.	3582
(E) A court that imposes a financial sanction upon an	3583
offender may hold a hearing if necessary to determine whether the	3584
offender is able to pay the sanction or is likely in the future to	3585
be able to pay it.	3586
(F) Each court imposing a financial sanction upon an offender	3587
under this section or under section 2929.32 of the Revised Code	3588

may designate the clerk of the court or another person to collect 3589
the financial sanction. The clerk or other person authorized by 3590
law or the court to collect the financial sanction may enter into 3591
contracts with one or more public agencies or private vendors for 3592
the collection of, amounts due under the financial sanction 3593
imposed pursuant to this section or section 2929.32 of the Revised 3594
Code. Before entering into a contract for the collection of 3595
amounts due from an offender pursuant to any financial sanction 3596
imposed pursuant to this section or section 2929.32 of the Revised 3597
Code, a court shall comply with sections 307.86 to 307.92 of the 3598
Revised Code. 3599

(G) If a court that imposes a financial sanction under 3600
division (A) or (B) of this section finds that an offender 3601
satisfactorily has completed all other sanctions imposed upon the 3602
offender and that all restitution that has been ordered has been 3603
paid as ordered, the court may suspend any financial sanctions 3604
imposed pursuant to this section or section 2929.32 of the Revised 3605
Code that have not been paid. 3606

(H) No financial sanction imposed under this section or 3607
section 2929.32 of the Revised Code shall preclude a victim from 3608
bringing a civil action against the offender. 3609

Sec. 2929.24. (A) Except as provided in section 2929.22 or 3610
2929.23 of the Revised Code or division (E) or (F) of this section 3611
and unless another term is required or authorized pursuant to law, 3612
if the sentencing court imposing a sentence upon an offender for a 3613
misdemeanor elects or is required to impose a jail term on the 3614
offender pursuant to this chapter, the court shall impose a 3615
definite jail term that shall be one of the following: 3616

(1) For a misdemeanor of the first degree, not more than one 3617
hundred eighty days; 3618

(2) For a misdemeanor of the second degree, not more than 3619

ninety days; 3620

(3) For a misdemeanor of the third degree, not more than 3621
sixty days; 3622

(4) For a misdemeanor of the fourth degree, not more than 3623
thirty days. 3624

(B) A court that sentences an offender to a jail term under 3625
this section may permit the offender to serve the sentence in 3626
intermittent confinement or may authorize a limited release of the 3627
offender as provided in division (B) of section 2929.26 of the 3628
Revised Code. 3629

(C) If a court sentences an offender to a jail term under 3630
this section and the court assigns the offender to a county jail 3631
that has established a county jail industry program pursuant to 3632
section 5147.30 of the Revised Code, the court shall specify, as 3633
part of the sentence, whether the offender may be considered for 3634
participation in the program. During the offender's term in the 3635
county jail, the court retains jurisdiction to modify its 3636
specification regarding the offender's participation in the county 3637
jail industry program. 3638

(D) If a person is sentenced to a jail term pursuant to this 3639
section, the court may impose as part of the sentence pursuant to 3640
section 2929.28 of the Revised Code a reimbursement sanction, and, 3641
if the local detention facility in which the term is to be served 3642
is covered by a policy adopted pursuant to section 307.93, 341.14, 3643
341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 3644
2947.19 of the Revised Code and section 2929.37 of the Revised 3645
Code, both of the following apply: 3646

(1) The court shall specify both of the following as part of 3647
the sentence: 3648

(a) If the person is presented with an itemized bill pursuant 3649
to section 2929.37 of the Revised Code for payment of the costs of 3650

confinement, the person is required to pay the bill in accordance 3651
with that section. 3652

(b) If the person does not dispute the bill described in 3653
division (D)(1)(a) of this section and does not pay the bill by 3654
the times specified in section 2929.37 of the Revised Code, the 3655
clerk of the court may issue a certificate of judgment against the 3656
person as described in that section. 3657

(2) The sentence automatically includes any certificate of 3658
judgment issued as described in division (D)(1)(b) of this 3659
section. 3660

(E) If an offender who is convicted of or pleads guilty to a 3661
violation of division (B) of section 4511.19 of the Revised Code 3662
also is convicted of or also pleads guilty to a specification of 3663
the type described in section 2941.1416 of the Revised Code and if 3664
the court imposes a jail term on the offender for the underlying 3665
offense, the court shall impose upon the offender an additional 3666
definite jail term of not more than six months. The additional 3667
jail term shall not be reduced pursuant to any provision of the 3668
Revised Code. The offender shall serve the additional jail term 3669
consecutively to and prior to the jail term imposed for the 3670
underlying offense and consecutively to any other mandatory term 3671
imposed in relation to the offense. 3672

(F)(1) If an offender is convicted of or pleads guilty to a 3673
misdemeanor violation of section 2907.23, 2907.24, 2907.241, or 3674
2907.25 of the Revised Code and to a specification of the type 3675
described in section 2941.1421 of the Revised Code and if the 3676
court imposes a jail term on the offender for the misdemeanor 3677
violation, the court may impose upon the offender an additional 3678
definite jail term as follows: 3679

(a) Subject to division (F)(1)(b) of this section, an 3680
additional definite jail term of not more than sixty days; 3681

(b) If the offender previously has been convicted of or 3682
pleaded guilty to one or more misdemeanor or felony violations of 3683
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 3684
Revised Code and also was convicted of or pleaded guilty to a 3685
specification of the type described in section 2941.1421 of the 3686
Revised Code regarding one or more of those violations, an 3687
additional definite jail term of not more than one hundred twenty 3688
days. 3689

(2) In lieu of imposing an additional definite jail term 3690
under division (F)(1) of this section, the court may directly 3691
impose on the offender a sanction that requires the offender to 3692
wear a real-time processing, continual tracking electronic 3693
monitoring device during the period of time specified by the 3694
court. The period of time specified by the court shall equal the 3695
duration of an additional jail term that the court could have 3696
imposed upon the offender under division (F)(1) of this section. A 3697
sanction imposed under this division shall commence on the date 3698
specified by the court, provided that the sanction shall not 3699
commence until after the offender has served the jail term imposed 3700
for the misdemeanor violation of section 2907.23, 2907.24, 3701
2907.241, or 2907.25 of the Revised Code and any residential 3702
sanction imposed for the violation under section 2929.26 of the 3703
Revised Code. A sanction imposed under this division shall be 3704
considered to be a community control sanction for purposes of 3705
section 2929.25 of the Revised Code, and all provisions of the 3706
Revised Code that pertain to community control sanctions shall 3707
apply to a sanction imposed under this division, except to the 3708
extent that they would by their nature be clearly inapplicable. 3709
The offender shall pay all costs associated with a sanction 3710
imposed under this division, including the cost of the use of the 3711
monitoring device. 3712

(G) If an offender is convicted of or pleads guilty to a 3713

misdemeanor violation of section 2903.13 of the Revised Code and 3714
also is convicted of or pleads guilty to a specification of the 3715
type described in section 2941.1423 of the Revised Code that 3716
charges that the victim of the violation was a woman whom the 3717
offender knew was pregnant at the time of the violation, the court 3718
shall impose on the offender a mandatory jail term that is a 3719
definite term of at least thirty days. 3720

Sec. 2941.1422. (A) Imposition of a mandatory prison term 3721
under division (D)(7) of section 2929.14 of the Revised Code is 3722
precluded unless the offender is convicted of or pleads guilty to 3723
a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, 3724
or 2923.32, division (A)(1) or (2) of section 2907.323, or 3725
division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the 3726
Revised Code and unless the indictment, count in the indictment, 3727
or information charging the offense specifies that the offender 3728
knowingly committed the offense in furtherance of human 3729
trafficking. The specification shall be stated at the end of the 3730
body of the indictment, count, or information and shall be stated 3731
in substantially the following form: 3732

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3733
Grand Jurors (or insert the person's or the prosecuting attorney's 3734
name when appropriate) further find and specify that (set forth 3735
that the defendant knowingly committed the offense in furtherance 3736
of human trafficking)." 3737

(B) As used in this section, "human trafficking" has the same 3738
meaning as in section 2929.01 of the Revised Code. 3739

Sec. 2941.1423. Imposition of a mandatory prison term under 3740
division (D)(8) of section 2929.14 of the Revised Code or a 3741
mandatory jail term under division (F) of section 2929.24 of the 3742
Revised Code is precluded unless the offender is convicted of or 3743

pleads guilty to a violation of section 2903.11, 2903.12, or 3744
2903.13 of the Revised Code and unless the indictment, count in 3745
the indictment, or information charging the offense specifies the 3746
victim of the offense was a woman whom the offender knew was 3747
pregnant at the time of the offense. The specification shall be 3748
stated at the end of the body of the indictment, count, or 3749
information and shall be stated in substantially the following 3750
form: 3751

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3752
Grand Jurors (or insert the person's or prosecuting attorney's 3753
name when appropriate) further find and specify that (set forth 3754
that the victim of the offense was a woman whom the defendant knew 3755
was pregnant at the time of the offense)." 3756

Sec. 3701.791. (A) As used in this section, "medical 3757
emergency" means a condition of a pregnant woman that, in the 3758
reasonable judgment of the physician who is attending the woman, 3759
creates an immediate threat of serious risk to the life or 3760
physical health of the woman from the continuation of the 3761
pregnancy necessitating the immediate performance or inducement of 3762
an abortion. 3763

(B) Except as provided in division (D) of this section, an 3764
office or facility at which abortions are performed or induced 3765
shall post the notice described in division (C) of this section in 3766
a conspicuous location in an area of the office or facility that 3767
is accessible to all patients, employees, and visitors. 3768

The notice shall be displayed on a poster with dimensions of 3769
at least seventeen inches by eleven inches. The first two 3770
sentences of the notice shall be printed in at least a 3771
forty-four-point typeface and the remaining lines shall be in at 3772
least a thirty-point typeface. 3773

(C) The department of health shall publish the following notice on its internet web site in a manner that can be copied and produced in poster form:

"NO ONE CAN FORCE YOU TO HAVE AN ABORTION.

NO ONE - NOT A PARENT, NOT A HUSBAND, NOT A BOYFRIEND - NO ONE.

Under Ohio law, an abortion cannot be legally performed on anyone, regardless of her age, unless she VOLUNTARILY CONSENTS to having the abortion.

Ohio law requires that, before an abortion can legally be performed, the pregnant female must sign a form indicating that she consents to having the abortion "voluntarily" and "WITHOUT COERCION BY ANY PERSON."

IF SOMEONE IS TRYING TO FORCE YOU TO HAVE AN ABORTION AGAINST YOUR WILL:

DO NOT SIGN THE CONSENT FORM

IF YOU ARE AT AN ABORTION FACILITY, TELL AN EMPLOYEE OF THE FACILITY THAT SOMEONE IS TRYING TO FORCE YOU TO HAVE AN ABORTION."

(D) Division (B) of this section does not apply to an office or facility at which abortions are performed or induced due only to a medical emergency.

Sec. 3702.30. (A) As used in this section:

(1) "Ambulatory surgical facility" means a facility, whether or not part of the same organization as a hospital, that is located in a building distinct from another in which inpatient care is provided, and to which any of the following apply:

(a) Outpatient surgery is routinely performed in the facility, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private

physicians, podiatrists, and dentists. 3803

(b) Anesthesia is administered in the facility by an 3804
anesthesiologist or certified registered nurse anesthetist, and 3805
the facility functions separately from a hospital's inpatient 3806
surgical service and from the offices of private physicians, 3807
podiatrists, and dentists. 3808

(c) The facility applies to be certified by the United States 3809
centers for medicare and medicaid services as an ambulatory 3810
surgical center for purposes of reimbursement under Part B of the 3811
medicare program, Part B of Title XVIII of the "Social Security 3812
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 3813

(d) The facility applies to be certified by a national 3814
accrediting body approved by the centers for medicare and medicaid 3815
services for purposes of deemed compliance with the conditions for 3816
participating in the medicare program as an ambulatory surgical 3817
center. 3818

(e) The facility bills or receives from any third-party 3819
payer, governmental health care program, or other person or 3820
government entity any ambulatory surgical facility fee that is 3821
billed or paid in addition to any fee for professional services. 3822

(f) The facility is held out to any person or government 3823
entity as an ambulatory surgical facility or similar facility by 3824
means of signage, advertising, or other promotional efforts. 3825

"Ambulatory surgical facility" does not include a hospital 3826
emergency department. 3827

(2) "Ambulatory surgical facility fee" means a fee for 3828
certain overhead costs associated with providing surgical services 3829
in an outpatient setting. A fee is an ambulatory surgical facility 3830
fee only if it directly or indirectly pays for costs associated 3831
with any of the following: 3832

(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;	3833 3834
(b) Administrative functions, record keeping, housekeeping, utilities, and rent;	3835 3836
(c) Services provided by nurses, orderlies, technical personnel, and others involved in patient care related to providing surgery.	3837 3838 3839
"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.	3840 3841 3842 3843 3844 3845 3846
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	3847 3848
(4) "Health care facility" means any of the following:	3849
(a) An ambulatory surgical facility;	3850
(b) A freestanding dialysis center;	3851
(c) A freestanding inpatient rehabilitation facility;	3852
(d) A freestanding birthing center;	3853
(e) A freestanding radiation therapy center;	3854
(f) A freestanding or mobile diagnostic imaging center.	3855
(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	3856 3857
(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality	3858 3859 3860 3861

standards established by any entity recognized by the director. 3862

(C) Every ambulatory surgical facility shall require that 3863
each physician who practices at the facility comply with all 3864
relevant provisions in the Revised Code that relate to the 3865
obtaining of informed consent from a patient. 3866

(D) The director shall issue a license to each health care 3867
facility that makes application for a license and demonstrates to 3868
the director that it meets the quality standards established by 3869
the rules adopted under division (B) of this section and satisfies 3870
the informed consent compliance requirements specified in division 3871
(C) of this section. 3872

(E)(1) Except as provided in section 3702.301 of the Revised 3873
Code, no health care facility shall operate without a license 3874
issued under this section. 3875

(2) If the department of health finds that a physician who 3876
practices at a health care facility is not complying with any 3877
provision of the Revised Code related to the obtaining of informed 3878
consent from a patient, the department shall report its finding to 3879
the state medical board, the physician, and the health care 3880
facility. 3881

(3) This division does not create, and shall not be construed 3882
as creating, a new cause of action or substantive legal right 3883
against a health care facility and in favor of a patient who 3884
allegedly sustains harm as a result of the failure of the 3885
patient's physician to obtain informed consent from the patient 3886
prior to performing a procedure on or otherwise caring for the 3887
patient in the health care facility. 3888

(F) The rules adopted under division (B) of this section 3889
shall include all of the following: 3890

(1) Provisions governing application for, renewal, 3891
suspension, and revocation of a license under this section; 3892

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties.

(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.

Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud during the administration of the examination for a certificate to practice or to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate to practice or certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ

acceptable scientific methods in the selection of drugs or other 3923
modalities for treatment of disease; 3924

(3) Selling, giving away, personally furnishing, prescribing, 3925
or administering drugs for other than legal and legitimate 3926
therapeutic purposes or a plea of guilty to, a judicial finding of 3927
guilt of, or a judicial finding of eligibility for intervention in 3928
lieu of conviction of, a violation of any federal or state law 3929
regulating the possession, distribution, or use of any drug; 3930

(4) Willfully betraying a professional confidence. 3931

For purposes of this division, "willfully betraying a 3932
professional confidence" does not include providing any 3933
information, documents, or reports to a child fatality review 3934
board under sections 307.621 to 307.629 of the Revised Code and 3935
does not include the making of a report of an employee's use of a 3936
drug of abuse, or a report of a condition of an employee other 3937
than one involving the use of a drug of abuse, to the employer of 3938
the employee as described in division (B) of section 2305.33 of 3939
the Revised Code. Nothing in this division affects the immunity 3940
from civil liability conferred by that section upon a physician 3941
who makes either type of report in accordance with division (B) of 3942
that section. As used in this division, "employee," "employer," 3943
and "physician" have the same meanings as in section 2305.33 of 3944
the Revised Code. 3945

(5) Making a false, fraudulent, deceptive, or misleading 3946
statement in the solicitation of or advertising for patients; in 3947
relation to the practice of medicine and surgery, osteopathic 3948
medicine and surgery, podiatric medicine and surgery, or a limited 3949
branch of medicine; or in securing or attempting to secure any 3950
certificate to practice or certificate of registration issued by 3951
the board. 3952

As used in this division, "false, fraudulent, deceptive, or 3953

misleading statement" means a statement that includes a 3954
misrepresentation of fact, is likely to mislead or deceive because 3955
of a failure to disclose material facts, is intended or is likely 3956
to create false or unjustified expectations of favorable results, 3957
or includes representations or implications that in reasonable 3958
probability will cause an ordinarily prudent person to 3959
misunderstand or be deceived. 3960

(6) A departure from, or the failure to conform to, minimal 3961
standards of care of similar practitioners under the same or 3962
similar circumstances, whether or not actual injury to a patient 3963
is established; 3964

(7) Representing, with the purpose of obtaining compensation 3965
or other advantage as personal gain or for any other person, that 3966
an incurable disease or injury, or other incurable condition, can 3967
be permanently cured; 3968

(8) The obtaining of, or attempting to obtain, money or 3969
anything of value by fraudulent misrepresentations in the course 3970
of practice; 3971

(9) A plea of guilty to, a judicial finding of guilt of, or a 3972
judicial finding of eligibility for intervention in lieu of 3973
conviction for, a felony; 3974

(10) Commission of an act that constitutes a felony in this 3975
state, regardless of the jurisdiction in which the act was 3976
committed; 3977

(11) A plea of guilty to, a judicial finding of guilt of, or 3978
a judicial finding of eligibility for intervention in lieu of 3979
conviction for, a misdemeanor committed in the course of practice; 3980

(12) Commission of an act in the course of practice that 3981
constitutes a misdemeanor in this state, regardless of the 3982
jurisdiction in which the act was committed; 3983

(13) A plea of guilty to, a judicial finding of guilt of, or	3984
a judicial finding of eligibility for intervention in lieu of	3985
conviction for, a misdemeanor involving moral turpitude;	3986
(14) Commission of an act involving moral turpitude that	3987
constitutes a misdemeanor in this state, regardless of the	3988
jurisdiction in which the act was committed;	3989
(15) Violation of the conditions of limitation placed by the	3990
board upon a certificate to practice;	3991
(16) Failure to pay license renewal fees specified in this	3992
chapter;	3993
(17) Except as authorized in section 4731.31 of the Revised	3994
Code, engaging in the division of fees for referral of patients,	3995
or the receiving of a thing of value in return for a specific	3996
referral of a patient to utilize a particular service or business;	3997
(18) Subject to section 4731.226 of the Revised Code,	3998
violation of any provision of a code of ethics of the American	3999
medical association, the American osteopathic association, the	4000
American podiatric medical association, or any other national	4001
professional organizations that the board specifies by rule. The	4002
state medical board shall obtain and keep on file current copies	4003
of the codes of ethics of the various national professional	4004
organizations. The individual whose certificate is being suspended	4005
or revoked shall not be found to have violated any provision of a	4006
code of ethics of an organization not appropriate to the	4007
individual's profession.	4008
For purposes of this division, a "provision of a code of	4009
ethics of a national professional organization" does not include	4010
any provision that would preclude the making of a report by a	4011
physician of an employee's use of a drug of abuse, or of a	4012
condition of an employee other than one involving the use of a	4013
drug of abuse, to the employer of the employee as described in	4014

division (B) of section 2305.33 of the Revised Code. Nothing in 4015
this division affects the immunity from civil liability conferred 4016
by that section upon a physician who makes either type of report 4017
in accordance with division (B) of that section. As used in this 4018
division, "employee," "employer," and "physician" have the same 4019
meanings as in section 2305.33 of the Revised Code. 4020

(19) Inability to practice according to acceptable and 4021
prevailing standards of care by reason of mental illness or 4022
physical illness, including, but not limited to, physical 4023
deterioration that adversely affects cognitive, motor, or 4024
perceptive skills. 4025

In enforcing this division, the board, upon a showing of a 4026
possible violation, may compel any individual authorized to 4027
practice by this chapter or who has submitted an application 4028
pursuant to this chapter to submit to a mental examination, 4029
physical examination, including an HIV test, or both a mental and 4030
a physical examination. The expense of the examination is the 4031
responsibility of the individual compelled to be examined. Failure 4032
to submit to a mental or physical examination or consent to an HIV 4033
test ordered by the board constitutes an admission of the 4034
allegations against the individual unless the failure is due to 4035
circumstances beyond the individual's control, and a default and 4036
final order may be entered without the taking of testimony or 4037
presentation of evidence. If the board finds an individual unable 4038
to practice because of the reasons set forth in this division, the 4039
board shall require the individual to submit to care, counseling, 4040
or treatment by physicians approved or designated by the board, as 4041
a condition for initial, continued, reinstated, or renewed 4042
authority to practice. An individual affected under this division 4043
shall be afforded an opportunity to demonstrate to the board the 4044
ability to resume practice in compliance with acceptable and 4045
prevailing standards under the provisions of the individual's 4046

certificate. For the purpose of this division, any individual who 4047
applies for or receives a certificate to practice under this 4048
chapter accepts the privilege of practicing in this state and, by 4049
so doing, shall be deemed to have given consent to submit to a 4050
mental or physical examination when directed to do so in writing 4051
by the board, and to have waived all objections to the 4052
admissibility of testimony or examination reports that constitute 4053
a privileged communication. 4054

(20) Except when civil penalties are imposed under section 4055
4731.225 or 4731.281 of the Revised Code, and subject to section 4056
4731.226 of the Revised Code, violating or attempting to violate, 4057
directly or indirectly, or assisting in or abetting the violation 4058
of, or conspiring to violate, any provisions of this chapter or 4059
any rule promulgated by the board. 4060

This division does not apply to a violation or attempted 4061
violation of, assisting in or abetting the violation of, or a 4062
conspiracy to violate, any provision of this chapter or any rule 4063
adopted by the board that would preclude the making of a report by 4064
a physician of an employee's use of a drug of abuse, or of a 4065
condition of an employee other than one involving the use of a 4066
drug of abuse, to the employer of the employee as described in 4067
division (B) of section 2305.33 of the Revised Code. Nothing in 4068
this division affects the immunity from civil liability conferred 4069
by that section upon a physician who makes either type of report 4070
in accordance with division (B) of that section. As used in this 4071
division, "employee," "employer," and "physician" have the same 4072
meanings as in section 2305.33 of the Revised Code. 4073

(21) The violation of section 3701.79 of the Revised Code or 4074
of any abortion rule adopted by the public health council pursuant 4075
to section 3701.341 of the Revised Code; 4076

(22) Any of the following actions taken by the agency 4077
responsible for regulating the practice of medicine and surgery, 4078

osteopathic medicine and surgery, podiatric medicine and surgery, 4079
or the limited branches of medicine in another jurisdiction, for 4080
any reason other than the nonpayment of fees: the limitation, 4081
revocation, or suspension of an individual's license to practice; 4082
acceptance of an individual's license surrender; denial of a 4083
license; refusal to renew or reinstate a license; imposition of 4084
probation; or issuance of an order of censure or other reprimand; 4085

(23) The violation of section 2919.12 of the Revised Code or 4086
the performance or inducement of an abortion upon a pregnant woman 4087
with actual knowledge that the conditions specified in division 4088
(B) of section 2317.56 of the Revised Code have not been satisfied 4089
or with a heedless indifference as to whether those conditions 4090
have been satisfied, unless an affirmative defense as specified in 4091
division (H)(2) of that section would apply in a civil action 4092
authorized by division (H)(1) of that section; 4093

(24) The revocation, suspension, restriction, reduction, or 4094
termination of clinical privileges by the United States department 4095
of defense or department of veterans affairs or the termination or 4096
suspension of a certificate of registration to prescribe drugs by 4097
the drug enforcement administration of the United States 4098
department of justice; 4099

(25) Termination or suspension from participation in the 4100
medicare or medicaid programs by the department of health and 4101
human services or other responsible agency for any act or acts 4102
that also would constitute a violation of division (B)(2), (3), 4103
(6), (8), or (19) of this section; 4104

(26) Impairment of ability to practice according to 4105
acceptable and prevailing standards of care because of habitual or 4106
excessive use or abuse of drugs, alcohol, or other substances that 4107
impair ability to practice. 4108

For the purposes of this division, any individual authorized 4109

to practice by this chapter accepts the privilege of practicing in 4110
this state subject to supervision by the board. By filing an 4111
application for or holding a certificate to practice under this 4112
chapter, an individual shall be deemed to have given consent to 4113
submit to a mental or physical examination when ordered to do so 4114
by the board in writing, and to have waived all objections to the 4115
admissibility of testimony or examination reports that constitute 4116
privileged communications. 4117

If it has reason to believe that any individual authorized to 4118
practice by this chapter or any applicant for certification to 4119
practice suffers such impairment, the board may compel the 4120
individual to submit to a mental or physical examination, or both. 4121
The expense of the examination is the responsibility of the 4122
individual compelled to be examined. Any mental or physical 4123
examination required under this division shall be undertaken by a 4124
treatment provider or physician who is qualified to conduct the 4125
examination and who is chosen by the board. 4126

Failure to submit to a mental or physical examination ordered 4127
by the board constitutes an admission of the allegations against 4128
the individual unless the failure is due to circumstances beyond 4129
the individual's control, and a default and final order may be 4130
entered without the taking of testimony or presentation of 4131
evidence. If the board determines that the individual's ability to 4132
practice is impaired, the board shall suspend the individual's 4133
certificate or deny the individual's application and shall require 4134
the individual, as a condition for initial, continued, reinstated, 4135
or renewed certification to practice, to submit to treatment. 4136

Before being eligible to apply for reinstatement of a 4137
certificate suspended under this division, the impaired 4138
practitioner shall demonstrate to the board the ability to resume 4139
practice in compliance with acceptable and prevailing standards of 4140
care under the provisions of the practitioner's certificate. The 4141

demonstration shall include, but shall not be limited to, the 4142
following: 4143

(a) Certification from a treatment provider approved under 4144
section 4731.25 of the Revised Code that the individual has 4145
successfully completed any required inpatient treatment; 4146

(b) Evidence of continuing full compliance with an aftercare 4147
contract or consent agreement; 4148

(c) Two written reports indicating that the individual's 4149
ability to practice has been assessed and that the individual has 4150
been found capable of practicing according to acceptable and 4151
prevailing standards of care. The reports shall be made by 4152
individuals or providers approved by the board for making the 4153
assessments and shall describe the basis for their determination. 4154

The board may reinstate a certificate suspended under this 4155
division after that demonstration and after the individual has 4156
entered into a written consent agreement. 4157

When the impaired practitioner resumes practice, the board 4158
shall require continued monitoring of the individual. The 4159
monitoring shall include, but not be limited to, compliance with 4160
the written consent agreement entered into before reinstatement or 4161
with conditions imposed by board order after a hearing, and, upon 4162
termination of the consent agreement, submission to the board for 4163
at least two years of annual written progress reports made under 4164
penalty of perjury stating whether the individual has maintained 4165
sobriety. 4166

(27) A second or subsequent violation of section 4731.66 or 4167
4731.69 of the Revised Code; 4168

(28) Except as provided in division (N) of this section: 4169

(a) Waiving the payment of all or any part of a deductible or 4170
copayment that a patient, pursuant to a health insurance or health 4171

care policy, contract, or plan that covers the individual's 4172
services, otherwise would be required to pay if the waiver is used 4173
as an enticement to a patient or group of patients to receive 4174
health care services from that individual; 4175

(b) Advertising that the individual will waive the payment of 4176
all or any part of a deductible or copayment that a patient, 4177
pursuant to a health insurance or health care policy, contract, or 4178
plan that covers the individual's services, otherwise would be 4179
required to pay. 4180

(29) Failure to use universal blood and body fluid 4181
precautions established by rules adopted under section 4731.051 of 4182
the Revised Code; 4183

(30) Failure to provide notice to, and receive acknowledgment 4184
of the notice from, a patient when required by section 4731.143 of 4185
the Revised Code prior to providing nonemergency professional 4186
services, or failure to maintain that notice in the patient's 4187
file; 4188

(31) Failure of a physician supervising a physician assistant 4189
to maintain supervision in accordance with the requirements of 4190
Chapter 4730. of the Revised Code and the rules adopted under that 4191
chapter; 4192

(32) Failure of a physician or podiatrist to enter into a 4193
standard care arrangement with a clinical nurse specialist, 4194
certified nurse-midwife, or certified nurse practitioner with whom 4195
the physician or podiatrist is in collaboration pursuant to 4196
section 4731.27 of the Revised Code or failure to fulfill the 4197
responsibilities of collaboration after entering into a standard 4198
care arrangement; 4199

(33) Failure to comply with the terms of a consult agreement 4200
entered into with a pharmacist pursuant to section 4729.39 of the 4201
Revised Code; 4202

(34) Failure to cooperate in an investigation conducted by 4203
the board under division (F) of this section, including failure to 4204
comply with a subpoena or order issued by the board or failure to 4205
answer truthfully a question presented by the board at a 4206
deposition or in written interrogatories, except that failure to 4207
cooperate with an investigation shall not constitute grounds for 4208
discipline under this section if a court of competent jurisdiction 4209
has issued an order that either quashes a subpoena or permits the 4210
individual to withhold the testimony or evidence in issue; 4211

(35) Failure to supervise an acupuncturist in accordance with 4212
Chapter 4762. of the Revised Code and the board's rules for 4213
supervision of an acupuncturist; 4214

(36) Failure to supervise an anesthesiologist assistant in 4215
accordance with Chapter 4760. of the Revised Code and the board's 4216
rules for supervision of an anesthesiologist assistant; 4217

(37) Assisting suicide as defined in section 3795.01 of the 4218
Revised Code; 4219

(38) Failure to comply with the requirements of section 4220
2317.561 of the Revised Code; 4221

(39) Failure to supervise a radiologist assistant in 4222
accordance with Chapter 4774. of the Revised Code and the board's 4223
rules for supervision of radiologist assistants; 4224

(40) Performing or inducing an abortion at an office or 4225
facility with knowledge that the office or facility fails to post 4226
the notice required under section 3701.791 of the Revised Code. 4227

(C) Disciplinary actions taken by the board under divisions 4228
(A) and (B) of this section shall be taken pursuant to an 4229
adjudication under Chapter 119. of the Revised Code, except that 4230
in lieu of an adjudication, the board may enter into a consent 4231
agreement with an individual to resolve an allegation of a 4232
violation of this chapter or any rule adopted under it. A consent 4233

agreement, when ratified by an affirmative vote of not fewer than 4234
six members of the board, shall constitute the findings and order 4235
of the board with respect to the matter addressed in the 4236
agreement. If the board refuses to ratify a consent agreement, the 4237
admissions and findings contained in the consent agreement shall 4238
be of no force or effect. 4239

If the board takes disciplinary action against an individual 4240
under division (B) of this section for a second or subsequent plea 4241
of guilty to, or judicial finding of guilt of, a violation of 4242
section 2919.123 of the Revised Code, the disciplinary action 4243
shall consist of a suspension of the individual's certificate to 4244
practice for a period of at least one year or, if determined 4245
appropriate by the board, a more serious sanction involving the 4246
individual's certificate to practice. Any consent agreement 4247
entered into under this division with an individual that pertains 4248
to a second or subsequent plea of guilty to, or judicial finding 4249
of guilt of, a violation of that section shall provide for a 4250
suspension of the individual's certificate to practice for a 4251
period of at least one year or, if determined appropriate by the 4252
board, a more serious sanction involving the individual's 4253
certificate to practice. 4254

(D) For purposes of divisions (B)(10), (12), and (14) of this 4255
section, the commission of the act may be established by a finding 4256
by the board, pursuant to an adjudication under Chapter 119. of 4257
the Revised Code, that the individual committed the act. The board 4258
does not have jurisdiction under those divisions if the trial 4259
court renders a final judgment in the individual's favor and that 4260
judgment is based upon an adjudication on the merits. The board 4261
has jurisdiction under those divisions if the trial court issues 4262
an order of dismissal upon technical or procedural grounds. 4263

(E) The sealing of conviction records by any court shall have 4264
no effect upon a prior board order entered under this section or 4265

upon the board's jurisdiction to take action under this section 4266
if, based upon a plea of guilty, a judicial finding of guilt, or a 4267
judicial finding of eligibility for intervention in lieu of 4268
conviction, the board issued a notice of opportunity for a hearing 4269
prior to the court's order to seal the records. The board shall 4270
not be required to seal, destroy, redact, or otherwise modify its 4271
records to reflect the court's sealing of conviction records. 4272

(F)(1) The board shall investigate evidence that appears to 4273
show that a person has violated any provision of this chapter or 4274
any rule adopted under it. Any person may report to the board in a 4275
signed writing any information that the person may have that 4276
appears to show a violation of any provision of this chapter or 4277
any rule adopted under it. In the absence of bad faith, any person 4278
who reports information of that nature or who testifies before the 4279
board in any adjudication conducted under Chapter 119. of the 4280
Revised Code shall not be liable in damages in a civil action as a 4281
result of the report or testimony. Each complaint or allegation of 4282
a violation received by the board shall be assigned a case number 4283
and shall be recorded by the board. 4284

(2) Investigations of alleged violations of this chapter or 4285
any rule adopted under it shall be supervised by the supervising 4286
member elected by the board in accordance with section 4731.02 of 4287
the Revised Code and by the secretary as provided in section 4288
4731.39 of the Revised Code. The president may designate another 4289
member of the board to supervise the investigation in place of the 4290
supervising member. No member of the board who supervises the 4291
investigation of a case shall participate in further adjudication 4292
of the case. 4293

(3) In investigating a possible violation of this chapter or 4294
any rule adopted under this chapter, the board may administer 4295
oaths, order the taking of depositions, issue subpoenas, and 4296
compel the attendance of witnesses and production of books, 4297

accounts, papers, records, documents, and testimony, except that a 4298
subpoena for patient record information shall not be issued 4299
without consultation with the attorney general's office and 4300
approval of the secretary and supervising member of the board. 4301
Before issuance of a subpoena for patient record information, the 4302
secretary and supervising member shall determine whether there is 4303
probable cause to believe that the complaint filed alleges a 4304
violation of this chapter or any rule adopted under it and that 4305
the records sought are relevant to the alleged violation and 4306
material to the investigation. The subpoena may apply only to 4307
records that cover a reasonable period of time surrounding the 4308
alleged violation. 4309

On failure to comply with any subpoena issued by the board 4310
and after reasonable notice to the person being subpoenaed, the 4311
board may move for an order compelling the production of persons 4312
or records pursuant to the Rules of Civil Procedure. 4313

A subpoena issued by the board may be served by a sheriff, 4314
the sheriff's deputy, or a board employee designated by the board. 4315
Service of a subpoena issued by the board may be made by 4316
delivering a copy of the subpoena to the person named therein, 4317
reading it to the person, or leaving it at the person's usual 4318
place of residence. When the person being served is a person whose 4319
practice is authorized by this chapter, service of the subpoena 4320
may be made by certified mail, restricted delivery, return receipt 4321
requested, and the subpoena shall be deemed served on the date 4322
delivery is made or the date the person refuses to accept 4323
delivery. 4324

A sheriff's deputy who serves a subpoena shall receive the 4325
same fees as a sheriff. Each witness who appears before the board 4326
in obedience to a subpoena shall receive the fees and mileage 4327
provided for witnesses in civil cases in the courts of common 4328
pleas. 4329

(4) All hearings and investigations of the board shall be 4330
considered civil actions for the purposes of section 2305.252 of 4331
the Revised Code. 4332

(5) Information received by the board pursuant to an 4333
investigation is confidential and not subject to discovery in any 4334
civil action. 4335

The board shall conduct all investigations and proceedings in 4336
a manner that protects the confidentiality of patients and persons 4337
who file complaints with the board. The board shall not make 4338
public the names or any other identifying information about 4339
patients or complainants unless proper consent is given or, in the 4340
case of a patient, a waiver of the patient privilege exists under 4341
division (B) of section 2317.02 of the Revised Code, except that 4342
consent or a waiver of that nature is not required if the board 4343
possesses reliable and substantial evidence that no bona fide 4344
physician-patient relationship exists. 4345

The board may share any information it receives pursuant to 4346
an investigation, including patient records and patient record 4347
information, with law enforcement agencies, other licensing 4348
boards, and other governmental agencies that are prosecuting, 4349
adjudicating, or investigating alleged violations of statutes or 4350
administrative rules. An agency or board that receives the 4351
information shall comply with the same requirements regarding 4352
confidentiality as those with which the state medical board must 4353
comply, notwithstanding any conflicting provision of the Revised 4354
Code or procedure of the agency or board that applies when it is 4355
dealing with other information in its possession. In a judicial 4356
proceeding, the information may be admitted into evidence only in 4357
accordance with the Rules of Evidence, but the court shall require 4358
that appropriate measures are taken to ensure that confidentiality 4359
is maintained with respect to any part of the information that 4360
contains names or other identifying information about patients or 4361

complainants whose confidentiality was protected by the state 4362
medical board when the information was in the board's possession. 4363
Measures to ensure confidentiality that may be taken by the court 4364
include sealing its records or deleting specific information from 4365
its records. 4366

(6) On a quarterly basis, the board shall prepare a report 4367
that documents the disposition of all cases during the preceding 4368
three months. The report shall contain the following information 4369
for each case with which the board has completed its activities: 4370

(a) The case number assigned to the complaint or alleged 4371
violation; 4372

(b) The type of certificate to practice, if any, held by the 4373
individual against whom the complaint is directed; 4374

(c) A description of the allegations contained in the 4375
complaint; 4376

(d) The disposition of the case. 4377

The report shall state how many cases are still pending and 4378
shall be prepared in a manner that protects the identity of each 4379
person involved in each case. The report shall be a public record 4380
under section 149.43 of the Revised Code. 4381

(G) If the secretary and supervising member determine that 4382
there is clear and convincing evidence that an individual has 4383
violated division (B) of this section and that the individual's 4384
continued practice presents a danger of immediate and serious harm 4385
to the public, they may recommend that the board suspend the 4386
individual's certificate to practice without a prior hearing. 4387
Written allegations shall be prepared for consideration by the 4388
board. 4389

The board, upon review of those allegations and by an 4390
affirmative vote of not fewer than six of its members, excluding 4391

the secretary and supervising member, may suspend a certificate 4392
without a prior hearing. A telephone conference call may be 4393
utilized for reviewing the allegations and taking the vote on the 4394
summary suspension. 4395

The board shall issue a written order of suspension by 4396
certified mail or in person in accordance with section 119.07 of 4397
the Revised Code. The order shall not be subject to suspension by 4398
the court during pendency of any appeal filed under section 119.12 4399
of the Revised Code. If the individual subject to the summary 4400
suspension requests an adjudicatory hearing by the board, the date 4401
set for the hearing shall be within fifteen days, but not earlier 4402
than seven days, after the individual requests the hearing, unless 4403
otherwise agreed to by both the board and the individual. 4404

Any summary suspension imposed under this division shall 4405
remain in effect, unless reversed on appeal, until a final 4406
adjudicative order issued by the board pursuant to this section 4407
and Chapter 119. of the Revised Code becomes effective. The board 4408
shall issue its final adjudicative order within seventy-five days 4409
after completion of its hearing. A failure to issue the order 4410
within seventy-five days shall result in dissolution of the 4411
summary suspension order but shall not invalidate any subsequent, 4412
final adjudicative order. 4413

(H) If the board takes action under division (B)(9), (11), or 4414
(13) of this section and the judicial finding of guilt, guilty 4415
plea, or judicial finding of eligibility for intervention in lieu 4416
of conviction is overturned on appeal, upon exhaustion of the 4417
criminal appeal, a petition for reconsideration of the order may 4418
be filed with the board along with appropriate court documents. 4419
Upon receipt of a petition of that nature and supporting court 4420
documents, the board shall reinstate the individual's certificate 4421
to practice. The board may then hold an adjudication under Chapter 4422
119. of the Revised Code to determine whether the individual 4423

committed the act in question. Notice of an opportunity for a 4424
hearing shall be given in accordance with Chapter 119. of the 4425
Revised Code. If the board finds, pursuant to an adjudication held 4426
under this division, that the individual committed the act or if 4427
no hearing is requested, the board may order any of the sanctions 4428
identified under division (B) of this section. 4429

(I) The certificate to practice issued to an individual under 4430
this chapter and the individual's practice in this state are 4431
automatically suspended as of the date of the individual's second 4432
or subsequent plea of guilty to, or judicial finding of guilt of, 4433
a violation of section 2919.123 of the Revised Code, or the date 4434
the individual pleads guilty to, is found by a judge or jury to be 4435
guilty of, or is subject to a judicial finding of eligibility for 4436
intervention in lieu of conviction in this state or treatment or 4437
intervention in lieu of conviction in another jurisdiction for any 4438
of the following criminal offenses in this state or a 4439
substantially equivalent criminal offense in another jurisdiction: 4440
aggravated murder, murder, voluntary manslaughter, felonious 4441
assault, kidnapping, rape, sexual battery, gross sexual 4442
imposition, aggravated arson, aggravated robbery, or aggravated 4443
burglary. Continued practice after suspension shall be considered 4444
practicing without a certificate. 4445

The board shall notify the individual subject to the 4446
suspension by certified mail or in person in accordance with 4447
section 119.07 of the Revised Code. If an individual whose 4448
certificate is automatically suspended under this division fails 4449
to make a timely request for an adjudication under Chapter 119. of 4450
the Revised Code, the board shall do whichever of the following is 4451
applicable: 4452

(1) If the automatic suspension under this division is for a 4453
second or subsequent plea of guilty to, or judicial finding of 4454
guilt of, a violation of section 2919.123 of the Revised Code, the 4455

board shall enter an order suspending the individual's certificate 4456
to practice for a period of at least one year or, if determined 4457
appropriate by the board, imposing a more serious sanction 4458
involving the individual's certificate to practice. 4459

(2) In all circumstances in which division (I)(1) of this 4460
section does not apply, enter a final order permanently revoking 4461
the individual's certificate to practice. 4462

(J) If the board is required by Chapter 119. of the Revised 4463
Code to give notice of an opportunity for a hearing and if the 4464
individual subject to the notice does not timely request a hearing 4465
in accordance with section 119.07 of the Revised Code, the board 4466
is not required to hold a hearing, but may adopt, by an 4467
affirmative vote of not fewer than six of its members, a final 4468
order that contains the board's findings. In that final order, the 4469
board may order any of the sanctions identified under division (A) 4470
or (B) of this section. 4471

(K) Any action taken by the board under division (B) of this 4472
section resulting in a suspension from practice shall be 4473
accompanied by a written statement of the conditions under which 4474
the individual's certificate to practice may be reinstated. The 4475
board shall adopt rules governing conditions to be imposed for 4476
reinstatement. Reinstatement of a certificate suspended pursuant 4477
to division (B) of this section requires an affirmative vote of 4478
not fewer than six members of the board. 4479

(L) When the board refuses to grant a certificate to an 4480
applicant, revokes an individual's certificate to practice, 4481
refuses to register an applicant, or refuses to reinstate an 4482
individual's certificate to practice, the board may specify that 4483
its action is permanent. An individual subject to a permanent 4484
action taken by the board is forever thereafter ineligible to hold 4485
a certificate to practice and the board shall not accept an 4486
application for reinstatement of the certificate or for issuance 4487

of a new certificate. 4488

(M) Notwithstanding any other provision of the Revised Code, 4489
all of the following apply: 4490

(1) The surrender of a certificate issued under this chapter 4491
shall not be effective unless or until accepted by the board. 4492
Reinstatement of a certificate surrendered to the board requires 4493
an affirmative vote of not fewer than six members of the board. 4494

(2) An application for a certificate made under the 4495
provisions of this chapter may not be withdrawn without approval 4496
of the board. 4497

(3) Failure by an individual to renew a certificate of 4498
registration in accordance with this chapter shall not remove or 4499
limit the board's jurisdiction to take any disciplinary action 4500
under this section against the individual. 4501

(N) Sanctions shall not be imposed under division (B)(28) of 4502
this section against any person who waives deductibles and 4503
copayments as follows: 4504

(1) In compliance with the health benefit plan that expressly 4505
allows such a practice. Waiver of the deductibles or copayments 4506
shall be made only with the full knowledge and consent of the plan 4507
purchaser, payer, and third-party administrator. Documentation of 4508
the consent shall be made available to the board upon request. 4509

(2) For professional services rendered to any other person 4510
authorized to practice pursuant to this chapter, to the extent 4511
allowed by this chapter and rules adopted by the board. 4512

(O) Under the board's investigative duties described in this 4513
section and subject to division (F) of this section, the board 4514
shall develop and implement a quality intervention program 4515
designed to improve through remedial education the clinical and 4516
communication skills of individuals authorized under this chapter 4517

to practice medicine and surgery, osteopathic medicine and 4518
surgery, and podiatric medicine and surgery. In developing and 4519
implementing the quality intervention program, the board may do 4520
all of the following: 4521

(1) Offer in appropriate cases as determined by the board an 4522
educational and assessment program pursuant to an investigation 4523
the board conducts under this section; 4524

(2) Select providers of educational and assessment services, 4525
including a quality intervention program panel of case reviewers; 4526

(3) Make referrals to educational and assessment service 4527
providers and approve individual educational programs recommended 4528
by those providers. The board shall monitor the progress of each 4529
individual undertaking a recommended individual educational 4530
program. 4531

(4) Determine what constitutes successful completion of an 4532
individual educational program and require further monitoring of 4533
the individual who completed the program or other action that the 4534
board determines to be appropriate; 4535

(5) Adopt rules in accordance with Chapter 119. of the 4536
Revised Code to further implement the quality intervention 4537
program. 4538

An individual who participates in an individual educational 4539
program pursuant to this division shall pay the financial 4540
obligations arising from that educational program. 4541

Section 2. That existing sections 2151.421, 2903.11, 2903.12, 4542
2903.13, 2905.01, 2905.02, 2907.21, 2907.22, 2907.323, 2919.22, 4543
2919.25, 2923.32, 2929.01, 2929.13, 2929.14, 2929.18, 2929.24, 4544
3702.30, and 4731.22 of the Revised Code are hereby repealed. 4545

4546

Section 3. (A) The General Assembly strongly encourages the 4547
Attorney General to establish a Trafficking in Persons Study 4548
Commission. If the Attorney General establishes the Commission, it 4549
shall be composed of the number of members determined by the 4550
Attorney General. The Attorney General shall appoint the members, 4551
and each member shall be qualified by education or experience in 4552
subject matters that are relevant to the functions and duties of 4553
the Commission specified in division (B) of this section. If the 4554
Attorney General establishes the Commission, the Attorney General 4555
shall notify the Governor, the President and Minority Leader of 4556
the Senate, and the Speaker and Minority Leader of the House of 4557
Representatives. When all members of the Commission have been 4558
appointed, the Commission promptly shall meet, select a 4559
chairperson and a vice-chairperson, and organize its activities. 4560

(B) If the Attorney General establishes a Trafficking in 4561
Persons Study Commission under division (A) of this section, the 4562
Commission shall: (1) study and review the problem of trafficking 4563
in persons, particularly as it affects this state or occurs in 4564
this state; (2) study and review the criminal law of this state to 4565
determine the manner and extent to which it currently applies to 4566
conduct that involves or is related to trafficking in persons, 4567
including the criminal offenses of this state that currently apply 4568
to such conduct and the penalties for those offenses; and (3) 4569
develop recommendations to address the problem of trafficking in 4570
persons and to improve and expand as necessary the criminal law of 4571
this state to better address conduct that involves or is related 4572
to trafficking in persons. 4573

(C) If the Attorney General establishes a Trafficking in 4574
Persons Study Commission under division (A) of this section, upon 4575
completing its functions and duties under division (B) of this 4576
section, the Commission shall prepare a report that summarizes its 4577
findings and its recommendations for changes in the law of this 4578

state. The Commission shall deliver a copy of the report to the 4579
Governor, the Attorney General, the President and Minority Leader 4580
of the Senate, and the Speaker and Minority Leader of the House of 4581
Representatives. 4582

Section 4. Section 2151.421 of the Revised Code, as amended 4583
by this act, applies to civil actions filed on or after the 4584
effective date of this act and to civil actions that are pending 4585
on the effective date of this act. 4586

Section 5. Section 2151.421 of the Revised Code is presented 4587
in this act as a composite of the section as amended by both Am. 4588
H.B. 314 and Sub. S.B. 163 of the 127th General Assembly. The 4589
General Assembly, applying the principle stated in division (B) of 4590
section 1.52 of the Revised Code that amendments are to be 4591
harmonized if reasonably capable of simultaneous operation, finds 4592
that the composite is the resulting version of the section in 4593
effect prior to the effective date of the section as presented in 4594
this act. 4595

Section 2903.11 of the Revised Code is presented in this act 4596
as a composite of the section as amended by both Sub. H.B. 347 and 4597
Am. Sub. H.B. 461 of the 126th General Assembly. The General 4598
Assembly, applying the principle stated in division (B) of section 4599
1.52 of the Revised Code that amendments are to be harmonized if 4600
reasonably capable of simultaneous operation, finds that the 4601
composite is the resulting version of the section in effect prior 4602
to the effective date of the section as presented in this act. 4603

Section 2929.14 of the Revised Code is presented in this act 4605
as a composite of the section as amended by both Sub. S.B. 184 and 4606
Sub. S.B. 220 of the 127th General Assembly. The General Assembly, 4607
applying the principle stated in division (B) of section 1.52 of 4608
the Revised Code that amendments are to be harmonized if 4609

reasonably capable of simultaneous operation, finds that the 4610
composite is the resulting version of the section in effect prior 4611
to the effective date of the section as presented in this act. 4612
4613