

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 252

Senator Coughlin

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A B I L L

To amend sections 109.42, 109.572, 109.60, 120.03, 1
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120.26, 120.28, 120.33, 120.36, 309.08, 341.23, 3
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1901.31, 1905.29, 1907.012, 1923.01, 1923.02, 9
1923.10, 2152.021, 2152.03, 2152.16, 2152.18, 10
2152.21, 2152.41, 2325.15, 2335.06, 2335.08, 11
2335.09, 2743.51, 2743.60, 2743.70, 2901.01, 12
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2919.251, 2919.26, 2919.271, 2921.25, 2921.51, 16
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2933.02, 2933.03, 2933.04, 2933.05, 2933.06, 18
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2937.221, 2937.23, 2937.46, 2937.99, 2938.02, 21
2938.04, 2941.51, 2945.17, 2947.23, 2949.02, 22
2950.01, 2951.041, 2953.02, 2953.03, 2953.07, 23
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4511.79, 4511.81, 4513.263, 4513.35, 4513.37,	39
4521.01, 4549.17, 4730.31, 4731.223, 4760.15,	40
4762.15, 4999.06, 5104.09, 5123.081, 5126.28,	41
5309.54, 5321.05, 5502.61, and 5503.04; to amend,	42
for the purpose of adopting a new section number	43
as indicated in parentheses, section 1905.29	44
(737.34); to enact sections 1901.42, 1905.41,	45
1905.42, 1905.43, 1905.44, 1905.45, 1905.46,	46
1905.47, 1905.48, 1905.49, 1905.50, 1905.51,	47
1905.52, 1905.53, 1905.54, 1905.55, 1905.56,	48
1905.57, and 1907.25; to repeal sections 1905.01,	49
1905.02, 1905.03, 1905.031, 1905.032, 1905.033,	50
1905.04, 1905.05, 1905.08, 1905.17, 1905.20,	51
1905.201, 1905.21, 1905.22, 1905.23, 1905.24,	52
1905.25, 1905.26, 1905.28, 1905.30, 1905.31,	53
1905.32, 1905.34, 1905.35, 1905.36, 1905.37,	54
2933.07, 2933.08, and 2933.09 of the Revised Code	55
to abolish mayor's courts and to create community	56
courts, to convert three part-time municipal court	57

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

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

Section 1. That sections 109.42, 109.572, 109.60, 120.03, 62
120.14, 120.15, 120.16, 120.18, 120.24, 120.25, 120.26, 120.28, 63
120.33, 120.36, 309.08, 341.23, 341.33, 503.44, 503.46, 504.04, 64
504.05, 504.06, 504.08, 504.15, 705.14, 705.55, 733.40, 733.44, 65
733.51, 733.52, 743.14, 753.02, 753.021, 753.04, 753.08, 925.31, 66
955.99, 1901.021, 1901.024, 1901.026, 1901.04, 1901.08, 1901.11, 67
1901.181, 1901.31, 1905.29, 1907.012, 1923.01, 1923.02, 1923.10, 68
2152.021, 2152.03, 2152.16, 2152.18, 2152.21, 2152.41, 2325.15, 69
2335.06, 2335.08, 2335.09, 2743.51, 2743.60, 2743.70, 2901.01, 70
2903.04, 2903.06, 2903.08, 2903.212, 2903.213, 2903.214, 2907.24, 71
2907.27, 2907.28, 2907.41, 2913.01, 2915.01, 2917.11, 2917.41, 72
2919.25, 2919.251, 2919.26, 2919.271, 2921.25, 2921.51, 2921.52, 73
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2933.05, 2933.06, 2933.10, 2935.01, 2935.03, 2935.13, 2935.14, 75
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2937.46, 2937.99, 2938.02, 2938.04, 2941.51, 2945.17, 2947.23, 77
2949.02, 2950.01, 2951.041, 2953.02, 2953.03, 2953.07, 2953.09, 78
2953.31, 2953.36, 3113.31, 3301.88, 3313.662, 3319.20, 3319.31, 79
3327.10, 3345.23, 3375.50, 3375.51, 3397.41, 3397.43, 4112.02, 80
4113.52, 4301.252, 4501.11, 4503.13, 4503.233, 4503.234, 4506.07, 81
4506.15, 4506.18, 4507.02, 4507.06, 4507.091, 4507.164, 4509.33, 82
4509.35, 4510.01, 4510.03, 4510.031, 4510.032, 4510.034, 4510.036, 83
4510.038, 4510.04, 4510.05, 4510.07, 4510.11, 4510.12, 4510.13, 84
4510.14, 4510.15, 4510.16, 4510.161, 4510.17, 4510.22, 4510.31, 85
4510.41, 4510.43, 4510.53, 4510.54, 4511.01, 4511.181, 4511.19, 86
4511.191, 4511.192, 4511.193, 4511.194, 4511.195, 4511.196, 87

4511.197, 4511.203, 4511.211, 4511.512, 4511.63, 4511.69, 4511.75, 88
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, 4511.79, 4511.81, 89
4513.263, 4513.35, 4513.37, 4521.01, 4549.17, 4730.31, 4731.223, 90
4760.15, 4762.15, 4999.06, 5104.09, 5123.081, 5126.28, 5309.54, 91
5321.05, 5502.61, and 5503.04 be amended, section 1905.29 (737.34) 92
be amended for the purpose of adopting a new section number as 93
indicated in parentheses, and sections 1901.42, 1905.41, 1905.42, 94
1905.43, 1905.44, 1905.45, 1905.46, 1905.47, 1905.48, 1905.49, 95
1905.50, 1905.51, 1905.52, 1905.53, 1905.54, 1905.55, 1905.56, 96
1905.57, and 1907.25 of the Revised Code be enacted to read as 97
follows: 98

Sec. 109.42. (A) The attorney general shall prepare and have 99
printed a pamphlet that contains a compilation of all statutes 100
relative to victim's rights in which the attorney general lists 101
and explains the statutes in the form of a victim's bill of 102
rights. The attorney general shall distribute the pamphlet to all 103
sheriffs, marshals, municipal corporation and township police 104
departments, constables, and other law enforcement agencies, to 105
all prosecuting attorneys, city directors of law, village 106
solicitors, and other similar chief legal officers of municipal 107
corporations, and to organizations that represent or provide 108
services for victims of crime. The victim's bill of rights set 109
forth in the pamphlet shall contain a description of all of the 110
rights of victims that are provided for in Chapter 2930. or in any 111
other section of the Revised Code and shall include, but not be 112
limited to, all of the following: 113

(1) The right of a victim or a victim's representative to 114
attend a proceeding before a grand jury, in a juvenile case, or in 115
a criminal case pursuant to a subpoena without being discharged 116
from the victim's or representative's employment, having the 117
victim's or representative's employment terminated, having the 118
victim's or representative's pay decreased or withheld, or 119

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

(2) The potential availability pursuant to section 2151.359 125
or 2152.61 of the Revised Code of a forfeited recognizance to pay 126
damages caused by a child when the delinquency of the child or 127
child's violation of probation or community control is found to be 128
proximately caused by the failure of the child's parent or 129
guardian to subject the child to reasonable parental authority or 130
to faithfully discharge the conditions of probation or community 131
control; 132

(3) The availability of awards of reparations pursuant to 133
sections 2743.51 to 2743.72 of the Revised Code for injuries 134
caused by criminal offenses; 135

(4) The right of the victim in certain criminal or juvenile 136
cases or a victim's representative to receive, pursuant to section 137
2930.06 of the Revised Code, notice of the date, time, and place 138
of the trial or delinquency proceeding in the case or, if there 139
will not be a trial or delinquency proceeding, information from 140
the prosecutor, as defined in section 2930.01 of the Revised Code, 141
regarding the disposition of the case; 142

(5) The right of the victim in certain criminal or juvenile 143
cases or a victim's representative to receive, pursuant to section 144
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 145
name of the person charged with the violation, the case or docket 146
number assigned to the charge, and a telephone number or numbers 147
that can be called to obtain information about the disposition of 148
the case; 149

(6) The right of the victim in certain criminal or juvenile 150

cases or of the victim's representative pursuant to section 151
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 152
terms set by the court as authorized under section 2930.14 of the 153
Revised Code, to make a statement about the victimization and, if 154
applicable, a statement relative to the sentencing or disposition 155
of the offender; 156

(7) The opportunity to obtain a court order, pursuant to 157
section 2945.04 of the Revised Code, to prevent or stop the 158
commission of the offense of intimidation of a crime victim or 159
witness or an offense against the person or property of the 160
complainant, or of the complainant's ward or child; 161

(8) The right of the victim in certain criminal or juvenile 162
cases or a victim's representative pursuant to sections 2151.38, 163
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 164
receive notice of a pending motion for judicial release or early 165
release of the person who committed the offense against the 166
victim, to make an oral or written statement at the court hearing 167
on the motion, and to be notified of the court's decision on the 168
motion; 169

(9) The right of the victim in certain criminal or juvenile 170
cases or a victim's representative pursuant to section 2930.16, 171
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 172
of any pending commutation, pardon, parole, transitional control, 173
discharge, other form of authorized release, post-release control, 174
or supervised release for the person who committed the offense 175
against the victim or any application for release of that person 176
and to send a written statement relative to the victimization and 177
the pending action to the adult parole authority or the release 178
authority of the department of youth services; 179

(10) The right of the victim to bring a civil action pursuant 180
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 181
from the offender's profit fund; 182

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance or township resolution, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code,

and the right of both types of victims to be accompanied by a 215
victim advocate during court proceedings; 216

(16) The right of a victim of a sexually oriented offense or 217
of a child-victim oriented offense that is committed by a person 218
who is convicted of, pleads guilty to, or is adjudicated a 219
delinquent child for committing the offense and who is in a 220
category specified in division (B) of section 2950.10 of the 221
Revised Code to receive, pursuant to that section, notice that the 222
person has registered with a sheriff under section 2950.04, 223
2950.041, or 2950.05 of the Revised Code and notice of the 224
person's name, the person's residence that is registered, and the 225
offender's school, institution of higher education, or place of 226
employment address or addresses that are registered, the person's 227
photograph, and a summary of the manner in which the victim must 228
make a request to receive the notice. As used in this division, 229
"sexually oriented offense" and "child-victim oriented offense" 230
have the same meanings as in section 2950.01 of the Revised Code. 231

(17) The right of a victim of certain sexually violent 232
offenses committed by an offender who also is convicted of or 233
pleads guilty to a sexually violent predator specification and who 234
is sentenced to a prison term pursuant to division (A)(3) of 235
section 2971.03 of the Revised Code, of a victim of a violation of 236
division (A)(1)(b) of section 2907.02 of the Revised Code 237
committed on or after January 2, 2007, by an offender who is 238
sentenced for the violation pursuant to division (B)(1)(a), (b), 239
or (c) of section 2971.03 of the Revised Code, of a victim of an 240
attempted rape committed on or after January 2, 2007, by an 241
offender who also is convicted of or pleads guilty to a 242
specification of the type described in section 2941.1418, 243
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 244
the violation pursuant to division (B)(2)(a), (b), or (c) of 245
section 2971.03 of the Revised Code, and of a victim of an offense 246

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

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 258
prosecuting attorney, assistant prosecuting attorney, city 259
director of law, assistant city director of law, village 260
solicitor, assistant village solicitor, or similar chief legal 261
officer of a municipal corporation or an assistant of any of those 262
officers who prosecutes an offense committed in this state, upon 263
first contact with the victim of the offense, the victim's family, 264
or the victim's dependents, shall give the victim, the victim's 265
family, or the victim's dependents a copy of the pamphlet prepared 266
pursuant to division (A) of this section and explain, upon 267
request, the information in the pamphlet to the victim, the 268
victim's family, or the victim's dependents. 269

(b) Subject to division (B)(1)(c) of this section, a law 270
enforcement agency that investigates an offense or delinquent act 271
committed in this state shall give the victim of the offense or 272
delinquent act, the victim's family, or the victim's dependents a 273
copy of the pamphlet prepared pursuant to division (A) of this 274
section at one of the following times: 275

(i) Upon first contact with the victim, the victim's family, 276
or the victim's dependents; 277

(ii) If the offense or delinquent act is an offense of 278

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

If the agency does not give the victim, the victim's family, 288
or the victim's dependents a copy of the pamphlet upon first 289
contact with them and does not have a second contact with the 290
victim, the victim's family, or the victim's dependents, the 291
agency shall mail a copy of the pamphlet to the victim, the 292
victim's family, or the victim's dependents at their last known 293
address. 294

(c) In complying on and after December 9, 1994, with the 295
duties imposed by division (B)(1)(a) or (b) of this section, an 296
official or a law enforcement agency shall use copies of the 297
pamphlet that are in the official's or agency's possession on 298
December 9, 1994, until the official or agency has distributed all 299
of those copies. After the official or agency has distributed all 300
of those copies, the official or agency shall use only copies of 301
the pamphlet that contain at least the information described in 302
divisions (A)(1) to (17) of this section. 303

(2) The failure of a law enforcement agency or of a 304
prosecuting attorney, assistant prosecuting attorney, city 305
director of law, assistant city director of law, village 306
solicitor, assistant village solicitor, or similar chief legal 307
officer of a municipal corporation or an assistant to any of those 308
officers to give, as required by division (B)(1) of this section, 309
the victim of an offense or delinquent act, the victim's family, 310

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

(3) A law enforcement agency, a prosecuting attorney or 318
assistant prosecuting attorney, or a city director of law, 319
assistant city director of law, village solicitor, assistant 320
village solicitor, or similar chief legal officer of a municipal 321
corporation that distributes a copy of the pamphlet prepared 322
pursuant to division (A) of this section shall not be required to 323
distribute a copy of an information card or other printed material 324
provided by the clerk of the court of claims pursuant to section 325
2743.71 of the Revised Code. 326

(C) The cost of printing and distributing the pamphlet 327
prepared pursuant to division (A) of this section shall be paid 328
out of the reparations fund, created pursuant to section 2743.191 329
of the Revised Code, in accordance with division (D) of that 330
section. 331

(D) As used in this section: 332

(1) "Victim's representative" has the same meaning as in 333
section 2930.01 of the Revised Code; 334

(2) "Victim advocate" has the same meaning as in section 335
2919.26 of the Revised Code. 336

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 337
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 338
of the Revised Code, a completed form prescribed pursuant to 339
division (C)(1) of this section, and a set of fingerprint 340

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 348
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 349
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 350
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 351
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 352
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 353
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 354
2925.06, or 3716.11 of the Revised Code, felonious sexual 355
penetration in violation of former section 2907.12 of the Revised 356
Code, a violation of section 2905.04 of the Revised Code as it 357
existed prior to July 1, 1996, a violation of section 2919.23 of 358
the Revised Code that would have been a violation of section 359
2905.04 of the Revised Code as it existed prior to July 1, 1996, 360
had the violation been committed prior to that date, or a 361
violation of section 2925.11 of the Revised Code that is not a 362
minor drug possession offense; 363

(b) A violation of an existing or former law of this state, 364
any other state, or the United States that is substantially 365
equivalent to any of the offenses listed in division (A)(1)(a) of 366
this section. 367

(2) On receipt of a request pursuant to section 5123.081 of 368
the Revised Code with respect to an applicant for employment in 369
any position with the department of mental retardation and 370
developmental disabilities, pursuant to section 5126.28 of the 371
Revised Code with respect to an applicant for employment in any 372

position with a county board of mental retardation and 373
developmental disabilities, or pursuant to section 5126.281 of the 374
Revised Code with respect to an applicant for employment in a 375
direct services position with an entity contracting with a county 376
board for employment, a completed form prescribed pursuant to 377
division (C)(1) of this section, and a set of fingerprint 378
impressions obtained in the manner described in division (C)(2) of 379
this section, the superintendent of the bureau of criminal 380
identification and investigation shall conduct a criminal records 381
check. The superintendent shall conduct the criminal records check 382
in the manner described in division (B) of this section to 383
determine whether any information exists that indicates that the 384
person who is the subject of the request has been convicted of or 385
pleaded guilty to any of the following: 386

(a) A violation of section 2903.01, 2903.02, 2903.03, 387
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 388
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 389
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 390
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 391
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 392
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 393
2925.03, or 3716.11 of the Revised Code; 394

(b) An existing or former municipal ordinance, township 395
resolution, or law of this state, any other state, or the United 396
States that is substantially equivalent to any of the offenses 397
listed in division (A)(2)(a) of this section. 398

(3) On receipt of a request pursuant to section 173.27, 399
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 400
completed form prescribed pursuant to division (C)(1) of this 401
section, and a set of fingerprint impressions obtained in the 402
manner described in division (C)(2) of this section, the 403
superintendent of the bureau of criminal identification and 404

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 413
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 414
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 415
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 416
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 417
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 418
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 419
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 420
2925.22, 2925.23, or 3716.11 of the Revised Code; 421

(b) An existing or former law of this state, any other state, 422
or the United States that is substantially equivalent to any of 423
the offenses listed in division (A)(3)(a) of this section. 424

(4) On receipt of a request pursuant to section 3701.881 of 425
the Revised Code with respect to an applicant for employment with 426
a home health agency as a person responsible for the care, 427
custody, or control of a child, a completed form prescribed 428
pursuant to division (C)(1) of this section, and a set of 429
fingerprint impressions obtained in the manner described in 430
division (C)(2) of this section, the superintendent of the bureau 431
of criminal identification and investigation shall conduct a 432
criminal records check. The superintendent shall conduct the 433
criminal records check in the manner described in division (B) of 434
this section to determine whether any information exists that 435
indicates that the person who is the subject of the request 436

previously has been convicted of or pleaded guilty to any of the 437
following: 438

(a) A violation of section 2903.01, 2903.02, 2903.03, 439
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 440
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 441
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 442
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 443
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 444
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 445
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 446
violation of section 2925.11 of the Revised Code that is not a 447
minor drug possession offense; 448

(b) An existing or former law of this state, any other state, 449
or the United States that is substantially equivalent to any of 450
the offenses listed in division (A)(4)(a) of this section. 451

(5) On receipt of a request pursuant to section 5111.032, 452
5111.033, or 5111.034 of the Revised Code, a completed form 453
prescribed pursuant to division (C)(1) of this section, and a set 454
of fingerprint impressions obtained in the manner described in 455
division (C)(2) of this section, the superintendent of the bureau 456
of criminal identification and investigation shall conduct a 457
criminal records check. The superintendent shall conduct the 458
criminal records check in the manner described in division (B) of 459
this section to determine whether any information exists that 460
indicates that the person who is the subject of the request 461
previously has been convicted of, has pleaded guilty to, or has 462
been found eligible for intervention in lieu of conviction for any 463
of the following: 464

(a) A violation of section 2903.01, 2903.02, 2903.03, 465
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 466
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 467
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 468

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

(b) An existing or former law of this state, any other state, 483
or the United States that is substantially equivalent to any of 484
the offenses listed in division (A)(5)(a) of this section. 485

(6) On receipt of a request pursuant to section 3701.881 of 486
the Revised Code with respect to an applicant for employment with 487
a home health agency in a position that involves providing direct 488
care to an older adult, a completed form prescribed pursuant to 489
division (C)(1) of this section, and a set of fingerprint 490
impressions obtained in the manner described in division (C)(2) of 491
this section, the superintendent of the bureau of criminal 492
identification and investigation shall conduct a criminal records 493
check. The superintendent shall conduct the criminal records check 494
in the manner described in division (B) of this section to 495
determine whether any information exists that indicates that the 496
person who is the subject of the request previously has been 497
convicted of or pleaded guilty to any of the following: 498

(a) A violation of section 2903.01, 2903.02, 2903.03, 499
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 500

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 501
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 502
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 503
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 504
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 505
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 506
2925.22, 2925.23, or 3716.11 of the Revised Code; 507

(b) An existing or former law of this state, any other state, 508
or the United States that is substantially equivalent to any of 509
the offenses listed in division (A)(6)(a) of this section. 510

(7) When conducting a criminal records check upon a request 511
pursuant to section 3319.39 of the Revised Code for an applicant 512
who is a teacher, in addition to the determination made under 513
division (A)(1) of this section, the superintendent shall 514
determine whether any information exists that indicates that the 515
person who is the subject of the request previously has been 516
convicted of or pleaded guilty to any offense specified in section 517
3319.31 of the Revised Code. 518

(8) On a request pursuant to section 2151.86 of the Revised 519
Code, a completed form prescribed pursuant to division (C)(1) of 520
this section, and a set of fingerprint impressions obtained in the 521
manner described in division (C)(2) of this section, the 522
superintendent of the bureau of criminal identification and 523
investigation shall conduct a criminal records check in the manner 524
described in division (B) of this section to determine whether any 525
information exists that indicates that the person who is the 526
subject of the request previously has been convicted of or pleaded 527
guilty to any of the following: 528

(a) A violation of section 2903.01, 2903.02, 2903.03, 529
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 530
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 531
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 532

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

(b) A violation of an existing or former law of this state, 545
any other state, or the United States that is substantially 546
equivalent to any of the offenses listed in division (A)(8)(a) of 547
this section. 548

(9) When conducting a criminal records check on a request 549
pursuant to section 5104.013 of the Revised Code for a person who 550
is an owner, licensee, or administrator of a child day-care center 551
or type A family day-care home, an authorized provider of a 552
certified type B family day-care home, or an adult residing in a 553
type A or certified type B home, or when conducting a criminal 554
records check or a request pursuant to section 5104.012 of the 555
Revised Code for a person who is an applicant for employment in a 556
center, type A home, or certified type B home, the superintendent, 557
in addition to the determination made under division (A)(1) of 558
this section, shall determine whether any information exists that 559
indicates that the person has been convicted of or pleaded guilty 560
to any of the following: 561

(a) A violation of section 2913.02, 2913.03, 2913.04, 562
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 563
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 564

2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 565
2921.13, or 2923.01 of the Revised Code, a violation of section 566
2923.02 or 2923.03 of the Revised Code that relates to a crime 567
specified in this division or division (A)(1)(a) of this section, 568
or a second violation of section 4511.19 of the Revised Code 569
within five years of the date of application for licensure or 570
certification. 571

(b) A violation of an existing or former law of this state, 572
any other state, or the United States that is substantially 573
equivalent to any of the offenses or violations described in 574
division (A)(9)(a) of this section. 575

(10) Upon receipt of a request pursuant to section 5153.111 576
of the Revised Code, a completed form prescribed pursuant to 577
division (C)(1) of this section, and a set of fingerprint 578
impressions obtained in the manner described in division (C)(2) of 579
this section, the superintendent of the bureau of criminal 580
identification and investigation shall conduct a criminal records 581
check in the manner described in division (B) of this section to 582
determine whether any information exists that indicates that the 583
person who is the subject of the request previously has been 584
convicted of or pleaded guilty to any of the following: 585

(a) A violation of section 2903.01, 2903.02, 2903.03, 586
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 587
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 588
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 589
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 590
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 591
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 592
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 593
felonious sexual penetration in violation of former section 594
2907.12 of the Revised Code, a violation of section 2905.04 of the 595
Revised Code as it existed prior to July 1, 1996, a violation of 596

section 2919.23 of the Revised Code that would have been a 597
violation of section 2905.04 of the Revised Code as it existed 598
prior to July 1, 1996, had the violation been committed prior to 599
that date, or a violation of section 2925.11 of the Revised Code 600
that is not a minor drug possession offense; 601

(b) A violation of an existing or former law of this state, 602
any other state, or the United States that is substantially 603
equivalent to any of the offenses listed in division (A)(10)(a) of 604
this section. 605

(11) On receipt of a request for a criminal records check 606
from an individual pursuant to section 4749.03 or 4749.06 of the 607
Revised Code, accompanied by a completed copy of the form 608
prescribed in division (C)(1) of this section and a set of 609
fingerprint impressions obtained in a manner described in division 610
(C)(2) of this section, the superintendent of the bureau of 611
criminal identification and investigation shall conduct a criminal 612
records check in the manner described in division (B) of this 613
section to determine whether any information exists indicating 614
that the person who is the subject of the request has been 615
convicted of or pleaded guilty to a felony in this state or in any 616
other state. If the individual indicates that a firearm will be 617
carried in the course of business, the superintendent shall 618
require information from the federal bureau of investigation as 619
described in division (B)(2) of this section. The superintendent 620
shall report the findings of the criminal records check and any 621
information the federal bureau of investigation provides to the 622
director of public safety. 623

(12) On receipt of a request pursuant to section 1322.03, 624
1322.031, or 4763.05 of the Revised Code, a completed form 625
prescribed pursuant to division (C)(1) of this section, and a set 626
of fingerprint impressions obtained in the manner described in 627
division (C)(2) of this section, the superintendent of the bureau 628

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

(13) Not later than thirty days after the date the 646
superintendent receives the request, completed form, and 647
fingerprint impressions, the superintendent shall send the person, 648
board, or entity that made the request any information, other than 649
information the dissemination of which is prohibited by federal 650
law, the superintendent determines exists with respect to the 651
person who is the subject of the request that indicates that the 652
person previously has been convicted of or pleaded guilty to any 653
offense listed or described in division (A)(1), (2), (3), (4), 654
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 655
appropriate. The superintendent shall send the person, board, or 656
entity that made the request a copy of the list of offenses 657
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 658
(9), (10), (11), or (12) of this section, as appropriate. If the 659
request was made under section 3701.881 of the Revised Code with 660
regard to an applicant who may be both responsible for the care, 661

custody, or control of a child and involved in providing direct 662
care to an older adult, the superintendent shall provide a list of 663
the offenses specified in divisions (A)(4) and (6) of this 664
section. 665

(B) The superintendent shall conduct any criminal records 666
check requested under section 121.08, 173.27, 173.394, 1322.03, 667
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 668
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 669
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 670
5153.111 of the Revised Code as follows: 671

(1) The superintendent shall review or cause to be reviewed 672
any relevant information gathered and compiled by the bureau under 673
division (A) of section 109.57 of the Revised Code that relates to 674
the person who is the subject of the request, including any 675
relevant information contained in records that have been sealed 676
under section 2953.32 of the Revised Code; 677

(2) If the request received by the superintendent asks for 678
information from the federal bureau of investigation, the 679
superintendent shall request from the federal bureau of 680
investigation any information it has with respect to the person 681
who is the subject of the request and shall review or cause to be 682
reviewed any information the superintendent receives from that 683
bureau. 684

(3) The superintendent or the superintendent's designee may 685
request criminal history records from other states or the federal 686
government pursuant to the national crime prevention and privacy 687
compact set forth in section 109.571 of the Revised Code. 688

(C)(1) The superintendent shall prescribe a form to obtain 689
the information necessary to conduct a criminal records check from 690
any person for whom a criminal records check is required by 691
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 692

3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 693
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 694
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 695
Code. The form that the superintendent prescribes pursuant to this 696
division may be in a tangible format, in an electronic format, or 697
in both tangible and electronic formats. 698

(2) The superintendent shall prescribe standard impression 699
sheets to obtain the fingerprint impressions of any person for 700
whom a criminal records check is required by section 121.08, 701
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 702
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 703
4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 704
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 705
person for whom a records check is required by any of those 706
sections shall obtain the fingerprint impressions at a county 707
sheriff's office, municipal police department, or any other entity 708
with the ability to make fingerprint impressions on the standard 709
impression sheets prescribed by the superintendent. The office, 710
department, or entity may charge the person a reasonable fee for 711
making the impressions. The standard impression sheets the 712
superintendent prescribes pursuant to this division may be in a 713
tangible format, in an electronic format, or in both tangible and 714
electronic formats. 715

(3) Subject to division (D) of this section, the 716
superintendent shall prescribe and charge a reasonable fee for 717
providing a criminal records check requested under section 121.08, 718
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 719
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 720
4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 721
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 722
person making a criminal records request under section 121.08, 723
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 724

3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 725
4763.05, 5104.012, 5104.013, 5111.033, 5111.034, 5123.081, 726
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 727
fee prescribed pursuant to this division. A person making a 728
request under section 3701.881 of the Revised Code for a criminal 729
records check for an applicant who may be both responsible for the 730
care, custody, or control of a child and involved in providing 731
direct care to an older adult shall pay one fee for the request. 732
In the case of a request under section 5111.032 of the Revised 733
Code, the fee shall be paid in the manner specified in that 734
section. 735

(4) The superintendent of the bureau of criminal 736
identification and investigation may prescribe methods of 737
forwarding fingerprint impressions and information necessary to 738
conduct a criminal records check, which methods shall include, but 739
not be limited to, an electronic method. 740

(D) A determination whether any information exists that 741
indicates that a person previously has been convicted of or 742
pleaded guilty to any offense listed or described in division 743
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 744
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 745
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 746
that is made by the superintendent with respect to information 747
considered in a criminal records check in accordance with this 748
section is valid for the person who is the subject of the criminal 749
records check for a period of one year from the date upon which 750
the superintendent makes the determination. During the period in 751
which the determination in regard to a person is valid, if another 752
request under this section is made for a criminal records check 753
for that person, the superintendent shall provide the information 754
that is the basis for the superintendent's initial determination 755
at a lower fee than the fee prescribed for the initial criminal 756

records check. 757

(E) As used in this section: 758

(1) "Criminal records check" means any criminal records check 759
conducted by the superintendent of the bureau of criminal 760
identification and investigation in accordance with division (B) 761
of this section. 762

(2) "Minor drug possession offense" has the same meaning as 763
in section 2925.01 of the Revised Code. 764

(3) "Older adult" means a person age sixty or older. 765

Sec. 109.60. (A)(1) The sheriffs of the several counties and 766
the ~~chiefs of police~~ chief law enforcement officers of ~~cities~~ 767
municipal corporations and townships, immediately upon the arrest 768
of any person for any felony, on suspicion of any felony, for a 769
crime constituting a misdemeanor on the first offense and a felony 770
on subsequent offenses, or for any misdemeanor described in 771
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 772
Code, and immediately upon the arrest or taking into custody of 773
any child under eighteen years of age for committing an act that 774
would be a felony or an offense of violence if committed by an 775
adult or upon probable cause to believe that a child of that age 776
may have committed an act that would be a felony or an offense of 777
violence if committed by an adult, shall take the person's or 778
child's fingerprints, or cause the same to be taken, according to 779
the fingerprint system of identification on the forms furnished by 780
the superintendent of the bureau of criminal identification and 781
investigation, and immediately shall forward copies of the 782
completed forms, any other description that may be required, and 783
the history of the offense committed to the bureau to be 784
classified and filed and to the clerk of the court having 785
jurisdiction over the prosecution of the offense or over the 786
adjudication relative to the act. 787

(2) If a sheriff or chief ~~of police~~ law enforcement officer 788
has not taken, or caused to be taken, a person's or child's 789
fingerprints in accordance with division (A)(1) of this section by 790
the time of the arraignment or first appearance of the person or 791
child, the court shall order the person or child to appear before 792
the sheriff or chief ~~of police~~ law enforcement officer within 793
twenty-four hours to have the person's or child's fingerprints 794
taken. The sheriff or chief ~~of police~~ law enforcement officer 795
shall take the person's or child's fingerprints, or cause the 796
fingerprints to be taken, according to the fingerprint system of 797
identification on the forms furnished by the superintendent of the 798
bureau of criminal identification and investigation and, 799
immediately after the person's or child's arraignment or first 800
appearance, forward copies of the completed forms, any other 801
description that may be required, and the history of the offense 802
committed to the bureau to be classified and filed and to the 803
clerk of the court. 804

(3) Every court with jurisdiction over a case involving a 805
person or child with respect to whom division (A)(1) of this 806
section requires a sheriff or chief ~~of police~~ law enforcement 807
officer to take the person's or child's fingerprints shall inquire 808
at the time of the person's or child's sentencing or adjudication 809
whether or not the person or child has been fingerprinted pursuant 810
to division (A)(1) or (2) of this section for the original arrest 811
upon which the sentence or adjudication is based. If the person or 812
child was not fingerprinted for the original arrest upon which the 813
sentence or adjudication is based, the court shall order the 814
person or child to appear before the sheriff or chief ~~of police~~ 815
law enforcement officer within twenty-four hours to have the 816
person's or child's fingerprints taken. The sheriff or chief ~~of~~ 817
~~police~~ law enforcement officer shall take the person's or child's 818
fingerprints, or cause the fingerprints to be taken, according to 819
the fingerprint system of identification on the forms furnished by 820

the superintendent of the bureau of criminal identification and 821
investigation and immediately forward copies of the completed 822
forms, any other description that may be required, and the history 823
of the offense committed to the bureau to be classified and filed 824
and to the clerk of the court. 825

(4) If a person or child is in the custody of a law 826
enforcement agency or a detention facility, as defined in section 827
2921.01 of the Revised Code, and the chief law enforcement officer 828
or chief administrative officer of the detention facility 829
discovers that a warrant has been issued or a bill of information 830
has been filed alleging the person or child to have committed an 831
offense or act other than the offense or act for which the person 832
or child is in custody, and the other alleged offense or act is 833
one for which fingerprints are to be taken pursuant to division 834
(A)(1) of this section, the law enforcement agency or detention 835
facility shall take the fingerprints of the person or child, or 836
cause the fingerprints to be taken, according to the fingerprint 837
system of identification on the forms furnished by the 838
superintendent of the bureau of criminal identification and 839
investigation and immediately forward copies of the completed 840
forms, any other description that may be required, and the history 841
of the offense committed to the bureau to be classified and filed 842
and to the clerk of the court that issued the warrant or with 843
which the bill of information was filed. 844

(5) If an accused is found not guilty of the offense charged 845
or a nolle prosequi is entered in any case, or if any accused 846
child under eighteen years of age is found not to be a delinquent 847
child for committing an act that would be a felony or an offense 848
of violence if committed by an adult or not guilty of the felony 849
or offense of violence charged or a nolle prosequi is entered in 850
that case, the fingerprints and description shall be given to the 851
accused upon the accused's request. 852

(6) The superintendent shall compare the description received 853
with those already on file in the bureau, and, if the 854
superintendent finds that the person arrested or taken into 855
custody has a criminal record or a record as a delinquent child 856
for having committed an act that would be a felony or an offense 857
of violence if committed by an adult or is a fugitive from justice 858
or wanted by any jurisdiction in this or another state, the United 859
States, or a foreign country for any offense, the superintendent 860
at once shall inform the arresting officer, the officer taking the 861
person into custody, or the chief administrative officer of the 862
county, multicounty, municipal, municipal-county, or 863
multicounty-municipal jail or workhouse, community-based 864
correctional facility, halfway house, alternative residential 865
facility, or state correctional institution in which the person or 866
child is in custody of that fact and give appropriate notice to 867
the proper authorities in the jurisdiction in which the person is 868
wanted, or, if that jurisdiction is a foreign country, give 869
appropriate notice to federal authorities for transmission to the 870
foreign country. The names, under which each person whose 871
identification is filed is known, shall be alphabetically indexed 872
by the superintendent. 873

(B) Division (A) of this section does not apply to a violator 874
of a ~~city~~ municipal ordinance or township resolution unless the 875
officers have reason to believe that the violator is a past 876
offender or the crime is one constituting a misdemeanor on the 877
first offense and a felony on subsequent offenses, or unless it is 878
advisable for the purpose of subsequent identification. This 879
section does not apply to any child under eighteen years of age 880
who was not arrested or otherwise taken into custody for 881
committing an act that would be a felony or an offense of violence 882
if committed by an adult or upon probable cause to believe that a 883
child of that age may have committed an act that would be a felony 884
or an offense of violence if committed by an adult, except as 885

provided in section 2151.313 of the Revised Code. 886

(C)(1) For purposes of division (C) of this section, a law 887
enforcement agency shall be considered to have arrested a person 888
if any law enforcement officer who is employed by, appointed by, 889
or serves that agency arrests the person. As used in division (C) 890
of this section: 891

(a) "Illegal methamphetamine manufacturing laboratory" has 892
the same meaning as in section 3745.13 of the Revised Code. 893

(b) "Methamphetamine or a methamphetamine product" means 894
methamphetamine, any salt, isomer, or salt of an isomer of 895
methamphetamine, or any compound, mixture, preparation, or 896
substance containing methamphetamine or any salt, isomer, or salt 897
of an isomer of methamphetamine. 898

(2) Each law enforcement agency that, in any calendar year, 899
arrests any person for a violation of section 2925.04 of the 900
Revised Code that is based on the manufacture of methamphetamine 901
or a methamphetamine product, a violation of section 2925.041 of 902
the Revised Code that is based on the possession of chemicals 903
sufficient to produce methamphetamine or a methamphetamine 904
product, or a violation of any other provision of Chapter 2925. or 905
3719. of the Revised Code that is based on the possession of 906
chemicals sufficient to produce methamphetamine or a 907
methamphetamine product shall prepare an annual report covering 908
the calendar year that contains the information specified in 909
division (C)(3) of this section relative to all arrests for 910
violations of those sections committed under those circumstances 911
during that calendar year and relative to illegal methamphetamine 912
manufacturing laboratories, dump sites, and chemical caches as 913
specified in that division and shall send the annual report, not 914
later than the first day of March in the calendar year following 915
the calendar year covered by the report, to the bureau of criminal 916
identification and investigation. 917

The law enforcement agency shall write any annual report 918
prepared and filed under this division on the standard forms 919
furnished by the superintendent of the bureau of criminal 920
identification and investigation pursuant to division (C)(4) of 921
this section. The annual report shall be a statistical report, and 922
nothing in the report or in the information it contains shall 923
identify, or enable the identification of, any person who was 924
arrested and whose arrest is included in the information contained 925
in the report. The annual report in the possession of the bureau 926
and the information it contains are public records for the purpose 927
of section 149.43 of the Revised Code. 928

(3) The annual report prepared and filed by a law enforcement 929
agency under division (C)(2) of this section shall contain all of 930
the following information for the calendar year covered by the 931
report: 932

(a) The total number of arrests made by the agency in that 933
calendar year for a violation of section 2925.04 of the Revised 934
Code that is based on the manufacture of methamphetamine or a 935
methamphetamine product, a violation of section 2925.041 of the 936
Revised Code that is based on the possession of chemicals 937
sufficient to produce methamphetamine or a methamphetamine 938
product, or a violation of any other provision of Chapter 2925. or 939
3719. of the Revised Code that is based on the possession of 940
chemicals sufficient to produce methamphetamine or a 941
methamphetamine product; 942

(b) The total number of illegal methamphetamine manufacturing 943
laboratories at which one or more of the arrests reported under 944
division (C)(3)(a) of this section occurred, or that were 945
discovered in that calendar year within the territory served by 946
the agency but at which none of the arrests reported under 947
division (C)(3)(a) of this section occurred; 948

(c) The total number of dump sites and chemical caches that 949

are, or that are reasonably believed to be, related to illegal 950
methamphetamine manufacturing and that were discovered in that 951
calendar year within the territory served by the agency. 952

(4) The superintendent of the bureau of criminal 953
identification and investigation shall prepare and furnish to each 954
law enforcement agency in this state standard forms for making the 955
annual reports required by division (C)(2) of this section. The 956
standard forms that the superintendent prepares pursuant to this 957
division may be in a tangible format, in an electronic format, or 958
in both a tangible format and an electronic format. 959

(5) The annual report required by division (C)(2) of this 960
section is separate from, and in addition to, any report, 961
materials, or information required under division (A) of this 962
section or under any other provision of sections 109.57 to 109.62 963
of the Revised Code. 964

Sec. 120.03. (A) The Ohio public defender commission shall 965
appoint the state public defender, who shall serve at the pleasure 966
of the commission. 967

(B) The Ohio public defender commission shall establish rules 968
for the conduct of the offices of the county and joint county 969
public defenders and for the conduct of county appointed counsel 970
systems in the state. These rules shall include, but are not 971
limited to, the following: 972

(1) Standards of indigency and minimum qualifications for 973
legal representation by a public defender or appointed counsel. In 974
establishing standards of indigency and determining who is 975
eligible for legal representation by a public defender or 976
appointed counsel, the commission shall consider an indigent 977
person to be an individual who at the time ~~his~~ the person's need 978
is determined is unable to provide for the payment of an attorney 979
and all other necessary expenses of representation. Release on 980

bail shall not prevent a person from being determined to be indigent.	981 982
(2) Standards for the hiring of outside counsel;	983
(3) Standards for contracts by a public defender with law schools, legal aid societies, and nonprofit organizations for providing counsel;	984 985 986
(4) Standards for the qualifications, training, and size of the legal and supporting staff for a public defender, facilities, and other requirements needed to maintain and operate an office of a public defender;	987 988 989 990
(5) Minimum caseload standards;	991
(6) Procedures for the assessment and collection of the costs of legal representation that is provided by public defenders or appointed counsel;	992 993 994
(7) Standards and guidelines for determining whether a client is able to make an up-front contribution toward the cost of his <u>the client's</u> legal representation;	995 996 997
(8) Procedures for the collection of up-front contributions from clients who are able to contribute toward the cost of their legal representation, as determined pursuant to the standards and guidelines developed under division (B)(7) of this section. All of such up-front contributions shall be paid into the appropriate county fund.	998 999 1000 1001 1002 1003
(9) Standards for contracts between a board of county commissioners, a county public defender commission, or a joint county public defender commission and a municipal corporation <u>or township</u> for the legal representation of indigent persons charged with violations of the ordinances of the municipal corporation <u>or resolutions of the township</u> .	1004 1005 1006 1007 1008 1009
(C) The Ohio public defender commission shall adopt rules	1010

prescribing minimum qualifications of counsel appointed pursuant 1011
to this chapter or appointed by the courts. Without limiting its 1012
general authority to prescribe different qualifications for 1013
different categories of appointed counsel, the commission shall 1014
prescribe, by rule, special qualifications for counsel and 1015
co-counsel appointed in capital cases. 1016

(D) In administering the office of the Ohio public defender 1017
commission: 1018

(1) The commission shall do the following: 1019

(a) Approve an annual operating budget; 1020

(b) Make an annual report to the governor, the general 1021
assembly, and the supreme court of Ohio on the operation of the 1022
state public defender's office, the county appointed counsel 1023
systems, and the county and joint county public defenders' 1024
offices. 1025

(2) The commission may do the following: 1026

(a) Accept the services of volunteer workers and consultants 1027
at no compensation other than reimbursement of actual and 1028
necessary expenses; 1029

(b) Prepare and publish statistical and case studies and 1030
other data pertinent to the legal representation of indigent 1031
persons; 1032

(c) Conduct programs having a general objective of training 1033
and educating attorneys and others in the legal representation of 1034
indigent persons. 1035

(E) There is hereby established in the state treasury the 1036
public defender training fund for the deposit of fees received by 1037
the Ohio public defender commission from educational seminars, and 1038
the sale of publications, on topics concerning criminal law and 1039
procedure. Expenditures from this fund shall be made only for the 1040

operation of activities authorized by division (D)(2)(c) of this section. 1041
1042

(F)(1) In accordance with sections 109.02, 109.07, and 1043
109.361 to 109.366 of the Revised Code, but subject to division 1044
(E) of section 120.06 of the Revised Code, the attorney general 1045
shall represent or provide for the representation of the Ohio 1046
public defender commission, the state public defender, assistant 1047
state public defenders, and other employees of the commission or 1048
the state public defender. 1049

(2) Subject to division (E) of section 120.06 of the Revised 1050
Code, the attorney general shall represent or provide for the 1051
representation of attorneys described in division (C) of section 1052
120.41 of the Revised Code in malpractice or other civil actions 1053
or proceedings that arise from alleged actions or omissions 1054
related to responsibilities derived pursuant to this chapter, or 1055
in civil actions that are based upon alleged violations of the 1056
constitution or statutes of the United States, including section 1057
1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 1058
42 U.S.C.A. 1983, as amended, and that arise from alleged actions 1059
or omissions related to responsibilities derived pursuant to this 1060
chapter. For purposes of the representation, sections 109.361 to 1061
109.366 of the Revised Code shall apply to an attorney described 1062
in division (C) of section 120.41 of the Revised Code as if ~~he~~ the 1063
attorney were an officer or employee, as defined in section 109.36 1064
of the Revised Code, and the Ohio public defender commission or 1065
the state public defender, whichever contracted with the attorney, 1066
shall be considered ~~his~~ the attorney's employer. 1067

Sec. 120.14. (A)(1) Except as provided in division (A)(2) of 1068
this section, the county public defender commission shall appoint 1069
the county public defender and may remove ~~him~~ the county public 1070
defender from office only for good cause. 1071

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

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

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

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

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

(b) Make monthly reports relating to reimbursement and associated case data pursuant to the rules of the Ohio public defender commission to the board of county commissioners and the Ohio public defender commission on the total costs of the public defender's office.

(3) Cooperate with the Ohio public defender commission in maintaining the standards established by rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 of the Revised Code, and cooperate with the state public

defender in ~~his~~ the state public defender's programs providing 1103
technical aid and assistance to county systems. 1104

(D) The commission may accept the services of volunteer 1105
workers and consultants at no compensation except reimbursement 1106
for actual and necessary expenses. 1107

(E) The commission may contract with any municipal 1108
corporation or township, within the county served by the county 1109
public defender, for the county public defender to provide legal 1110
representation for indigent persons who are charged with a 1111
violation of the ordinances of the municipal corporation or 1112
resolutions of the township. 1113

(F) A county public defender commission, with the approval of 1114
the board of county commissioners regarding all provisions that 1115
pertain to the financing of defense counsel for indigent persons, 1116
may contract with the state public defender or with any nonprofit 1117
organization, the primary purpose of which is to provide legal 1118
representation to indigent persons, for the state public defender 1119
or the organization to provide all or any part of the services 1120
that a county public defender is required or permitted to provide 1121
by this chapter. A contract entered into pursuant to this division 1122
may provide for payment for the services provided on a per case, 1123
hourly, or fixed contract basis. The state public defender and any 1124
nonprofit organization that contracts with a county public 1125
defender commission pursuant to this division shall do all of the 1126
following: 1127

(1) Comply with all standards established by the rules of the 1128
Ohio public defender commission; 1129

(2) Comply with all standards established by the state public 1130
defender; 1131

(3) Comply with all statutory duties and other laws 1132
applicable to county public defenders. 1133

Sec. 120.15. (A) The county public defender shall be 1134
appointed by the county public defender commission for a term not 1135
to exceed four years. ~~He~~ The county public defender shall be an 1136
attorney with a minimum of two years experience in the practice of 1137
law and be admitted to the practice of law in Ohio at least one 1138
year prior to ~~his~~ appointment. 1139

(B) In carrying out the responsibilities and performing the 1140
duties of ~~his~~ office, the county public defender shall: 1141

(1) Maintain an office, approved by the commission, provided 1142
with a library of adequate size, considering the needs of the 1143
office and the accessibility of other libraries, and other 1144
necessary facilities and equipment; 1145

(2) Keep and maintain financial records of all cases handled 1146
and develop records for use in the calculation of direct and 1147
indirect costs in the operation of the office and report monthly 1148
pursuant to the rules of the Ohio public defender commission to 1149
the county public defender commission and to the Ohio public 1150
defender commission on all relevant data on the operations of the 1151
office, costs, projected needs, and recommendations for 1152
legislation or amendments to court rules, as may be appropriate to 1153
improve the criminal justice system; 1154

(3) Collect all moneys due from contracts with municipal 1155
corporations and townships or for reimbursement for legal services 1156
under this chapter and institute such actions in court for the 1157
collection of such sums as ~~he~~ the county public defender considers 1158
advisable. All moneys collected or received by the public defender 1159
shall be paid into the county treasury to the credit of the 1160
general revenue fund. 1161

(4) Appoint assistant county public defenders and all other 1162
personnel necessary to the functioning of the county public 1163
defender's office, subject to the authority of the county public 1164

defender commission to determine the size and qualifications of 1165
the staff pursuant to division (B) of section 120.14 of the 1166
Revised Code. All assistant county public defenders shall be 1167
admitted to the practice of law in Ohio, and may be appointed on a 1168
full or part-time basis. 1169

(C) The county public defender may exercise the rights 1170
authorized in division (C) of section 120.04 of the Revised Code. 1171

(D) The county public defender shall determine indigency of 1172
persons, subject to review by the court, in the same manner as 1173
provided in section 120.05 of the Revised Code. Each monthly 1174
report submitted to the board of county commissioners and the 1175
state public defender shall include a certification by the county 1176
public defender that all persons provided representation by the 1177
county public defender's office during the month covered by the 1178
report were indigent under the standards of the Ohio public 1179
defender commission. 1180

Sec. 120.16. (A)(1) The county public defender shall provide 1181
legal representation to indigent adults and juveniles who are 1182
charged with the commission of an offense or act that is a 1183
violation of a state statute and for which the penalty or any 1184
possible adjudication includes the potential loss of liberty and 1185
in postconviction proceedings as defined in this section. 1186

(2) The county public defender may provide legal 1187
representation to indigent adults and juveniles charged with the 1188
violation of an ordinance of a municipal corporation or resolution 1189
of a township for which the penalty or any possible adjudication 1190
includes the potential loss of liberty, if the county public 1191
defender commission has contracted with the municipal corporation 1192
or township to provide legal representation for indigent persons 1193
charged with a violation of an ordinance of the municipal 1194
corporation or resolution of the township. 1195

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

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

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

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

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

(G) If a court appoints the office of the county public defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the

petitioner in the proceeding pursuant to the appointment, whether 1227
an assistant county public defender or the county public defender, 1228
shall be certified under Rule 20 of the Rules of Superintendence 1229
for the Courts of Ohio to represent indigent defendants charged 1230
with or convicted of an offense for which the death penalty can be 1231
or has been imposed. 1232

(H) As used in this section: 1233

(1) "Community control sanction" has the same meaning as in 1234
section 2929.01 of the Revised Code. 1235

(2) "Post-release control sanction" has the same meaning as 1236
in section 2967.01 of the Revised Code. 1237

Sec. 120.18. (A) The county public defender commission's 1238
report to the board of county commissioners shall be audited by 1239
the county auditor. The board of county commissioners, after 1240
review and approval of the audited report, may then certify it to 1241
the state public defender for reimbursement. If a request for the 1242
reimbursement of any operating expenditure incurred by a county 1243
public defender office is not received by the state public 1244
defender within sixty days after the end of the calendar month in 1245
which the expenditure is incurred, the state public defender shall 1246
not pay the requested reimbursement, unless the county has 1247
requested, and the state public defender has granted, an extension 1248
of the sixty-day time limit. Each request for reimbursement shall 1249
include a certification by the county public defender that the 1250
persons provided representation by the county public defender's 1251
office during the period covered by the report were indigent and, 1252
for each person provided representation during that period, a 1253
financial disclosure form completed by the person on a form 1254
prescribed by the state public defender. The state public defender 1255
shall also review the report and, in accordance with the 1256
standards, guidelines, and maximums established pursuant to 1257

divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1258
prepare a voucher for fifty per cent of the total cost of each 1259
county public defender's office for the period of time covered by 1260
the certified report and a voucher for fifty per cent of the costs 1261
and expenses that are reimbursable under section 120.35 of the 1262
Revised Code, if any, or, if the amount of money appropriated by 1263
the general assembly to reimburse counties for the operation of 1264
county public defender offices, joint county public defender 1265
offices, and county appointed counsel systems is not sufficient to 1266
pay fifty per cent of the total cost of all of the offices and 1267
systems, for the lesser amount required by section 120.34 of the 1268
Revised Code. For the purposes of this section, "total cost" means 1269
total expenses minus costs and expenses reimbursable under section 1270
120.35 of the Revised Code and any funds received by the county 1271
public defender commission pursuant to a contract, except a 1272
contract entered into with a municipal corporation or township 1273
pursuant to division (E) of section 120.14 of the Revised Code, 1274
gift, or grant. 1275

(B) If the county public defender fails to maintain the 1276
standards for the conduct of the office established by rules of 1277
the Ohio public defender commission pursuant to divisions (B) and 1278
(C) of section 120.03 or the standards established by the state 1279
public defender pursuant to division (B)(7) of section 120.04 of 1280
the Revised Code, the Ohio public defender commission shall notify 1281
the county public defender commission and the board of county 1282
commissioners of the county that the county public defender has 1283
failed to comply with its rules or the standards of the state 1284
public defender. Unless the county public defender commission or 1285
the county public defender corrects the conduct of the county 1286
public defender's office to comply with the rules and standards 1287
within ninety days after the date of the notice, the state public 1288
defender may deny payment of all or part of the county's 1289
reimbursement from the state provided for in division (A) of this 1290

section. 1291

Sec. 120.24. (A)(1) Except as provided in division (A)(2) of 1292
this section, the joint county public defender commission shall 1293
appoint the joint county public defender and may remove ~~him~~ the 1294
joint county public defender from office only for good cause. 1295

(2) If a joint county public defender commission contracts 1296
with the state public defender or with one or more nonprofit 1297
organizations for the state public defender or the organizations 1298
to provide all of the services that the joint county public 1299
defender is required or permitted to provide by this chapter, the 1300
commission shall not appoint a joint county public defender. 1301

(B) The commission shall determine the qualifications and 1302
size of the supporting staff and facilities and other requirements 1303
needed to maintain and operate the office. 1304

(C) In administering the office of joint county public 1305
defender, the commission shall: 1306

(1) Recommend to the boards of county commissioners in the 1307
district an annual operating budget which is subject to the 1308
review, amendment, and approval of the boards of county 1309
commissioners in the district; 1310

(2)(a) Make an annual report to the boards of county 1311
commissioners in the district and the Ohio public defender 1312
commission on the operation of the public defender's office, 1313
including complete and detailed information on finances and costs 1314
that separately states costs and expenses that are reimbursable 1315
under section 120.35 of the Revised Code, and such other data and 1316
information requested by the state public defender; 1317

(b) Make monthly reports relating to reimbursement and 1318
associated case data pursuant to the rules of the Ohio public 1319
defender commission to the boards of county commissioners in the 1320

district and the Ohio public defender commission on the total 1321
costs of the public defender's office. 1322

(3) Cooperate with the Ohio public defender commission in 1323
maintaining the standards established by rules of the Ohio public 1324
defender commission pursuant to divisions (B) and (C) of section 1325
120.03 of the Revised Code, and cooperate with the state public 1326
defender in ~~his~~ the state public defender's programs providing 1327
technical aid and assistance to county systems. 1328

(D) The commission may accept the services of volunteer 1329
workers and consultants at no compensation except reimbursement 1330
for actual and necessary expenses. 1331

(E) The commission may contract with any municipal 1332
corporation or township, within the counties served by the joint 1333
county public defender, for the joint county public defender to 1334
provide legal representation for indigent persons who are charged 1335
with a violation of the ordinances of the municipal corporation or 1336
resolutions of the township. 1337

(F) A joint county public defender commission, with the 1338
approval of each participating board of county commissioners 1339
regarding all provisions that pertain to the financing of defense 1340
counsel for indigent persons, may contract with the state public 1341
defender or with any nonprofit organization, the primary purpose 1342
of which is to provide legal representation to indigent persons, 1343
for the state public defender or the organization to provide all 1344
or any part of the services that a joint county public defender is 1345
required or permitted to provide by this chapter. A contract 1346
entered into pursuant to this division may provide for payment for 1347
the services provided on a per case, hourly, or fixed contract 1348
basis. The state public defender and any nonprofit organization 1349
that contracts with a joint county public defender commission 1350
pursuant to this division shall do all of the following: 1351

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

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

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

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

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

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

(2) Keep and maintain financial records of all cases handled and develop records for use in the calculation of direct and indirect costs in the operation of the office, and report monthly pursuant to the rules of the Ohio public defender commission to the joint county defender commission and to the Ohio public defender commission on all relevant data on the operations of the office, costs, projected needs, and recommendations for legislation or amendments to court rules, as may be appropriate to improve the criminal justice system;

(3) Collect all moneys due from contracts with municipal corporations and townships or for reimbursement for legal services under this chapter and institute such actions in court for the

collection of such sums as ~~he~~ the public defender considers 1382
advisable. The public defender shall pay into the treasury of each 1383
county in the district, to the credit of the general revenue fund, 1384
the county's proportionate share of all moneys collected or 1385
received by ~~him~~ the public defender. 1386

(4) Appoint assistant joint county public defenders and all 1387
other personnel necessary to the functioning of the joint county 1388
public defender office, subject to the authority of the joint 1389
county public defender commission to determine the size and 1390
qualifications of the staff pursuant to division (B) of section 1391
120.24 of the Revised Code. All assistant joint county public 1392
defenders shall be admitted to the practice of law in Ohio, and 1393
may be appointed on a full or part-time basis. 1394

(C) The joint county public defender may exercise the rights 1395
authorized in division (C) of section 120.04 of the Revised Code. 1396

(D) The joint county public defender shall determine 1397
indigency of persons, subject to review by the court, in the same 1398
manner as provided in section 120.05 of the Revised Code. Each 1399
monthly report submitted to the board of county commissioners and 1400
the state public defender shall include a certification by the 1401
joint county public defender that all persons provided 1402
representation by the joint county public defender's office during 1403
the month covered by the report were indigent under the standards 1404
of the Ohio public defender commission. 1405

Sec. 120.26. (A)(1) The joint county public defender shall 1406
provide legal representation to indigent adults and juveniles who 1407
are charged with the commission of an offense or act that is a 1408
violation of a state statute and for which the penalty or any 1409
possible adjudication includes the potential loss of liberty and 1410
in postconviction proceedings as defined in this section. 1411

(2) The joint county public defender may provide legal 1412

representation to indigent adults and juveniles charged with the 1413
violation of an ordinance of a municipal corporation or resolution 1414
of a township for which the penalty or any possible adjudication 1415
includes the potential loss of liberty, if the joint county public 1416
defender commission has contracted with the municipal corporation 1417
or township to provide legal representation for indigent persons 1418
charged with a violation of an ordinance of the municipal 1419
corporation or resolution of the township. 1420

(B) The joint county public defender shall provide the legal 1421
representation authorized by division (A) of this section at every 1422
stage of the proceedings following arrest, detention, service of 1423
summons, or indictment. 1424

(C) The joint county public defender may request the Ohio 1425
public defender to prosecute any appeal or other remedy before or 1426
after conviction that the joint county public defender decides is 1427
in the interests of justice and may provide legal representation 1428
in parole and probation revocation matters and matters relating to 1429
the revocation of community control or post-release control under 1430
a community control sanction or post-release control sanction. 1431

(D) The joint county public defender shall not be required to 1432
prosecute any appeal, postconviction remedy, or other proceeding, 1433
unless the joint county public defender is first satisfied that 1434
there is arguable merit to the proceeding. 1435

(E) Nothing in this section shall prevent a court from 1436
appointing counsel other than the joint county public defender or 1437
from allowing an indigent person to select the indigent person's 1438
own personal counsel to represent the indigent person. A court may 1439
also appoint counsel or allow an indigent person to select the 1440
indigent person's own personal counsel to assist the joint county 1441
public defender as co-counsel when the interests of justice so 1442
require. 1443

(F) Information as to the right to legal representation by 1444
the joint county public defender or assigned counsel shall be 1445
afforded to an accused person immediately upon arrest, when 1446
brought before a magistrate, or when formally charged, whichever 1447
occurs first. 1448

(G) If a court appoints the office of the joint county public 1449
defender to represent a petitioner in a postconviction relief 1450
proceeding under section 2953.21 of the Revised Code, the 1451
petitioner has received a sentence of death, and the proceeding 1452
relates to that sentence, all of the attorneys who represent the 1453
petitioner in the proceeding pursuant to the appointment, whether 1454
an assistant joint county defender or the joint county public 1455
defender, shall be certified under Rule 20 of the Rules of 1456
Superintendence for the Courts of Ohio to represent indigent 1457
defendants charged with or convicted of an offense for which the 1458
death penalty can be or has been imposed. 1459

(H) As used in this section: 1460

(1) "Community control sanction" has the same meaning as in 1461
section 2929.01 of the Revised Code. 1462

(2) "Post-release control sanction" has the same meaning as 1463
in section 2967.01 of the Revised Code. 1464

Sec. 120.28. (A) The joint county public defender 1465
commission's report to the joint board of county commissioners 1466
shall be audited by the fiscal officer of the district. The joint 1467
board of county commissioners, after review and approval of the 1468
audited report, may then certify it to the state public defender 1469
for reimbursement. If a request for the reimbursement of any 1470
operating expenditure incurred by a joint county public defender 1471
office is not received by the state public defender within sixty 1472
days after the end of the calendar month in which the expenditure 1473
is incurred, the state public defender shall not pay the requested 1474

reimbursement, unless the joint board of county commissioners has 1475
requested, and the state public defender has granted, an extension 1476
of the sixty-day time limit. Each request for reimbursement shall 1477
include a certification by the joint county public defender that 1478
all persons provided representation by the joint county public 1479
defender's office during the period covered by the request were 1480
indigent and, for each person provided representation during that 1481
period, a financial disclosure form completed by the person on a 1482
form prescribed by the state public defender. The state public 1483
defender shall also review the report and, in accordance with the 1484
standards, guidelines, and maximums established pursuant to 1485
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1486
prepare a voucher for fifty per cent of the total cost of each 1487
joint county public defender's office for the period of time 1488
covered by the certified report and a voucher for fifty per cent 1489
of the costs and expenses that are reimbursable under section 1490
120.35 of the Revised Code, if any, or, if the amount of money 1491
appropriated by the general assembly to reimburse counties for the 1492
operation of county public defender offices, joint county public 1493
defender offices, and county appointed counsel systems is not 1494
sufficient to pay fifty per cent of the total cost of all of the 1495
offices and systems, for the lesser amount required by section 1496
120.34 of the Revised Code. For purposes of this section, "total 1497
cost" means total expenses minus costs and expenses reimbursable 1498
under section 120.35 of the Revised Code and any funds received by 1499
the joint county public defender commission pursuant to a 1500
contract, except a contract entered into with a municipal 1501
corporation or township pursuant to division (E) of section 120.24 1502
of the Revised Code, gift, or grant. Each county in the district 1503
shall be entitled to a share of such state reimbursement in 1504
proportion to the percentage of the total cost it has agreed to 1505
pay. 1506

(B) If the joint county public defender fails to maintain the 1507

standards for the conduct of the office established by the rules 1508
of the Ohio public defender commission pursuant to divisions (B) 1509
and (C) of section 120.03 or the standards established by the 1510
state public defender pursuant to division (B)(7) of section 1511
120.04 of the Revised Code, the Ohio public defender commission 1512
shall notify the joint county public defender commission and the 1513
board of county commissioners of each county in the district that 1514
the joint county public defender has failed to comply with its 1515
rules or the standards of the state public defender. Unless the 1516
joint public defender commission or the joint county public 1517
defender corrects the conduct of the joint county public 1518
defender's office to comply with the rules and standards within 1519
ninety days after the date of the notice, the state public 1520
defender may deny all or part of the counties' reimbursement from 1521
the state provided for in division (A) of this section. 1522

Sec. 120.33. (A) In lieu of using a county public defender or 1523
joint county public defender to represent indigent persons in the 1524
proceedings set forth in division (A) of section 120.16 of the 1525
Revised Code, the board of county commissioners of any county may 1526
adopt a resolution to pay counsel who are either personally 1527
selected by the indigent person or appointed by the court. The 1528
resolution shall include those provisions the board of county 1529
commissioners considers necessary to provide effective 1530
representation of indigent persons in any proceeding for which 1531
counsel is provided under this section. The resolution shall 1532
include provisions for contracts with any municipal corporation or 1533
township under which the municipal corporation or township shall 1534
reimburse the county for counsel appointed to represent indigent 1535
persons charged with violations of the ordinances of the municipal 1536
corporation or resolutions of the township. 1537

(1) In a county that adopts a resolution to pay counsel, an 1538
indigent person shall have the right to do either of the 1539

following:	1540
(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the resolution;	1541 1542 1543
(b) To request the court to appoint counsel to represent the person in such a proceeding.	1544 1545
(2) The court having jurisdiction over the proceeding in a county that adopts a resolution to pay counsel shall, after determining that the person is indigent and entitled to legal representation under this section, do either of the following:	1546 1547 1548 1549
(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;	1550 1551 1552
(b) Appoint counsel for the indigent person if the person has requested the court to appoint counsel and, by signed journal entry recorded on its dockets, enter the name of the lawyer appointed for the indigent person as counsel of record.	1553 1554 1555 1556
(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners.	1557 1558 1559 1560 1561 1562 1563 1564
(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation, <u>or a resolution of a township</u> , that has not contracted with the county commissioners for the payment	1565 1566 1567 1568 1569 1570

of appointed counsel, shall be paid by the county and shall 1571
receive the compensation and expenses the court approves. Each 1572
request for payment shall be accompanied by a financial disclosure 1573
form and an affidavit of indigency that are completed by the 1574
indigent person on forms prescribed by the state public defender. 1575
Compensation and expenses shall not exceed the amounts fixed by 1576
the board of county commissioners in the schedule adopted pursuant 1577
to division (A)(3) of this section. No court shall approve 1578
compensation and expenses that exceed the amount fixed pursuant to 1579
division (A)(3) of this section. 1580

The fees and expenses approved by the court shall not be 1581
taxed as part of the costs and shall be paid by the county. 1582
However, if the person represented has, or may reasonably be 1583
expected to have, the means to meet some part of the cost of the 1584
services rendered to the person, the person shall pay the county 1585
an amount that the person reasonably can be expected to pay. 1586
Pursuant to section 120.04 of the Revised Code, the county shall 1587
pay to the state public defender a percentage of the payment 1588
received from the person in an amount proportionate to the 1589
percentage of the costs of the person's case that were paid to the 1590
county by the state public defender pursuant to this section. The 1591
money paid to the state public defender shall be credited to the 1592
client payment fund created pursuant to division (B)(5) of section 1593
120.04 of the Revised Code. 1594

The county auditor shall draw a warrant on the county 1595
treasurer for the payment of counsel in the amount fixed by the 1596
court, plus the expenses the court fixes and certifies to the 1597
auditor. The county auditor shall report periodically, but not 1598
less than annually, to the board of county commissioners and to 1599
the state public defender the amounts paid out pursuant to the 1600
approval of the court. The board of county commissioners, after 1601
review and approval of the auditor's report, or the county 1602

auditor, with permission from and notice to the board of county 1603
commissioners, may then certify it to the state public defender 1604
for reimbursement. The state public defender may pay a requested 1605
reimbursement only if the request for reimbursement is accompanied 1606
by a financial disclosure form and an affidavit of indigency 1607
completed by the indigent person on forms prescribed by the state 1608
public defender or if the court certifies by electronic signature 1609
as prescribed by the state public defender that a financial 1610
disclosure form and affidavit of indigency have been completed by 1611
the indigent person and are available for inspection. If a request 1612
for the reimbursement of the cost of counsel in any case is not 1613
received by the state public defender within ninety days after the 1614
end of the calendar month in which the case is finally disposed of 1615
by the court, unless the county has requested and the state public 1616
defender has granted an extension of the ninety-day limit, the 1617
state public defender shall not pay the requested reimbursement. 1618
The state public defender shall also review the report and, in 1619
accordance with the standards, guidelines, and maximums 1620
established pursuant to divisions (B)(7) and (8) of section 120.04 1621
of the Revised Code, prepare a voucher for fifty per cent of the 1622
total cost of each county appointed counsel system in the period 1623
of time covered by the certified report and a voucher for fifty 1624
per cent of the costs and expenses that are reimbursable under 1625
section 120.35 of the Revised Code, if any, or, if the amount of 1626
money appropriated by the general assembly to reimburse counties 1627
for the operation of county public defender offices, joint county 1628
public defender offices, and county appointed counsel systems is 1629
not sufficient to pay fifty per cent of the total cost of all of 1630
the offices and systems other than costs and expenses that are 1631
reimbursable under section 120.35 of the Revised Code, for the 1632
lesser amount required by section 120.34 of the Revised Code. 1633

1634

(5) If any county appointed counsel system fails to maintain 1635

the standards for the conduct of the system established by the 1636
rules of the Ohio public defender commission pursuant to divisions 1637
(B) and (C) of section 120.03 or the standards established by the 1638
state public defender pursuant to division (B)(7) of section 1639
120.04 of the Revised Code, the Ohio public defender commission 1640
shall notify the board of county commissioners of the county that 1641
the county appointed counsel system has failed to comply with its 1642
rules or the standards of the state public defender. Unless the 1643
board of county commissioners corrects the conduct of its 1644
appointed counsel system to comply with the rules and standards 1645
within ninety days after the date of the notice, the state public 1646
defender may deny all or part of the county's reimbursement from 1647
the state provided for in division (A)(4) of this section. 1648

(B) In lieu of using a county public defender or joint county 1649
public defender to represent indigent persons in the proceedings 1650
set forth in division (A) of section 120.16 of the Revised Code, 1651
and in lieu of adopting the resolution and following the procedure 1652
described in division (A) of this section, the board of county 1653
commissioners of any county may contract with the state public 1654
defender for the state public defender's legal representation of 1655
indigent persons. A contract entered into pursuant to this 1656
division may provide for payment for the services provided on a 1657
per case, hourly, or fixed contract basis. 1658

(C) If a court appoints an attorney pursuant to this section 1659
to represent a petitioner in a postconviction relief proceeding 1660
under section 2953.21 of the Revised Code, the petitioner has 1661
received a sentence of death, and the proceeding relates to that 1662
sentence, the attorney who represents the petitioner in the 1663
proceeding pursuant to the appointment shall be certified under 1664
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 1665
represent indigent defendants charged with or convicted of an 1666
offense for which the death penalty can be or has been imposed. 1667

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 1668
(5), or (6) of this section, if a person who is a defendant in a 1669
criminal case or a party in a case in juvenile court requests or 1670
is provided a state public defender, a county or joint county 1671
public defender, or any other counsel appointed by the court, the 1672
court in which the criminal case is initially filed or the 1673
juvenile court, whichever is applicable, shall assess, unless the 1674
application fee is waived or reduced, a non-refundable application 1675
fee of twenty-five dollars. 1676

The court shall direct the person to pay the application fee 1677
to the clerk of court. The person shall pay the application fee to 1678
the clerk of court at the time the person files an affidavit of 1679
indigency or a financial disclosure form with the court, a state 1680
public defender, a county or joint county public defender, or any 1681
other counsel appointed by the court or within seven days of that 1682
date. If the person does not pay the application fee within that 1683
seven-day period, the court shall assess the application fee at 1684
sentencing or at the final disposition of the case. 1685

(2) For purposes of this section, a criminal case includes 1686
any case involving a violation of any provision of the Revised 1687
Code ~~or~~, of an ordinance of a municipal corporation, or of a 1688
resolution of a township for which the potential penalty includes 1689
loss of liberty and includes any contempt proceeding in which a 1690
court may impose a term of imprisonment. 1691

(3) In a juvenile court proceeding, the court shall not 1692
assess the application fee against a child if the court appoints a 1693
guardian ad litem for the child or the court appoints an attorney 1694
to represent the child at the request of a guardian ad litem. 1695

(4) The court shall not assess an application fee for a 1696
postconviction proceeding or when the defendant files an appeal. 1697

(5)(a) Except when the court assesses an application fee 1698

pursuant to division (A)(5)(b) of this section, the court shall 1699
assess an application fee when a person is charged with a 1700
violation of a community control sanction or a violation of a 1701
post-release control sanction. 1702

(b) If a charge of violating a community control sanction or 1703
post-release control sanction described in division (A)(5)(a) of 1704
this section results in a person also being charged with violating 1705
any provision of the Revised Code ~~or~~, an ordinance of a municipal 1706
corporation, or a resolution of a township, the court shall only 1707
assess an application fee for the case that results from the 1708
additional charge. 1709

(6) If a case is transferred from one court to another court 1710
and the person failed to pay the application fee to the court that 1711
initially assessed the application fee, the court that initially 1712
assessed the fee shall remove the assessment, and the court to 1713
which the case was transferred shall assess the application fee. 1714

(7) The court shall assess an application fee pursuant to 1715
this section one time per case. For purposes of assessing the 1716
application fee, a case means one complete proceeding or trial 1717
held in one court for a person on an indictment, information, 1718
complaint, petition, citation, writ, motion, or other document 1719
initiating a case that arises out of a single incident or a series 1720
of related incidents, or when one individual is charged with two 1721
or more offenses that the court handles simultaneously. The court 1722
may waive or reduce the fee for a specific person in a specific 1723
case upon a finding that the person lacks financial resources that 1724
are sufficient to pay the fee or that payment of the fee would 1725
result in an undue hardship. 1726

(B) No court, state public defender, county or joint county 1727
public defender, or other counsel appointed by the court shall 1728
deny a person the assistance of counsel solely due to the person's 1729
failure to pay the application fee assessed pursuant to division 1730

(A) of this section. A person's present inability, failure, or refusal to pay the application fee shall not disqualify that person from legal representation.

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

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

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

(1) The number of persons in the previous month who requested or were provided a state public defender, county or joint county public defender, or other counsel appointed by the court;

(2) The number of persons in the previous month for whom the court waived the application fee pursuant to division (A) of this section;

(3) The dollar value of the application fees assessed

pursuant to division (A) of this section in the previous month;	1762
(4) The amount of assessed application fees collected in the previous month;	1763 1764
(5) The balance of unpaid assessed application fees at the open and close of the previous month.	1765 1766
(F) As used in this section:	1767
(1) "Clerk of court" means the clerk of the court of common pleas of the county, the clerk of the juvenile court of the county, the clerk of the domestic relations division of the court of common pleas of the county, the clerk of the probate court of the county, the clerk of a municipal court in the county, the clerk of a county-operated municipal court, or the clerk of a county court in the county, whichever is applicable.	1768 1769 1770 1771 1772 1773 1774
(2) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.	1775 1776
Sec. 309.08. (A) The prosecuting attorney may inquire into the commission of crimes within the county. The prosecuting attorney shall prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor pursuant to section 177.03 of the Revised Code or by the attorney general pursuant to section 109.83 of the Revised Code, and other suits, matters, and controversies that the prosecuting attorney is required to prosecute within or outside the county, in the probate court, court of common pleas, and court of appeals. In conjunction with the attorney general, the prosecuting attorney shall prosecute in the supreme court cases arising in the prosecuting attorney's county, except for those cases required to be prosecuted by a special prosecutor pursuant to section 177.03 of the Revised Code or by the attorney general pursuant to section	1777 1778 1779 1780 1781 1782 1783 1784 1785 1786 1787 1788 1789 1790 1791

109.83 of the Revised Code. 1792

In every case of conviction, the prosecuting attorney 1793
forthwith shall cause execution to be issued for the fine and 1794
costs, or costs only, as the case may be, and faithfully shall 1795
urge the collection until it is effected or found to be 1796
impracticable to collect. The prosecuting attorney forthwith shall 1797
pay to the county treasurer all moneys belonging to the state or 1798
county which come into the prosecuting attorney's possession. 1799

The prosecuting attorney or an assistant prosecuting attorney 1800
of a county may participate, as a member of the investigatory 1801
staff of an organized crime task force established under section 1802
177.02 of the Revised Code that has jurisdiction in that county, 1803
in an investigation of organized criminal activity under sections 1804
177.01 to 177.03 of the Revised Code. 1805

(B) The prosecuting attorney may pay a reward to a person who 1806
has volunteered any tip or information to a law enforcement agency 1807
in the county concerning a drug-related offense that is planned to 1808
occur, is occurring, or has occurred, in whole or in part, in the 1809
county. The prosecuting attorney may provide for the payment, out 1810
of the following sources, of rewards to a person who has 1811
volunteered tips and information to a law enforcement agency in 1812
the county concerning a drug-related offense that is planned to 1813
occur, is occurring, or has occurred, in whole or in part, in the 1814
county: 1815

(1) The law enforcement trust fund established by the 1816
prosecuting attorney pursuant to division (C)(1) of section 1817
2981.13 of the Revised Code; 1818

(2) The portion of any mandatory fines imposed pursuant to 1819
divisions (B)(1) and (2) of section 2929.18 or Chapter 2925. of 1820
the Revised Code that is paid to the prosecuting attorney pursuant 1821
to that division or chapter, the portion of any additional fines 1822

imposed under division (A) of section 2929.18 of the Revised Code 1823
that is paid to the prosecuting attorney pursuant to that 1824
division, or the portion of any fines imposed pursuant to division 1825
(A) of section 2925.42 of the Revised Code that is paid to the 1826
prosecuting attorney pursuant to division (B) of that section; 1827

(3) The furtherance of justice fund allowed to the 1828
prosecuting attorney under section 325.12 of the Revised Code or 1829
any additional funds allowed to the prosecuting attorney under 1830
section 325.13 of the Revised Code; 1831

(4) Any other moneys lawfully in the possession or control of 1832
the prosecuting attorney. 1833

(C) As used in division (B) of this section, "drug-related 1834
offense" means any violation of Chapter 2925. or 3719. of the 1835
Revised Code ~~or~~, any violation of a municipal ordinance that is 1836
substantially equivalent to any section in either of those 1837
chapters, or any violation of a township resolution that is 1838
substantially equivalent to any section in Chapter 2925. of the 1839
Revised Code. 1840

Sec. 341.23. (A) The board of county commissioners of any 1841
county or the legislative authority of any municipal corporation 1842
or township in which there is no workhouse may agree with the 1843
legislative authority of any municipal corporation or other 1844
authority having control of the workhouse of any other city, or 1845
with the directors of any district of a joint city and county 1846
workhouse or county workhouse, upon terms on which persons 1847
convicted of a misdemeanor by any court or magistrate of a county 1848
~~or~~, municipal corporation, or township having no workhouse, may be 1849
received into that workhouse, under sentence of the court or 1850
magistrate. The board or legislative authority may pay the 1851
expenses incurred under the agreement out of the general fund of 1852
that county ~~or~~, municipal corporation, or township, upon the 1853

certificate of the proper officer of the workhouse. 1854

(B) The sheriff or other officer transporting any person to 1855
the workhouse described in division (A) of this section shall 1856
receive six cents per mile for the sheriff or officer, going and 1857
returning, five cents per mile for transporting the convict, and 1858
five cents per mile, going and coming, for the service of each 1859
deputy, to be allowed as in cases in which a person is transported 1860
to a state correctional institution. The number of miles shall be 1861
computed by the usual routes of travel and, in state cases, shall 1862
be paid out of the general fund of the county, on the allowance of 1863
the board, and for the violation of the ordinances of any 1864
municipal corporation, or resolutions of any township shall be 1865
paid by that municipal corporation or township on the order of its 1866
legislative authority. 1867

(C) Pursuant to section 2929.37 of the Revised Code, the 1868
board of county commissioners, the directors of the district of a 1869
joint city and county workhouse or county workhouse, or the 1870
legislative authority of the municipal corporation may require a 1871
person who was convicted of an offense and who is confined in a 1872
workhouse as provided in division (A) of this section, to 1873
reimburse the county, district, or municipal corporation, as the 1874
case may be, for its expenses incurred by reason of the person's 1875
confinement. 1876

(D) Notwithstanding any contrary provision in this section or 1877
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 1878
appropriate board of county commissioners and legislative 1879
authorities may include in their agreement entered into under 1880
division (A) of this section a policy that complies with section 1881
2929.38 of the Revised Code and that requires any person who is 1882
not indigent and who is confined in the county, city, district, or 1883
joint city and county workhouse under this section to pay a 1884
reception fee, a fee for any medical treatment or service 1885

requested by and provided to that person, or the fee for a random 1886
drug test assessed under division (E) of section 341.26 of the 1887
Revised Code. 1888

(E) If a person who has been convicted of or pleaded guilty 1889
to an offense is incarcerated in the workhouse as provided in 1890
division (A) of this section, at the time of reception and at 1891
other times the person in charge of the operation of the workhouse 1892
determines to be appropriate, the person in charge of the 1893
operation of the workhouse may cause the convicted offender to be 1894
examined and tested for tuberculosis, HIV infection, hepatitis, 1895
including but not limited to hepatitis A, B, and C, and other 1896
contagious diseases. The person in charge of the operation of the 1897
workhouse may cause a convicted offender in the workhouse who 1898
refuses to be tested or treated for tuberculosis, HIV infection, 1899
hepatitis, including but not limited to hepatitis A, B, and C, or 1900
another contagious disease to be tested and treated involuntarily. 1901

Sec. 341.33. Imprisonment under the ordinances of a municipal 1902
corporation, ~~in addition to the manner provided for in section~~ 1903
~~1905.35 of the Revised Code,~~ may be in a county rehabilitation 1904
work camp, provided an agreement for the use of ~~such~~ the camp has 1905
been entered into between the board of county commissioners of the 1906
county wherein ~~such~~ the camp is located and the legislative 1907
authority of ~~such~~ the municipal corporation. 1908

Sec. 503.44. If a board of township trustees has adopted a 1909
resolution under section 503.41 of the Revised Code, it shall deny 1910
any application for a permit to operate a massage establishment or 1911
revoke a previously issued permit, ~~for any of the following~~ 1912
reasons: 1913

(A) Falsification of any of the information required for the 1914
application or failure to fully complete the application; 1915

(B) Failure to cooperate with any required health or safety inspection; 1916
1917

(C) Any one of the persons named on the application is under the age of eighteen; 1918
1919

(D) Any one of the persons named on the application has been convicted of or pleaded guilty to any violation of Chapter 2907. of the Revised Code, or any violation of any municipal ordinance or township resolution that is substantially equivalent to any offense contained in Chapter 2907. of the Revised Code, within five years preceding the application; 1920
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1925

(E) Any ~~masseur or masseuse~~ massager employed at the licensed massage establishment has been convicted of or pleaded guilty to a violation of division (D) of section 503.42 of the Revised Code. 1926
1927
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Sec. 503.46. If a board of township trustees has adopted a resolution under section 503.41 of the Revised Code, it shall deny the application for a ~~masseur or masseuse~~ massager license or revoke a previously issued license for any of the following reasons: 1929
1930
1931
1932
1933

(A) Falsification of any of the information required for the application or failure to fully complete the application; 1934
1935

(B) The applicant is under the age of twenty-one. 1936

(C) The applicant has been convicted of or pleaded guilty to any violation of Chapter 2907. of the Revised Code, or violation of any municipal ordinance or township resolution that is substantially equivalent to any offense contained in Chapter 2907. of the Revised Code, within five years preceding the application. 1937
1938
1939
1940
1941

(D) The applicant has been convicted of or pleaded guilty to a violation of division (D) of section 503.42 of the Revised Code. 1942
1943

Sec. 504.04. (A) A township that adopts a limited home rule 1944

government may do all of the following by resolution, provided 1945
that in a township that does not have a community court any of 1946
these resolutions, other than a resolution to supply water or 1947
sewer services in accordance with sections 504.18 to 504.20 of the 1948
Revised Code, may be enforced only by the imposition of civil 1949
fines as authorized in this chapter: 1950

(1) Exercise all powers of local self-government within the 1951
unincorporated area of the township, other than powers that are in 1952
conflict with general laws, except that the township shall comply 1953
with the requirements and prohibitions of this chapter, and shall 1954
enact no taxes other than those authorized by general law, and 1955
except that no resolution adopted pursuant to this chapter shall 1956
encroach upon the powers, duties, and privileges of elected 1957
township officers or change, alter, combine, eliminate, or 1958
otherwise modify the form or structure of the township government 1959
unless the change is required or permitted by this chapter; 1960

(2) Adopt and enforce within the unincorporated area of the 1961
township local police, sanitary, and other similar regulations 1962
that are not in conflict with general laws or otherwise prohibited 1963
by division (B) of this section; 1964

(3) Supply water and sewer services to users within the 1965
unincorporated area of the township in accordance with sections 1966
504.18 to 504.20 of the Revised Code; 1967

(4) Adopt and enforce within the unincorporated area of the 1968
township any resolution of a type described in section 503.52 or 1969
503.60 of the Revised Code. 1970

(B) No resolution adopted pursuant to this chapter shall do 1971
any of the following: 1972

(1) ~~Create~~ In a township that does not have a community 1973
court, create a criminal offense or impose criminal penalties, 1974
except as authorized by division (A) of this section or by section 1975

503.52 of the Revised Code;	1976
(2) Impose civil fines other than as authorized by this chapter;	1977 1978
(3) Establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water and drainage regulations, except as provided in section 504.21 of the Revised Code;	1979 1980 1981 1982
(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;	1983 1984 1985
(5) Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources;	1986 1987 1988 1989
(6) Establish regulations affecting hunting, trapping, fishing, or the possession, use, or sale of firearms;	1990 1991
(7) Establish or revise water or sewer regulations, except in accordance with section 504.18, 504.19, or 504.21 of the Revised Code.	1992 1993 1994
Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section.	1995 1996 1997
(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that a five-member board of township trustees approved for the township before September 26, 2003, shall continue to serve as the legislative authority with successive members serving for	1998 1999 2000 2001 2002 2003 2004 2005

four-year terms of office until a termination of a limited home rule government under section 504.03 of the Revised Code. 2006
2007

(D) In case of conflict between resolutions enacted by a board of township trustees and municipal ordinances or resolutions, the ordinance or resolution enacted by the municipal corporation prevails. In case of conflict between resolutions enacted by a board of township trustees and any county resolution, the resolution enacted by the board of township trustees prevails. 2008
2009
2010
2011
2012
2013

(E) The board of trustees of a township that has a community court established under division (B) or (C) of section 1905.43 of the Revised Code may adopt resolutions that create criminal offenses that are substantially equivalent to offenses contained in Title XXIX or Title XLV of the Revised Code and that impose criminal penalties for those offenses to the same extent as the legislative authority of a municipal corporation. The board of trustees may not provide for both a criminal penalty and a civil fine for a violation of a resolution. 2014
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Sec. 504.05. The board of township trustees may impose a civil fine for a violation of a resolution that is adopted pursuant to this chapter, and that does not create a criminal offense and may graduate the amount of the fine based on the number of previous violations of the resolution. No fine shall exceed one thousand dollars. Any resolution that imposes a fine shall clearly state the amount of the fine for the first and for subsequent violations. 2023
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Sec. 504.06. (A) Peace officers serving the township pursuant to section 504.16 of the Revised Code may issue citations to persons who violate township resolutions that are adopted pursuant to this chapter and that are enforced by the imposition of civil fines. Each citation shall contain provisions that: 2031
2032
2033
2034
2035

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

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

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

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

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

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

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

(B) File for a lien upon the property of a violator if the violation relates to the use of the property and if the violator

has failed to pay a fine imposed pursuant to section 504.07 of the Revised Code within ten days after the judgment imposing the fine has become final. The unpaid fine shall be entered on the tax duplicate and is a lien upon the property from and after the date of entry and shall be collected as other taxes, returned to the township, and placed in the township general fund.

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

Sec. 504.15. (A) Unless the board of township trustees acts as authorized by division (B) of this section, in each township that adopts the limited self-government form of township government, the board of township trustees shall appoint a full-time or part-time township law director, who shall be an attorney licensed to practice law in this state. The board of township trustees shall set the salary of the township law director. The township law director shall be the legal advisor to the board of township trustees, the township administrator, and all other township officers, and any of them may require written opinions or instructions from the township law director in matters connected with their official duties. Subject to division (E) of section 503.52 of the Revised Code, the township law director shall prosecute and defend all suits and actions that any such officer or board directs or to which an officer or board is a party, and the township law director shall prosecute any violation of a township resolution, as provided in this chapter. The township law director shall review all resolutions as to form prior to their introduction by a township trustee. Additional legal counsel may be employed as provided in division (B) of section 309.09 of the Revised Code.

(B) The board of township trustees may enter into a contract

with the prosecuting attorney of the county to have the 2097
prosecuting attorney serve as the township law director, with the 2098
consent of the board of county commissioners. 2099

(C) Nothing in this section confers any of the powers or 2100
duties of a prosecuting attorney under section 309.08 of the 2101
Revised Code upon a township law director. 2102

(D) Nothing in this section limits or affects the operation 2103
of division (E) of section 503.52 of the Revised Code. 2104

(E) The township law director of an urban township, or the 2105
prosecuting attorney of the county pursuant to a contract entered 2106
into under division (B) of this section, shall prosecute persons 2107
who violate resolutions that are adopted under section 504.04 of 2108
the Revised Code and that create criminal offenses. If the board 2109
of township trustees of an urban township has not entered into a 2110
contract under division (B) of this section for the prosecution of 2111
persons who violate resolutions that create criminal offenses, the 2112
board may enter into a contract with the chief legal officer of a 2113
municipal corporation with which the township has created a 2114
community court by contract for the prosecution of persons who 2115
violate resolutions that are adopted under section 504.04 of the 2116
Revised Code and that create criminal offenses. 2117

Sec. 705.14. Except as otherwise provided in section 705.53 2118
of the Revised Code, at the first meeting following each regular 2119
municipal election, the legislative authority of a municipal 2120
corporation shall elect one of its members as ~~chairman~~ chairperson 2121
and one other member as ~~vice-chairman~~ vice-chairperson. The 2122
~~chairman~~ chairperson shall preside at meetings of the legislative 2123
authority and perform ~~such any~~ such duties as ~~that~~ those are imposed upon ~~him~~ 2124
the chairperson, as presiding officer, by the legislative 2125
authority. ~~In municipal corporations in which a municipal court is~~ 2126
~~not otherwise provided, the chairman shall perform all of the~~ 2127

~~general duties provided in section 733.30 of the Revised Code, 2128
shall have such jurisdiction as is provided by section 1905.20 of 2129
the Revised Code, and shall be styled "police justice" in the 2130
performance of all judicial duties, and in such style he shall 2131
sign all processes and judicial records during the time he serves. 2132
He shall keep a docket in which he shall enter all cases brought 2133
before him. Such docket shall be provided by and be the property 2134
of the municipal corporation. At the end of each month, such 2135
police justice shall make a report to the legislative authority of 2136
all cases brought before him. 2137~~

When the ~~chairman~~ chairperson of the legislative authority ~~or~~ 2138
~~police justice~~ is absent from the municipal corporation, or is 2139
unable to perform ~~his~~ official duties, or in case of death, 2140
resignation, or removal, the ~~vice-chairman~~ vice-chairperson shall 2141
act as ~~chairman~~ chairperson and perform all of the duties provided 2142
for ~~chairman and police justice~~ the chairperson, pending any 2143
future meeting of the legislative authority at which it may select 2144
one of its members, who has been elected as provided in sections 2145
705.31 and 705.32 of the Revised Code, to become the ~~chairman and~~ 2146
~~police justice~~ chairperson for the period of time that ~~such~~ 2147
~~chairman~~ the chairperson is absent from the municipal corporation, 2148
or is incapacitated for any cause, or in the event of ~~his~~ death, 2149
resignation, or removal. The member so selected shall become the 2150
~~chairman~~ chairperson of the legislative authority ~~and police~~ 2151
~~justice~~ for the unexpired term. 2152

Sec. 705.55. The powers conferred upon municipal corporations 2153
by the Ohio Constitution and any additional powers conferred upon 2154
municipal corporations by the general assembly, shall be exercised 2155
by the council, unless the exercise of such powers is expressly 2156
conferred upon some other authority of the municipal corporation 2157
or reserved to the people ~~thereof~~ of the municipal corporation. ~~In~~ 2158
~~municipal corporations in which a municipal court is not provided~~ 2159

by law, each councilman may perform all of the general duties of mayors, as provided in section 733.30 of the Revised Code, and shall have such jurisdiction as is provided by section 1905.20 of the Revised Code. The member of council elected chairman shall perform all judicial functions.

Sec. 733.40. Except as otherwise provided in section 4511.193 of the Revised Code, all fines, forfeitures, and costs in ordinance cases and all fees that are collected by the mayor or by the clerk of the community court of a municipal corporation, that in any manner come into the mayor's hands, or that are due the mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses that have been advanced out of the treasury of the municipal corporation, and all money received by the mayor for the use of the municipal corporation shall be paid by the mayor or by the clerk of the community court into the treasury of the municipal corporation on the first Monday of each month. At the first regular meeting of the legislative authority each month, the mayor and the clerk of the community court shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by sections 3375.50 to 3375.52 or 4511.19 of the Revised Code, all fines, and forfeitures collected by the ~~mayor~~ clerk of the community court in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the ~~mayor~~ clerk to the county treasury on the first business day of each month. Except as otherwise provided by sections 3375.50 to 3375.52 or 4511.19 of the Revised Code, the ~~mayor~~ clerk of the community court shall pay all court costs and fees collected by the ~~mayor~~ clerk in state cases into the municipal treasury on the first business day of each month.

This section does not apply to fines collected by a ~~mayer's~~ 2192
clerk of a community court for violations of division (B) of 2193
section 4513.263 of the Revised Code, or for violations of any 2194
municipal ordinance that is substantively comparable to that 2195
division, all of which shall be forwarded to the treasurer of 2196
state as provided in division (E) of section 4513.263 of the 2197
Revised Code. 2198

Sec. 733.44. The treasurer of a municipal corporation shall 2199
demand and receive, from the county treasurer, taxes levied and 2200
assessments made and certified to the county auditor by the 2201
legislative authority of ~~such~~ the municipal corporation and placed 2202
on the tax list by ~~such~~ the county auditor for collection, moneys, 2203
from persons authorized to collect or required to pay them, 2204
accruing to the municipal corporation from any judgments, fines, 2205
penalties, forfeitures, licenses, costs taxed in ~~mayer's~~ community 2206
court, and debts due the municipal corporation. Such funds shall 2207
be disbursed by the treasurer on the order of any person 2208
authorized by law or ordinance to issue orders therefor. 2209

Sec. 733.51. The city director of law shall prepare all 2210
contracts, bonds, and other instruments in writing in which the 2211
city is concerned, and shall serve the several directors and 2212
officers provided in Title VII of the Revised Code as legal 2213
counsel and attorney. 2214

The director of law shall be prosecuting attorney of the 2215
~~mayer's~~ community court. When the legislative authority of the 2216
city allows assistants to the director of law, ~~he~~ the director of 2217
law may designate the assistants to act as prosecuting attorneys 2218
of the ~~mayer's~~ community court. The person designated shall be 2219
subject to the approval of the legislative authority. 2220

Sec. 733.52. The city director of law as prosecuting attorney 2221

of the ~~mayer's~~ community court shall prosecute all cases brought 2222
before the court, and shall perform the same duties, as far as 2223
they are applicable ~~thereto~~ to the city director of law, as 2224
required of the prosecuting attorney of the county. 2225

The director of law or the assistants whom ~~he~~ the director of 2226
law designates to act as prosecuting attorneys of the ~~mayer's~~ 2227
community court shall receive ~~such~~ the compensation for the 2228
service provided by this section ~~as~~ that the legislative authority 2229
of the city prescribes, and ~~such~~ any additional compensation ~~as~~ 2230
that the board of county commissioners allows. 2231

Sec. ~~1905.29~~ 737.34. (A) The mayor of a municipal corporation 2232
has within the corporate limits all the powers conferred upon 2233
sheriffs to suppress disorder and keep the peace. 2234

(B) The mayor of a municipal corporation, and, in ~~his~~ the 2235
mayor's absence, the president of the legislative authority of the 2236
municipal corporation, may grant to officials of adjoining or 2237
contiguous townships the temporary use of the municipal 2238
corporation prison, station house, or watchhouse to confine 2239
criminals or other persons dangerous to the peace of the 2240
community, until they can be ~~safety~~ safely removed to the county 2241
jail, or other place of security. 2242

Sec. 743.14. All ordinances, except those relative to 2243
taxation or assessment, resolutions, rules, and regulations 2244
relative to the construction, maintenance, and operation of water 2245
works, mains, hydrants, and service pipes and connections, and the 2246
protection ~~thereof~~ of water works, mains, hydrants, and service 2247
pipes and connections, shall operate in a similar manner in the 2248
territory outside the municipal corporation when the extensions 2249
mentioned in sections 743.12 and 743.13 of the Revised Code have 2250
been made, and for the enforcement thereof the jurisdiction of the 2251

~~mayor~~ community court, if the municipal corporation has a 2252
community court, and police shall extend into and over such 2253
territory. 2254

Sec. 753.02. (A) The legislative authority of a municipal 2255
corporation shall provide by ordinance for sustaining all persons 2256
sentenced to or confined in a prison or station house at the 2257
expense of the municipal corporation, and in counties where 2258
prisons or station houses are in quarters leased from the board of 2259
county commissioners, may contract with the board for the care and 2260
maintenance of those persons by the sheriff or other person 2261
charged with the care and maintenance of county prisoners. On the 2262
presentation of bills for food, sustenance, and necessary 2263
supplies, to the proper officer, certified by the person whom the 2264
legislative authority designates, the officer shall audit the 2265
bills under the rules prescribed by the legislative authority, and 2266
draw the officer's order on the treasurer of the municipal 2267
corporation in favor of the person presenting the bill. 2268

(B) Pursuant to section 2929.37 of the Revised Code, the 2269
legislative authority of the municipal corporation may require a 2270
person who was convicted of an offense and who is confined in a 2271
prison or station house as provided in division (A) of this 2272
section, or a person who was convicted of an offense and who is 2273
confined in the county jail as provided in division (A) of section 2274
~~1905.35~~ 1905.57 of the Revised Code, to reimburse the municipal 2275
corporation for its expenses incurred by reason of the person's 2276
confinement. 2277

(C) Notwithstanding any contrary provision in this section or 2278
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 2279
legislative authority of the municipal corporation may establish a 2280
policy that complies with section 2929.38 of the Revised Code and 2281
that requires any person who is not indigent and who is confined 2282

in a prison or station house to pay a reception fee, a fee for any 2283
medical treatment or service requested by and provided to that 2284
person, or the fee for a random drug test assessed under division 2285
(E) of section 753.33 of the Revised Code. 2286

(D) If a person who has been convicted of or pleaded guilty 2287
to an offense is sentenced to a term of imprisonment in a prison 2288
or station house as described in division (A) of this section, or 2289
if a person who has been arrested for an offense, and who has been 2290
denied bail or has had bail set and has not been released on bail 2291
is confined in a prison or station house as described in division 2292
(A) of this section pending trial, at the time of reception and at 2293
other times the person in charge of the operation of the prison or 2294
station house determines to be appropriate, the person in charge 2295
of the operation of the prison or station house may cause the 2296
convicted or accused offender to be examined and tested for 2297
tuberculosis, HIV infection, hepatitis, including, but not limited 2298
to, hepatitis A, B, and C, and other contagious diseases. The 2299
person in charge of the operation of the prison or station house 2300
may cause a convicted or accused offender in the prison or station 2301
house who refuses to be tested or treated for tuberculosis, HIV 2302
infection, hepatitis, including, but not limited to, hepatitis A, 2303
B, and C, or another contagious disease to be tested and treated 2304
involuntarily. 2305

Sec. 753.021. (A) For each person who is confined in a prison 2306
or station house as provided in section 753.02 of the Revised Code 2307
or in a county jail as provided in division (A) of section 1905.35 2308
1905.57 of the Revised Code, the municipal corporation may make a 2309
determination as to whether the person is covered under a health 2310
insurance or health care policy, contract, or plan and, if the 2311
person has such coverage, what terms and conditions are imposed by 2312
it for the filing and payment of claims. 2313

(B) If, pursuant to division (A) of this section, it is 2314
determined that the person is covered under a policy, contract, or 2315
plan and, while that coverage is in force, the prison, station 2316
house, or county jail renders or arranges for the rendering of 2317
health care services to the person, in accordance with the terms 2318
and conditions of the policy, contract, or plan, then the person, 2319
municipal corporation, or provider of the health care services, as 2320
appropriate under the terms and conditions of the policy, 2321
contract, or plan, shall promptly submit a claim for payment for 2322
the health care services to the appropriate third-party payer and 2323
shall designate, or make any other arrangement necessary to 2324
ensure, that payment of any amount due on the claim be made to the 2325
municipal corporation or the provider, as the case may be. 2326

(C) Any payment made to the municipal corporation pursuant to 2327
division (B) of this section shall be paid into the treasury of 2328
the municipal corporation. 2329

(D) This section also applies to any person who is under the 2330
custody of a law enforcement officer, as defined in section 2331
2901.01 of the Revised Code, prior to the person's confinement in 2332
the prison, station house, or county jail. 2333

Sec. 753.04. (A) When a person over sixteen years of age is 2334
convicted of an offense under the law of this state or an 2335
ordinance of a municipal corporation, and the tribunal before 2336
which the conviction is had is authorized by law to commit the 2337
offender to the county jail or municipal corporation prison, the 2338
court, ~~mayer, or judge of the county court, as the case may be,~~ 2339
may sentence the offender to a workhouse. 2340

When a commitment is made from a municipal corporation or 2341
township in the county, other than in a municipal corporation 2342
having a workhouse, the legislative authority of the municipal 2343
corporation or the board of township trustees shall transmit with 2344

the mittimus a sum of money equal to not less than seventy cents 2345
per day for the time of the commitment, to be placed in the hands 2346
of the superintendent of a workhouse for the care and maintenance 2347
of the prisoner. 2348

(B) Pursuant to section 2929.37 of the Revised Code, the 2349
legislative authority of the municipal corporation or the board of 2350
township trustees may require a person who is convicted of an 2351
offense and who is confined in a workhouse as provided in division 2352
(A) of this section, to reimburse the municipal corporation or the 2353
township, as the case may be, for its expenses incurred by reason 2354
of the person's confinement. 2355

(C) Notwithstanding any contrary provision in this section or 2356
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 2357
legislative authority of the municipal corporation or board of 2358
township trustees may establish a policy that complies with 2359
section 2929.38 of the Revised Code and that requires any person 2360
who is not indigent and who is confined in the workhouse under 2361
division (A) of this section to pay a reception fee, a fee for any 2362
medical treatment or service requested by and provided to that 2363
person, or the fee for a random drug test assessed under division 2364
(E) of section 753.33 of the Revised Code. 2365

(D) If a person who has been convicted of or pleaded guilty 2366
to an offense is incarcerated in a workhouse or if a person who 2367
has been arrested for an offense, and who has not been denied bail 2368
or has had bail set and has not been released on bail is confined 2369
in a workhouse pending trial, at the time of reception and at 2370
other times the person in charge of the operation of the workhouse 2371
determines to be appropriate, the person in charge of the 2372
operation of the workhouse may cause the convicted or accused 2373
offender to be examined and tested for tuberculosis, HIV 2374
infection, hepatitis, including, but not limited to, hepatitis A, 2375
B, and C, and other contagious diseases. The person in charge of 2376

the operation of the workhouse may cause a convicted or accused 2377
offender in the workhouse who refuses to be tested or treated for 2378
tuberculosis, HIV infection, hepatitis, including, but not limited 2379
to, hepatitis A, B, and C, or another contagious disease to be 2380
tested and treated involuntarily. 2381

Sec. 753.08. The officer having the execution of the final 2382
sentence of a court, ~~magistrate, or mayor~~ shall cause the 2383
convicted person to be conveyed to the workhouse as soon as 2384
practicable after the sentence is pronounced, and all officers 2385
shall be paid the fees ~~therefor~~ for so conveying the convicted 2386
person allowed by law for similar services in other cases. Such 2387
fees shall be paid, ~~when the sentence is by the court,~~ from the 2388
county treasury or, and when by if the magistrate court is the 2389
community court of a township, from the township treasury. 2390

Sec. 925.31. Judges of the county courts, ~~mayors,~~ municipal 2391
courts, and courts of common pleas and magistrates of the 2392
community courts have jurisdiction in sections 925.21 to 925.32~~7~~ 2393
~~inclusive,~~ of the Revised Code. The director of agriculture and 2394
~~such~~ any other employees of the department of agriculture ~~as he~~ 2395
that the director designates, police officers, constables, 2396
sheriffs, and deputy sheriffs shall enforce ~~such~~ those sections. 2397
Certificates of inspection issued by authorized inspectors of the 2398
department or a sample of a container, label, invoice, bill of 2399
lading, or any other written matter pertaining to a specific 2400
container of any fruit or vegetable ~~which~~ that does not comply 2401
with sections 925.21 to 925.32~~7~~ ~~inclusive,~~ of the Revised Code~~7~~ 2402
are prima-facie evidence of the facts contained therein in any of 2403
said courts when properly identified by the testimony of an agent 2404
of the director. 2405

Sec. 955.99. (A)(1) Whoever violates division (E) of section 2406

955.11 of the Revised Code because of a failure to comply with 2407
division (B) of that section is guilty of a minor misdemeanor. 2408

(2) Whoever violates division (E) of section 955.11 of the 2409
Revised Code because of a failure to comply with division (C) or 2410
(D) of that section is guilty of a minor misdemeanor on a first 2411
offense and of a misdemeanor of the fourth degree on each 2412
subsequent offense. 2413

(B) Whoever violates section 955.10, 955.23, 955.24, or 2414
955.25 of the Revised Code is guilty of a minor misdemeanor. 2415

(C) Whoever violates section 955.261, 955.39, or 955.50 of 2416
the Revised Code is guilty of a minor misdemeanor on a first 2417
offense and of a misdemeanor of the fourth degree on each 2418
subsequent offense. 2419

(D) Whoever violates division (F) of section 955.16 or 2420
division (B) of section 955.43 of the Revised Code is guilty of a 2421
misdemeanor of the fourth degree. 2422

(E)(1) Whoever violates section 955.21 or division (B) or (C) 2423
of section 955.22 of the Revised Code ~~shall be fined not less than~~ 2424
~~twenty five dollars or more than one hundred dollars~~ is guilty of 2425
a minor misdemeanor on a first offense, and of a misdemeanor of 2426
the fourth degree on each subsequent offense ~~shall be fined not~~ 2427
~~less than seventy five dollars or more than two hundred fifty~~ 2428
~~dollars and may be imprisoned for not more than thirty days.~~ 2429

(2) In addition to the penalties prescribed in division 2430
(E)(1) of this section, if the offender is guilty of a violation 2431
of division (B) or (C) of section 955.22 of the Revised Code, the 2432
court may order the offender to personally supervise the dog that 2433
the offender owns, keeps, or harbors, to cause that dog to 2434
complete dog obedience training, or to do both. 2435

(F) If a violation of division (D) of section 955.22 of the 2436
Revised Code involves a dangerous dog, whoever violates that 2437

division is guilty of a misdemeanor of the fourth degree on a 2438
first offense and of a misdemeanor of the third degree on each 2439
subsequent offense. Additionally, the court may order the offender 2440
to personally supervise the dangerous dog that the offender owns, 2441
keeps, or harbors, to cause that dog to complete dog obedience 2442
training, or to do both, and the court may order the offender to 2443
obtain liability insurance pursuant to division (E) of section 2444
955.22 of the Revised Code. The court, in the alternative, may 2445
order the dangerous dog to be humanely destroyed by a licensed 2446
veterinarian, the county dog warden, or the county humane society. 2447

(G) If a violation of division (D) of section 955.22 of the 2448
Revised Code involves a vicious dog, whoever violates that 2449
division is guilty of one of the following: 2450

(1) A felony of the fourth degree on a first or subsequent 2451
offense if the dog kills or seriously injures a person. 2452
Additionally, the court shall order that the vicious dog be 2453
humanely destroyed by a licensed veterinarian, the county dog 2454
warden, or the county humane society. 2455

(2) A misdemeanor of the first degree on a first offense and 2456
a felony of the fourth degree on each subsequent offense. 2457
Additionally, the court may order the vicious dog to be humanely 2458
destroyed by a licensed veterinarian, the county dog warden, or 2459
the county humane society. 2460

(3) A misdemeanor of the first degree if the dog causes 2461
injury, other than killing or serious injury, to any person. 2462

(H) Whoever violates division (A)(2) of section 955.01 or 2463
division (E) of section 955.22 of the Revised Code is guilty of a 2464
misdemeanor of the first degree. 2465

(I) Whoever violates division (C) of section 955.221 of the 2466
Revised Code is guilty of a minor misdemeanor. Each day of 2467
continued violation constitutes a separate offense. Fines levied 2468

and collected for violations of that division shall be distributed 2469
by the ~~mayer~~ or clerk of the community, municipal, or county court 2470
in accordance with section 733.40, division (F) of section 2471
1901.31, or division (C) of section 1907.20 of the Revised Code to 2472
the treasury of the county, township, or municipal corporation 2473
whose resolution or ordinance was violated. 2474

(J) Whoever violates division (F)(1), (2), or (3) of section 2475
955.22 of the Revised Code is guilty of a felony of the fourth 2476
degree. Additionally, the court shall order that the vicious dog 2477
be humanely destroyed by a licensed veterinarian, the county dog 2478
warden, or the county humane society. 2479

Sec. 1901.021. (A) The judge or judges of any municipal court 2480
established under division (A) of section 1901.01 of the Revised 2481
Code having territorial jurisdiction outside the corporate limits 2482
of the municipal corporation in which it is located may sit 2483
outside the corporate limits of the municipal corporation within 2484
the area of its territorial jurisdiction. 2485

(B) Two or more of the judges of the Hamilton county 2486
municipal court shall be assigned by the presiding judge of the 2487
court to sit outside the municipal corporation of Cincinnati. 2488

(C) Two of the judges of the Portage county municipal court 2489
shall sit within the municipal corporation of Ravenna, and one of 2490
the judges shall sit within the municipal corporation of Kent. The 2491
judges may sit in other incorporated areas of Portage county. 2492

(D) One of the judges of the Wayne county municipal court 2493
shall sit within the municipal corporation of Wooster, and one 2494
shall sit within the municipal corporation of Orrville. Both 2495
judges may sit in other incorporated areas of Wayne county. 2496

(E) The judge of the Auglaize county municipal court shall 2497
sit within the municipal corporations of Wapakoneta and St. Marys 2498

and may sit in other incorporated areas in Auglaize county. 2499

(F) At least one of the judges of the Miami county municipal 2500
court shall sit within the municipal corporations of Troy, Piqua, 2501
and Tipp City, and the judges may sit in other incorporated areas 2502
of Miami county. 2503

(G) The judge of the Crawford county municipal court shall 2504
sit within the municipal corporations of Bucyrus and Galion and 2505
may sit in other incorporated areas in Crawford county. 2506

(H) The judge of the Jackson county municipal court shall sit 2507
within the municipal corporations of Jackson and Wellston and may 2508
sit in other incorporated areas in Jackson county. 2509

(I) Each judge of the Columbiana county municipal court may 2510
sit within the municipal corporation of Lisbon, Salem, or East 2511
Palestine until the judges jointly select a central location 2512
within the territorial jurisdiction of the court. When the judges 2513
select a central location, the judges shall sit at that location. 2514

(J) In any municipal court, other than the Hamilton county 2515
municipal court, that has more than one judge, the decision for 2516
one or more judges to sit outside the corporate limits of the 2517
municipal corporation shall be made by rule of the court as 2518
provided in division (C) of sections 1901.14 and 1901.16 of the 2519
Revised Code. 2520

(K) The assignment of a judge to sit in a municipal 2521
corporation other than that in which the court is located does not 2522
affect the jurisdiction of the ~~mayor except as provided in section~~ 2523
~~1905.01 of the Revised Code~~ community court, if any, in that 2524
municipal corporation. 2525

(L) The judges of the Clermont county municipal court may sit 2526
in any municipal corporation or unincorporated territory within 2527
Clermont county. 2528

Sec. 1901.024. (A) The board of county commissioners of 2529
Hamilton county shall pay all of the costs of operation of the 2530
Hamilton county municipal court. Subject to division (F)(2) of 2531
section 1901.31 and to sections 3375.50, 3375.53, 4511.19, 2532
4511.193, and 5503.04 of the Revised Code and to any other section 2533
of the Revised Code that requires a specific manner of 2534
disbursement of any moneys received by a municipal court, the 2535
county shall receive all of the costs, fees, and other moneys, 2536
except fines collected for violations of municipal ordinances and 2537
for violations of township resolutions adopted pursuant to Chapter 2538
504. of the Revised Code, that are received by the Hamilton county 2539
municipal court and shall receive fifty per cent of all of the 2540
fines for violations of municipal ordinances and for violations of 2541
township resolutions adopted pursuant to Chapter 504. of the 2542
Revised Code that are received by the court. 2543

(B) The board of county commissioners of Lawrence county 2544
shall pay all of the costs of operation of the Lawrence county 2545
municipal court. Subject to division (F)(2) of section 1901.31 and 2546
to sections 3375.50, 3375.53, 4511.19, 4511.193, and 5503.04 of 2547
the Revised Code and to any other section of the Revised Code that 2548
requires a specific manner of disbursement of any moneys received 2549
by a municipal court, the county shall receive all of the costs, 2550
fees, and other moneys, except fines collected for violations of 2551
municipal ordinances and for violations of township resolutions 2552
adopted pursuant to Chapter 504. of the Revised Code, that are 2553
received by the Lawrence county municipal court and shall receive 2554
fifty per cent of all of the fines for violations of municipal 2555
ordinances and for violations of township resolutions adopted 2556
pursuant to Chapter 504. of the Revised Code that are received by 2557
the court. 2558

(C) The board of county commissioners of Ottawa county shall 2559
pay all of the costs of operation of the Ottawa county municipal 2560

court. Subject to division (F)(2) of section 1901.31 and to 2561
sections 3375.50, 3375.53, 4511.19, 4511.193, and 5503.04 of the 2562
Revised Code and to any other section of the Revised Code that 2563
requires a specific manner of disbursement of any moneys received 2564
by a municipal court, the county shall receive all of the costs, 2565
fees, and other moneys, except fines collected for violations of 2566
municipal ordinances and for violations of township resolutions 2567
adopted pursuant to Chapter 504. of the Revised Code, that are 2568
received by the Ottawa county municipal court and shall receive 2569
fifty per cent of all of the fines for violations of municipal 2570
ordinances and for violations of township resolutions adopted 2571
pursuant to Chapter 504. of the Revised Code that are received by 2572
the court. 2573

(D) The board of county commissioners of a county in which a 2574
county-operated municipal court is located shall pay all of the 2575
costs of operation of the municipal court. The county in which a 2576
county-operated municipal court that is not subject to division 2577
(A), (B), or (C) of this section is located shall receive all of 2578
the costs, fees, and other moneys, except fines collected for 2579
violations of municipal ordinances and for violations of township 2580
resolutions adopted pursuant to Chapter 504. of the Revised Code 2581
and except as provided in division (F)(2) of section 1901.31 and 2582
sections 3375.50, 3375.53, and 5503.04 of the Revised Code and in 2583
any other section of the Revised Code that requires a specific 2584
manner of disbursement of any moneys received by a municipal 2585
court, that are received by the court. 2586

Sec. 1901.026. (A) The current operating costs of a municipal 2587
court, other than a county-operated municipal court, that has 2588
territorial jurisdiction under section 1901.02 or 1901.182 of the 2589
Revised Code that extends beyond the corporate limits of the 2590
municipal corporation in which the court is located shall be 2591
apportioned pursuant to this section among all of the municipal 2592

corporations and townships that are within the territory of the 2593
court. Each municipal corporation and each township within the 2594
territory of the municipal court shall be assigned a proportionate 2595
share of the current operating costs of the municipal court that 2596
is equal to the percentage of the total criminal and civil 2597
caseload of the municipal court that arose in that municipal 2598
corporation or township. Each municipal corporation and each 2599
township then shall be liable for its assigned proportionate share 2600
of the current operating costs of the court, subject to division 2601
(B) of this section. 2602

For purposes of this section, the criminal and civil caseload 2603
that arose in a municipal corporation or township is the total 2604
number of criminal cases filed in the municipal court during the 2605
preceding calendar year that arose out of offenses that occurred 2606
in the municipal corporation or township and the total number of 2607
civil cases filed in the municipal court during the preceding 2608
calendar year in which the address of the majority of the 2609
defendants that are designated in the caption of the case and that 2610
have addresses within municipal corporations or townships within 2611
the territory of the court is within the municipal corporation or 2612
township or, if there is no majority of such defendants, in which 2613
the address of the first such defendant is within the municipal 2614
corporation or township. In determining the caseload that arose in 2615
a municipal corporation that had a legally functioning mayor's 2616
court from January 1, 2008, through December 31, 2008, and that 2617
does not have a community court, the cases that could have been 2618
heard in the mayor's court had that court not been abolished shall 2619
be excluded. 2620

(B) A municipal corporation or township within the territory 2621
of a municipal court is not required to pay that part of its 2622
proportionate share of the current operating costs of the court, 2623
as determined in accordance with division (A) of this section, 2624

that exceeds the total amount of costs, fees, fines, bail, or 2625
other moneys that was disbursed by the clerk of the court under 2626
division (F) of section 1901.31 of the Revised Code, to the 2627
municipal corporation or township during the period for which its 2628
proportionate share of the current operating costs was determined. 2629
The municipal corporation in which the court is located is liable, 2630
in addition to its proportionate share, for any part of the 2631
proportionate share of a municipal corporation or township that 2632
the municipal corporation or township is not required to pay under 2633
this division. 2634

(C) The auditors or chief fiscal officers of each of the 2635
municipal corporations and townships within the territory of a 2636
municipal court for which the current operating costs are 2637
apportioned under this section shall meet not less than once each 2638
six months at the office of the auditor or chief fiscal officer of 2639
the municipal corporation in which the court is located to 2640
determine the proportionate share due from each municipal 2641
corporation and each township, to determine whether any municipal 2642
corporation or township is not required to pay any part of its 2643
proportionate share under division (B) of this section, and to 2644
adjust accounts. The meetings shall be held at the direction of 2645
the auditor or chief fiscal officer of the municipal corporation 2646
in which the court is located, and the auditor or chief fiscal 2647
officer shall preside at the meetings. The proportionate share of 2648
each of the municipal corporations and townships, as reduced or 2649
increased in accordance with division (B) of this section, is 2650
payable from the general fund of the municipal corporation or 2651
township or from any other fund designated or funds appropriated 2652
for the purpose of paying the particular municipal corporation's 2653
or township's proportionate share of the current operating costs 2654
of the court. 2655

The court of common pleas of the county in which a municipal 2656

court for which the current operating costs are apportioned under 2657
this section is located has jurisdiction over any civil action 2658
that is commenced to determine the current operating costs of the 2659
court, the proportionate share of the current operating costs to 2660
be paid by a particular municipal corporation or township within 2661
the territory of the court, or whether a municipal corporation or 2662
township is not required to pay any part of its proportionate 2663
share under division (B) of this section. 2664

(D) For purposes of this section: 2665

(1) "Operating costs" means the figure that is derived by 2666
subtracting the total of all costs that are collected and paid to 2667
the city treasury by the clerk of the municipal court pursuant to 2668
division (F) of section 1901.31 of the Revised Code and all 2669
interest received and paid to the city treasury in relation to the 2670
costs pursuant to division (G) of section 1901.31 of the Revised 2671
Code from the total of the amounts payable from the city treasury 2672
for the operation of the court pursuant to sections 1901.10, 2673
1901.11, 1901.111, 1901.12, 1901.31, 1901.311, 1901.312, 1901.32, 2674
1901.33, 1901.331, 1901.36, 1901.37, and 1901.38 of the Revised 2675
Code, other than any amounts payable from the city treasury for 2676
the operation of the court involving construction, capital 2677
improvements, rent, or the provision of heat and light. 2678

(2) "Township" means a township that has adopted a limited 2679
home rule government pursuant to Chapter 504. of the Revised Code. 2680

(3) "Criminal caseload" when used in regard to a township 2681
means cases arising from a violation of a township resolution for 2682
which a fine is imposed under Chapter 504. of the Revised Code. 2683

Sec. 1901.04. Upon the institution of a municipal court ~~either~~ 2684
~~than the Brown county municipal court or the Morrow county~~ 2685
~~municipal court~~, the jurisdiction of the ~~mayer~~ community court, if 2686
one exists, in all civil and criminal causes terminates within the 2687

municipal corporation in which the municipal court is located. The 2688
~~institution of the Brown county municipal court or the Morrow~~ 2689
~~county municipal court does not terminate or affect the~~ 2690
~~jurisdiction of the mayor of Georgetown or the mayor of Mount~~ 2691
~~Gilead, respectively, in any civil or criminal cause. Upon the~~ 2692
~~institution of either court, the mayor of Georgetown and the mayor~~ 2693
~~of Mount Gilead retain jurisdiction in causes as described in~~ 2694
~~section 1905.01 of the Revised Code. Those mayors shall exercise~~ 2695
~~that jurisdiction concurrently with the municipal court. Upon the~~ 2696
institution of a municipal court, all ~~mayors~~ community courts of 2697
municipal corporations within the territory other than the 2698
municipal corporation in which the court is located may retain any 2699
jurisdiction that is now provided in all criminal causes involving 2700
violation of ordinances of their respective municipal corporations 2701
and in all criminal causes involving moving traffic violations 2702
occurring on state highways located within their respective 2703
municipal corporations, to be exercised concurrently with the 2704
municipal court. 2705

Upon the institution of a municipal court, the jurisdiction 2706
of county courts in all civil and criminal causes terminates in 2707
any township or municipal corporation that is entirely within the 2708
territory. 2709

Upon the institution of a municipal court, all causes, 2710
judgments, executions, and proceedings then pending in community 2711
courts ~~of mayors~~ and county courts within the territory as to 2712
which their jurisdiction is terminated by this section shall 2713
proceed in the municipal court as if originally instituted in the 2714
municipal court. The parties may make any amendments to their 2715
pleadings that are required to conform to the rules of the 2716
municipal court. 2717

In all cases over which the municipal court is given 2718
jurisdiction and for which the jurisdiction of county courts and 2719

the community courts ~~of mayors~~ is terminated by this section upon 2720
the institution of the municipal court, the pleadings, orders, 2721
entries, dockets, bonds, papers, records, books, exhibits, files, 2722
moneys, property, and persons that belong to, are in the 2723
possession of, or are subject to the jurisdiction of the community 2724
courts ~~of mayors~~ or county courts or any officer of either court 2725
and that are in any municipal corporation or township ~~which~~ that 2726
is entirely within the territory of a municipal court shall be 2727
transferred by their custodian to the municipal court. If a part 2728
of any township that was within the jurisdiction of a county court 2729
is included within the territory of a municipal court, all 2730
pleadings, orders, entries, dockets, bonds, papers, records, 2731
books, exhibits, files, moneys, property, and persons that belong 2732
to, are in the possession of, or are subject to the jurisdiction 2733
of the county court or any officer of the county court and that 2734
pertain to causes, judgments, executions, and proceedings then 2735
pending in the county court and arising from the court's 2736
jurisdiction in that part of the township within the territory of 2737
the municipal court shall be transferred by their custodian to the 2738
municipal court. 2739

~~The termination of a municipal court reinstates the 2740
jurisdiction of the mayor of the municipal corporation in which 2741
the terminated municipal court was located, if the jurisdiction of 2742
the mayor was terminated by this section. 2743~~

Sec. 1901.08. The number of, and the time for election of, 2744
judges of the following municipal courts and the beginning of 2745
their terms shall be as follows: 2746

In the Akron municipal court, two full-time judges shall be 2747
elected in 1951, two full-time judges shall be elected in 1953, 2748
one full-time judge shall be elected in 1967, and one full-time 2749
judge shall be elected in 1975. 2750

In the Alliance municipal court, one full-time judge shall be elected in 1953.	2751 2752
In the Ashland municipal court, one full-time judge shall be elected in 1951.	2753 2754
In the Ashtabula municipal court, one full-time judge shall be elected in 1953.	2755 2756
In the Athens county municipal court, one full-time judge shall be elected in 1967.	2757 2758
In the Auglaize county municipal court, one full-time judge shall be elected in 1975.	2759 2760
In the Avon Lake municipal court, one part-time judge shall be elected in 1957.	2761 2762
In the Barberton municipal court, one full-time judge shall be elected in 1969, and one full-time judge shall be elected in 1971.	2763 2764 2765
In the Bedford municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979.	2766 2767
In the Bellefontaine municipal court, one full-time judge shall be elected in 1993.	2768 2769
In the Bellevue municipal court, one part-time judge shall be elected in 1951.	2770 2771
In the Berea municipal court, one full-time judge shall be elected in 2005.	2772 2773
In the Bowling Green municipal court, one full-time judge shall be elected in 1983.	2774 2775
In the Brown county municipal court, one full-time judge shall be elected in 2005. Beginning February 9, 2003, the part-time judge of the Brown county county court that existed prior to that date whose term commenced on January 2, 2001, shall	2776 2777 2778 2779

serve as the full-time judge of the Brown county municipal court 2780
until December 31, 2005. 2781

In the Bryan municipal court, one full-time judge shall be 2782
elected in 1965. 2783

In the Cambridge municipal court, one full-time judge shall 2784
be elected in 1951. 2785

In the Campbell municipal court, one part-time judge shall be 2786
elected in 1963. 2787

In the Canton municipal court, one full-time judge shall be 2788
elected in 1951, one full-time judge shall be elected in 1969, and 2789
two full-time judges shall be elected in 1977. 2790

In the Carroll county municipal court, one full-time judge 2791
shall be elected in 2009. Beginning January 1, 2007, the judge 2792
elected in 2006 to the part-time judgeship of the Carroll county 2793
county court that existed prior to that date shall serve as the 2794
full-time judge of the Carroll county municipal court until 2795
December 31, 2009. 2796

In the Celina municipal court, one full-time judge shall be 2797
elected in 1957. 2798

In the Champaign county municipal court, one full-time judge 2799
shall be elected in 2001. 2800

In the Chardon municipal court, one ~~part-time~~ full-time judge 2801
shall be elected in ~~1963~~ 2011. On and after January 1, 2008, the 2802
part-time judge of the Chardon municipal court who was elected in 2803
2005 shall serve as the full-time judge of the court until the end 2804
of that judge's term on December 31, 2011. 2805

In the Chillicothe municipal court, one full-time judge shall 2806
be elected in 1951, and one full-time judge shall be elected in 2807
1977. 2808

In the Circleville municipal court, one full-time judge shall 2809

be elected in 1953. 2810

In the Clark county municipal court, one full-time judge 2811
shall be elected in 1989, and two full-time judges shall be 2812
elected in 1991. The full-time judges of the Springfield municipal 2813
court who were elected in 1983 and 1985 shall serve as the judges 2814
of the Clark county municipal court from January 1, 1988, until 2815
the end of their respective terms. 2816

In the Clermont county municipal court, two full-time judges 2817
shall be elected in 1991, and one full-time judge shall be elected 2818
in 1999. 2819

In the Cleveland municipal court, six full-time judges shall 2820
be elected in 1975, three full-time judges shall be elected in 2821
1953, and four full-time judges shall be elected in 1955. 2822

In the Cleveland Heights municipal court, one full-time judge 2823
shall be elected in 1957. 2824

In the Clinton county municipal court, one full-time judge 2825
shall be elected in 1997. The full-time judge of the Wilmington 2826
municipal court who was elected in 1991 shall serve as the judge 2827
of the Clinton county municipal court from July 1, 1992, until the 2828
end of that judge's term on December 31, 1997. 2829

In the Columbiana county municipal court, two full-time 2830
judges shall be elected in 2001. 2831

In the Conneaut municipal court, one full-time judge shall be 2832
elected in 1953. 2833

In the Coshocton municipal court, one full-time judge shall 2834
be elected in 1951. 2835

In the Crawford county municipal court, one full-time judge 2836
shall be elected in 1977. 2837

In the Cuyahoga Falls municipal court, one full-time judge 2838
shall be elected in 1953, and one full-time judge shall be elected 2839

in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal court shall cease to exist; however, the judges of the Cuyahoga Falls municipal court who were elected pursuant to this section in 2003 and 2007 for terms beginning on January 1, 2004, and January 1, 2008, respectively, shall serve as full-time judges of the Stow municipal court until December 31, 2009, and December 31, 2013, respectively.

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

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

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

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

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

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

In the Eaton municipal court, one full-time judge shall be elected in 1973.

In the Elyria municipal court, one full-time judge shall be

elected in 1955, and one full-time judge shall be elected in 1973.	2870
In the Erie county municipal court, one full-time judge shall	2871
be elected in 2007.	2872
In the Euclid municipal court, one full-time judge shall be	2873
elected in 1951.	2874
In the Fairborn municipal court, one full-time judge shall be	2875
elected in 1977.	2876
In the Fairfield county municipal court, one full-time judge	2877
shall be elected in 2003, and one full-time judge shall be elected	2878
in 2005.	2879
In the Fairfield municipal court, one full-time judge shall	2880
be elected in 1989.	2881
In the Findlay municipal court, one full-time judge shall be	2882
elected in 1955, and one full-time judge shall be elected in 1993.	2883
In the Fostoria municipal court, one full-time judge shall be	2884
elected in 1975.	2885
In the Franklin municipal court, one part-time judge shall be	2886
elected in 1951.	2887
In the Franklin county municipal court, two full-time judges	2888
shall be elected in 1969, three full-time judges shall be elected	2889
in 1971, seven full-time judges shall be elected in 1967, one	2890
full-time judge shall be elected in 1975, one full-time judge	2891
shall be elected in 1991, and one full-time judge shall be elected	2892
in 1997.	2893
In the Fremont municipal court, one full-time judge shall be	2894
elected in 1975.	2895
In the Gallipolis municipal court, one full-time judge shall	2896
be elected in 1981.	2897
In the Garfield Heights municipal court, one full-time judge	2898

shall be elected in 1951, and one full-time judge shall be elected 2899
in 1981. 2900

In the Girard municipal court, one full-time judge shall be 2901
elected in 1963. 2902

In the Hamilton municipal court, one full-time judge shall be 2903
elected in 1953. 2904

In the Hamilton county municipal court, five full-time judges 2905
shall be elected in 1967, five full-time judges shall be elected 2906
in 1971, two full-time judges shall be elected in 1981, and two 2907
full-time judges shall be elected in 1983. All terms of judges of 2908
the Hamilton county municipal court shall commence on the first 2909
day of January next after their election, except that the terms of 2910
the additional judges to be elected in 1981 shall commence on 2911
January 2, 1982, and January 3, 1982, and that the terms of the 2912
additional judges to be elected in 1983 shall commence on January 2913
4, 1984, and January 5, 1984. 2914

In the Hardin county municipal court, one part-time judge 2915
shall be elected in 1989. 2916

In the Hillsboro municipal court, one part-time judge shall 2917
be elected in 1957. 2918

In the Hocking county municipal court, one full-time judge 2919
shall be elected in 1977. 2920

In the Holmes county municipal court, one full-time judge 2921
shall be elected in 2007. Beginning January 1, 2007, the part-time 2922
judge of the Holmes county county court that existed prior to that 2923
date whose term commenced on January 1, 2007, shall serve as the 2924
full-time judge of the Holmes county municipal court until 2925
December 31, 2007. 2926

In the Huron municipal court, one part-time judge shall be 2927
elected in 1967. 2928

In the Ironton municipal court, one full-time judge shall be 2929
elected in 1951. 2930

In the Jackson county municipal court, one full-time judge 2931
shall be elected in 2001. On and after March 31, 1997, the 2932
part-time judge of the Jackson county municipal court who was 2933
elected in 1995 shall serve as a full-time judge of the court 2934
until the end of that judge's term on December 31, 2001. 2935

In the Kettering municipal court, one full-time judge shall 2936
be elected in 1971, and one full-time judge shall be elected in 2937
1975. 2938

In the Lakewood municipal court, one full-time judge shall be 2939
elected in 1955. 2940

In the Lancaster municipal court, one full-time judge shall 2941
be elected in 1951, and one full-time judge shall be elected in 2942
1979. Beginning January 2, 2000, the full-time judges of the 2943
Lancaster municipal court who were elected in 1997 and 1999 shall 2944
serve as judges of the Fairfield county municipal court until the 2945
end of those judges' terms. 2946

In the Lawrence county municipal court, one part-time judge 2947
shall be elected in 1981. 2948

In the Lebanon municipal court, one part-time judge shall be 2949
elected in 1955. 2950

In the Licking county municipal court, one full-time judge 2951
shall be elected in 1951, and one full-time judge shall be elected 2952
in 1971. 2953

In the Lima municipal court, one full-time judge shall be 2954
elected in 1951, and one full-time judge shall be elected in 1967. 2955

In the Lorain municipal court, one full-time judge shall be 2956
elected in 1953, and one full-time judge shall be elected in 1973. 2957

In the Lyndhurst municipal court, one ~~part-time~~ full-time 2958

judge shall be elected in ~~1957~~ 2011. On and after January 1, 2008,
the part-time judge of the Lyndhurst municipal court who was
elected in 2005 shall serve as the full-time judge of the court
until the end of that judge's term on December 31, 2011.

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

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

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

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

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

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

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

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

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

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

In the Miami county municipal court, one full-time judge

shall be elected in 1975, and one full-time judge shall be elected 2989
in 1979. 2990

In the Miamisburg municipal court, one ~~part-time~~ full-time 2991
judge shall be elected in ~~1951~~ 2011. On and after January 1, 2008, 2992
the part-time judge of the Miamisburg municipal court who was 2993
elected in 2005 shall serve as the full-time judge of the court 2994
until the end of that judge's term on December 31, 2011. 2995

In the Middletown municipal court, one full-time judge shall 2996
be elected in 1953. 2997

In the Morrow county municipal court, one full-time judge 2998
shall be elected in 2005. Beginning January 1, 2003, the part-time 2999
judge of the Morrow county county court that existed prior to that 3000
date shall serve as the full-time judge of the Morrow county 3001
municipal court until December 31, 2005. 3002

In the Mount Vernon municipal court, one full-time judge 3003
shall be elected in 1951. 3004

In the Napoleon municipal court, one full-time judge shall be 3005
elected in 2005. 3006

In the New Philadelphia municipal court, one full-time judge 3007
shall be elected in 1975. 3008

In the Newton Falls municipal court, one full-time judge 3009
shall be elected in 1963. 3010

In the Niles municipal court, one full-time judge shall be 3011
elected in 1951. 3012

In the Norwalk municipal court, one full-time judge shall be 3013
elected in 1975. 3014

In the Oakwood municipal court, one part-time judge shall be 3015
elected in 1953. 3016

In the Oberlin municipal court, one full-time judge shall be 3017
elected in 1989. 3018

In the Oregon municipal court, one full-time judge shall be elected in 1963. 3019
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In the Ottawa county municipal court, one full-time judge shall be elected in 1995, and the full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term. 3021
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In the Painesville municipal court, one full-time judge shall be elected in 1951. 3026
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In the Parma municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1971. 3028
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In the Perrysburg municipal court, one full-time judge shall be elected in 1977. 3031
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In the Portage county municipal court, two full-time judges shall be elected in 1979, and one full-time judge shall be elected in 1971. 3033
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In the Port Clinton municipal court, one full-time judge shall be elected in 1953. The full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term. 3036
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In the Portsmouth municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1985. 3041
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In the Rocky River municipal court, one full-time judge shall be elected in 1957, and one full-time judge shall be elected in 1971. 3044
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In the Sandusky municipal court, one full-time judge shall be elected in 1953. 3047
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In the Shaker Heights municipal court, one full-time judge shall be elected in 1957. 3049
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In the Shelby municipal court, one part-time judge shall be elected in 1957. 3051
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In the Sidney municipal court, one full-time judge shall be elected in 1995. 3053
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In the South Euclid municipal court, one full-time judge shall be elected in 1999. The part-time judge elected in 1993, whose term commenced on January 1, 1994, shall serve until December 31, 1999, and the office of that judge is abolished on January 1, 2000. 3055
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In the Springfield municipal court, two full-time judges shall be elected in 1985, and one full-time judge shall be elected in 1983, all of whom shall serve as the judges of the Springfield municipal court through December 31, 1987, and as the judges of the Clark county municipal court from January 1, 1988, until the end of their respective terms. 3060
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In the Steubenville municipal court, one full-time judge shall be elected in 1953. 3066
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In the Stow municipal court, one full-time judge shall be elected in 2009, and one full-time judge shall be elected in 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1, 2008, shall serve as a full-time judge of the Stow municipal court until December 31, 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1, 2004, shall serve as a full-time judge of the Stow municipal court until December 31, 2009. 3068
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In the Struthers municipal court, one part-time judge shall be elected in 1963. 3078
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In the Sylvania municipal court, one full-time judge shall be elected in 1963. 3080
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In the Tiffin municipal court, one full-time judge shall be elected in 1953. 3082
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In the Toledo municipal court, two full-time judges shall be elected in 1971, four full-time judges shall be elected in 1975, and one full-time judge shall be elected in 1973. 3084
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In the Upper Sandusky municipal court, one part-time judge shall be elected in 1957. 3087
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In the Vandalia municipal court, one full-time judge shall be elected in 1959. 3089
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In the Van Wert municipal court, one full-time judge shall be elected in 1957. 3091
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In the Vermilion municipal court, one part-time judge shall be elected in 1965. 3093
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In the Wadsworth municipal court, one full-time judge shall be elected in 1981. 3095
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In the Warren municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1971. 3097
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In the Washington Court House municipal court, one full-time judge shall be elected in 1999. The part-time judge elected in 1993, whose term commenced on January 1, 1994, shall serve until December 31, 1999, and the office of that judge is abolished on January 1, 2000. 3099
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In the Wayne county municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979. 3104
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In the Willoughby municipal court, one full-time judge shall be elected in 1951. 3107
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In the Wilmington municipal court, one full-time judge shall 3109
be elected in 1991, who shall serve as the judge of the Wilmington 3110
municipal court through June 30, 1992, and as the judge of the 3111
Clinton county municipal court from July 1, 1992, until the end of 3112
that judge's term on December 31, 1997. 3113

In the Xenia municipal court, one full-time judge shall be 3114
elected in 1977. 3115

In the Youngstown municipal court, one full-time judge shall 3116
be elected in 1951, and two full-time judges shall be elected in 3117
1953. 3118

In the Zanesville municipal court, one full-time judge shall 3119
be elected in 1953. 3120

Sec. 1901.11. (A)(1) Beginning July 1, 1997, judges 3121
designated as part-time judges by section 1901.08 of the Revised 3122
Code, ~~other than part time judges to whom division (B)(1)(a) of~~ 3123
~~this section applies,~~ shall receive as compensation thirty-five 3124
thousand five hundred dollars each year in addition to the 3125
compensation payable from the state treasury under division (A)(6) 3126
of section 141.04 of the Revised Code. 3127

(2) Part-time judges shall be disqualified from the practice 3128
of law only as to matters pending or originating in the courts in 3129
which they serve during their terms of office. 3130

(B)(1)(a) Judges designated as full-time judges by section 3131
1901.08 of the Revised Code, ~~and all judges of territories having~~ 3132
~~a population of more than fifty thousand regardless of~~ 3133
~~designation,~~ are subject to section 4705.01 of the Revised Code 3134
and, pursuant to division (C) of this section, ~~beginning July 1,~~ 3135
~~1997,~~ shall receive as compensation sixty-one thousand seven 3136
hundred fifty dollars per annum. 3137

(b) ~~These~~ Full-time judges also shall receive, in accordance 3138

with division (B) of section 141.04 of the Revised Code, the 3139
compensation described in division (A)(5) of that section from the 3140
state treasury. 3141

(2) The presiding judge of a municipal court who is also the 3142
administrative judge of the court, shall receive, pursuant to 3143
division (C) of this section, an additional one thousand five 3144
hundred dollars per annum. 3145

(C) The compensation of municipal judges that is described in 3146
divisions (A)(1) and (B)(1)(a) and (2) of this section may be paid 3147
in either biweekly installments or semimonthly installments, as 3148
determined by the payroll administrator, three-fifths of the 3149
amount being payable from the city treasury and two-fifths of the 3150
amount being payable from the treasury of the county in which the 3151
municipal corporation is situated, except that all of the 3152
compensation of the judges of a county-operated municipal court 3153
that is described in divisions (A)(1) and (B)(1)(a) and (2) of 3154
this section shall be payable out of the treasury of the county in 3155
which the court is located. If the territory is located in two or 3156
more counties, a total of two-fifths of the amount that is 3157
described in divisions (A)(1) and (B)(1)(a) and (2) of this 3158
section shall be payable by all of the counties in proportionate 3159
shares from the treasury of each of the counties in accordance 3160
with the respective populations of that portion of each of the 3161
several counties within the jurisdiction of the court. 3162

(D) No municipal judge shall hold any other office of trust 3163
or profit under the authority of this state or the United States. 3164

(E) As used in this section, "compensation" does not include 3165
any portion of the cost, premium, or charge for sickness and 3166
accident insurance or other coverage of hospitalization, surgical 3167
care, major medical care, disability, dental care, eye care, 3168
medical care, hearing aids, and prescription drugs, or any 3169
combination of those benefits or services, covering a judge of a 3170

municipal court and paid on the judge's behalf by a governmental 3171
entity. 3172

Sec. 1901.181. (A)(1) Except as otherwise provided in this 3173
division and division (A)(2) of this section and subject to 3174
division ~~(C)~~(B) of this section, if a municipal court has a 3175
housing or environmental division, the division has exclusive 3176
jurisdiction within the territory of the court in any civil action 3177
to enforce any local building, housing, air pollution, sanitation, 3178
health, fire, zoning, or safety code, ordinance, or regulation 3179
applicable to premises used or intended for use as a place of 3180
human habitation, buildings, structures, or any other real 3181
property subject to any such code, ordinance, or regulation, and, 3182
except in the environmental division of the Franklin county 3183
municipal court, in any civil action commenced pursuant to Chapter 3184
1923. or 5321. or sections 5303.03 to 5303.07 of the Revised Code. 3185
Except as otherwise provided in division (A)(2) of this section 3186
and subject to section 1901.20 of the Revised Code and to division 3187
~~(C)~~(B) of this section, the housing or environmental division of a 3188
municipal court has exclusive jurisdiction within the territory of 3189
the court in any criminal action for a violation of any local 3190
building, housing, air pollution, sanitation, health, fire, 3191
zoning, or safety code, ordinance, or regulation applicable to 3192
premises used or intended for use as a place of human habitation, 3193
buildings, structures, or any other real property subject to any 3194
such code, ordinance, or regulation. Except as otherwise provided 3195
in division (A)(2) of this section and subject to division ~~(C)~~(B) 3196
of this section, the housing or environmental division of a 3197
municipal court also has exclusive jurisdiction within the 3198
territory of the court in any civil action as described in 3199
division (B)(1) of section 3767.41 of the Revised Code that 3200
relates to a public nuisance. To the extent any provision of this 3201
chapter conflicts or is inconsistent with a provision of section 3202

3767.41 of the Revised Code, the provision of that section shall 3203
control in a civil action described in division (B)(1) of that 3204
section. 3205

(2) If a municipal court has an environmental division, if 3206
~~the mayor of~~ any municipal corporation within the territory of the 3207
municipal court conducts a ~~mayor's~~ community court, and if any 3208
action described in division (A)(1) of this section as being 3209
within the jurisdiction of the environmental division otherwise is 3210
within the jurisdiction of the ~~mayor's~~ community court, as set 3211
forth in section ~~1905.01~~ 1905.43 or 1905.44 of the Revised Code, 3212
the jurisdiction of the environmental division over the action is 3213
concurrent with the jurisdiction of that ~~mayor's~~ community court 3214
over the action. 3215

(B)(1) If the judge of the environmental division of the 3216
Franklin county municipal court or the judge of the housing 3217
division of a municipal court is on vacation, sick, absent, or is 3218
unavailable because of recusal or another reason, the 3219
administrative judge of the court, in accordance with the Rules of 3220
Superintendence for Municipal Courts and County Courts, shall 3221
assign another judge or judges of the court to handle any action 3222
or proceeding or, if necessary, all actions and proceedings of the 3223
division during the time that its judge is unavailable. 3224

(2) The Franklin county municipal court may adopt, by rule, 3225
procedures for other judges of the court to handle particular 3226
proceedings arising out of actions within the jurisdiction of the 3227
environmental division of the court when the judge of that 3228
division is unable for any reason to handle a particular 3229
proceeding at the time, or within the time period, necessary for a 3230
timely or appropriate disposition of the proceeding. Upon the 3231
adoption of and in accordance with those rules, any judge of the 3232
court may handle any proceeding that arises out of an action 3233
within the jurisdiction of the environmental division of the 3234

court. 3235

Sec. 1901.31. The clerk and deputy clerks of a municipal 3236
court shall be selected, be compensated, give bond, and have 3237
powers and duties as follows: 3238

(A) There shall be a clerk of the court who is appointed or 3239
elected as follows: 3240

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 3241
county, Portage county, and Wayne county municipal courts and 3242
through December 31, 2008, the Cuyahoga Falls municipal court, if 3243
the population of the territory equals or exceeds one hundred 3244
thousand at the regular municipal election immediately preceding 3245
the expiration of the term of the present clerk, the clerk shall 3246
be nominated and elected by the qualified electors of the 3247
territory in the manner that is provided for the nomination and 3248
election of judges in section 1901.07 of the Revised Code. 3249

The clerk so elected shall hold office for a term of six 3250
years, which term shall commence on the first day of January 3251
following the clerk's election and continue until the clerk's 3252
successor is elected and qualified. 3253

(b) In the Hamilton county municipal court, the clerk of 3254
courts of Hamilton county shall be the clerk of the municipal 3255
court and may appoint an assistant clerk who shall receive the 3256
compensation, payable out of the treasury of Hamilton county in 3257
semimonthly installments, that the board of county commissioners 3258
prescribes. The clerk of courts of Hamilton county, acting as the 3259
clerk of the Hamilton county municipal court and assuming the 3260
duties of that office, shall receive compensation at one-fourth 3261
the rate that is prescribed for the clerks of courts of common 3262
pleas as determined in accordance with the population of the 3263
county and the rates set forth in sections 325.08 and 325.18 of 3264
the Revised Code. This compensation shall be paid from the county 3265

treasury in semimonthly installments and is in addition to the 3266
annual compensation that is received for the performance of the 3267
duties of the clerk of courts of Hamilton county, as provided in 3268
sections 325.08 and 325.18 of the Revised Code. 3269

(c) In the Portage county and Wayne county municipal courts, 3270
the clerks of courts of Portage county and Wayne county shall be 3271
the clerks, respectively, of the Portage county and Wayne county 3272
municipal courts and may appoint a chief deputy clerk for each 3273
branch that is established pursuant to section 1901.311 of the 3274
Revised Code and assistant clerks as the judges of the municipal 3275
court determine are necessary, all of whom shall receive the 3276
compensation that the legislative authority prescribes. The clerks 3277
of courts of Portage county and Wayne county, acting as the clerks 3278
of the Portage county and Wayne county municipal courts and 3279
assuming the duties of these offices, shall receive compensation 3280
payable from the county treasury in semimonthly installments at 3281
one-fourth the rate that is prescribed for the clerks of courts of 3282
common pleas as determined in accordance with the population of 3283
the county and the rates set forth in sections 325.08 and 325.18 3284
of the Revised Code. 3285

(d) Except as otherwise provided in division (A)(1)(d) of 3286
this section, in the Akron municipal court, candidates for 3287
election to the office of clerk of the court shall be nominated by 3288
primary election. The primary election shall be held on the day 3289
specified in the charter of the city of Akron for the nomination 3290
of municipal officers. Notwithstanding any contrary provision of 3291
section 3513.05 or 3513.257 of the Revised Code, the declarations 3292
of candidacy and petitions of partisan candidates and the 3293
nominating petitions of independent candidates for the office of 3294
clerk of the Akron municipal court shall be signed by at least 3295
fifty qualified electors of the territory of the court. 3296

The candidates shall file a declaration of candidacy and 3297

petition, or a nominating petition, whichever is applicable, not 3298
later than four p.m. of the seventy-fifth day before the day of 3299
the primary election, in the form prescribed by section 3513.07 or 3300
3513.261 of the Revised Code. The declaration of candidacy and 3301
petition, or the nominating petition, shall conform to the 3302
applicable requirements of section 3513.05 or 3513.257 of the 3303
Revised Code. 3304

If no valid declaration of candidacy and petition is filed by 3305
any person for nomination as a candidate of a particular political 3306
party for election to the office of clerk of the Akron municipal 3307
court, a primary election shall not be held for the purpose of 3308
nominating a candidate of that party for election to that office. 3309
If only one person files a valid declaration of candidacy and 3310
petition for nomination as a candidate of a particular political 3311
party for election to that office, a primary election shall not be 3312
held for the purpose of nominating a candidate of that party for 3313
election to that office, and the candidate shall be issued a 3314
certificate of nomination in the manner set forth in section 3315
3513.02 of the Revised Code. 3316

Declarations of candidacy and petitions, nominating 3317
petitions, and certificates of nomination for the office of clerk 3318
of the Akron municipal court shall contain a designation of the 3319
term for which the candidate seeks election. At the following 3320
regular municipal election, all candidates for the office shall be 3321
submitted to the qualified electors of the territory of the court 3322
in the manner that is provided in section 1901.07 of the Revised 3323
Code for the election of the judges of the court. The clerk so 3324
elected shall hold office for a term of six years, which term 3325
shall commence on the first day of January following the clerk's 3326
election and continue until the clerk's successor is elected and 3327
qualified. 3328

(e) Except as otherwise provided in division (A)(1)(e) of 3329

this section, in the Barberton municipal court, candidates for 3330
election to the office of clerk of the court shall be nominated by 3331
primary election. The primary election shall be held on the day 3332
specified in the charter of the city of Barberton for the 3333
nomination of municipal officers. Notwithstanding any contrary 3334
provision of section 3513.05 or 3513.257 of the Revised Code, the 3335
declarations of candidacy and petitions of partisan candidates and 3336
the nominating petitions of independent candidates for the office 3337
of clerk of the Barberton municipal court shall be signed by at 3338
least fifty qualified electors of the territory of the court. 3339

The candidates shall file a declaration of candidacy and 3340
petition, or a nominating petition, whichever is applicable, not 3341
later than four p.m. of the seventy-fifth day before the day of 3342
the primary election, in the form prescribed by section 3513.07 or 3343
3513.261 of the Revised Code. The declaration of candidacy and 3344
petition, or the nominating petition, shall conform to the 3345
applicable requirements of section 3513.05 or 3513.257 of the 3346
Revised Code. 3347

If no valid declaration of candidacy and petition is filed by 3348
any person for nomination as a candidate of a particular political 3349
party for election to the office of clerk of the Barberton 3350
municipal court, a primary election shall not be held for the 3351
purpose of nominating a candidate of that party for election to 3352
that office. If only one person files a valid declaration of 3353
candidacy and petition for nomination as a candidate of a 3354
particular political party for election to that office, a primary 3355
election shall not be held for the purpose of nominating a 3356
candidate of that party for election to that office, and the 3357
candidate shall be issued a certificate of nomination in the 3358
manner set forth in section 3513.02 of the Revised Code. 3359

Declarations of candidacy and petitions, nominating 3360
petitions, and certificates of nomination for the office of clerk 3361

of the Barberton municipal court shall contain a designation of 3362
the term for which the candidate seeks election. At the following 3363
regular municipal election, all candidates for the office shall be 3364
submitted to the qualified electors of the territory of the court 3365
in the manner that is provided in section 1901.07 of the Revised 3366
Code for the election of the judges of the court. The clerk so 3367
elected shall hold office for a term of six years, which term 3368
shall commence on the first day of January following the clerk's 3369
election and continue until the clerk's successor is elected and 3370
qualified. 3371

(f)(i) Through December 31, 2008, except as otherwise 3372
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 3373
Falls municipal court, candidates for election to the office of 3374
clerk of the court shall be nominated by primary election. The 3375
primary election shall be held on the day specified in the charter 3376
of the city of Cuyahoga Falls for the nomination of municipal 3377
officers. Notwithstanding any contrary provision of section 3378
3513.05 or 3513.257 of the Revised Code, the declarations of 3379
candidacy and petitions of partisan candidates and the nominating 3380
petitions of independent candidates for the office of clerk of the 3381
Cuyahoga Falls municipal court shall be signed by at least fifty 3382
qualified electors of the territory of the court. 3383

The candidates shall file a declaration of candidacy and 3384
petition, or a nominating petition, whichever is applicable, not 3385
later than four p.m. of the seventy-fifth day before the day of 3386
the primary election, in the form prescribed by section 3513.07 or 3387
3513.261 of the Revised Code. The declaration of candidacy and 3388
petition, or the nominating petition, shall conform to the 3389
applicable requirements of section 3513.05 or 3513.257 of the 3390
Revised Code. 3391

If no valid declaration of candidacy and petition is filed by 3392
any person for nomination as a candidate of a particular political 3393

party for election to the office of clerk of the Cuyahoga Falls 3394
municipal court, a primary election shall not be held for the 3395
purpose of nominating a candidate of that party for election to 3396
that office. If only one person files a valid declaration of 3397
candidacy and petition for nomination as a candidate of a 3398
particular political party for election to that office, a primary 3399
election shall not be held for the purpose of nominating a 3400
candidate of that party for election to that office, and the 3401
candidate shall be issued a certificate of nomination in the 3402
manner set forth in section 3513.02 of the Revised Code. 3403

Declarations of candidacy and petitions, nominating 3404
petitions, and certificates of nomination for the office of clerk 3405
of the Cuyahoga Falls municipal court shall contain a designation 3406
of the term for which the candidate seeks election. At the 3407
following regular municipal election, all candidates for the 3408
office shall be submitted to the qualified electors of the 3409
territory of the court in the manner that is provided in section 3410
1901.07 of the Revised Code for the election of the judges of the 3411
court. The clerk so elected shall hold office for a term of six 3412
years, which term shall commence on the first day of January 3413
following the clerk's election and continue until the clerk's 3414
successor is elected and qualified. 3415

(ii) Division (A)(1)(f)(i) of this section shall have no 3416
effect after December 31, 2008. 3417

(g) Except as otherwise provided in division (A)(1)(g) of 3418
this section, in the Toledo municipal court, candidates for 3419
election to the office of clerk of the court shall be nominated by 3420
primary election. The primary election shall be held on the day 3421
specified in the charter of the city of Toledo for the nomination 3422
of municipal officers. Notwithstanding any contrary provision of 3423
section 3513.05 or 3513.257 of the Revised Code, the declarations 3424
of candidacy and petitions of partisan candidates and the 3425

nominating petitions of independent candidates for the office of 3426
clerk of the Toledo municipal court shall be signed by at least 3427
fifty qualified electors of the territory of the court. 3428

The candidates shall file a declaration of candidacy and 3429
petition, or a nominating petition, whichever is applicable, not 3430
later than four p.m. of the seventy-fifth day before the day of 3431
the primary election, in the form prescribed by section 3513.07 or 3432
3513.261 of the Revised Code. The declaration of candidacy and 3433
petition, or the nominating petition, shall conform to the 3434
applicable requirements of section 3513.05 or 3513.257 of the 3435
Revised Code. 3436

If no valid declaration of candidacy and petition is filed by 3437
any person for nomination as a candidate of a particular political 3438
party for election to the office of clerk of the Toledo municipal 3439
court, a primary election shall not be held for the purpose of 3440
nominating a candidate of that party for election to that office. 3441
If only one person files a valid declaration of candidacy and 3442
petition for nomination as a candidate of a particular political 3443
party for election to that office, a primary election shall not be 3444
held for the purpose of nominating a candidate of that party for 3445
election to that office, and the candidate shall be issued a 3446
certificate of nomination in the manner set forth in section 3447
3513.02 of the Revised Code. 3448

Declarations of candidacy and petitions, nominating 3449
petitions, and certificates of nomination for the office of clerk 3450
of the Toledo municipal court shall contain a designation of the 3451
term for which the candidate seeks election. At the following 3452
regular municipal election, all candidates for the office shall be 3453
submitted to the qualified electors of the territory of the court 3454
in the manner that is provided in section 1901.07 of the Revised 3455
Code for the election of the judges of the court. The clerk so 3456
elected shall hold office for a term of six years, which term 3457

shall commence on the first day of January following the clerk's 3458
election and continue until the clerk's successor is elected and 3459
qualified. 3460

(2)(a) Except for the Alliance, Auglaize county, Brown 3461
county, Columbiana county, Holmes county, Lorain, Massillon, and 3462
Youngstown municipal courts, in a municipal court for which the 3463
population of the territory is less than one hundred thousand, the 3464
clerk shall be appointed by the court, and the clerk shall hold 3465
office until the clerk's successor is appointed and qualified. 3466

(b) In the Alliance, Lorain, Massillon, and Youngstown 3467
municipal courts, the clerk shall be elected for a term of office 3468
as described in division (A)(1)(a) of this section. 3469

(c) In the Auglaize county, Brown county, and Holmes county 3470
municipal courts, the clerks of courts of Auglaize county, Brown 3471
county, and Holmes county shall be the clerks, respectively, of 3472
the Auglaize county, Brown county, and Holmes county municipal 3473
courts and may appoint a chief deputy clerk for each branch office 3474
that is established pursuant to section 1901.311 of the Revised 3475
Code, and assistant clerks as the judge of the court determines 3476
are necessary, all of whom shall receive the compensation that the 3477
legislative authority prescribes. The clerks of courts of Auglaize 3478
county, Brown county, and Holmes county, acting as the clerks of 3479
the Auglaize county, Brown county, and Holmes county municipal 3480
courts and assuming the duties of these offices, shall receive 3481
compensation payable from the county treasury in semimonthly 3482
installments at one-fourth the rate that is prescribed for the 3483
clerks of courts of common pleas as determined in accordance with 3484
the population of the county and the rates set forth in sections 3485
325.08 and 325.18 of the Revised Code. 3486

(d) In the Columbiana county municipal court, the clerk of 3487
courts of Columbiana county shall be the clerk of the municipal 3488
court, may appoint a chief deputy clerk for each branch office 3489

that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

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

(B) Except in the Hamilton county, Portage county, and Wayne county municipal courts, if a vacancy occurs in the office of the clerk of the Alliance, Lorain, Massillon, or Youngstown municipal court or occurs in the office of the clerk of a municipal court for which the population of the territory equals or exceeds one hundred thousand because the clerk ceases to hold the office before the end of the clerk's term or because a clerk-elect fails to take office, the vacancy shall be filled, until a successor is elected and qualified, by a person chosen by the residents of the territory of the court who are members of the county central committee of the political party by which the last occupant of that office or the clerk-elect was nominated. Not less than five nor more than fifteen days after a vacancy occurs, those members of that county central committee shall meet to make an appointment

to fill the vacancy. At least four days before the date of the 3522
meeting, the chairperson or a secretary of the county central 3523
committee shall notify each such member of that county central 3524
committee by first class mail of the date, time, and place of the 3525
meeting and its purpose. A majority of all such members of that 3526
county central committee constitutes a quorum, and a majority of 3527
the quorum is required to make the appointment. If the office so 3528
vacated was occupied or was to be occupied by a person not 3529
nominated at a primary election, or if the appointment was not 3530
made by the committee members in accordance with this division, 3531
the court shall make an appointment to fill the vacancy. A 3532
successor shall be elected to fill the office for the unexpired 3533
term at the first municipal election that is held more than one 3534
hundred twenty days after the vacancy occurred. 3535

(C)(1) In a municipal court, other than the Auglaize county, 3536
the Brown county, the Columbiana county, the Holmes county, and 3537
the Lorain municipal courts, for which the population of the 3538
territory is less than one hundred thousand, the clerk of the 3539
municipal court shall receive the annual compensation that the 3540
presiding judge of the court prescribes, if the revenue of the 3541
court for the preceding calendar year, as certified by the auditor 3542
or chief fiscal officer of the municipal corporation in which the 3543
court is located or, in the case of a county-operated municipal 3544
court, the county auditor, is equal to or greater than the 3545
expenditures, including any debt charges, for the operation of the 3546
court payable under this chapter from the city treasury or, in the 3547
case of a county-operated municipal court, the county treasury for 3548
that calendar year, as also certified by the auditor or chief 3549
fiscal officer. If the revenue of a municipal court, other than 3550
the Auglaize county, the Brown county, the Columbiana county, and 3551
the Lorain municipal courts, for which the population of the 3552
territory is less than one hundred thousand for the preceding 3553
calendar year as so certified is not equal to or greater than 3554

those expenditures for the operation of the court for that 3555
calendar year as so certified, the clerk of a municipal court 3556
shall receive the annual compensation that the legislative 3557
authority prescribes. As used in this division, "revenue" means 3558
the total of all costs and fees that are collected and paid to the 3559
city treasury or, in a county-operated municipal court, the county 3560
treasury by the clerk of the municipal court under division (F) of 3561
this section and all interest received and paid to the city 3562
treasury or, in a county-operated municipal court, the county 3563
treasury in relation to the costs and fees under division (G) of 3564
this section. 3565

(2) In a municipal court, other than the Hamilton county, 3566
Portage county, and Wayne county municipal courts, for which the 3567
population of the territory is one hundred thousand or more, and 3568
in the Lorain municipal court, the clerk of the municipal court 3569
shall receive annual compensation in a sum equal to eighty-five 3570
per cent of the salary of a judge of the court. 3571

(3) The compensation of a clerk described in division (C)(1) 3572
or (2) of this section is payable in semimonthly installments from 3573
the same sources and in the same manner as provided in section 3574
1901.11 of the Revised Code, except that the compensation of the 3575
clerk of the Carroll county municipal court is payable in biweekly 3576
installments. 3577

(D) Before entering upon the duties of the clerk's office, 3578
the clerk of a municipal court shall give bond of not less than 3579
six thousand dollars to be determined by the judges of the court, 3580
conditioned upon the faithful performance of the clerk's duties. 3581

(E) The clerk of a municipal court may do all of the 3582
following: administer oaths, take affidavits, and issue executions 3583
upon any judgment rendered in the court, including a judgment for 3584
unpaid costs; issue, sign, and attach the seal of the court to all 3585
writs, process, subpoenas, and papers issuing out of the court; 3586

and approve all bonds, sureties, recognizances, and undertakings 3587
fixed by any judge of the court or by law. The clerk may refuse to 3588
accept for filing any pleading or paper submitted for filing by a 3589
person who has been found to be a vexatious litigator under 3590
section 2323.52 of the Revised Code and who has failed to obtain 3591
leave to proceed under that section. The clerk shall do all of the 3592
following: file and safely keep all journals, records, books, and 3593
papers belonging or appertaining to the court; record the 3594
proceedings of the court; perform all other duties that the judges 3595
of the court may prescribe; and keep a book showing all receipts 3596
and disbursements, which book shall be open for public inspection 3597
at all times. 3598

The clerk shall prepare and maintain a general index, a 3599
docket, and other records that the court, by rule, requires, all 3600
of which shall be the public records of the court. In the docket, 3601
the clerk shall enter, at the time of the commencement of an 3602
action, the names of the parties in full, the names of the 3603
counsel, and the nature of the proceedings. Under proper dates, 3604
the clerk shall note the filing of the complaint, issuing of 3605
summons or other process, returns, and any subsequent pleadings. 3606
The clerk also shall enter all reports, verdicts, orders, 3607
judgments, and proceedings of the court, clearly specifying the 3608
relief granted or orders made in each action. The court may order 3609
an extended record of any of the above to be made and entered, 3610
under the proper action heading, upon the docket at the request of 3611
any party to the case, the expense of which record may be taxed as 3612
costs in the case or may be required to be prepaid by the party 3613
demanding the record, upon order of the court. 3614

(F) ~~The (1) Except as provided otherwise in division (F)(2)~~ 3615
of this section, the clerk of a municipal court shall receive, 3616
collect, and issue receipts for all costs, fees, fines, bail, and 3617
other moneys payable to the office or to any officer of the court 3618

in accordance with division (F)(1) of this section. The clerk 3619
shall each month disburse to the proper persons or officers, and 3620
take receipts for, all costs, fees, fines, bail, and other moneys 3621
that the clerk collects. Subject to sections 3375.50 and 4511.193 3622
of the Revised Code and to any other section of the Revised Code 3623
that requires a specific manner of disbursement of any moneys 3624
received by a municipal court and except for the Hamilton county, 3625
Lawrence county, and Ottawa county municipal courts, the clerk 3626
shall pay all fines received for violation of municipal ordinances 3627
into the treasury of the municipal corporation the ordinance of 3628
which was violated and shall pay all fines received for violation 3629
of township resolutions adopted pursuant to section 503.52 or 3630
503.53 or Chapter 504. of the Revised Code into the treasury of 3631
the township the resolution of which was violated. Subject to 3632
sections 1901.024 and 4511.193 of the Revised Code, in the 3633
Hamilton county, Lawrence county, and Ottawa county municipal 3634
courts, the clerk shall pay fifty per cent of the fines received 3635
for violation of municipal ordinances and fifty per cent of the 3636
fines received for violation of township resolutions adopted 3637
pursuant to section 503.52 or 503.53 or Chapter 504. of the 3638
Revised Code into the treasury of the county. Subject to sections 3639
3375.50, 3375.53, 4511.19, and 5503.04 of the Revised Code and to 3640
any other section of the Revised Code that requires a specific 3641
manner of disbursement of any moneys received by a municipal 3642
court, the clerk shall pay all fines collected for the violation 3643
of state laws into the county treasury. Except in a 3644
county-operated municipal court, the clerk shall pay all costs and 3645
fees the disbursement of which is not otherwise provided for in 3646
the Revised Code into the city treasury. The clerk of a 3647
county-operated municipal court shall pay the costs and fees the 3648
disbursement of which is not otherwise provided for in the Revised 3649
Code into the county treasury. Moneys deposited as security for 3650
costs shall be retained pending the litigation. The clerk shall 3651

keep a separate account of all receipts and disbursements in civil 3652
and criminal cases, which shall be a permanent public record of 3653
the office. On the expiration of the term of the clerk, the clerk 3654
shall deliver the records to the clerk's successor. The clerk 3655
shall have other powers and duties as are prescribed by rule or 3656
order of the court. 3657

(2)(a) The clerk of a municipal court shall pay to the 3658
treasurer of a municipal corporation one-half of all costs, fees, 3659
and fines collected as a result of summonses issued by law 3660
enforcement officers of the municipal corporation in cases that 3661
before January 1, 2009, would have been heard in the mayor's court 3662
of the municipal corporation and that would have been payable to 3663
the municipal treasury if either of the following applies: 3664

(i) The mayor's court was abolished, the cases in that 3665
mayor's court were transferred to the municipal court under 3666
division (B) of section 1905.42 of the Revised Code, the municipal 3667
corporation had its own police force at the time of abolition of 3668
the mayor's court, and the municipal corporation has a population 3669
of more than five hundred according to the most recent federal 3670
decennial census. 3671

(ii) The legislative authority of the municipal corporation 3672
elected to transfer its cases to the municipal court under 3673
division (C)(1)(b) of section 1905.42 of the Revised Code. 3674

(b) The clerk shall disburse one-half of such costs, fees, 3675
and fines in accordance with division (F)(1) of this section. 3676

(G) All moneys paid into a municipal court shall be noted on 3677
the record of the case in which they are paid and shall be 3678
deposited in a state or national bank, or a domestic savings and 3679
loan association, as defined in section 1151.01 of the Revised 3680
Code, that is selected by the clerk. Any interest received upon 3681
the deposits shall be paid into the city treasury, except that, in 3682

a county-operated municipal court, the interest shall be paid into 3683
the treasury of the county in which the court is located. 3684

On the first Monday in January of each year, the clerk shall 3685
make a list of the titles of all cases in the court that were 3686
finally determined more than one year past in which there remains 3687
unclaimed in the possession of the clerk any funds, or any part of 3688
a deposit for security of costs not consumed by the costs in the 3689
case. The clerk shall give notice of the moneys to the parties who 3690
are entitled to the moneys or to their attorneys of record. All 3691
the moneys remaining unclaimed on the first day of April of each 3692
year shall be paid by the clerk to the city treasurer, except 3693
that, in a county-operated municipal court, the moneys shall be 3694
paid to the treasurer of the county in which the court is located. 3695
The treasurer shall pay any part of the moneys at any time to the 3696
person who has the right to the moneys upon proper certification 3697
of the clerk. 3698

(H) Deputy clerks of a municipal court other than the Carroll 3699
county municipal court may be appointed by the clerk and shall 3700
receive the compensation, payable in either biweekly installments 3701
or semimonthly installments, as determined by the payroll 3702
administrator, out of the city treasury, that the clerk may 3703
prescribe, except that the compensation of any deputy clerk of a 3704
county-operated municipal court shall be paid out of the treasury 3705
of the county in which the court is located. The judge of the 3706
Carroll county municipal court may appoint deputy clerks for the 3707
court, and the deputy clerks shall receive the compensation, 3708
payable in biweekly installments out of the county treasury, that 3709
the judge may prescribe. Each deputy clerk shall take an oath of 3710
office before entering upon the duties of the deputy clerk's 3711
office and, when so qualified, may perform the duties appertaining 3712
to the office of the clerk. The clerk may require any of the 3713
deputy clerks to give bond of not less than three thousand 3714

dollars, conditioned for the faithful performance of the deputy clerk's duties. 3715
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(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand. 3717
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(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts. 3725
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Sec. 1901.42. The chief of police, or a police officer designated by the chief of police, of the city or village in which a municipal court is located or the marshal of the village in which a municipal court is located shall attend the sittings of the municipal court to execute the orders and process of the court and to preserve order in it. The chief of police, designated police officer, or marshal shall execute and return all writs and process directed to the chief, officer, or marshal by the court. The jurisdiction of the chief of police, designated police officer, or marshal in the execution of the writs and process of the court is coextensive with the county in criminal cases and in cases of violations of ordinances of the municipal corporation. 3729
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Sec. 1905.41. (A) There is hereby created on January 1, 2009, a community court in each municipal corporation that on the effective date of this section has a legally functioning mayor's court, according to the most recent federal decennial census has a 3741
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population of one thousand six hundred or more, and elects 3745
pursuant to division (C) of section 1905.42 of the Revised Code to 3746
have a community court. 3747

(B) A community court is a court of record and is subject to 3748
superintendence by the supreme court and rules prescribed by the 3749
supreme court under Section 5 of Article IV of the Ohio 3750
Constitution. 3751

(C)(1) The judge of the municipal court or county court that 3752
has territorial jurisdiction over the municipal corporation in 3753
which a community court is located, or the administrative judge of 3754
the court if the court has more than one judge, after consulting 3755
with the mayor and the legislative authority of the municipal 3756
corporation shall appoint one or more magistrates to preside over 3757
the community court. If the municipal corporation lies within the 3758
territorial jurisdiction of more than one municipal court or 3759
county court, the judge or administrative judge of the court that 3760
has within its territory the largest number of residents of the 3761
municipal corporation after consulting with the legislative 3762
authority of the municipal corporation shall appoint the 3763
magistrate or magistrates. No person shall be appointed as a 3764
community court magistrate unless the person has been admitted to 3765
the practice of law in this state and, for a total of at least 3766
four years preceding the person's appointment or the commencement 3767
of the person's service as magistrate, has been engaged in the 3768
practice of law in this state or served as a judge of a court of 3769
record in any jurisdiction in the United States, or both. A 3770
magistrate of a community court shall serve at the pleasure of the 3771
appointing judge or that judge's successor. If a municipal 3772
corporation that has a community court lies within the territorial 3773
jurisdiction of more than one municipal or county court and if a 3774
decennial census shows that the largest number of residents of the 3775
municipal corporation no longer reside in the territory of the 3776

appointing judge's court, the magistrate or magistrates of the 3777
community court shall serve at the pleasure of the judge or 3778
administrative judge of the court that according to the census has 3779
within its territory the largest number of residents of the 3780
municipal corporation or that judge's successor. 3781

(2) The legislative authority of a municipal corporation in 3782
which a community court that is created pursuant to this section 3783
is located may by resolution recommend to the judge having 3784
authority to appoint the magistrates of the court that a 3785
magistrate be removed from office if the legislative authority 3786
believes that the magistrate is not performing the magistrate's 3787
official duties in accordance with standards for magistrates 3788
established by the supreme court. 3789

(D) The legislative authority of a municipal corporation that 3790
has a community court that is created pursuant to this section 3791
shall appoint a clerk of the community court. The clerk shall 3792
serve at the pleasure of the legislative authority and shall 3793
receive compensation as set by the legislative authority. The 3794
compensation shall be payable in semimonthly installments from the 3795
treasury of the municipal corporation. Before entering upon the 3796
duties of the office, an appointed clerk shall give bond of not 3797
less than five thousand dollars, as determined by the legislative 3798
authority of the municipal corporation, conditioned upon the 3799
faithful performance of the clerk's duties. The clerk shall have 3800
the same powers and duties as a clerk of a county court. 3801

Sec. 1905.42. (A) All mayor's courts shall cease to exist at 3802
the end of the day on December 31, 2008. 3803

(B) All proceedings pending in the mayor's court of a 3804
municipal corporation that on December 31, 2008, had a population 3805
of less than one thousand six hundred according to the most recent 3806
federal decennial census, except for proceedings in a mayor's 3807

court that is located on an island in Lake Erie, shall be 3808
transferred to the municipal court or the county court that has 3809
territorial jurisdiction over that municipal corporation. 3810

(C)(1) Within ninety days after the effective date of this 3811
section, the legislative authority of a municipal corporation that 3812
had a legally functioning mayor's court on that effective date and 3813
either is located on an island in Lake Erie or according to the 3814
most recent federal decennial census has a population of one 3815
thousand six hundred or more shall elect to do one of the 3816
following: 3817

(a) To have a community court; 3818

(b) To not have a community court and to have all proceedings 3819
pending in the mayor's court transferred to the municipal court or 3820
county court that has territorial jurisdiction over the municipal 3821
corporation. 3822

(2) A legislative authority shall make an election under 3823
division (C)(1) of this section by resolution adopted and filed 3824
with the supreme court and with the municipal court or county 3825
court that has territorial jurisdiction over the municipal 3826
corporation not later than ninety days after the effective date of 3827
this section. If a legislative authority of a municipal 3828
corporation fails to make a timely election under division (C) of 3829
this section, the municipal corporation shall not have a community 3830
court, and all proceedings pending on December 31, 2008, in the 3831
mayor's court of that municipal corporation shall be transferred 3832
to the municipal court or county court that has territorial 3833
jurisdiction over the municipal corporation. 3834

(D) At any time after January 1, 2009, the legislative 3835
authority of a municipal corporation that does not have a 3836
community court and that has a population of one thousand six 3837
hundred or more according to the most recent federal decennial 3838

census may adopt a resolution electing to establish a community 3839
court and file the resolution with the supreme court. Upon the 3840
filing of the resolution with the supreme court, the community 3841
court is established and shall hear and determine cases within its 3842
jurisdiction that arise on and after the establishment of the 3843
court. 3844

(E)(1) Except as provided in division (E)(2) of this section, 3845
if the population of a municipal corporation served by a community 3846
court that is created pursuant to this section falls below one 3847
thousand six hundred according to the most recent federal 3848
decennial census, the community court shall cease to exist sixty 3849
days after the official release of the census, and all causes, 3850
executions, and other proceedings then pending in the community 3851
court shall be transferred to the municipal court or county court 3852
that has territorial jurisdiction over the municipal corporation. 3853
The causes, executions, and other proceedings shall proceed as if 3854
originally instituted in the transferee court. Parties to those 3855
causes, executions, and proceedings may make any amendments to 3856
their pleadings that are required to conform them to the rules of 3857
the transferee court. The clerk or other custodian of the records 3858
of the community court shall transfer to the transferee court all 3859
pleadings, orders, entries, dockets, bonds, papers, records, 3860
books, exhibits, files, moneys, property, and persons that belong 3861
to, are in the possession of, or are subject to the jurisdiction 3862
of the community court, or any officer of that court, at the close 3863
of business on the sixtieth day after the release of the census 3864
and that pertain to those causes, executions, and proceedings. 3865

(2) If the population of a municipal corporation served by a 3867
community court that is created pursuant to this section falls 3868
below one thousand six hundred according to the most recent 3869
federal decennial census, the legislative authority of the 3870

municipal corporation may by resolution adopted and filed with the 3871
supreme court not later than thirty days after the official 3872
release of the census request that the supreme court authorize the 3873
continued existence of the community court until the next federal 3874
decennial census. The supreme court, after considering the 3875
population of the municipal corporation, the caseload of the 3876
community court, and any other factors that it considers relevant, 3877
shall determine whether the community court should continue to 3878
exist and shall serve written notice of its determination on the 3879
legislative authority of the municipal corporation. If the supreme 3880
court determines that the community court should not continue to 3881
exist, the community court shall cease to exist sixty days after 3882
service of the supreme court's determination, and all causes, 3883
executions, and other proceedings then pending in the community 3884
court shall be transferred to the appropriate municipal court or 3885
county court in the manner provided in division (E)(1) of this 3886
section. 3887

(F) Division (E) of this section does not apply to a 3888
municipal corporation or community court that is located on an 3889
island in Lake Erie. 3890

(G) Nothing in this section shall preclude a municipal 3891
corporation from seeking the establishment pursuant to statute of 3892
a municipal court for the municipal corporation. 3893

Sec. 1905.43. (A) As used in this section, "urban township" 3894
means a township that has a population of fifteen thousand or more 3895
and that adopts a limited home rule government under section 3896
504.01 of the Revised Code. 3897

(B)(1) On or after January 1, 2009, the legislative authority 3898
of an urban township may establish a community court by adopting a 3899
resolution to establish a community court and filing the 3900
resolution with the supreme court. Upon the filing of the 3901

resolution with the supreme court, the community court is 3902
established and shall hear and determine cases within its 3903
jurisdiction that arise on and after the establishment of the 3904
court. The community court shall have jurisdiction to hear and 3905
determine all of the following: 3906

(a) Noncriminal cases arising under resolutions adopted 3907
pursuant to section 504.04 of the Revised Code by the urban 3908
township that establishes the court; 3909

(b) Forcible entry and detainer actions brought under Chapter 3910
1923. of the Revised Code that arise within the township; 3911

(c) Criminal actions arising under resolutions adopted 3912
pursuant to section 503.52 or 503.53 or division (E) of section 3913
504.04 of the Revised Code by the urban township that establishes 3914
the court, provided that jurisdiction is subject to the same 3915
limitations and conditions that apply to the community court of a 3916
municipal corporation under sections 1905.44 and 1905.45 of the 3917
Revised Code. 3918

(2) A community court of an urban township has jurisdiction 3919
within the township, excluding the territory of any municipal 3920
corporation within the township that has its own community court. 3921

(3) The judge of the municipal court or county court that has 3922
territorial jurisdiction over the urban township in which a 3923
community court is located, or the administrative judge of the 3924
court if the court has more than one judge, shall appoint a 3925
magistrate to preside over the community court. If the township 3926
lies within the territorial jurisdiction of more than one 3927
municipal court or county court, the judge or administrative judge 3928
of the court that has within its territory the largest number of 3929
residents of the township shall appoint the magistrate. No person 3930
shall be appointed as a community court magistrate unless the 3931
person has been admitted to the practice of law in this state and, 3932

for a total of at least four years preceding the person's 3933
appointment or the commencement of the person's service as 3934
magistrate, has been engaged in the practice of law in this state 3935
or served as a judge of a court of record in any jurisdiction in 3936
the United States, or both. The magistrate of a community court 3937
shall serve at the pleasure of the appointing judge or that 3938
judge's successor. If a township lies within the territorial 3939
jurisdiction of more than one municipal court or county court and 3940
if a decennial census shows that the largest number of residents 3941
of the township no longer reside in the territory of the 3942
appointing judge's court, the magistrate shall serve at the 3943
pleasure of the judge or administrative judge of the court that 3944
according to the census has within its territory the largest 3945
number of residents of the township or that judge's successor. 3946

(4) The legislative authority of an urban township that has a 3947
community court, with the concurrence of the magistrate of that 3948
court, may appoint a clerk of the community court. The clerk shall 3949
serve at the pleasure of the legislative authority and shall 3950
receive compensation as set by the legislative authority. The 3951
compensation shall be payable in semimonthly installments from the 3952
treasury of the township. Before entering upon the duties of the 3953
office, an appointed clerk shall give bond of not less than five 3954
thousand dollars, as determined by the legislative authority of 3955
the township, conditioned upon the faithful performance of the 3956
clerk's duties. The clerk shall have the same powers and duties as 3957
a clerk of a county court. 3958

(C)(1) Within ninety days after the effective date of this 3959
section, the legislative authority of a municipal corporation that 3960
had a legally functioning mayor's court on that effective date or 3961
on December 31, 2008, whichever is earlier, and according to the 3962
most recent federal decennial census had a population of less than 3963
one thousand six hundred and the legislative authority of an urban 3964

township may by municipal ordinance and township resolution agree 3965
to enter into a contract for the creation on or after January 1, 3966
2009, of a community court having territorial jurisdiction over 3967
the municipal corporation and the unincorporated areas of the 3968
township if the territory of the municipal corporation adjoins the 3969
territory of the township and all of the territory of the 3970
municipal corporation and of the township is within the 3971
territorial jurisdiction of a single municipal court or county 3972
court. The ordinance and resolution shall express the intent to 3973
enter into the contract and shall indicate the other municipal 3974
corporation or township with which the municipal corporation or 3975
township intends to contract. The municipal corporation shall 3976
provide a copy of the ordinance and the township shall provide a 3977
copy of the resolution to the supreme court. 3978

(2) Within ninety days after the effective date of this 3979
section, the legislative authority of a municipal corporation that 3980
had a legally functioning mayor's court on that effective date or 3981
on December 31, 2008, whichever is earlier, and according to the 3982
most recent federal decennial census had a population of less than 3983
one thousand six hundred and the legislative authority of a 3984
municipal corporation that elects to have a community court under 3985
division (C)(1) of section 1905.42 of the Revised Code may by 3986
ordinance adopted by each of the municipal corporations agree to 3987
enter into a contract for the creation on or after January 1, 3988
2009, of a community court having territorial jurisdiction over 3989
both municipal corporations if the territory of the municipal 3990
corporations adjoin and all of the territory of the two municipal 3991
corporations is within the territorial jurisdiction of a single 3992
municipal court or county court. Each ordinance shall express the 3993
intent to enter into the contract and shall indicate the other 3994
municipal corporation with which the municipal corporation intends 3995
to contract. Each municipal corporation shall provide a copy of 3996
its ordinance to the supreme court. 3997

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

(D) The legislative authority of each of the contracting municipal corporations and townships shall approve a contract creating a community court under division (C) of this section and shall approve the contract within one hundred eighty days after the effective date of this section. The contract shall provide for all of the following:

(1) The location of the community court;

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

(3) The manner in which employees of the court other than the magistrate or magistrates shall be appointed;

(4) The police officer who will attend or who will designate an officer to attend sittings of the court for the purposes set

forth in section 1905.47 of the Revised Code. 4029

(E)(1) Before the legislative authority of a municipal 4030
corporation or urban township passes an ordinance or resolution 4031
approving a contract to create a community court pursuant to this 4032
section, the legislative authority of each contracting municipal 4033
corporation or township shall hold a public hearing concerning the 4034
contract and shall provide public notice at least thirty days in 4035
advance of the time and place of the public hearing in a newspaper 4036
of general circulation within the territory of the contracting 4037
municipal corporation or township. A board of township trustees 4038
may provide additional notice to township residents in accordance 4039
with section 9.03 of the Revised Code, and any additional notice 4040
shall include the public hearing announcement, a summary of the 4041
terms of the contract, a statement that the entire text of the 4042
contract is on file for public examination in the office of the 4043
township fiscal officer, and information pertaining to any tax 4044
changes that will or may occur as a result of the contract. 4045

(2) During the thirty-day period prior to the public hearing, 4047
a copy of the text of the contract shall be on file for public 4048
examination in the office of the clerk of the legislative 4049
authority of the municipal corporation or of the township fiscal 4050
officer. The public hearing shall allow for public comment and 4051
recommendations from the public on the proposed contract. The 4052
contracting municipal corporations and townships may include in 4053
the contract any of those recommendations prior to the approval of 4054
the contract. 4055

(F) The legislative authority of a municipal corporation or 4056
urban township may enter into a contract to create a community 4057
court pursuant to this section by adopting an ordinance or 4058
resolution approving the contract. The legislative authority shall 4059
provide a copy of the ordinance or resolution and of the contract 4060

to the supreme court. 4061

(G) Any resolution of a board of township trustees that 4062
approves a contract to create a community court pursuant to this 4063
section shall be subject to a referendum of the electors of the 4064
township. When a referendum petition that is signed by ten per 4065
cent of the number of electors in the township who voted for the 4066
office of governor at the most recent general election for the 4067
office of governor and that orders that the resolution be 4068
submitted to the electors of the township for their approval or 4069
rejection is presented to the board of township trustees within 4070
thirty days after the board of township trustees adopted the 4071
resolution, the board of township trustees shall, after ten days 4072
and not later than four p.m. of the seventy-fifth day before the 4073
election, certify the text of the resolution to the board of 4074
elections. The board of elections shall submit the resolution to 4075
the electors of the township for their approval or rejection at 4076
the next general, primary, or special election occurring 4077
subsequent to seventy-five days after the certifying of the 4078
petition to the board of elections. The board shall notify the 4079
supreme court of the results of the referendum. 4080

(H) A contract entered into pursuant to this section may be 4081
amended, and it may be renewed, canceled, or terminated as 4082
provided in the contract. 4083

(I) A community court created pursuant to a contract entered 4084
into under this section shall have with regard to each contracting 4085
municipal corporation the jurisdiction set forth in section 4086
1905.44 of the Revised Code and with regard to each contracting 4087
urban township the jurisdiction set forth in division (B) of this 4088
section. 4089

(J) The judge of the municipal court or county court that has 4090
territorial jurisdiction over all of the territory of the 4091
municipal corporations or of the municipal corporation and 4092

township that create a community court pursuant to division (C) of 4093
this section, or the administrative judge of the court if the 4094
court has more than one judge, shall appoint a magistrate to 4095
preside over the community court. No person shall be appointed as 4096
the community court magistrate unless the person has been admitted 4097
to the practice of law in this state and, for a total of at least 4098
four years preceding the person's appointment or the commencement 4099
of the person's service as magistrate, has been engaged in the 4100
practice of law in this state or served as a judge of a court of 4101
record in any jurisdiction in the United States, or both. The 4102
magistrate shall serve at the pleasure of the appointing judge or 4103
that judge's successor. 4104

(K) The provisions of this chapter apply to all community 4105
courts established pursuant to this section except where the 4106
context of a provision clearly indicates that the provision is not 4107
applicable to a particular type of community court. 4108

Sec. 1905.44. (A) Except as provided in divisions (B), (C), 4109
and (E) of this section, a community court established pursuant to 4110
section 1905.42 of the Revised Code has jurisdiction to hear and 4111
determine any prosecution for the violation of an ordinance of the 4112
municipal corporation, to hear and determine forcible entry and 4113
detainer actions brought under Chapter 1923. of the Revised Code, 4114
to hear and determine any case involving a violation of a vehicle 4115
parking or standing ordinance of the municipal corporation unless 4116
the violation is required to be handled by a parking violations 4117
bureau or joint parking violations bureau pursuant to Chapter 4118
4521. of the Revised Code, and to hear and determine all criminal 4119
causes involving any moving traffic violation occurring on a state 4120
highway located within the boundaries of the municipal 4121
corporation. 4122

(B)(1) A community court established pursuant to section 4123

1905.42 of the Revised Code has jurisdiction to hear and determine 4124
prosecutions involving a violation of an ordinance of the 4125
municipal corporation relating to operating a vehicle while under 4126
the influence of alcohol, a drug of abuse, or a combination of 4127
them or relating to operating a vehicle with a prohibited 4128
concentration of alcohol, a controlled substance, or a metabolite 4129
of a controlled substance in the whole blood, blood serum or 4130
plasma, breath, or urine and to hear and determine criminal causes 4131
involving a violation of section 4511.19 of the Revised Code that 4132
occur on a state highway located within the boundaries of the 4133
municipal corporation only if the person charged with the 4134
violation, within six years of the date of the violation charged, 4135
has not been convicted of or pleaded guilty to any of the 4136
following: 4137

(a) A violation of an ordinance of any municipal corporation 4138
relating to operating a vehicle while under the influence of 4139
alcohol, a drug of abuse, or a combination of them or relating to 4140
operating a vehicle with a prohibited concentration of alcohol, a 4141
controlled substance, or a metabolite of a controlled substance in 4142
the whole blood, blood serum or plasma, breath, or urine; 4143

(b) A violation of section 4511.19 of the Revised Code; 4144

(c) A violation of any ordinance of any municipal corporation 4145
or of any section of the Revised Code that regulates the operation 4146
of vehicles, streetcars, and trackless trolleys upon the highways 4147
or streets in a case to which all of the following apply: 4148

(i) In the case in which the conviction was obtained or the 4150
plea of guilty was entered, the person had been charged with a 4151
violation of an ordinance of a type described in division 4152
(B)(1)(a) of this section or with a violation of section 4511.19 4153
of the Revised Code. 4154

(ii) The charge of the violation described in division (B)(1)(c)(i) of this section was dismissed or reduced. 4155
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(iii) The violation of which the person was convicted or to which the person pleaded guilty arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced. 4157
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(d) A violation of a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. 4161
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(2) A community court established pursuant to section 1905.42 of the Revised Code does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b) of this section, regardless of where the violation occurred, if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (b), (c), or (d) of this section. 4165
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If a magistrate of a community court established pursuant to section 1905.42 of the Revised Code determines in hearing a prosecution involving a violation of an ordinance of the municipal corporation the magistrate serves relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine or in hearing a criminal cause involving a violation of section 4511.19 of the Revised Code that the person charged, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (b), (c), or (d) of this section, the magistrate immediately shall transfer the case in accordance with 4173
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section 1905.45 of the Revised Code to the county court or 4187
municipal court with jurisdiction over the violation charged. 4188

(C)(1) A community court established pursuant to section 4189
1905.42 of the Revised Code has jurisdiction to hear and determine 4190
prosecutions involving a violation of a municipal ordinance that 4191
is substantially equivalent to division (A) of section 4510.14 or 4192
section 4510.16 of the Revised Code and to hear and determine 4193
criminal causes that involve a moving traffic violation that 4194
involve a violation of division (A) of section 4510.14 or section 4195
4510.16 of the Revised Code and that occur on a state highway 4196
located within the boundaries of the municipal corporation only if 4197
all of the following apply regarding the violation and the person 4198
charged: 4199

(a) Regarding a violation of section 4510.16 of the Revised 4200
Code or a violation of a municipal ordinance that is substantially 4201
equivalent to that division, the person charged with the 4202
violation, within six years of the date of the violation charged, 4203
has not been convicted of or pleaded guilty to any of the 4204
following: 4205

(i) A violation of section 4510.16 of the Revised Code; 4206

(ii) A violation of a municipal ordinance that is 4207
substantially equivalent to section 4510.16 of the Revised Code; 4208

(iii) A violation of any municipal ordinance or section of 4209
the Revised Code that regulates the operation of vehicles, 4210
streetcars, and trackless trolleys upon the highways or streets in 4211
a case in which, after a charge against the person of a violation 4212
of a type described in division (C)(1)(a)(i) or (ii) of this 4213
section was dismissed or reduced, the person is convicted of or 4214
pleads guilty to a violation that arose out of the same facts and 4215
circumstances and the same act as did the charge that was 4216
dismissed or reduced. 4217

(b) Regarding a violation of division (A) of section 4510.14 4218
of the Revised Code or a violation of a municipal ordinance that 4219
is substantially equivalent to that division, the person charged 4220
with the violation, within six years of the date of the violation 4221
charged, has not been convicted of or pleaded guilty to any of the 4222
following: 4223

(i) A violation of division (A) of section 4510.14 of the 4224
Revised Code; 4225

(ii) A violation of a municipal ordinance that is 4226
substantially equivalent to division (A) of section 4510.14 of the 4227
Revised Code; 4228

(iii) A violation of any municipal ordinance or section of 4229
the Revised Code that regulates the operation of vehicles, 4230
streetcars, and trackless trolleys upon the highways or streets in 4231
a case in which, after a charge against the person of a violation 4232
of a type described in division (C)(1)(b)(i) or (ii) of this 4233
section was dismissed or reduced, the person is convicted of or 4234
pleads guilty to a violation that arose out of the same facts and 4235
circumstances and the same act as did the charge that was 4236
dismissed or reduced. 4237

(2) A community court established pursuant to section 1905.42 4238
of the Revised Code does not have jurisdiction to hear and 4239
determine any prosecution or criminal cause involving a violation 4240
described in division (C)(1)(a)(i) or (ii) of this section if the 4241
person charged with the violation, within six years of the 4242
violation charged, has been convicted of or pleaded guilty to any 4243
violation listed in division (C)(1)(a)(i), (ii), or (iii) of this 4244
section and does not have jurisdiction to hear and determine any 4245
prosecution or criminal cause involving a violation described in 4246
division (C)(1)(b)(i) or (ii) of this section if the person 4247
charged with the violation, within six years of the violation 4248
charged, has been convicted of or pleaded guilty to any violation 4249

listed in division (C)(1)(b)(i), (ii), or (iii) of this section. 4250

(3) If a magistrate of a community court established pursuant to section 1905.42 of the Revised Code hears a prosecution involving a violation of an ordinance of the municipal corporation the magistrate serves that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code or a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code and determines that under division (C)(2) of this section community courts do not have jurisdiction of the prosecution, the magistrate immediately shall transfer the case in accordance with section 1905.45 of the Revised Code to the county court or municipal court with jurisdiction over the violation. 4251
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(D)(1) A community court established pursuant to section 1905.42 of the Revised Code does not have jurisdiction to hear and determine any prosecution or criminal use involving any of the following: 4263
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(a) A violation of section 2919.25 or 2919.27 of the Revised Code; 4267
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(b) A violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code that involves a person who was a family or household member of the defendant at the time of the violation; 4269
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(c) A violation of a municipal ordinance that is substantially equivalent to an offense described in division (E)(1)(a) or (b) of this section and that involves a person who was a family or household member of the defendant at the time of the violation. 4273
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(2) A community court established pursuant to section 1905.42 of the Revised Code does not have jurisdiction to hear and determine a motion filed pursuant to section 2919.26 of the 4278
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Revised Code or filed pursuant to a municipal ordinance that is 4281
substantially equivalent to that section or to issue a protection 4282
order pursuant to that section or a substantially equivalent 4283
municipal ordinance. 4284

(3) A community court established pursuant to section 1905.42 4285
of the Revised Code has jurisdiction to hear and determine all of 4286
the following: 4287

(a) Cases arising under sections 925.21 to 925.32 of the 4289
Revised Code as provided in section 925.31 of the Revised Code; 4290

(b) If the municipal corporation lies within the territory of 4291
an urban township that has a community court, cases within the 4292
subject-matter jurisdiction of the community court of the township 4293
that arise within the municipal corporation; 4294

(c) Cases related to public utilities extending beyond the 4295
limits of a municipal corporation, as provided in section 743.14 4296
of the Revised Code. 4297

(4) The exercise of jurisdiction by a community court is 4298
subject to the defendant's right to demand a trial by jury 4299
pursuant to sections 1923.10, 2937.08, and 2938.04 of the Revised 4300
Code. 4301

(E) In keeping a docket and files, a community court shall be 4302
governed by the laws pertaining to municipal courts. 4303

(F) As used in this section, "family or household member" has 4304
the same meaning as in section 2919.25 of the Revised Code. 4305

Sec. 1905.45. (A)(1) If a person who is charged with a 4306
violation of a law, ordinance, or resolution is brought before a 4307
community court and the violation charged is not within the 4308
jurisdiction of the court as set forth in section 1905.43 or 4309
1905.44 of the Revised Code, the court promptly shall transfer the 4310

case to the municipal court, county court, or court of common 4311
pleas with jurisdiction over the alleged violation and shall 4312
require the person to post an appearance bond in accordance with 4313
the bond schedule of that court. 4314

(2) If a person who is charged with a violation of a law, 4315
ordinance, or resolution is brought before a community court and 4316
the violation charged is within the jurisdiction of the court as 4317
set forth in section 1905.43 or 1905.44 of the Revised Code, the 4318
court, at any time prior to the final disposition of the case, may 4319
transfer it to the municipal court, county court, or court of 4320
common pleas with concurrent jurisdiction over the alleged 4321
violation. If a community court transfers a case under this 4322
division, the court shall require the person charged to post an 4323
appearance bond in accordance with the bond schedule of the court 4324
to which the case is transferred. 4325

(B) Upon the transfer of a case by a community court under 4326
division (A) of this section, all of the following apply: 4327

(1) The court shall certify all papers filed in the case, 4328
together with a transcript of all proceedings, accrued costs to 4329
date, and the recognizance given, to the court to which the case 4330
is transferred. 4331

(2) All further proceedings under the charge, complaint, 4332
information, or indictment in the transferred case shall be 4333
discontinued in the community court and shall be conducted in the 4334
court to which the case is transferred in accordance with the 4335
provisions governing proceedings in that court. 4336

(3) If the case is transferred to a municipal court that has 4337
an environmental division and the case is within the jurisdiction 4338
of the environmental division as set forth in division (A)(1) of 4339
section 1901.181 of the Revised Code, the case after the transfer 4340
shall be within the exclusive jurisdiction of the environmental 4341

division of the municipal court to which it is transferred. In all 4342
other situations, the case after the transfer shall be within the 4343
exclusive jurisdiction of the court to which it is transferred. 4344

Sec. 1905.46. A magistrate, clerk, or deputy clerk of a 4345
community court shall not be concerned as counsel or agent in the 4346
prosecution or defense of any case before the court. 4347

Sec. 1905.47. (A) As used in this section, "police officer" 4348
means any of the following: 4349

(1) The chief law enforcement officer of the municipal 4350
corporation in which a community court established pursuant to 4351
section 1905.42 of the Revised Code is located or a law 4352
enforcement officer of that municipal corporation designated by 4353
the chief; 4354

(2) The chief law enforcement officer of the township in 4355
which a community court established under division (B) of section 4356
1905.43 of the Revised Code is located or a law enforcement 4357
officer of that township designated by the chief; 4358

(3) A law enforcement officer of a municipal corporation or 4359
township within the territorial jurisdiction of a community court 4360
created under division (C) of section 1905.43 of the Revised Code 4361
as provided for in the contract creating the court. 4362

(B) A police officer shall attend the sittings of the 4363
community court to execute the orders and process of the court and 4364
to preserve order in it. The police officer shall execute and 4365
return all writs and process directed to the police officer by the 4366
court. The jurisdiction of the police officer in the execution of 4367
the writs and process of the court is coextensive with the county. 4368
In serving the writs and process of the court and taxing costs on 4369
them, the police officer shall be governed by the laws pertaining 4370
to constables. The fees of the court are the same as those allowed 4371

in the municipal court or county court within whose jurisdiction 4372
the territory of the community court is located. There shall be 4373
allowed and taxed for services of the police officer the same fees 4374
and expense as those allowed constables. 4375

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Sec. 1905.48. (A) When two municipal corporations adjoin each 4377
other on opposite sides of the line of any railroad, the boundary 4378
line between the municipal corporations, except where otherwise 4379
established by law, is along the middle of the right of way of the 4380
railroad. 4381

(B) When the line of a railroad adjoins or forms a part of 4382
the boundary line of a municipal corporation and the middle of the 4383
railroad right of way does not form the boundary line under 4384
division (A) of this section, the municipal corporation has 4385
jurisdiction over the entire width of the right of way of the line 4386
of the railroad for the punishment of the violation of the 4387
ordinances of the municipal corporation. 4388

Sec. 1905.49. A magistrate of a community court shall award 4389
and issue all writs and process that are necessary to enforce the 4390
administration of justice throughout the territorial jurisdiction 4391
of the court. The magistrate shall subscribe the magistrate's name 4392
to all writs, process, transcripts, and other official papers. 4393

Sec. 1905.50. A magistrate of a community court shall suspend 4394
in accordance with sections 4510.02, 4510.07, and 4511.19 of the 4395
Revised Code the driver's or commercial driver's license or permit 4396
or nonresident operating privilege of any person who is convicted 4397
of or pleads guilty to a violation of division (A) of section 4398
4511.19 of the Revised Code, of a municipal ordinance relating to 4399
operating a vehicle while under the influence of alcohol, a drug 4400
of abuse, or a combination of them, or of a municipal ordinance or 4401

township resolution relating to operating a vehicle with a 4402
prohibited concentration of alcohol, a controlled substance, or a 4403
metabolite of a controlled substance in the whole blood, blood 4404
serum or plasma, breath, or urine that is substantially equivalent 4405
to division (A) of section 4511.19 of the Revised Code. A 4406
magistrate of a community court shall suspend in accordance with 4407
sections 4510.02, 4510.07, and 4511.19 of the Revised Code the 4408
driver's or commercial driver's license or permit or nonresident 4409
operating privilege of any person who is convicted of or pleads 4410
guilty to a violation of division (B) of section 4511.19 of the 4411
Revised Code or of a municipal ordinance relating to operating a 4412
vehicle with a prohibited concentration of alcohol in the whole 4413
blood, blood serum or plasma, breath, or urine that is 4414
substantially equivalent to division (B) of section 4511.19 of the 4415
Revised Code. 4416

Suspension of a commercial driver's license under this 4417
section shall be concurrent with any period of disqualification or 4418
suspension under section 3123.58 or 4506.16 of the Revised Code. 4419
No person who is disqualified for life from holding a commercial 4420
driver's license under section 4506.16 of the Revised Code shall 4421
be issued a driver's license under Chapter 4507. of the Revised 4422
Code during the period for which the commercial driver's license 4423
was suspended under this section, and no person whose commercial 4424
driver's license is suspended under this section shall be issued a 4425
driver's license under Chapter 4507. of the Revised Code during 4426
the period of the suspension. 4427

Sec. 1905.51. Each magistrate of a community court shall keep 4428
a docket. A magistrate shall not retain or receive for the 4429
magistrate's own use any of the fines, forfeitures, fees, or costs 4430
the magistrate collects. A magistrate shall account for and 4431
dispose of all fines, forfeitures, fees, and costs the magistrate 4432
collects as provided in section 733.40 of the Revised Code. 4433

A magistrate of a community court shall be paid a fixed 4434
annual salary that the legislative authority of the municipal 4435
corporation provides under sections 731.08 and 731.13 of the 4436
Revised Code or that the legislative authority of the township 4437
provides under section 504.04 of the Revised Code. 4438

A magistrate of a community court shall keep an office that 4439
is provided by the legislative authority of the municipal 4440
corporation or township at a convenient place in the municipal 4441
corporation or township. 4442

The municipal corporation or township shall pay the costs of 4443
operating the community court. 4444

Sec. 1905.52. (A) Any party to an action in a community court 4445
may file written objections to the magistrate's decision with the 4446
clerk of the court in accordance with Civil Rule 53. 4447

(B) Any appeal from a decision of a judge made pursuant to an 4448
objection filed under division (A) of this section shall be taken 4449
to the court of appeals of the appellate district in which the 4450
community court is located. 4451

(C) Within ten days from the time a judge renders a decision 4452
and judgment, the appellant shall file with the community court a 4453
written notice of appeal designating the order or judgment 4454
appealed from and the court to which the appeal is taken. All 4455
further proceedings in the community court shall be stayed from 4456
the time of filing the notice of appeal. 4457

(D) Upon the filing of the notice of appeal, the clerk of the 4458
community court shall deliver the certified transcript of the 4459
proceedings, the original papers used on the trial, the written 4460
objections to the magistrate's decision, and the decision of the 4461
judge on review to the court to which the appeal is taken within 4462
fifteen days from the rendition of the decision and judgment 4463

appealed from. Upon receipt of the transcript and papers, the 4464
clerk of the court of appeals shall file them and docket the 4465
appeal. 4466

Sec. 1905.53. A community court magistrate presiding at any 4467
trial under this chapter may punish contempts and compel the 4468
attendance of witnesses. 4469

Sec. 1905.54. (A) When a fine is the whole or part of a 4470
sentence, a community court may order the person sentenced to 4471
remain confined in a county jail or workhouse of the municipal 4472
corporation until the fine is paid or secured to be paid or the 4473
offender is legally discharged if the offender is financially able 4474
to pay the fine and refuses to do so. 4475

(B) When a fine imposed for the violation of an ordinance of 4476
a municipal corporation or a resolution of a township is not paid, 4477
the party convicted may by order of the magistrate of the 4478
community court or other proper authority or on process issued for 4479
the purpose be committed until the fine and the costs of 4480
prosecution are paid or until the party convicted is legally 4481
discharged if the offender is financially able to pay the fine and 4482
refuses to do so. 4483

Sec. 1905.55. Fines, penalties, and forfeitures may in all 4484
cases and in addition to any other mode provided be recovered by 4485
action before any judge of a county court or any other court of 4486
competent jurisdiction in the name of the proper municipal 4487
corporation or township and for its use. In any action in which a 4488
pleading is necessary, it is sufficient if the petition sets forth 4489
generally the amount claimed to be due in respect to the violation 4490
of the ordinance of the municipal corporation or resolution of the 4491
township. The petition shall refer to the title of the ordinance 4492
or resolution, state the date of its adoption or passage, and show 4493

as near as is practicable the true time of the alleged violation. 4494
4495

Sec. 1905.56. Imprisonment under the ordinances of a 4496
municipal corporation or resolutions of a township shall be in the 4497
workhouse or other jail of the municipal corporation or township. 4498
Any municipal corporation or township not provided with a 4499
workhouse or other jail may for the purpose of imprisonment use 4500
the county jail at the expense of the municipal corporation or 4501
township until the municipal corporation or township is provided 4502
with a prison, house of correction, or workhouse. Persons so 4503
imprisoned in the county jail are under the charge of the sheriff. 4504
The sheriff shall receive and hold the persons in the manner 4505
prescribed by the ordinances of the municipal corporation or 4506
resolutions of the township until the persons are legally 4507
discharged. 4508

Sec. 1905.57. If, by the attorney general's own inquiries or 4509
as a result of complaints, the attorney general has reasonable 4510
cause to believe that a mayor, municipal corporation, or other 4511
person is operating a mayor's court or community court that is not 4512
authorized by the Revised Code, the attorney general may bring an 4513
action in the court of common pleas of the county in which the 4514
mayor's court or community court is located to enjoin the 4515
operation of the mayor's court or community court. 4516

Sec. 1907.012. In addition to other jurisdiction granted a 4517
county court in the Revised Code, a county court has jurisdiction 4518
over violations of township resolutions adopted pursuant to 4519
section 503.52 or 503.53 or Chapter 504. of the Revised Code. For 4520
procedural purposes, a case in which a person is charged with the 4521
violation of a township resolution shall be treated as a civil 4522
case, except as otherwise provided in the Revised Code and except 4523

that a violation of a township resolution that is adopted pursuant 4524
to section 503.52 or 503.53 or division (E) of section 504.04 of 4525
the Revised Code and that creates a criminal offense or imposes 4526
criminal penalties shall be treated as a criminal case. 4527

Sec. 1907.25. The sheriff of the county in which a county 4528
court is located, or a deputy sheriff of that county designated by 4529
the sheriff, shall attend the sittings of the county court to 4530
execute the orders and process of the court and to preserve order 4531
in it. The sheriff or deputy sheriff shall execute and return all 4532
writs and process directed to the sheriff or deputy sheriff by the 4533
court. The jurisdiction of the sheriff or deputy sheriff in the 4534
execution of the writs and process of the court is coextensive 4535
with the county in criminal cases and in cases of violations of 4536
ordinances of a municipal corporation. 4537

Sec. 1923.01. (A) As provided in this chapter, any judge of a 4538
county or municipal court or a court of common pleas or magistrate 4539
of a community court, within the judge's or magistrate's proper 4540
area of jurisdiction, may inquire about persons who make unlawful 4541
and forcible entry into lands or tenements and detain them, and 4542
about persons who make a lawful and peaceable entry into lands or 4543
tenements and hold them unlawfully and by force. If, upon the 4544
inquiry, it is found that an unlawful and forcible entry has been 4545
made and the lands or tenements are detained, or that, after a 4546
lawful entry, lands or tenements are held unlawfully and by force, 4547
a judge or magistrate shall cause the plaintiff in an action under 4548
this chapter to have restitution of the lands or tenements. 4549

(B) An action shall be brought under this chapter within two 4551
years after the cause of action accrues. 4552

(C) As used in this chapter: 4553

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

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

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

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

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A)(13) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code.

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

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

(8) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the

Revised Code.	4585
(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.	4586 4587
(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	4588 4589
(11) "Manufactured home park" has the same meaning as in section 3733.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.	4590 4591 4592 4593 4594 4595
(12) "Park operator" has the same meaning as in section 3733.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 3733. of the Revised Code.	4596 4597 4598 4599 4600 4601 4602 4603
(13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter.	4604 4605 4606
(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.	4607 4608
Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:	4609 4610
(1) Against tenants or manufactured home park residents holding over their terms;	4611 4612
(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the	4613 4614

payment of rent as provided in division (B) of this section; 4615

(3) In sales of real estate, on executions, orders, or other 4616
judicial process, when the judgment debtor was in possession at 4617
the time of the rendition of the judgment or decree, by virtue of 4618
which the sale was made; 4619

(4) In sales by executors, administrators, or guardians, and 4620
on partition, when any of the parties to the complaint were in 4621
possession at the commencement of the action, after the sales, so 4622
made on execution or otherwise, have been examined by the proper 4623
court and adjudged legal; 4624

(5) When the defendant is an occupier of lands or tenements, 4625
without color of title, and the complainant has the right of 4626
possession to them; 4627

(6) In any other case of the unlawful and forcible detention 4628
of lands or tenements. For purposes of this division, in addition 4629
to any other type of unlawful and forcible detention of lands or 4630
tenements, such a detention may be determined to exist when both 4631
of the following apply: 4632

(a) A tenant fails to vacate residential premises within 4633
three days after both of the following occur: 4634

(i) The tenant's landlord has actual knowledge of or has 4635
reasonable cause to believe that the tenant, any person in the 4636
tenant's household, or any person on the premises with the consent 4637
of the tenant previously has or presently is engaged in a 4638
violation of Chapter 2925. or 3719. of the Revised Code, or of a 4639
municipal ordinance or township resolution that is substantially 4640
similar to any section in either of those chapters, which involves 4641
a controlled substance and which occurred in, is occurring in, or 4642
otherwise was or is connected with the premises, whether or not 4643
the tenant or other person has been charged with, has pleaded 4644
guilty to or been convicted of, or has been determined to be a 4645

delinquent child for an act that, if committed by an adult, would 4646
be a violation as described in this division. For purposes of this 4647
division, a landlord has "actual knowledge of or has reasonable 4648
cause to believe" that a tenant, any person in the tenant's 4649
household, or any person on the premises with the consent of the 4650
tenant previously has or presently is engaged in a violation as 4651
described in this division if a search warrant was issued pursuant 4652
to Criminal Rule 41 or Chapter 2933. of the Revised Code; the 4653
affidavit presented to obtain the warrant named or described the 4654
tenant or person as the individual to be searched and particularly 4655
described the tenant's premises as the place to be searched, named 4656
or described one or more controlled substances to be searched for 4657
and seized, stated substantially the offense under Chapter 2925. 4658
or 3719. of the Revised Code or the substantially similar 4659
municipal ordinance or township resolution that occurred in, is 4660
occurring in, or otherwise was or is connected with the tenant's 4661
premises, and states the factual basis for the affiant's belief 4662
that the controlled substances are located on the tenant's 4663
premises; the warrant was properly executed by a law enforcement 4664
officer and any controlled substance described in the affidavit 4665
was found by that officer during the search and seizure; and, 4666
subsequent to the search and seizure, the landlord was informed by 4667
that or another law enforcement officer of the fact that the 4668
tenant or person has or presently is engaged in a violation as 4669
described in this division and it occurred in, is occurring in, or 4670
otherwise was or is connected with the tenant's premises. 4671

(ii) The landlord gives the tenant the notice required by 4672
division (C) of section 5321.17 of the Revised Code. 4673

(b) The court determines, by a preponderance of the evidence, 4674
that the tenant, any person in the tenant's household, or any 4675
person on the premises with the consent of the tenant previously 4676
has or presently is engaged in a violation as described in 4677

division (A)(6)(a)(i) of this section. 4678

(7) In cases arising out of Chapter 5313. of the Revised 4679
Code. In those cases, the court has the authority to declare a 4680
forfeiture of the vendee's rights under a land installment 4681
contract and to grant any other claims arising out of the 4682
contract. 4683

(8) Against tenants who have breached an obligation that is 4684
imposed by section 5321.05 of the Revised Code, other than the 4685
obligation specified in division (A)(9) of that section, and that 4686
materially affects health and safety. Prior to the commencement of 4687
an action under this division, notice shall be given to the tenant 4688
and compliance secured with section 5321.11 of the Revised Code. 4689

(9) Against tenants who have breached an obligation imposed 4690
upon them by a written rental agreement; 4691

(10) Against manufactured home park residents who have 4692
defaulted in the payment of rent or breached the terms of a rental 4693
agreement with a park operator. Nothing in this division precludes 4694
the commencement of an action under division (A)(12) of this 4695
section when the additional circumstances described in that 4696
division apply. 4697

(11) Against manufactured home park residents who have 4698
committed two material violations of the rules of the manufactured 4699
home park, of the public health council, or of applicable state 4700
and local health and safety codes and who have been notified of 4701
the violations in compliance with section 3733.13 of the Revised 4702
Code; 4703

(12) Against a manufactured home park resident, or the estate 4704
of a manufactured home park resident, who as a result of death or 4705
otherwise has been absent from the manufactured home park for a 4706
period of thirty consecutive days prior to the commencement of an 4707
action under this division and whose manufactured home or mobile 4708

home, or recreational vehicle that is parked in the manufactured 4709
home park, has been left unoccupied for that thirty-day period, 4710
without notice to the park operator and without payment of rent 4711
due under the rental agreement with the park operator; 4712

(13) Against occupants of self-service storage facilities, as 4713
defined in division (A) of section 5322.01 of the Revised Code, 4714
who have breached the terms of a rental agreement or violated 4715
section 5322.04 of the Revised Code; 4716

(14) Against any resident or occupant who, pursuant to a 4717
rental agreement, resides in or occupies residential premises 4718
located within one thousand feet of any school premises or 4719
preschool or child day-care center premises and to whom both of 4720
the following apply: 4721

(a) The resident's or occupant's name appears on the state 4722
registry of sex offenders and child-victim offenders maintained 4723
under section 2950.13 of the Revised Code. 4724

(b) The state registry of sex offenders and child-victim 4725
offenders indicates that the resident or occupant was convicted of 4726
or pleaded guilty to a sexually oriented offense or a child-victim 4727
oriented offense in a criminal prosecution and was not sentenced 4728
to a serious youthful offender dispositional sentence for that 4729
offense. 4730

(15) Against any tenant who permits any person to occupy 4731
residential premises located within one thousand feet of any 4732
school premises or preschool or child day-care center premises if 4733
both of the following apply to the person: 4734

(a) The person's name appears on the state registry of sex 4735
offenders and child-victim offenders maintained under section 4736
2950.13 of the Revised Code. 4737

(b) The state registry of sex offenders and child-victim 4738
offenders indicates that the person was convicted of or pleaded 4739

guilty to a sexually oriented offense or a child-victim oriented 4740
offense in a criminal prosecution and was not sentenced to a 4741
serious youthful offender dispositional sentence for that offense. 4742

4743

(B) If a tenant or manufactured home park resident holding 4744
under an oral tenancy is in default in the payment of rent, the 4745
tenant or resident forfeits the right of occupancy, and the 4746
landlord may, at the landlord's option, terminate the tenancy by 4747
notifying the tenant or resident, as provided in section 1923.04 4748
of the Revised Code, to leave the premises, for the restitution of 4749
which an action may then be brought under this chapter. 4750

(C)(1) If a tenant or any other person with the tenant's 4751
permission resides in or occupies residential premises that are 4752
located within one thousand feet of any school premises and is a 4753
resident or occupant of the type described in division (A)(14) of 4754
this section or a person of the type described in division (A)(15) 4755
of this section, the landlord for those residential premises, upon 4756
discovery that the tenant or other person is a resident, occupant, 4757
or person of that nature, may terminate the rental agreement or 4758
tenancy for those residential premises by notifying the tenant and 4759
all other occupants, as provided in section 1923.04 of the Revised 4760
Code, to leave the premises. 4761

(2) If a landlord is authorized to terminate a rental 4762
agreement or tenancy pursuant to division (C)(1) of this section 4763
but does not so terminate the rental agreement or tenancy, the 4764
landlord is not liable in a tort or other civil action in damages 4765
for any injury, death, or loss to person or property that 4766
allegedly result from that decision. 4767

(D) This chapter does not apply to a student tenant as 4768
defined by division (H) of section 5321.01 of the Revised Code 4769
when the college or university proceeds to terminate a rental 4770
agreement pursuant to section 5321.031 of the Revised Code. 4771

Sec. 1923.10. (A) If a jury is demanded by either party in an 4772
action under this chapter, until the impaneling of the jury, the 4773
proceedings shall be in all respects as in other cases. The jury 4774
shall be sworn to try and determine whether the complaint, naming 4775
the plaintiff, about to be presented to them, is true according to 4776
the evidence. If the jury finds that the complaint is true, it 4777
shall render a general verdict against the defendant. If the jury 4778
finds that the complaint is not true, it shall render a general 4779
verdict in favor of the defendant. If the jury finds that the 4780
complaint is true in part, it shall render a verdict setting forth 4781
the facts that it finds are true. 4782

(B) If a jury is demanded by either party in an action in 4783
this chapter in a community court, the court promptly shall 4784
transfer the case to the municipal court or county court with 4785
jurisdiction over the action. Upon the transfer of the case, the 4786
court shall certify all papers filed in the case, together with a 4787
transcript of all proceedings and accrued costs to date, to the 4788
court to which the case is transferred. All further proceedings in 4789
the transferred case shall be discontinued in the community court 4790
and shall be conducted in the court to which the case is 4791
transferred in accordance with division (A) of this section and 4792
the provisions governing proceedings in that court. 4793

Sec. 2152.021. (A)(1) Subject to division (A)(2) of this 4794
section, any person having knowledge of a child who appears to be 4795
a juvenile traffic offender or to be a delinquent child may file a 4796
sworn complaint with respect to that child in the juvenile court 4797
of the county in which the child has a residence or legal 4798
settlement or in which the traffic offense or delinquent act 4799
allegedly occurred. The sworn complaint may be upon information 4800
and belief, and, in addition to the allegation that the child is a 4801
delinquent child or a juvenile traffic offender, the complaint 4802

shall allege the particular facts upon which the allegation that 4803
the child is a delinquent child or a juvenile traffic offender is 4804
based. 4805

If a child appears to be a delinquent child who is eligible 4806
for a serious youthful offender dispositional sentence under 4807
section 2152.11 of the Revised Code and if the prosecuting 4808
attorney desires to seek a serious youthful offender dispositional 4809
sentence under section 2152.13 of the Revised Code in regard to 4810
the child, the prosecuting attorney of the county in which the 4811
alleged delinquency occurs may initiate a case in the juvenile 4812
court of the county by presenting the case to a grand jury for 4813
indictment, by charging the child in a bill of information as a 4814
serious youthful offender pursuant to section 2152.13 of the 4815
Revised Code, by requesting a serious youthful offender 4816
dispositional sentence in the original complaint alleging that the 4817
child is a delinquent child, or by filing with the juvenile court 4818
a written notice of intent to seek a serious youthful offender 4819
dispositional sentence. 4820

(2) Any person having knowledge of a child who appears to be 4821
a delinquent child for being an habitual or chronic truant may 4822
file a sworn complaint with respect to that child and the parent, 4823
guardian, or other person having care of the child in the juvenile 4824
court of the county in which the child has a residence or legal 4825
settlement or in which the child is supposed to attend public 4826
school. The sworn complaint may be upon information and belief and 4827
shall contain the following allegations: 4828

(a) That the child is a delinquent child for being a chronic 4829
truant or an habitual truant who previously has been adjudicated 4830
an unruly child for being a habitual truant and, in addition, the 4831
particular facts upon which that allegation is based; 4832

(b) That the parent, guardian, or other person having care of 4833

the child has failed to cause the child's attendance at school in 4834
violation of section 3321.38 of the Revised Code and, in addition, 4835
the particular facts upon which that allegation is based. 4836

(B) Any person with standing under applicable law may file a 4837
complaint for the determination of any other matter over which the 4838
juvenile court is given jurisdiction by section 2151.23 of the 4839
Revised Code. The complaint shall be filed in the county in which 4840
the child who is the subject of the complaint is found or was last 4841
known to be found. 4842

(C) Within ten days after the filing of a complaint or the 4843
issuance of an indictment, the court shall give written notice of 4844
the filing of the complaint or the issuance of an indictment and 4845
of the substance of the complaint or indictment to the 4846
superintendent of a city, local, exempted village, or joint 4847
vocational school district if the complaint or indictment alleges 4848
that a child committed an act that would be a criminal offense if 4849
committed by an adult, that the child was sixteen years of age or 4850
older at the time of the commission of the alleged act, and that 4851
the alleged act is any of the following: 4852

(1) A violation of section 2923.122 of the Revised Code that 4853
relates to property owned or controlled by, or to an activity held 4854
under the auspices of, the board of education of that school 4855
district; 4856

(2) A violation of section 2923.12 of the Revised Code, of a 4857
substantially similar municipal ordinance or township resolution, 4858
or of section 2925.03 of the Revised Code that was committed on 4859
property owned or controlled by, or at an activity held under the 4860
auspices of, the board of education of that school district; 4861

(3) A violation of section 2925.11 of the Revised Code that 4862
was committed on property owned or controlled by, or at an 4863
activity held under the auspices of, the board of education of 4864

that school district, other than a violation of that section that 4865
would be a minor drug possession offense if committed by an adult; 4866

(4) A violation of section 2903.01, 2903.02, 2903.03, 4867
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 4868
Code, or a violation of former section 2907.12 of the Revised 4869
Code, that was committed on property owned or controlled by, or at 4870
an activity held under the auspices of, the board of education of 4871
that school district, if the victim at the time of the commission 4872
of the alleged act was an employee of the board of education of 4873
that school district; 4874

(5) Complicity in any violation described in division (C)(1), 4875
(2), (3), or (4) of this section that was alleged to have been 4876
committed in the manner described in division (C)(1), (2), (3), or 4877
(4) of this section, regardless of whether the act of complicity 4878
was committed on property owned or controlled by, or at an 4879
activity held under the auspices of, the board of education of 4880
that school district. 4881

(D) A public children services agency, acting pursuant to a 4882
complaint or an action on a complaint filed under this section, is 4883
not subject to the requirements of section 3127.23 of the Revised 4884
Code. 4885

(E) For purposes of the record to be maintained by the clerk 4886
under division (B) of section 2152.71 of the Revised Code, when a 4887
complaint is filed that alleges that a child is a delinquent 4888
child, the court shall determine if the victim of the alleged 4889
delinquent act was sixty-five years of age or older or permanently 4890
and totally disabled at the time of the alleged commission of the 4891
act. 4892

Sec. 2152.03. When a child is arrested under any charge, 4893
complaint, affidavit, or indictment for a felony or a misdemeanor, 4894
proceedings regarding the child initially shall be in the juvenile 4895

court in accordance with this chapter. If the child is taken 4896
before a judge of a county court, a ~~mayer~~ magistrate of a 4897
community court, a judge of a municipal court, or a judge of a 4898
court of common pleas other than a juvenile court, the judge of 4899
the county court, ~~mayer~~ magistrate of the community court, judge 4900
of the municipal court, or judge of the court of common pleas 4901
shall transfer the case to the juvenile court, and, upon the 4902
transfer, the proceedings shall be in accordance with this 4903
chapter. Upon the transfer, all further proceedings under the 4904
charge, complaint, information, or indictment shall be 4905
discontinued in the court of the judge of the county court, ~~mayer~~ 4906
magistrate of the community court, municipal judge, or judge of 4907
the court of common pleas other than a juvenile court subject to 4908
section 2152.12 of the Revised Code. The case relating to the 4909
child then shall be within the exclusive jurisdiction of the 4910
juvenile court, subject to section 2152.12 of the Revised Code. 4911

Sec. 2152.16. (A)(1) If a child is adjudicated a delinquent 4912
child for committing an act that would be a felony if committed by 4913
an adult, the juvenile court may commit the child to the legal 4914
custody of the department of youth services for secure confinement 4915
as follows: 4916

(a) For an act that would be aggravated murder or murder if 4917
committed by an adult, until the offender attains twenty-one years 4918
of age; 4919

(b) For a violation of section 2923.02 of the Revised Code 4920
that involves an attempt to commit an act that would be aggravated 4921
murder or murder if committed by an adult, a minimum period of six 4922
to seven years as prescribed by the court and a maximum period not 4923
to exceed the child's attainment of twenty-one years of age; 4924

(c) For a violation of section 2903.03, 2905.01, 2909.02, or 4925

2911.01 or division (A) of section 2903.04 of the Revised Code or 4926
for a violation of any provision of section 2907.02 of the Revised 4927
Code other than division (A)(1)(b) of that section when the sexual 4928
conduct or insertion involved was consensual and when the victim 4929
of the violation of division (A)(1)(b) of that section was older 4930
than the delinquent child, was the same age as the delinquent 4931
child, or was less than three years younger than the delinquent 4932
child, for an indefinite term consisting of a minimum period of 4933
one to three years, as prescribed by the court, and a maximum 4934
period not to exceed the child's attainment of twenty-one years of 4935
age; 4936

(d) If the child is adjudicated a delinquent child for 4937
committing an act that is not described in division (A)(1)(b) or 4938
(c) of this section and that would be a felony of the first or 4939
second degree if committed by an adult, for an indefinite term 4940
consisting of a minimum period of one year and a maximum period 4941
not to exceed the child's attainment of twenty-one years of age. 4942

(e) For committing an act that would be a felony of the 4943
third, fourth, or fifth degree if committed by an adult or for a 4944
violation of division (A) of section 2923.211 of the Revised Code, 4945
for an indefinite term consisting of a minimum period of six 4946
months and a maximum period not to exceed the child's attainment 4947
of twenty-one years of age. 4948

(2) In each case in which a court makes a disposition under 4949
this section, the court retains control over the commitment for 4950
the minimum period specified by the court in divisions (A)(1)(a) 4951
to (e) of this section. During the minimum period, the department 4952
of youth services shall not move the child to a nonsecure setting 4953
without the permission of the court that imposed the disposition. 4954

(B)(1) Subject to division (B)(2) of this section, if a 4955
delinquent child is committed to the department of youth services 4956
under this section, the department may release the child at any 4957

time after the minimum period specified by the court in division 4958
(A)(1) of this section ends. 4959

(2) A commitment under this section is subject to a 4960
supervised release or to a discharge of the child from the custody 4961
of the department for medical reasons pursuant to section 5139.54 4962
of the Revised Code, but, during the minimum period specified by 4963
the court in division (A)(1) of this section, the department shall 4964
obtain court approval of a supervised release or discharge under 4965
that section. 4966

(C) If a child is adjudicated a delinquent child, at the 4967
dispositional hearing and prior to making any disposition pursuant 4968
to this section, the court shall determine whether the delinquent 4969
child previously has been adjudicated a delinquent child for a 4970
violation of a law ~~or~~, ordinance, or resolution. If the delinquent 4971
child previously has been adjudicated a delinquent child for a 4972
violation of a law ~~or~~, ordinance, or resolution, the court, for 4973
purposes of entering an order of disposition of the delinquent 4974
child under this section, shall consider the previous delinquent 4975
child adjudication as a conviction of a violation of the law ~~or~~, 4976
ordinance, or resolution in determining the degree of the offense 4977
the current act would be had it been committed by an adult. This 4978
division also shall apply in relation to the imposition of any 4979
financial sanction under section 2152.19 of the Revised Code. 4980

Sec. 2152.18. (A) When a juvenile court commits a delinquent 4981
child to the custody of the department of youth services pursuant 4982
to this chapter, the court shall not designate the specific 4983
institution in which the department is to place the child but 4984
instead shall specify that the child is to be institutionalized in 4985
a secure facility. 4986

(B) When a juvenile court commits a delinquent child to the 4987
custody of the department of youth services pursuant to this 4988

chapter, the court shall state in the order of commitment the 4989
total number of days that the child has been held in detention in 4990
connection with the delinquent child complaint upon which the 4991
order of commitment is based. The department shall reduce the 4992
minimum period of institutionalization that was ordered by both 4993
the total number of days that the child has been so held in 4994
detention as stated by the court in the order of commitment and 4995
the total number of any additional days that the child has been 4996
held in detention subsequent to the order of commitment but prior 4997
to the transfer of physical custody of the child to the 4998
department. 4999

(C)(1) When a juvenile court commits a delinquent child to 5000
the custody of the department of youth services pursuant to this 5001
chapter, the court shall provide the department with the child's 5002
medical records, a copy of the report of any mental examination of 5003
the child ordered by the court, the Revised Code section or 5004
sections the child violated and the degree of each violation, the 5005
warrant to convey the child to the department, a copy of the 5006
court's journal entry ordering the commitment of the child to the 5007
legal custody of the department, a copy of the arrest record 5008
pertaining to the act for which the child was adjudicated a 5009
delinquent child, a copy of any victim impact statement pertaining 5010
to the act, and any other information concerning the child that 5011
the department reasonably requests. The court also shall complete 5012
the form for the standard predisposition investigation report that 5013
the department furnishes pursuant to section 5139.04 of the 5014
Revised Code and provide the department with the completed form. 5015

The department may refuse to accept physical custody of a 5016
delinquent child who is committed to the legal custody of the 5017
department until the court provides to the department the 5018
documents specified in this division. No officer or employee of 5019
the department who refuses to accept physical custody of a 5020

delinquent child who is committed to the legal custody of the 5021
department shall be subject to prosecution or contempt of court 5022
for the refusal if the court fails to provide the documents 5023
specified in this division at the time the court transfers the 5024
physical custody of the child to the department. 5025

(2) Within twenty working days after the department of youth 5026
services receives physical custody of a delinquent child from a 5027
juvenile court, the court shall provide the department with a 5028
certified copy of the child's birth certificate and the child's 5029
social security number or, if the court made all reasonable 5030
efforts to obtain the information but was unsuccessful, with 5031
documentation of the efforts it made to obtain the information. 5032

(3) If an officer is preparing pursuant to section 2947.06 or 5033
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 5034
investigation report pertaining to a person, the department shall 5035
make available to the officer, for use in preparing the report, 5036
any records or reports it possesses regarding that person that it 5037
received from a juvenile court pursuant to division (C)(1) of this 5038
section or that pertain to the treatment of that person after the 5039
person was committed to the custody of the department as a 5040
delinquent child. 5041

(D)(1) Within ten days after an adjudication that a child is 5042
a delinquent child, the court shall give written notice of the 5043
adjudication to the superintendent of a city, local, exempted 5044
village, or joint vocational school district, and to the principal 5045
of the school the child attends, if the basis of the adjudication 5046
was the commission of an act that would be a criminal offense if 5047
committed by an adult, if the act was committed by the delinquent 5048
child when the child was fourteen years of age or older, and if 5049
the act is any of the following: 5050

(a) An act that would be a felony or an offense of violence 5051
if committed by an adult, an act in the commission of which the 5052

child used or brandished a firearm, or an act that is a violation 5053
of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 5054
2907.241 of the Revised Code and that would be a misdemeanor if 5055
committed by an adult; 5056

(b) A violation of section 2923.12 of the Revised Code or of 5057
a substantially similar municipal ordinance or township resolution 5058
that would be a misdemeanor if committed by an adult and that was 5059
committed on property owned or controlled by, or at an activity 5060
held under the auspices of, the board of education of that school 5061
district; 5062

(c) A violation of division (A) of section 2925.03 or 2925.11 5063
of the Revised Code that would be a misdemeanor if committed by an 5064
adult, that was committed on property owned or controlled by, or 5065
at an activity held under the auspices of, the board of education 5066
of that school district, and that is not a minor drug possession 5067
offense; 5068

(d) An act that would be a criminal offense if committed by 5069
an adult and that results in serious physical harm to persons or 5070
serious physical harm to property while the child is at school, on 5071
any other property owned or controlled by the board, or at an 5072
interscholastic competition, an extracurricular event, or any 5073
other school program or activity; 5074

(e) Complicity in any violation described in division 5075
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 5076
have been committed in the manner described in division (D)(1)(a), 5077
(b), (c), or (d) of this section, regardless of whether the act of 5078
complicity was committed on property owned or controlled by, or at 5079
an activity held under the auspices of, the board of education of 5080
that school district. 5081

(2) The notice given pursuant to division (D)(1) of this 5082
section shall include the name of the child who was adjudicated to 5083

be a delinquent child, the child's age at the time the child 5084
committed the act that was the basis of the adjudication, and 5085
identification of the violation of the law or ordinance that was 5086
the basis of the adjudication. 5087

(3) Within fourteen days after committing a delinquent child 5088
to the custody of the department of youth services, the court 5089
shall give notice to the school attended by the child of the 5090
child's commitment by sending to that school a copy of the court's 5091
journal entry ordering the commitment. As soon as possible after 5092
receipt of the notice described in this division, the school shall 5093
provide the department with the child's school transcript. 5094
However, the department shall not refuse to accept a child 5095
committed to it, and a child committed to it shall not be held in 5096
a county or district detention facility, because of a school's 5097
failure to provide the school transcript that it is required to 5098
provide under this division. 5099

(4) Within fourteen days after discharging or releasing a 5100
child from an institution under its control, the department of 5101
youth services shall provide the court and the superintendent of 5102
the school district in which the child is entitled to attend 5103
school under section 3313.64 or 3313.65 of the Revised Code with 5104
the following: 5105

(a) An updated copy of the child's school transcript; 5106

(b) A report outlining the child's behavior in school while 5107
in the custody of the department; 5108

(c) The child's current individualized education program, as 5109
defined in section 3323.01 of the Revised Code, if such a program 5110
has been developed for the child; 5111

(d) A summary of the institutional record of the child's 5112
behavior. 5113

The department also shall provide the court with a copy of 5114

any portion of the child's institutional record that the court 5115
specifically requests, within five working days of the request. 5116

(E) At any hearing at which a child is adjudicated a 5117
delinquent child or as soon as possible after the hearing, the 5118
court shall notify all victims of the delinquent act who may be 5119
entitled to a recovery under any of the following sections of the 5120
right of the victims to recover, pursuant to section 3109.09 of 5121
the Revised Code, compensatory damages from the child's parents; 5122
of the right of the victims to recover, pursuant to section 5123
3109.10 of the Revised Code, compensatory damages from the child's 5124
parents for willful and malicious assaults committed by the child; 5125
and of the right of the victims to recover an award of reparations 5126
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 5127

Sec. 2152.21. (A) Unless division (C) of this section 5128
applies, if a child is adjudicated a juvenile traffic offender, 5129
the court may make any of the following orders of disposition: 5130

(1) Impose costs and one or more financial sanctions in 5131
accordance with section 2152.20 of the Revised Code; 5132

(2) Suspend the child's driver's license, probationary 5133
driver's license, or temporary instruction permit for a definite 5134
period not exceeding two years or suspend the registration of all 5135
motor vehicles registered in the name of the child for a definite 5136
period not exceeding two years. A child whose license or permit is 5137
so suspended is ineligible for issuance of a license or permit 5138
during the period of suspension. At the end of the period of 5139
suspension, the child shall not be reissued a license or permit 5140
until the child has paid any applicable reinstatement fee and 5141
complied with all requirements governing license reinstatement. 5142

(3) Place the child on community control; 5143

(4) If the child is adjudicated a juvenile traffic offender 5144

for an act other than an act that would be a minor misdemeanor if 5145
committed by an adult and other than an act that could be disposed 5146
of by the juvenile traffic violations bureau serving the court 5147
under Traffic Rule 13.1 if the court has established a juvenile 5148
traffic violations bureau, require the child to make restitution 5149
pursuant to division (A)(3) of section 2152.20 of the Revised 5150
Code; 5151

(5)(a) If the child is adjudicated a juvenile traffic 5152
offender for committing a violation of division (A) of section 5153
4511.19 of the Revised Code or of a municipal ordinance or 5154
township resolution that is substantially equivalent to that 5155
division, commit the child, for not longer than five days, to 5156
either of the following: 5157

(i) The temporary custody of a detention facility or district 5158
detention facility established under section 2152.41 of the 5159
Revised Code; 5160

(ii) The temporary custody of any school, camp, institution, 5161
or other facility for children operated in whole or in part for 5162
the care of juvenile traffic offenders of that nature by the 5163
county, by a district organized under section 2151.65 or 2152.41 5164
of the Revised Code, or by a private agency or organization within 5165
the state that is authorized and qualified to provide the care, 5166
treatment, or placement required. 5167

(b) If an order of disposition committing a child to the 5168
temporary custody of a home, school, camp, institution, or other 5169
facility of that nature is made under division (A)(5)(a) of this 5170
section, the length of the commitment shall not be reduced or 5171
diminished as a credit for any time that the child was held in a 5172
place of detention or shelter care, or otherwise was detained, 5173
prior to entry of the order of disposition. 5174

(6) If, after making a disposition under divisions (A)(1) to 5175

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

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

(C) If a child is adjudicated a juvenile traffic offender for violating division (B)(1) of section 4513.263 of the Revised Code, the court shall impose the appropriate fine set forth in division (G) of that section. If a child is adjudicated a juvenile traffic offender for violating division (B)(3) of section 4513.263 of the Revised Code and if the child is sixteen years of age or older,

the court shall impose the fine set forth in division (G)(2) of 5208
that section. If a child is adjudicated a juvenile traffic 5209
offender for violating division (B)(3) of section 4513.263 of the 5210
Revised Code and if the child is under sixteen years of age, the 5211
court shall not impose a fine but may place the child on probation 5212
or community control. 5213

(D) A juvenile traffic offender is subject to sections 5214
4509.01 to 4509.78 of the Revised Code. 5215

Sec. 2152.41. (A) Upon the recommendation of the judge, the 5216
board of county commissioners shall provide, by purchase, lease, 5217
construction, or otherwise, a detention facility that shall be 5218
within a convenient distance of the juvenile court. The facility 5219
shall not be used for the confinement of adults charged with 5220
criminal offenses. The facility may be used to detain alleged 5221
delinquent children until final disposition for evaluation 5222
pursuant to section 2152.04 of the Revised Code, to confine 5223
children who are adjudicated delinquent children and placed in the 5224
facility pursuant to division (A)(3) of section 2152.19 of the 5225
Revised Code, and to confine children who are adjudicated juvenile 5226
traffic offenders and committed to the facility under division 5227
(A)(5) or (6) of section 2152.21 of the Revised Code. 5228

(B) Upon the joint recommendation of the juvenile judges of 5229
two or more neighboring counties, the boards of county 5230
commissioners of the counties shall form themselves into a joint 5231
board and proceed to organize a district for the establishment and 5232
support of a detention facility for the use of the juvenile courts 5233
of those counties, in which alleged delinquent children may be 5234
detained as provided in division (A) of this section, by using a 5235
site or buildings already established in one of the counties or by 5236
providing for the purchase of a site and the erection of the 5237
necessary buildings on the site. 5238

A child who is adjudicated to be a juvenile traffic offender 5239
for having committed a violation of division (A) of section 5240
4511.19 of the Revised Code or of a municipal ordinance or 5241
township resolution that is substantially comparable to that 5242
division may be confined in a detention facility or district 5243
detention facility pursuant to division (A)(5) of section 2152.21 5244
of the Revised Code, provided the child is kept separate and apart 5245
from alleged delinquent children. 5246

Except as otherwise provided by law, district detention 5247
facilities shall be established, operated, maintained, and managed 5248
in the same manner so far as applicable as county detention 5249
facilities. 5250

Members of the board of county commissioners who meet by 5251
appointment to consider the organization of a district detention 5252
home, upon presentation of properly certified accounts, shall be 5253
paid their necessary expenses upon a warrant drawn by the county 5254
auditor of their county. 5255

The county auditor of the county having the greatest 5256
population or, with the unanimous concurrence of the county 5257
auditors of the counties composing a district, the auditor of the 5258
county in which the detention facility is located shall be the 5259
fiscal officer of a detention facility district. The county 5260
auditors of the several counties composing a detention facility 5261
district shall meet at the district detention facility, not less 5262
than once in six months, to review accounts and to transact any 5263
other duties in connection with the institution that pertain to 5264
the business of their office. 5265

(C) In any county in which there is no detention facility or 5266
that is not served by a district detention facility, the juvenile 5267
court may enter into a contract, subject to the approval of the 5268
board of county commissioners, with another juvenile court, 5269
another county's detention facility, or a joint county detention 5270

facility. Alternately, the board of county commissioners shall 5271
provide funds for the boarding of children, who would be eligible 5272
for detention under division (A) of this section, temporarily in 5273
private homes or in certified foster homes approved by the court 5274
for a period not exceeding sixty days or until final disposition 5275
of their cases, whichever comes first. The court also may arrange 5276
with any public children services agency or private child placing 5277
agency to receive, or private noncustodial agency for temporary 5278
care of, children within the jurisdiction of the court. 5279

If the court arranges for the board of children temporarily 5280
detained in certified foster homes or through any private child 5281
placing agency, the county shall pay a reasonable sum to be fixed 5282
by the court for the board of those children. In order to have 5283
certified foster homes available for service, an agreed monthly 5284
subsidy may be paid and a fixed rate per day for care of children 5285
actually residing in the certified foster home. 5286

(D) The board of county commissioners of any county within a 5287
detention facility district, upon the recommendation of the 5288
juvenile court of that county, may withdraw from the district and 5289
sell or lease its right, title, and interest in the site, 5290
buildings, furniture, and equipment of the facility to any 5291
counties in the district, at any price and upon any such terms 5292
that are agreed upon among the boards of county commissioners of 5293
the counties concerned. Section 307.10 of the Revised Code does 5294
not apply to this division. The net proceeds of any sale or lease 5295
under this division shall be paid into the treasury of the 5296
withdrawing county. 5297

The members of the board of trustees of a district detention 5298
facility who are residents of a county withdrawing from the 5299
district are deemed to have resigned their positions upon the 5300
completion of the withdrawal procedure provided by this division. 5301
The vacancies then created shall be filled as provided in this 5302

section. 5303

(E) The children to be admitted for care in a county or 5304
district detention facility established under this section, the 5305
period during which they shall be cared for in the facility, and 5306
the removal and transfer of children from the facility shall be 5307
determined by the juvenile court that ordered the child's 5308
detention. 5309

Sec. 2325.15. When a judgment, ~~including judgments rendered~~ 5310
~~by a judge of a county court or mayor,~~ a transcript of which has 5311
been filed in the court of common pleas for execution, is dormant, 5312
or when a finding for money in equitable proceedings remains 5313
unpaid in whole or in part, under the order of the court ~~therein~~ 5314
that made the finding, such the judgment may be revived, or ~~such~~ 5315
the finding may be made subject to execution in the same manner as 5316
are judgments at law ~~are,~~ either in the manner prescribed for 5317
reviving actions before judgment, or by action in the court in 5318
which ~~such the~~ judgment was rendered or finding made, or in which 5319
transcript of judgment was filed. 5320

Sec. 2335.06. Each witness in civil cases shall receive the 5321
following fees: 5322

(A) Twelve dollars for each full day's attendance and six 5323
dollars for each half day's attendance at a court of record, 5324
~~mayor's court,~~ or before a person authorized to take depositions, 5325
to be taxed in the bill of costs. Each witness shall also receive 5326
ten cents for each mile necessarily traveled to and from ~~his~~ the 5327
witness's place of residence to the place of giving ~~his~~ testimony, 5328
to be taxed in the bill of costs. 5329

(B) For attending a coroner's inquest, the same fees and 5330
mileage provided by division (A) of this section, payable from the 5331
county treasury on the certificate of the coroner. 5332

(C) As used in this section, "full day's attendance" means a 5333
day on which a witness is required or requested to be present at 5334
proceedings before and after twelve noon regardless of whether ~~he~~ 5335
the witness actually testifies; "half day's attendance" means a 5336
day on which a witness is required or requested to be present at 5337
proceedings either before or after twelve noon, but not both, 5338
regardless of whether ~~he~~ the witness actually testifies. 5339

Sec. 2335.08. Each witness attending, under recognizance or 5340
subpoena issued by order of the prosecuting attorney or defendant, 5341
before the grand jury or any court ~~of record~~, in criminal causes, 5342
shall be allowed the same fees as provided by section 2335.06 of 5343
the Revised Code in civil causes, to be taxed in only one cause 5344
when ~~such~~ the witness is attending in more causes than one on the 5345
same days, unless otherwise directed by special order of the 5346
court. When certified to the county auditor by the clerk of the 5347
court, ~~such~~ the fees shall be paid from the county treasury, and 5348
except as to the grand jury, taxed in the bill of costs. Each 5349
witness attending before a judge of a county court, or magistrate, 5350
~~or mayor~~, under subpoena in criminal cases, shall be allowed the 5351
fees provided by ~~such~~ that section for witnesses in the court of 5352
common pleas. In state cases ~~such~~ the fees shall be paid out of 5353
the county treasury, and in ordinance and resolution cases they 5354
shall be paid out of the treasury of the municipal corporation or 5355
township, upon the certificates of the judge or magistrate, and 5356
they shall be taxed in the bill of costs. 5357

When the fees enumerated by this section have been collected 5358
from the judgment debtor, they shall be paid to the public 5359
treasury from which ~~such~~ the fees were advanced. 5360

Sec. 2335.09. Whenever, in any criminal proceeding or 5361
prosecution for the violation of an ordinance or resolution, or in 5362
a hearing before a coroner, an interpreter is necessary, the 5363

judge, magistrate, or coroner may appoint interpreters, who shall 5364
receive fees as witnesses in the case or proceeding. ~~Such~~ The fees 5365
shall be taxed and paid as provided by sections 2335.05 to 5366
2335.08, ~~inclusive~~, of the Revised Code for other witness fees. 5367
This section shall not apply if, by law, an interpreter is 5368
otherwise provided. 5369

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 5370
Revised Code: 5371

(A) "Claimant" means both of the following categories of 5372
persons: 5373

(1) Any of the following persons who claim an award of 5374
reparations under sections 2743.51 to 2743.72 of the Revised Code: 5375

(a) A victim who was one of the following at the time of the 5376
criminally injurious conduct: 5377

(i) A resident of the United States; 5378

(ii) A resident of a foreign country the laws of which permit 5379
residents of this state to recover compensation as victims of 5380
offenses committed in that country. 5381

(b) A dependent of a deceased victim who is described in 5382
division (A)(1)(a) of this section; 5383

(c) A third person, other than a collateral source, who 5384
legally assumes or voluntarily pays the obligations of a victim, 5385
or of a dependent of a victim, who is described in division 5386
(A)(1)(a) of this section, which obligations are incurred as a 5387
result of the criminally injurious conduct that is the subject of 5388
the claim and may include, but are not limited to, medical or 5389
burial expenses; 5390

(d) A person who is authorized to act on behalf of any person 5391
who is described in division (A)(1)(a), (b), or (c) of this 5392
section; 5393

(e) The estate of a deceased victim who is described in	5394
division (A)(1)(a) of this section.	5395
(2) Any of the following persons who claim an award of	5396
reparations under sections 2743.51 to 2743.72 of the Revised Code:	5397
(a) A victim who had a permanent place of residence within	5398
this state at the time of the criminally injurious conduct and	5399
who, at the time of the criminally injurious conduct, complied	5400
with any one of the following:	5401
(i) Had a permanent place of employment in this state;	5402
(ii) Was a member of the regular armed forces of the United	5403
States or of the United States coast guard or was a full-time	5404
member of the Ohio organized militia or of the United States army	5405
reserve, naval reserve, or air force reserve;	5406
(iii) Was retired and receiving social security or any other	5407
retirement income;	5408
(iv) Was sixty years of age or older;	5409
(v) Was temporarily in another state for the purpose of	5410
receiving medical treatment;	5411
(vi) Was temporarily in another state for the purpose of	5412
performing employment-related duties required by an employer	5413
located within this state as an express condition of employment or	5414
employee benefits;	5415
(vii) Was temporarily in another state for the purpose of	5416
receiving occupational, vocational, or other job-related training	5417
or instruction required by an employer located within this state	5418
as an express condition of employment or employee benefits;	5419
(viii) Was a full-time student at an academic institution,	5420
college, or university located in another state;	5421
(ix) Had not departed the geographical boundaries of this	5422
state for a period exceeding thirty days or with the intention of	5423

becoming a citizen of another state or establishing a permanent
place of residence in another state. 5424
5425

(b) A dependent of a deceased victim who is described in 5426
division (A)(2)(a) of this section; 5427

(c) A third person, other than a collateral source, who 5428
legally assumes or voluntarily pays the obligations of a victim, 5429
or of a dependent of a victim, who is described in division 5430
(A)(2)(a) of this section, which obligations are incurred as a 5431
result of the criminally injurious conduct that is the subject of 5432
the claim and may include, but are not limited to, medical or 5433
burial expenses; 5434

(d) A person who is authorized to act on behalf of any person 5435
who is described in division (A)(2)(a), (b), or (c) of this 5436
section; 5437

(e) The estate of a deceased victim who is described in 5438
division (A)(2)(a) of this section. 5439

(B) "Collateral source" means a source of benefits or 5440
advantages for economic loss otherwise reparable that the victim 5441
or claimant has received, or that is readily available to the 5442
victim or claimant, from any of the following sources: 5443

(1) The offender; 5444

(2) The government of the United States or any of its 5445
agencies, a state or any of its political subdivisions, or an 5446
instrumentality of two or more states, unless the law providing 5447
for the benefits or advantages makes them excess or secondary to 5448
benefits under sections 2743.51 to 2743.72 of the Revised Code; 5449

(3) Social security, medicare, and medicaid; 5450

(4) State-required, temporary, nonoccupational disability 5451
insurance; 5452

(5) Workers' compensation; 5453

(6) Wage continuation programs of any employer;	5454
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	5455 5456 5457
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	5458 5459
(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;	5460 5461 5462
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	5463 5464 5465 5466
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.	5467 5468 5469 5470 5471
(C) "Criminally injurious conduct" means one of the following:	5472 5473
(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:	5474 5475 5476 5477 5478 5479 5480 5481 5482
(a) The person engaging in the conduct intended to cause	5483

personal injury or death; 5484

(b) The person engaging in the conduct was using the vehicle 5485
to flee immediately after committing a felony or an act that would 5486
constitute a felony but for the fact that the person engaging in 5487
the conduct lacked the capacity to commit the felony under the 5488
laws of this state; 5489

(c) The person engaging in the conduct was using the vehicle 5490
in a manner that constitutes an OVI violation; 5491

(d) The conduct occurred on or after July 25, 1990, and the 5492
person engaging in the conduct was using the vehicle in a manner 5493
that constitutes a violation of section 2903.08 of the Revised 5494
Code; 5495

(e) The person engaging in the conduct acted in a manner that 5496
caused serious physical harm to a person and that constituted a 5497
violation of section 4549.02 or 4549.021 of the Revised Code. 5498

(2) For the purposes of any person described in division 5499
(A)(2) of this section, any conduct that occurs or is attempted in 5500
another state, district, territory, or foreign country; poses a 5501
substantial threat of personal injury or death; and is punishable 5502
by fine, imprisonment, or death, or would be so punishable but for 5503
the fact that the person engaging in the conduct lacked capacity 5504
to commit the crime under the laws of the state, district, 5505
territory, or foreign country in which the conduct occurred or was 5506
attempted. Criminally injurious conduct does not include conduct 5507
arising out of the ownership, maintenance, or use of a motor 5508
vehicle, except when any of the following applies: 5509

(a) The person engaging in the conduct intended to cause 5510
personal injury or death; 5511

(b) The person engaging in the conduct was using the vehicle 5512
to flee immediately after committing a felony or an act that would 5513
constitute a felony but for the fact that the person engaging in 5514

the conduct lacked the capacity to commit the felony under the 5515
laws of the state, district, territory, or foreign country in 5516
which the conduct occurred or was attempted; 5517

(c) The person engaging in the conduct was using the vehicle 5518
in a manner that constitutes an OVI violation; 5519

(d) The conduct occurred on or after July 25, 1990, the 5520
person engaging in the conduct was using the vehicle in a manner 5521
that constitutes a violation of any law of the state, district, 5522
territory, or foreign country in which the conduct occurred, and 5523
that law is substantially similar to a violation of section 5524
2903.08 of the Revised Code; 5525

(e) The person engaging in the conduct acted in a manner that 5526
caused serious physical harm to a person and that constituted a 5527
violation of any law of the state, district, territory, or foreign 5528
country in which the conduct occurred, and that law is 5529
substantially similar to section 4549.02 or 4549.021 of the 5530
Revised Code. 5531

(3) For the purposes of any person described in division 5532
(A)(1) or (2) of this section, terrorism that occurs within or 5533
outside the territorial jurisdiction of the United States. 5534

(D) "Dependent" means an individual wholly or partially 5535
dependent upon the victim for care and support, and includes a 5536
child of the victim born after the victim's death. 5537

(E) "Economic loss" means economic detriment consisting only 5538
of allowable expense, work loss, funeral expense, unemployment 5539
benefits loss, replacement services loss, cost of crime scene 5540
cleanup, and cost of evidence replacement. If criminally injurious 5541
conduct causes death, economic loss includes a dependent's 5542
economic loss and a dependent's replacement services loss. 5543
Noneconomic detriment is not economic loss; however, economic loss 5544
may be caused by pain and suffering or physical impairment. 5545

(F)(1) "Allowable expense" means reasonable charges incurred 5546
for reasonably needed products, services, and accommodations, 5547
including those for medical care, rehabilitation, rehabilitative 5548
occupational training, and other remedial treatment and care and 5549
including replacement costs for eyeglasses and other corrective 5550
lenses. It does not include that portion of a charge for a room in 5551
a hospital, clinic, convalescent home, nursing home, or any other 5552
institution engaged in providing nursing care and related services 5553
in excess of a reasonable and customary charge for semiprivate 5554
accommodations, unless accommodations other than semiprivate 5555
accommodations are medically required. 5556

(2) An immediate family member of a victim of criminally 5557
injurious conduct that consists of a homicide, a sexual assault, 5558
domestic violence, or a severe and permanent incapacitating injury 5559
resulting in paraplegia or a similar life-altering condition, who 5560
requires psychiatric care or counseling as a result of the 5561
criminally injurious conduct, may be reimbursed for that care or 5562
counseling as an allowable expense through the victim's 5563
application. The cumulative allowable expense for care or 5564
counseling of that nature shall not exceed two thousand five 5565
hundred dollars for each immediate family member of a victim of 5566
that type and seven thousand five hundred dollars in the aggregate 5567
for all immediate family members of a victim of that type. 5568

(3) A family member of a victim who died as a proximate 5569
result of criminally injurious conduct may be reimbursed as an 5570
allowable expense through the victim's application for wages lost 5571
and travel expenses incurred in order to attend criminal justice 5572
proceedings arising from the criminally injurious conduct. The 5573
cumulative allowable expense for wages lost and travel expenses 5574
incurred by a family member to attend criminal justice proceedings 5575
shall not exceed five hundred dollars for each family member of 5576
the victim and two thousand dollars in the aggregate for all 5577

family members of the victim. 5578

(4) "Allowable expense" includes attorney's fees not 5579
exceeding two thousand five hundred dollars, at a rate not 5580
exceeding one hundred fifty dollars per hour, incurred to 5581
successfully obtain a restraining order, custody order, or other 5582
order to physically separate a victim from an offender, if the 5583
attorney has not received payment under section 2743.65 of the 5584
Revised Code for assisting a claimant with an application for an 5585
award of reparations under sections 2743.51 to 2743.72 of the 5586
Revised Code. 5587

(G) "Work loss" means loss of income from work that the 5588
injured person would have performed if the person had not been 5589
injured and expenses reasonably incurred by the person to obtain 5590
services in lieu of those the person would have performed for 5591
income, reduced by any income from substitute work actually 5592
performed by the person, or by income the person would have earned 5593
in available appropriate substitute work that the person was 5594
capable of performing but unreasonably failed to undertake. 5595

(H) "Replacement services loss" means expenses reasonably 5596
incurred in obtaining ordinary and necessary services in lieu of 5597
those the injured person would have performed, not for income, but 5598
for the benefit of the person's self or family, if the person had 5599
not been injured. 5600

(I) "Dependent's economic loss" means loss after a victim's 5601
death of contributions of things of economic value to the victim's 5602
dependents, not including services they would have received from 5603
the victim if the victim had not suffered the fatal injury, less 5604
expenses of the dependents avoided by reason of the victim's 5605
death. If a minor child of a victim is adopted after the victim's 5606
death, the minor child continues after the adoption to incur a 5607
dependent's economic loss as a result of the victim's death. If 5608
the surviving spouse of a victim remarries, the surviving spouse 5609

continues after the remarriage to incur a dependent's economic 5610
loss as a result of the victim's death. 5611

(J) "Dependent's replacement services loss" means loss 5612
reasonably incurred by dependents after a victim's death in 5613
obtaining ordinary and necessary services in lieu of those the 5614
victim would have performed for their benefit if the victim had 5615
not suffered the fatal injury, less expenses of the dependents 5616
avoided by reason of the victim's death and not subtracted in 5617
calculating the dependent's economic loss. If a minor child of a 5618
victim is adopted after the victim's death, the minor child 5619
continues after the adoption to incur a dependent's replacement 5620
services loss as a result of the victim's death. If the surviving 5621
spouse of a victim remarries, the surviving spouse continues after 5622
the remarriage to incur a dependent's replacement services loss as 5623
a result of the victim's death. 5624

(K) "Noneconomic detriment" means pain, suffering, 5625
inconvenience, physical impairment, or other nonpecuniary damage. 5626

(L) "Victim" means a person who suffers personal injury or 5627
death as a result of any of the following: 5628

(1) Criminally injurious conduct; 5629

(2) The good faith effort of any person to prevent criminally 5630
injurious conduct; 5631

(3) The good faith effort of any person to apprehend a person 5632
suspected of engaging in criminally injurious conduct. 5633

(M) "Contributory misconduct" means any conduct of the 5634
claimant or of the victim through whom the claimant claims an 5635
award of reparations that is unlawful or intentionally tortious 5636
and that, without regard to the conduct's proximity in time or 5637
space to the criminally injurious conduct, has a causal 5638
relationship to the criminally injurious conduct that is the basis 5639
of the claim. 5640

(N)(1) "Funeral expense" means any reasonable charges that 5641
are not in excess of seven thousand five hundred dollars per 5642
funeral and that are incurred for expenses directly related to a 5643
victim's funeral, cremation, or burial and any wages lost or 5644
travel expenses incurred by a family member of a victim in order 5645
to attend the victim's funeral, cremation, or burial. 5646

(2) An award for funeral expenses shall be applied first to 5647
expenses directly related to the victim's funeral, cremation, or 5648
burial. An award for wages lost or travel expenses incurred by a 5649
family member of the victim shall not exceed five hundred dollars 5650
for each family member and shall not exceed in the aggregate the 5651
difference between seven thousand five hundred dollars and 5652
expenses that are reimbursed by the program and that are directly 5653
related to the victim's funeral, cremation, or burial. 5654

(O) "Unemployment benefits loss" means a loss of unemployment 5655
benefits pursuant to Chapter 4141. of the Revised Code when the 5656
loss arises solely from the inability of a victim to meet the able 5657
to work, available for suitable work, or the actively seeking 5658
suitable work requirements of division (A)(4)(a) of section 5659
4141.29 of the Revised Code. 5660

(P) "OVI violation" means any of the following: 5661

(1) A violation of section 4511.19 of the Revised Code, of 5662
any municipal ordinance prohibiting the operation of a vehicle 5663
while under the influence of alcohol, a drug of abuse, or a 5664
combination of them, or of any municipal ordinance prohibiting the 5665
operation of a vehicle with a prohibited concentration of alcohol, 5666
a controlled substance, or a metabolite of a controlled substance 5667
in the whole blood, blood serum or plasma, breath, or urine; 5668

(2) A violation of division (A)(1) of section 2903.06 of the 5669
Revised Code; 5670

(3) A violation of division (A)(2), (3), or (4) of section 5671

2903.06 of the Revised Code or of a municipal ordinance or 5672
township resolution substantially similar to any of those 5673
divisions, if the offender was under the influence of alcohol, a 5674
drug of abuse, or a combination of them, at the time of the 5675
commission of the offense; 5676

(4) For purposes of any person described in division (A)(2) 5677
of this section, a violation of any law of the state, district, 5678
territory, or foreign country in which the criminally injurious 5679
conduct occurred, if that law is substantially similar to a 5680
violation described in division (P)(1) or (2) of this section or 5681
if that law is substantially similar to a violation described in 5682
division (P)(3) of this section and the offender was under the 5683
influence of alcohol, a drug of abuse, or a combination of them, 5684
at the time of the commission of the offense. 5685

(Q) "Pendency of the claim" for an original reparations 5686
application or supplemental reparations application means the 5687
period of time from the date the criminally injurious conduct upon 5688
which the application is based occurred until the date a final 5689
decision, order, or judgment concerning that original reparations 5690
application or supplemental reparations application is issued. 5691

(R) "Terrorism" means any activity to which all of the 5692
following apply: 5693

(1) The activity involves a violent act or an act that is 5694
dangerous to human life. 5695

(2) The act described in division (R)(1) of this section is 5696
committed within the territorial jurisdiction of the United States 5697
and is a violation of the criminal laws of the United States, this 5698
state, or any other state or the act described in division (R)(1) 5699
of this section is committed outside the territorial jurisdiction 5700
of the United States and would be a violation of the criminal laws 5701
of the United States, this state, or any other state if committed 5702

within the territorial jurisdiction of the United States. 5703

(3) The activity appears to be intended to do any of the 5704
following: 5705

(a) Intimidate or coerce a civilian population; 5706

(b) Influence the policy of any government by intimidation or 5707
coercion; 5708

(c) Affect the conduct of any government by assassination or 5709
kidnapping. 5710

(4) The activity occurs primarily outside the territorial 5711
jurisdiction of the United States or transcends the national 5712
boundaries of the United States in terms of the means by which the 5713
activity is accomplished, the person or persons that the activity 5714
appears intended to intimidate or coerce, or the area or locale in 5715
which the perpetrator or perpetrators of the activity operate or 5716
seek asylum. 5717

(S) "Transcends the national boundaries of the United States" 5718
means occurring outside the territorial jurisdiction of the United 5719
States in addition to occurring within the territorial 5720
jurisdiction of the United States. 5721

(T) "Cost of crime scene cleanup" means reasonable and 5722
necessary costs of cleaning the scene and repairing, for the 5723
purpose of personal security, property damaged at the scene where 5724
the criminally injurious conduct occurred, not to exceed seven 5725
hundred fifty dollars in the aggregate per claim. 5726

(U) "Cost of evidence replacement" means costs for 5727
replacement of property confiscated for evidentiary purposes 5728
related to the criminally injurious conduct, not to exceed seven 5729
hundred fifty dollars in the aggregate per claim. 5730

(V) "Provider" means any person who provides a victim or 5731
claimant with a product, service, or accommodations that are an 5732

allowable expense or a funeral expense. 5733

(W) "Immediate family member" means an individual who resided 5734
in the same permanent household as a victim at the time of the 5735
criminally injurious conduct and who is related to the victim by 5736
affinity or consanguinity. 5737

(X) "Family member" means an individual who is related to a 5738
victim by affinity or consanguinity. 5739

Sec. 2743.60. (A) The attorney general, a court of claims 5740
panel of commissioners, or a judge of the court of claims shall 5741
not make or order an award of reparations to any claimant who, if 5742
the victim of the criminally injurious conduct was an adult, did 5743
not file an application for an award of reparations within two 5744
years after the date of the occurrence of the criminally injurious 5745
conduct that caused the injury or death for which the victim is 5746
seeking an award of reparations or who, if the victim of that 5747
criminally injurious conduct was a minor, did not file an 5748
application for an award of reparations within the period provided 5749
by division (B)(1) of section 2743.56 of the Revised Code. An 5750
award of reparations shall not be made to a claimant if the 5751
criminally injurious conduct upon which the claimant bases a claim 5752
was not reported to a law enforcement officer or agency within 5753
seventy-two hours after the occurrence of the conduct, unless it 5754
is determined that good cause existed for the failure to report 5755
the conduct within the seventy-two-hour period. 5756

(B)(1) The attorney general, a panel of commissioners, or a 5757
judge of the court of claims shall not make or order an award of 5758
reparations to a claimant if any of the following apply: 5759

(a) The claimant is the offender or an accomplice of the 5760
offender who committed the criminally injurious conduct, or the 5761
award would unjustly benefit the offender or accomplice. 5762

(b) Except as provided in division (B)(2) of this section, 5763
both of the following apply: 5764

(i) The victim was a passenger in a motor vehicle and knew or 5765
reasonably should have known that the driver was under the 5766
influence of alcohol, a drug of abuse, or both. 5767

(ii) The claimant is seeking compensation for injuries 5768
proximately caused by the driver described in division 5769
(B)(1)(b)(i) of this section being under the influence of alcohol, 5770
a drug of abuse, or both. 5771

(c) Both of the following apply: 5772

(i) The victim was under the influence of alcohol, a drug of 5773
abuse, or both and was a passenger in a motor vehicle and, if 5774
sober, should have reasonably known that the driver was under the 5775
influence of alcohol, a drug of abuse, or both. 5776

(ii) The claimant is seeking compensation for injuries 5777
proximately caused by the driver described in division 5778
(B)(1)(b)(i) of this section being under the influence of alcohol, 5779
a drug of abuse, or both. 5780

(2) Division (B)(1)(b) of this section does not apply if on 5781
the date of the occurrence of the criminally injurious conduct, 5782
the victim was under sixteen years of age or was at least sixteen 5783
years of age but less than eighteen years of age and was riding 5784
with a parent, guardian, or care-provider. 5785

(C) The attorney general, a panel of commissioners, or a 5786
judge of the court of claims, upon a finding that the claimant or 5787
victim has not fully cooperated with appropriate law enforcement 5788
agencies, may deny a claim or reconsider and reduce an award of 5789
reparations. 5790

(D) The attorney general, a panel of commissioners, or a 5791
judge of the court of claims shall reduce an award of reparations 5792

or deny a claim for an award of reparations that is otherwise 5793
payable to a claimant to the extent that the economic loss upon 5794
which the claim is based is recouped from other persons, including 5795
collateral sources. If an award is reduced or a claim is denied 5796
because of the expected recoupment of all or part of the economic 5797
loss of the claimant from a collateral source, the amount of the 5798
award or the denial of the claim shall be conditioned upon the 5799
claimant's economic loss being recouped by the collateral source. 5800
If the award or denial is conditioned upon the recoupment of the 5801
claimant's economic loss from a collateral source and it is 5802
determined that the claimant did not unreasonably fail to present 5803
a timely claim to the collateral source and will not receive all 5804
or part of the expected recoupment, the claim may be reopened and 5805
an award may be made in an amount equal to the amount of expected 5806
recoupment that it is determined the claimant will not receive 5807
from the collateral source. 5808

If the claimant recoups all or part of the economic loss upon 5809
which the claim is based from any other person or entity, 5810
including a collateral source, the attorney general may recover 5811
pursuant to section 2743.72 of the Revised Code the part of the 5812
award that represents the economic loss for which the claimant 5813
received the recoupment from the other person or entity. 5814

(E)(1) Except as otherwise provided in division (E)(2) of 5815
this section, the attorney general, a panel of commissioners, or a 5816
judge of the court of claims shall not make an award to a claimant 5817
if any of the following applies: 5818

(a) The victim was convicted of a felony within ten years 5819
prior to the criminally injurious conduct that gave rise to the 5820
claim or is convicted of a felony during the pendency of the 5821
claim. 5822

(b) The claimant was convicted of a felony within ten years 5823
prior to the criminally injurious conduct that gave rise to the 5824

claim or is convicted of a felony during the pendency of the 5825
claim. 5826

(c) It is proved by a preponderance of the evidence that the 5827
victim or the claimant engaged, within ten years prior to the 5828
criminally injurious conduct that gave rise to the claim or during 5829
the pendency of the claim, in an offense of violence, a violation 5830
of section 2925.03 of the Revised Code, or any substantially 5831
similar offense that also would constitute a felony under the laws 5832
of this state, another state, or the United States. 5833

(d) The claimant was convicted of a violation of section 5834
2919.22 or 2919.25 of the Revised Code, or of any state law ~~or~~ 5835
municipal ordinance, or township resolution substantially similar 5836
to either section, within ten years prior to the criminally 5837
injurious conduct that gave rise to the claim or during the 5838
pendency of the claim. 5839

(e) It is proved by a preponderance of the evidence that the 5840
victim at the time of the criminally injurious conduct that gave 5841
rise to the claim engaged in conduct that was a felony violation 5842
of section 2925.11 of the Revised Code or engaged in any 5843
substantially similar conduct that would constitute a felony under 5844
the laws of this state, another state, or the United States. 5845

(2) The attorney general, a panel of commissioners, or a 5846
judge of the court of claims may make an award to a minor 5847
dependent of a deceased victim for dependent's economic loss or 5848
for counseling pursuant to division (F)(2) of section 2743.51 of 5849
the Revised Code if the minor dependent is not ineligible under 5850
division (E)(1) of this section due to the minor dependent's 5851
criminal history and if the victim was not killed while engaging 5852
in illegal conduct that contributed to the criminally injurious 5853
conduct that gave rise to the claim. For purposes of this section, 5854
the use of illegal drugs by the deceased victim shall not be 5855
deemed to have contributed to the criminally injurious conduct 5856

that gave rise to the claim. 5857

(F) In determining whether to make an award of reparations 5858
pursuant to this section, the attorney general or panel of 5859
commissioners shall consider whether there was contributory 5860
misconduct by the victim or the claimant. The attorney general, a 5861
panel of commissioners, or a judge of the court of claims shall 5862
reduce an award of reparations or deny a claim for an award of 5863
reparations to the extent it is determined to be reasonable 5864
because of the contributory misconduct of the claimant or the 5865
victim. 5866

When the attorney general decides whether a claim should be 5867
denied because of an allegation of contributory misconduct, the 5868
burden of proof on the issue of that alleged contributory 5869
misconduct shall be upon the claimant, if either of the following 5870
apply: 5871

(1) The victim was convicted of a felony more than ten years 5872
prior to the criminally injurious conduct that is the subject of 5873
the claim or has a record of felony arrests under the laws of this 5874
state, another state, or the United States. 5875

(2) There is good cause to believe that the victim engaged in 5876
an ongoing course of criminal conduct within five years or less of 5877
the criminally injurious conduct that is the subject of the claim. 5878

(G) The attorney general, a panel of commissioners, or a 5879
judge of the court of claims shall not make an award of 5880
reparations to a claimant if the criminally injurious conduct that 5881
caused the injury or death that is the subject of the claim 5882
occurred to a victim who was an adult and while the victim, after 5883
being convicted of or pleading guilty to an offense, was serving a 5884
sentence of imprisonment in any detention facility, as defined in 5885
section 2921.01 of the Revised Code. 5886

(H) If a claimant unreasonably fails to present a claim 5887

timely to a source of benefits or advantages that would have been 5888
a collateral source and that would have reimbursed the claimant 5889
for all or a portion of a particular expense, the attorney 5890
general, a panel of commissioners, or a judge of the court of 5891
claims may reduce an award of reparations or deny a claim for an 5892
award of reparations to the extent that it is reasonable to do so. 5893

(I) Reparations payable to a victim and to all other 5894
claimants sustaining economic loss because of injury to or the 5895
death of that victim shall not exceed fifty thousand dollars in 5896
the aggregate. If the attorney general, a panel of commissioners, 5897
or a judge of the court of claims reduces an award under division 5898
(F) of this section, the maximum aggregate amount of reparations 5899
payable under this division shall be reduced proportionately to 5900
the reduction under division (F) of this section. 5901

Sec. 2743.70. (A)(1) The court, in which any person is 5902
convicted of or pleads guilty to any offense other than a traffic 5903
offense that is not a moving violation, shall impose the following 5904
sum as costs in the case in addition to any other court costs that 5905
the court is required by law to impose upon the offender: 5906

(a) Thirty dollars, if the offense is a felony; 5907

(b) Nine dollars, if the offense is a misdemeanor. 5908

The court shall not waive the payment of the thirty or nine 5909
dollars court costs, unless the court determines that the offender 5910
is indigent and waives the payment of all court costs imposed upon 5911
the indigent offender. All such moneys shall be transmitted on the 5912
first business day of each month by the clerk of the court to the 5913
treasurer of state and deposited by the treasurer in the 5914
reparations fund. 5915

(2) The juvenile court in which a child is found to be a 5916
delinquent child or a juvenile traffic offender for an act which, 5917

if committed by an adult, would be an offense other than a traffic 5918
offense that is not a moving violation, shall impose the following 5919
sum as costs in the case in addition to any other court costs that 5920
the court is required or permitted by law to impose upon the 5921
delinquent child or juvenile traffic offender: 5922

(a) Thirty dollars, if the act, if committed by an adult, 5923
would be a felony; 5924

(b) Nine dollars, if the act, if committed by an adult, would 5925
be a misdemeanor. 5926

The thirty or nine dollars court costs shall be collected in 5927
all cases unless the court determines the juvenile is indigent and 5928
waives the payment of all court costs, or enters an order on its 5929
journal stating that it has determined that the juvenile is 5930
indigent, that no other court costs are to be taxed in the case, 5931
and that the payment of the thirty or nine dollars court costs is 5932
waived. All such moneys collected during a month shall be 5933
transmitted on or before the twentieth day of the following month 5934
by the clerk of the court to the treasurer of state and deposited 5935
by the treasurer in the reparations fund. 5936

(B) Whenever a person is charged with any offense other than 5937
a traffic offense that is not a moving violation and posts bail 5938
pursuant to sections 2937.22 to 2937.46 of the Revised Code, 5939
Criminal Rule 46, or Traffic Rule 4, the court shall add to the 5940
amount of the bail the thirty or nine dollars required to be paid 5941
by division (A)(1) of this section. The thirty or nine dollars 5942
shall be retained by the clerk of the court until the person is 5943
convicted, pleads guilty, forfeits bail, is found not guilty, or 5944
has the charges dismissed. If the person is convicted, pleads 5945
guilty, or forfeits bail, the clerk shall transmit the thirty or 5946
nine dollars to the treasurer of state, who shall deposit it in 5947
the reparations fund. If the person is found not guilty or the 5948
charges are dismissed, the clerk shall return the thirty or nine 5949

dollars to the person. 5950

(C) No person shall be placed or held in jail for failing to 5951
pay the additional thirty or nine dollars court costs or bail that 5952
are required to be paid by this section. 5953

(D) As used in this section: 5954

(1) "Moving violation" means any violation of any statute ~~or~~, 5955
ordinance, or resolution, other than section 4513.263 of the 5956
Revised Code or an ordinance or resolution that is substantially 5957
equivalent to that section, that regulates the operation of 5958
vehicles, streetcars, or trackless trolleys on highways or streets 5959
or that regulates size or load limitations or fitness requirements 5960
of vehicles. "Moving violation" does not include the violation of 5961
any statute ~~or~~, ordinance, or resolution that regulates 5962
pedestrians or the parking of vehicles. 5963

(2) "Bail" means cash, a check, a money order, a credit card, 5964
or any other form of money that is posted by or for an offender 5965
pursuant to sections 2937.22 to 2937.46 of the Revised Code, 5966
Criminal Rule 46, or Traffic Rule 4 to prevent the offender from 5967
being placed or held in a detention facility, as defined in 5968
section 2921.01 of the Revised Code. 5969

Sec. 2901.01. (A) As used in the Revised Code: 5970

(1) "Force" means any violence, compulsion, or constraint 5971
physically exerted by any means upon or against a person or thing. 5972

(2) "Deadly force" means any force that carries a substantial 5973
risk that it will proximately result in the death of any person. 5974

(3) "Physical harm to persons" means any injury, illness, or 5975
other physiological impairment, regardless of its gravity or 5976
duration. 5977

(4) "Physical harm to property" means any tangible or 5978
intangible damage to property that, in any degree, results in loss 5979

to its value or interferes with its use or enjoyment. "Physical
harm to property" does not include wear and tear occasioned by
normal use.

(5) "Serious physical harm to persons" means any of the
following:

(a) Any mental illness or condition of such gravity as would
normally require hospitalization or prolonged psychiatric
treatment;

(b) Any physical harm that carries a substantial risk of
death;

(c) Any physical harm that involves some permanent
incapacity, whether partial or total, or that involves some
temporary, substantial incapacity;

(d) Any physical harm that involves some permanent
disfigurement or that involves some temporary, serious
disfigurement;

(e) Any physical harm that involves acute pain of such
duration as to result in substantial suffering or that involves
any degree of prolonged or intractable pain.

(6) "Serious physical harm to property" means any physical
harm to property that does either of the following:

(a) Results in substantial loss to the value of the property
or requires a substantial amount of time, effort, or money to
repair or replace;

(b) Temporarily prevents the use or enjoyment of the property
or substantially interferes with its use or enjoyment for an
extended period of time.

(7) "Risk" means a significant possibility, as contrasted
with a remote possibility, that a certain result may occur or that
certain circumstances may exist.

(8) "Substantial risk" means a strong possibility, as 6010
contrasted with a remote or significant possibility, that a 6011
certain result may occur or that certain circumstances may exist. 6012

(9) "Offense of violence" means any of the following: 6013

(a) A violation of section 2903.01, 2903.02, 2903.03, 6014
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 6015
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 6016
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 6017
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 6018
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 6019
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 6020
Revised Code or felonious sexual penetration in violation of 6021
former section 2907.12 of the Revised Code; 6022

(b) A violation of an existing or former municipal ordinance, 6023
township resolution, or law of this or any other state or the 6024
United States, substantially equivalent to any section, division, 6025
or offense listed in division (A)(9)(a) of this section; 6026

(c) An offense, other than a traffic offense, under an 6027
existing or former municipal ordinance, township resolution, or 6028
law of this or any other state or the United States, committed 6029
purposely or knowingly, and involving physical harm to persons or 6030
a risk of serious physical harm to persons; 6031

(d) A conspiracy or attempt to commit, or complicity in 6032
committing, any offense under division (A)(9)(a), (b), or (c) of 6033
this section. 6034

(10)(a) "Property" means any property, real or personal, 6035
tangible or intangible, and any interest or license in that 6036
property. "Property" includes, but is not limited to, cable 6037
television service, other telecommunications service, 6038
telecommunications devices, information service, computers, data, 6039
computer software, financial instruments associated with 6040

computers, other documents associated with computers, or copies of 6041
the documents, whether in machine or human readable form, trade 6042
secrets, trademarks, copyrights, patents, and property protected 6043
by a trademark, copyright, or patent. "Financial instruments 6044
associated with computers" include, but are not limited to, 6045
checks, drafts, warrants, money orders, notes of indebtedness, 6046
certificates of deposit, letters of credit, bills of credit or 6047
debit cards, financial transaction authorization mechanisms, 6048
marketable securities, or any computer system representations of 6049
any of them. 6050

(b) As used in division (A)(10) of this section, "trade 6051
secret" has the same meaning as in section 1333.61 of the Revised 6052
Code, and "telecommunications service" and "information service" 6053
have the same meanings as in section 2913.01 of the Revised Code. 6054

(c) As used in divisions (A)(10) and (13) of this section, 6055
"cable television service," "computer," "computer software," 6056
"computer system," "computer network," "data," and 6057
"telecommunications device" have the same meanings as in section 6058
2913.01 of the Revised Code. 6059

(11) "Law enforcement officer" means any of the following: 6060

(a) A sheriff, deputy sheriff, constable, police officer of a 6061
township or joint township police district, marshal, deputy 6062
marshal, municipal police officer, member of a police force 6063
employed by a metropolitan housing authority under division (D) of 6064
section 3735.31 of the Revised Code, or state highway patrol 6065
trooper; 6066

(b) An officer, agent, or employee of the state or any of its 6067
agencies, instrumentalities, or political subdivisions, upon whom, 6068
by statute, a duty to conserve the peace or to enforce all or 6069
certain laws is imposed and the authority to arrest violators is 6070
conferred, within the limits of that statutory duty and authority; 6071

- (c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation; 6072
6073
- (d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission; 6074
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- (e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called; 6077
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- (f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed; 6080
6081
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- (g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence; 6084
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- (h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor; 6088
6089
- (i) A veterans' home police officer appointed under section 5907.02 of the Revised Code; 6090
6091
- (j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code; 6092
6093
6094
- (k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; 6095
6096
- (l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms; 6097
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6100
- (m) A special police officer employed by a municipal 6101

corporation at a municipal airport, or other municipal air 6102
navigation facility, that has scheduled operations, as defined in 6103
section 119.3 of Title 14 of the Code of Federal Regulations, 14 6104
C.F.R. 119.3, as amended, and that is required to be under a 6105
security program and is governed by aviation security rules of the 6106
transportation security administration of the United States 6107
department of transportation as provided in Parts 1542. and 1544. 6108
of Title 49 of the Code of Federal Regulations, as amended. 6109

(12) "Privilege" means an immunity, license, or right 6110
conferred by law, bestowed by express or implied grant, arising 6111
out of status, position, office, or relationship, or growing out 6112
of necessity. 6113

(13) "Contraband" means any property that is illegal for a 6114
person to acquire or possess under a statute, ordinance, 6115
resolution, or rule, or that a trier of fact lawfully determines 6116
to be illegal to possess by reason of the property's involvement 6117
in an offense. "Contraband" includes, but is not limited to, all 6118
of the following: 6119

(a) Any controlled substance, as defined in section 3719.01 6120
of the Revised Code, or any device or paraphernalia; 6121

(b) Any unlawful gambling device or paraphernalia; 6122

(c) Any dangerous ordnance or obscene material. 6123

(14) A person is "not guilty by reason of insanity" relative 6124
to a charge of an offense only if the person proves, in the manner 6125
specified in section 2901.05 of the Revised Code, that at the time 6126
of the commission of the offense, the person did not know, as a 6127
result of a severe mental disease or defect, the wrongfulness of 6128
the person's acts. 6129

(B)(1)(a) Subject to division (B)(2) of this section, as used 6130
in any section contained in Title XXIX of the Revised Code that 6131
sets forth a criminal offense, "person" includes all of the 6132

following: 6133

(i) An individual, corporation, business trust, estate, 6134
trust, partnership, and association; 6135

(ii) An unborn human who is viable. 6136

(b) As used in any section contained in Title XXIX of the 6137
Revised Code that does not set forth a criminal offense, "person" 6138
includes an individual, corporation, business trust, estate, 6139
trust, partnership, and association. 6140

(c) As used in division (B)(1)(a) of this section: 6141

(i) "Unborn human" means an individual organism of the 6142
species *Homo sapiens* from fertilization until live birth. 6143

(ii) "Viable" means the stage of development of a human fetus 6144
at which there is a realistic possibility of maintaining and 6145
nourishing of a life outside the womb with or without temporary 6146
artificial life-sustaining support. 6147

(2) Notwithstanding division (B)(1)(a) of this section, in no 6148
case shall the portion of the definition of the term "person" that 6149
is set forth in division (B)(1)(a)(ii) of this section be applied 6150
or construed in any section contained in Title XXIX of the Revised 6151
Code that sets forth a criminal offense in any of the following 6152
manners: 6153

(a) Except as otherwise provided in division (B)(2)(a) of 6154
this section, in a manner so that the offense prohibits or is 6155
construed as prohibiting any pregnant woman or her physician from 6156
performing an abortion with the consent of the pregnant woman, 6157
with the consent of the pregnant woman implied by law in a medical 6158
emergency, or with the approval of one otherwise authorized by law 6159
to consent to medical treatment on behalf of the pregnant woman. 6160
An abortion that violates the conditions described in the 6161
immediately preceding sentence may be punished as a violation of 6162

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 6163
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 6164
of the Revised Code, as applicable. An abortion that does not 6165
violate the conditions described in the second immediately 6166
preceding sentence, but that does violate section 2919.12, 6167
division (B) of section 2919.13, or section 2919.151, 2919.17, or 6168
2919.18 of the Revised Code, may be punished as a violation of 6169
section 2919.12, division (B) of section 2919.13, or section 6170
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 6171
Consent is sufficient under this division if it is of the type 6172
otherwise adequate to permit medical treatment to the pregnant 6173
woman, even if it does not comply with section 2919.12 of the 6174
Revised Code. 6175

(b) In a manner so that the offense is applied or is 6176
construed as applying to a woman based on an act or omission of 6177
the woman that occurs while she is or was pregnant and that 6178
results in any of the following: 6179

(i) Her delivery of a stillborn baby; 6180

(ii) Her causing, in any other manner, the death in utero of 6181
a viable, unborn human that she is carrying; 6182

(iii) Her causing the death of her child who is born alive 6183
but who dies from one or more injuries that are sustained while 6184
the child is a viable, unborn human; 6185

(iv) Her causing her child who is born alive to sustain one 6186
or more injuries while the child is a viable, unborn human; 6187

(v) Her causing, threatening to cause, or attempting to 6188
cause, in any other manner, an injury, illness, or other 6189
physiological impairment, regardless of its duration or gravity, 6190
or a mental illness or condition, regardless of its duration or 6191
gravity, to a viable, unborn human that she is carrying. 6192

(C) As used in Title XXIX of the Revised Code: 6193

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus. 6194
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(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code. 6196
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(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code. 6198
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(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 6206
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Sec. 2903.04. (A) No person shall cause the death of another or the unlawful termination of another's pregnancy as a proximate result of the offender's committing or attempting to commit a felony. 6208
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(B) No person shall cause the death of another or the unlawful termination of another's pregnancy as a proximate result of the offender's committing or attempting to commit a misdemeanor of any degree, a regulatory offense, or a minor misdemeanor other than a violation of any section contained in Title XLV of the Revised Code that is a minor misdemeanor and other than a violation of an ordinance of a municipal corporation or a resolution of a township that, regardless of the penalty set by ordinance or resolution for the violation, is substantially equivalent to any section contained in Title XLV of the Revised Code that is a minor misdemeanor. 6212
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(C) Whoever violates this section is guilty of involuntary 6223

manslaughter. Violation of division (A) of this section is a 6224
felony of the first degree. Violation of division (B) of this 6225
section is a felony of the third degree. 6226

(D) If an offender is convicted of or pleads guilty to a 6227
violation of division (A) or (B) of this section and if the 6228
felony, misdemeanor, or regulatory offense that the offender 6229
committed or attempted to commit, that proximately resulted in the 6230
death of the other person or the unlawful termination of another's 6231
pregnancy, and that is the basis of the offender's violation of 6232
division (A) or (B) of this section was a violation of division 6233
(A) or (B) of section 4511.19 of the Revised Code or of a 6234
substantially equivalent municipal ordinance or township 6235
resolution or included, as an element of that felony, misdemeanor, 6236
or regulatory offense, the offender's operation or participation 6237
in the operation of a snowmobile, locomotive, watercraft, or 6238
aircraft while the offender was under the influence of alcohol, a 6239
drug of abuse, or alcohol and a drug of abuse, both of the 6240
following apply: 6241

(1) The court shall impose a class one suspension of the 6242
offender's driver's or commercial driver's license or permit or 6243
nonresident operating privilege as specified in division (A)(1) of 6244
section 4510.02 of the Revised Code. 6245

(2) The court shall impose a mandatory prison term for the 6246
violation of division (A) or (B) of this section from the range of 6247
prison terms authorized for the level of the offense under section 6248
2929.14 of the Revised Code. 6249

Sec. 2903.06. (A) No person, while operating or participating 6250
in the operation of a motor vehicle, motorcycle, snowmobile, 6251
locomotive, watercraft, or aircraft, shall cause the death of 6252
another or the unlawful termination of another's pregnancy in any 6253
of the following ways: 6254

(1)(a) As the proximate result of committing a violation of 6255
division (A) of section 4511.19 of the Revised Code or of a 6256
substantially equivalent municipal ordinance or township 6257
resolution; 6258

(b) As the proximate result of committing a violation of 6259
division (A) of section 1547.11 of the Revised Code or of a 6260
substantially equivalent municipal ordinance; 6261

(c) As the proximate result of committing a violation of 6262
division (A)(3) of section 4561.15 of the Revised Code or of a 6263
substantially equivalent municipal ordinance or township 6264
resolution. 6265

(2) In one of the following ways: 6266

(a) Recklessly; 6267

(b) As the proximate result of committing, while operating or 6268
participating in the operation of a motor vehicle or motorcycle in 6269
a construction zone, a reckless operation offense, provided that 6270
this division applies only if the person whose death is caused or 6271
whose pregnancy is unlawfully terminated is in the construction 6272
zone at the time of the offender's commission of the reckless 6273
operation offense in the construction zone and does not apply as 6274
described in division (F) of this section. 6275

(3) In one of the following ways: 6276

(a) Negligently; 6277

(b) As the proximate result of committing, while operating or 6278
participating in the operation of a motor vehicle or motorcycle in 6279
a construction zone, a speeding offense, provided that this 6280
division applies only if the person whose death is caused or whose 6281
pregnancy is unlawfully terminated is in the construction zone at 6282
the time of the offender's commission of the speeding offense in 6283
the construction zone and does not apply as described in division 6284

(F) of this section. 6285

(4) As the proximate result of committing a violation of any 6286
provision of any section contained in Title XLV of the Revised 6287
Code that is a minor misdemeanor or of a municipal ordinance or 6288
township resolution that, regardless of the penalty set by 6289
ordinance for the violation, is substantially equivalent to any 6290
provision of any section contained in Title XLV of the Revised 6291
Code that is a minor misdemeanor. 6292

(B)(1) Whoever violates division (A)(1) or (2) of this 6293
section is guilty of aggravated vehicular homicide and shall be 6294
punished as provided in divisions (B)(2) and (3) of this section. 6295

(2)(a) Except as otherwise provided in division (B)(2)(b) or 6296
(c) of this section, aggravated vehicular homicide committed in 6297
violation of division (A)(1) of this section is a felony of the 6298
second degree and the court shall impose a mandatory prison term 6299
on the offender as described in division (E) of this section. 6300

(b) Except as otherwise provided in division (B)(2)(c) of 6301
this section, aggravated vehicular homicide committed in violation 6302
of division (A)(1) of this section is a felony of the first 6303
degree, and the court shall impose a mandatory prison term on the 6304
offender as described in division (E) of this section, if any of 6305
the following apply: 6306

(i) At the time of the offense, the offender was driving 6307
under a suspension imposed under Chapter 4510. or any other 6308
provision of the Revised Code. 6309

(ii) The offender previously has been convicted of or pleaded 6310
guilty to a violation of this section. 6311

(iii) The offender previously has been convicted of or 6312
pleaded guilty to any traffic-related homicide, manslaughter, or 6313
assault offense. 6314

(c) Aggravated vehicular homicide committed in violation of 6315
division (A)(1) of this section is a felony of the first degree, 6316
and the court shall sentence the offender to a mandatory prison 6317
term as provided in section 2929.142 of the Revised Code and 6318
described in division (E) of this section if any of the following 6319
apply: 6320

(i) The offender previously has been convicted of or pleaded 6321
guilty to three or more prior violations of section 4511.19 of the 6322
Revised Code or of a substantially equivalent municipal ordinance 6323
or township resolution within the previous six years. 6324

(ii) The offender previously has been convicted of or pleaded 6325
guilty to three or more prior violations of division (A) of 6326
section 1547.11 of the Revised Code or of a substantially 6327
equivalent municipal ordinance within the previous six years. 6328

(iii) The offender previously has been convicted of or 6329
pleaded guilty to three or more prior violations of division 6330
(A)(3) of section 4561.15 of the Revised Code or of a 6331
substantially equivalent municipal ordinance or township 6332
resolution within the previous six years. 6333

(iv) The offender previously has been convicted of or pleaded 6334
guilty to three or more prior violations of division (A)(1) of 6335
this section within the previous six years. 6336

(v) The offender previously has been convicted of or pleaded 6337
guilty to three or more prior violations of division (A)(1) of 6338
section 2903.08 of the Revised Code within the previous six years. 6339

(vi) The offender previously has been convicted of or pleaded 6340
guilty to three or more prior violations of section 2903.04 of the 6341
Revised Code within the previous six years in circumstances in 6342
which division (D) of that section applied regarding the 6343
violations. 6344

(vii) The offender previously has been convicted of or 6345

pleaded guilty to three or more violations of any combination of 6346
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 6347
(v), or (vi) of this section within the previous six years. 6348

(viii) The offender previously has been convicted of or 6349
pleaded guilty to a second or subsequent felony violation of 6350
division (A) of section 4511.19 of the Revised Code. 6351

(d) In addition to any other sanctions imposed pursuant to 6352
division (B)(2)(a), (b), or (c) of this section for aggravated 6353
vehicular homicide committed in violation of division (A)(1) of 6354
this section, the court shall impose upon the offender a class one 6355
suspension of the offender's driver's license, commercial driver's 6356
license, temporary instruction permit, probationary license, or 6357
nonresident operating privilege as specified in division (A)(1) of 6358
section 4510.02 of the Revised Code. 6359

(3) Except as otherwise provided in this division, aggravated 6360
vehicular homicide committed in violation of division (A)(2) of 6361
this section is a felony of the third degree. Aggravated vehicular 6362
homicide committed in violation of division (A)(2) of this section 6363
is a felony of the second degree if, at the time of the offense, 6364
the offender was driving under a suspension imposed under Chapter 6365
4510. or any other provision of the Revised Code or if the 6366
offender previously has been convicted of or pleaded guilty to a 6367
violation of this section or any traffic-related homicide, 6368
manslaughter, or assault offense. The court shall impose a 6369
mandatory prison term on the offender when required by division 6370
(E) of this section. 6371

In addition to any other sanctions imposed pursuant to this 6372
division for a violation of division (A)(2) of this section, the 6373
court shall impose upon the offender a class two suspension of the 6374
offender's driver's license, commercial driver's license, 6375
temporary instruction permit, probationary license, or nonresident 6376
operating privilege from the range specified in division (A)(2) of 6377

section 4510.02 of the Revised Code or, if the offender previously 6378
has been convicted of or pleaded guilty to a traffic-related 6379
murder, felonious assault, or attempted murder offense, a class 6380
one suspension of the offender's driver's license, commercial 6381
driver's license, temporary instruction permit, probationary 6382
license, or nonresident operating privilege as specified in 6383
division (A)(1) of that section. 6384

(C) Whoever violates division (A)(3) of this section is 6385
guilty of vehicular homicide. Except as otherwise provided in this 6386
division, vehicular homicide is a misdemeanor of the first degree. 6387
Vehicular homicide committed in violation of division (A)(3) of 6388
this section is a felony of the fourth degree if, at the time of 6389
the offense, the offender was driving under a suspension or 6390
revocation imposed under Chapter 4507. or any other provision of 6391
the Revised Code or if the offender previously has been convicted 6392
of or pleaded guilty to a violation of this section or any 6393
traffic-related homicide, manslaughter, or assault offense. The 6394
court shall impose a mandatory jail term or a mandatory prison 6395
term on the offender when required by division (E) of this 6396
section. 6397

In addition to any other sanctions imposed pursuant to this 6398
division, the court shall impose upon the offender a class four 6399
suspension of the offender's driver's license, commercial driver's 6400
license, temporary instruction permit, probationary license, or 6401
nonresident operating privilege from the range specified in 6402
division (A)(4) of section 4510.02 of the Revised Code, or, if the 6403
offender previously has been convicted of or pleaded guilty to a 6404
violation of this section or any traffic-related homicide, 6405
manslaughter, or assault offense, a class three suspension of the 6406
offender's driver's license, commercial driver's license, 6407
temporary instruction permit, probationary license, or nonresident 6408
operating privilege from the range specified in division (A)(3) of 6409

that section, or, if the offender previously has been convicted of 6410
or pleaded guilty to a traffic-related murder, felonious assault, 6411
or attempted murder offense, a class two suspension of the 6412
offender's driver's license, commercial driver's license, 6413
temporary instruction permit, probationary license, or nonresident 6414
operating privilege as specified in division (A)(2) of that 6415
section. 6416

(D) Whoever violates division (A)(4) of this section is 6417
guilty of vehicular manslaughter. Except as otherwise provided in 6418
this division, vehicular manslaughter is a misdemeanor of the 6419
second degree. Vehicular manslaughter is a misdemeanor of the 6420
first degree if, at the time of the offense, the offender was 6421
driving under a suspension imposed under Chapter 4510. or any 6422
other provision of the Revised Code or if the offender previously 6423
has been convicted of or pleaded guilty to a violation of this 6424
section or any traffic-related homicide, manslaughter, or assault 6425
offense. 6426

In addition to any other sanctions imposed pursuant to this 6427
division, the court shall impose upon the offender a class six 6428
suspension of the offender's driver's license, commercial driver's 6429
license, temporary instruction permit, probationary license, or 6430
nonresident operating privilege from the range specified in 6431
division (A)(6) of section 4510.02 of the Revised Code or, if the 6432
offender previously has been convicted of or pleaded guilty to a 6433
violation of this section, any traffic-related homicide, 6434
manslaughter, or assault offense, or a traffic-related murder, 6435
felonious assault, or attempted murder offense, a class four 6436
suspension of the offender's driver's license, commercial driver's 6437
license, temporary instruction permit, probationary license, or 6438
nonresident operating privilege from the range specified in 6439
division (A)(4) of that section. 6440

(E) The court shall impose a mandatory prison term on an 6441

offender who is convicted of or pleads guilty to a violation of 6442
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 6443
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 6444
to an offender who is convicted of or pleads guilty to the 6445
violation of division (A)(1) of this section, the court shall 6446
impose the mandatory prison term pursuant to section 2929.142 of 6447
the Revised Code. The court shall impose a mandatory jail term of 6448
at least fifteen days on an offender who is convicted of or pleads 6449
guilty to a misdemeanor violation of division (A)(3)(b) of this 6450
section and may impose upon the offender a longer jail term as 6451
authorized pursuant to section 2929.24 of the Revised Code. The 6452
court shall impose a mandatory prison term on an offender who is 6453
convicted of or pleads guilty to a violation of division (A)(2) or 6454
(3)(a) of this section or a felony violation of division (A)(3)(b) 6455
of this section if either of the following applies: 6456

(1) The offender previously has been convicted of or pleaded 6457
guilty to a violation of this section or section 2903.08 of the 6458
Revised Code. 6459

(2) At the time of the offense, the offender was driving 6460
under suspension under Chapter 4510. or any other provision of the 6461
Revised Code. 6462

(F) Divisions (A)(2)(b) and (3)(b) of this section do not 6463
apply in a particular construction zone unless signs of the type 6464
described in section 2903.081 of the Revised Code are erected in 6465
that construction zone in accordance with the guidelines and 6466
design specifications established by the director of 6467
transportation under section 5501.27 of the Revised Code. The 6468
failure to erect signs of the type described in section 2903.081 6469
of the Revised Code in a particular construction zone in 6470
accordance with those guidelines and design specifications does 6471
not limit or affect the application of division (A)(1), (A)(2)(a), 6472
(A)(3)(a), or (A)(4) of this section in that construction zone or 6473

the prosecution of any person who violates any of those divisions 6474
in that construction zone. 6475

(G)(1) As used in this section: 6476

(a) "Mandatory prison term" and "mandatory jail term" have 6477
the same meanings as in section 2929.01 of the Revised Code. 6478

(b) "Traffic-related homicide, manslaughter, or assault 6479
offense" means a violation of section 2903.04 of the Revised Code 6480
in circumstances in which division (D) of that section applies, a 6481
violation of section 2903.06 or 2903.08 of the Revised Code, or a 6482
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 6483
Code as they existed prior to March 23, 2000. 6484

(c) "Construction zone" has the same meaning as in section 6485
5501.27 of the Revised Code. 6486

(d) "Reckless operation offense" means a violation of section 6487
4511.20 of the Revised Code or a municipal ordinance or township 6488
resolution substantially equivalent to section 4511.20 of the 6489
Revised Code. 6490

(e) "Speeding offense" means a violation of section 4511.21 6491
of the Revised Code or a municipal ordinance pertaining to speed. 6492

(f) "Traffic-related murder, felonious assault, or attempted 6493
murder offense" means a violation of section 2903.01 or 2903.02 of 6494
the Revised Code in circumstances in which the offender used a 6495
motor vehicle as the means to commit the violation, a violation of 6496
division (A)(2) of section 2903.11 of the Revised Code in 6497
circumstances in which the deadly weapon used in the commission of 6498
the violation is a motor vehicle, or an attempt to commit 6499
aggravated murder or murder in violation of section 2923.02 of the 6500
Revised Code in circumstances in which the offender used a motor 6501
vehicle as the means to attempt to commit the aggravated murder or 6502
murder. 6503

(g) "Motor vehicle" has the same meaning as in section 6504
4501.01 of the Revised Code. 6505

(2) For the purposes of this section, when a penalty or 6506
suspension is enhanced because of a prior or current violation of 6507
a specified law or a prior or current specified offense, the 6508
reference to the violation of the specified law or the specified 6509
offense includes any violation of any substantially equivalent 6510
municipal ordinance, township resolution, former law of this 6511
state, or current or former law of another state or the United 6512
States. 6513

Sec. 2903.08. (A) No person, while operating or participating 6514
in the operation of a motor vehicle, motorcycle, snowmobile, 6515
locomotive, watercraft, or aircraft, shall cause serious physical 6516
harm to another person or another's unborn in any of the following 6517
ways: 6518

(1)(a) As the proximate result of committing a violation of 6519
division (A) of section 4511.19 of the Revised Code or of a 6520
substantially equivalent municipal ordinance or township 6521
resolution; 6522

(b) As the proximate result of committing a violation of 6523
division (A) of section 1547.11 of the Revised Code or of a 6524
substantially equivalent municipal ordinance; 6525

(c) As the proximate result of committing a violation of 6526
division (A)(3) of section 4561.15 of the Revised Code or of a 6527
substantially equivalent municipal ordinance or township 6528
resolution. 6529

(2) In one of the following ways: 6530

(a) As the proximate result of committing, while operating or 6531
participating in the operation of a motor vehicle or motorcycle in 6532
a construction zone, a reckless operation offense, provided that 6533

this division applies only if the person to whom the serious 6534
physical harm is caused or to whose unborn the serious physical 6535
harm is caused is in the construction zone at the time of the 6536
offender's commission of the reckless operation offense in the 6537
construction zone and does not apply as described in division (E) 6538
of this section; 6539

(b) Recklessly. 6540

(3) As the proximate result of committing, while operating or 6541
participating in the operation of a motor vehicle or motorcycle in 6542
a construction zone, a speeding offense, provided that this 6543
division applies only if the person to whom the serious physical 6544
harm is caused or to whose unborn the serious physical harm is 6545
caused is in the construction zone at the time of the offender's 6546
commission of the speeding offense in the construction zone and 6547
does not apply as described in division (E) of this section. 6548

(B)(1) Whoever violates division (A)(1) of this section is 6549
guilty of aggravated vehicular assault. Except as otherwise 6550
provided in this division, aggravated vehicular assault is a 6551
felony of the third degree. Aggravated vehicular assault is a 6552
felony of the second degree if any of the following apply: 6553

(a) At the time of the offense, the offender was driving 6554
under a suspension imposed under Chapter 4510. or any other 6555
provision of the Revised Code. 6556

(b) The offender previously has been convicted of or pleaded 6557
guilty to a violation of this section. 6558

(c) The offender previously has been convicted of or pleaded 6559
guilty to any traffic-related homicide, manslaughter, or assault 6560
offense. 6561

(d) The offender previously has been convicted of or pleaded 6562
guilty to three or more prior violations of section 4511.19 of the 6563
Revised Code or a substantially equivalent municipal ordinance or 6564

township resolution within the previous six years. 6565

(e) The offender previously has been convicted of or pleaded 6566
guilty to three or more prior violations of division (A) of 6567
section 1547.11 of the Revised Code or of a substantially 6568
equivalent municipal ordinance within the previous six years. 6569

(f) The offender previously has been convicted of or pleaded 6570
guilty to three or more prior violations of division (A)(3) of 6571
section 4561.15 of the Revised Code or of a substantially 6572
equivalent municipal ordinance or township resolution within the 6573
previous six years. 6574

(g) The offender previously has been convicted of or pleaded 6575
guilty to three or more prior violations of any combination of the 6576
offenses listed in division (B)(1)(d), (e), or (f) of this 6577
section. 6578

(h) The offender previously has been convicted of or pleaded 6579
guilty to a second or subsequent felony violation of division (A) 6580
of section 4511.19 of the Revised Code. 6581

(2) In addition to any other sanctions imposed pursuant to 6582
division (B)(1) of this section, except as otherwise provided in 6583
this division, the court shall impose upon the offender a class 6584
three suspension of the offender's driver's license, commercial 6585
driver's license, temporary instruction permit, probationary 6586
license, or nonresident operating privilege from the range 6587
specified in division (A)(3) of section 4510.02 of the Revised 6588
Code. If the offender previously has been convicted of or pleaded 6589
guilty to a violation of this section, any traffic-related 6590
homicide, manslaughter, or assault offense, or any traffic-related 6591
murder, felonious assault, or attempted murder offense, the court 6592
shall impose either a class two suspension of the offender's 6593
driver's license, commercial driver's license, temporary 6594
instruction permit, probationary license, or nonresident operating 6595

privilege from the range specified in division (A)(2) of that 6596
section or a class one suspension as specified in division (A)(1) 6597
of that section. 6598

(C)(1) Whoever violates division (A)(2) or (3) of this 6599
section is guilty of vehicular assault and shall be punished as 6600
provided in divisions (C)(2) and (3) of this section. 6601

(2) Except as otherwise provided in this division, vehicular 6602
assault committed in violation of division (A)(2) of this section 6603
is a felony of the fourth degree. Vehicular assault committed in 6604
violation of division (A)(2) of this section is a felony of the 6605
third degree if, at the time of the offense, the offender was 6606
driving under a suspension imposed under Chapter 4510. or any 6607
other provision of the Revised Code, if the offender previously 6608
has been convicted of or pleaded guilty to a violation of this 6609
section or any traffic-related homicide, manslaughter, or assault 6610
offense, or if, in the same course of conduct that resulted in the 6611
violation of division (A)(2) of this section, the offender also 6612
violated section 4549.02, 4549.021, or 4549.03 of the Revised 6613
Code. 6614

In addition to any other sanctions imposed, the court shall 6615
impose upon the offender a class four suspension of the offender's 6616
driver's license, commercial driver's license, temporary 6617
instruction permit, probationary license, or nonresident operating 6618
privilege from the range specified in division (A)(4) of section 6619
4510.02 of the Revised Code or, if the offender previously has 6620
been convicted of or pleaded guilty to a violation of this 6621
section, any traffic-related homicide, manslaughter, or assault 6622
offense, or any traffic-related murder, felonious assault, or 6623
attempted murder offense, a class three suspension of the 6624
offender's driver's license, commercial driver's license, 6625
temporary instruction permit, probationary license, or nonresident 6626
operating privilege from the range specified in division (A)(3) of 6627

that section. 6628

(3) Except as otherwise provided in this division, vehicular 6629
assault committed in violation of division (A)(3) of this section 6630
is a misdemeanor of the first degree. Vehicular assault committed 6631
in violation of division (A)(3) of this section is a felony of the 6632
fourth degree if, at the time of the offense, the offender was 6633
driving under a suspension imposed under Chapter 4510. or any 6634
other provision of the Revised Code or if the offender previously 6635
has been convicted of or pleaded guilty to a violation of this 6636
section or any traffic-related homicide, manslaughter, or assault 6637
offense. 6638

In addition to any other sanctions imposed, the court shall 6639
impose upon the offender a class four suspension of the offender's 6640
driver's license, commercial driver's license, temporary 6641
instruction permit, probationary license, or nonresident operating 6642
privilege from the range specified in division (A)(4) of section 6643
4510.02 of the Revised Code or, if the offender previously has 6644
been convicted of or pleaded guilty to a violation of this 6645
section, any traffic-related homicide, manslaughter, or assault 6646
offense, or any traffic-related murder, felonious assault, or 6647
attempted murder offense, a class three suspension of the 6648
offender's driver's license, commercial driver's license, 6649
temporary instruction permit, probationary license, or nonresident 6650
operating privilege from the range specified in division (A)(3) of 6651
section 4510.02 of the Revised Code. 6652

(D)(1) The court shall impose a mandatory prison term on an 6653
offender who is convicted of or pleads guilty to a violation of 6654
division (A)(1) of this section. 6655

(2) The court shall impose a mandatory prison term on an 6656
offender who is convicted of or pleads guilty to a violation of 6657
division (A)(2) of this section or a felony violation of division 6658
(A)(3) of this section if either of the following applies: 6659

(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.06 of the Revised Code. 6660
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(b) At the time of the offense, the offender was driving under suspension under Chapter 4510. or any other provision of the Revised Code. 6663
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(3) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A)(3) of this section and may impose upon the offender a longer jail term as authorized pursuant to section 2929.24 of the Revised Code. 6666
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(E) Divisions (A)(2)(a) and (3) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The failure to erect signs of the type described in section 2903.081 of the Revised Code in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A)(1) or (2)(b) of this section in that construction zone or the prosecution of any person who violates either of those divisions in that construction zone. 6671
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(F) As used in this section: 6684

(1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code. 6685
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(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code. 6687
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(3) "Construction zone" has the same meaning as in section 6691
5501.27 of the Revised Code. 6692

(4) "Reckless operation offense" and "speeding offense" have 6693
the same meanings as in section 2903.06 of the Revised Code. 6694

(G) For the purposes of this section, when a penalty or 6695
suspension is enhanced because of a prior or current violation of 6696
a specified law or a prior or current specified offense, the 6697
reference to the violation of the specified law or the specified 6698
offense includes any violation of any substantially equivalent 6699
municipal ordinance, township resolution, former law of this 6700
state, or current or former law of another state or the United 6701
States. 6702

Sec. 2903.212. (A) Except when the complaint involves a 6703
person who is a family or household member as defined in section 6704
2919.25 of the Revised Code, if a person is charged with a 6705
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 6706
the Revised Code, a violation of a municipal ordinance or township 6707
resolution that is substantially similar to one of those sections, 6708
or a sexually oriented offense and if the person, at the time of 6709
the alleged violation, was subject to the terms of any order 6710
issued pursuant to section 2903.213, ~~2933.08~~, or 2945.04 of the 6711
Revised Code or previously had been convicted of or pleaded guilty 6712
to a violation of section 2903.21, 2903.211, 2903.22, or 2911.211 6713
of the Revised Code that involves the same complainant, a 6714
violation of a municipal ordinance or township resolution that is 6715
substantially similar to one of those sections and that involves 6716
the same complainant, or a sexually oriented offense that involves 6717
the same complainant, the court shall consider all of the 6718
following, in addition to any other circumstances considered by 6719
the court and notwithstanding any provisions to the contrary 6720
contained in Criminal Rule 46, before setting the amount and 6721

conditions of the bail for the person:	6722
(1) Whether the person has a history of violence toward the complainant or a history of other violent acts;	6723
(2) The mental health of the person;	6724
(3) Whether the person has a history of violating the orders of any court or governmental entity;	6725
(4) Whether the person is potentially a threat to any other person;	6726
(5) Whether setting bail at a high level will interfere with any treatment or counseling that the person is undergoing.	6727
(B) Any court that has jurisdiction over violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, violations of a municipal ordinance <u>or township resolution</u> that is substantially similar to one of those sections, or sexually oriented offenses may set a schedule for bail to be used in cases involving those violations. The schedule shall require that a judge consider all of the factors listed in division (A) of this section and may require judges to set bail at a certain level or impose other reasonable conditions related to a release on bail or on recognizance if the history of the alleged offender or the circumstances of the alleged offense meet certain criteria in the schedule.	6728
(C) As used in this section, "sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	6729
Sec. 2903.213. (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance <u>or township resolution</u> substantially similar	6730
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to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the family or household member may file a motion for a temporary protection order pursuant to section 2919.26 of the Revised Code.

(B) A motion for a protection order under this section shall be prepared on a form that is provided by the clerk of the court, and the form shall be substantially as follows:

"Motion for Protection Order
.....
Name and address of court

State of Ohio

v. No.

.....

Name of Defendant

(Name of person), moves the court to issue a protection order containing terms designed to ensure the safety and protection of the complainant or the alleged victim in the above-captioned case, in relation to the named defendant, pursuant to its authority to issue a protection order under section 2903.213 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant

with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 6783
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 6784
a municipal ordinance or township resolution substantially similar 6785
to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 6786
Revised Code, or the commission of a sexually oriented offense. 6787

I understand that I must appear before the court, at a time 6788
set by the court not later than the next day that the court is in 6789
session after the filing of this motion, for a hearing on the 6790
motion, and that any protection order granted pursuant to this 6791
motion is a pretrial condition of release and is effective only 6792
until the disposition of the criminal proceeding arising out of 6793
the attached complaint or until the issuance under section 6794
2903.214 of the Revised Code of a protection order arising out of 6795
the same activities as those that were the basis of the attached 6796
complaint. 6797

..... 6798

Signature of person 6799

..... 6800

Address of person" 6801

(C)(1) As soon as possible after the filing of a motion that 6802
requests the issuance of a protection order under this section, 6803
but not later than the next day that the court is in session after 6804
the filing of the motion, the court shall conduct a hearing to 6805
determine whether to issue the order. The person who requested the 6806
order shall appear before the court and provide the court with the 6807
information that it requests concerning the basis of the motion. 6808
If the court finds that the safety and protection of the 6809
complainant or the alleged victim may be impaired by the continued 6810
presence of the alleged offender, the court may issue a protection 6811
order under this section, as a pretrial condition of release, that 6812
contains terms designed to ensure the safety and protection of the 6813

complainant or the alleged victim, including a requirement that 6814
the alleged offender refrain from entering the residence, school, 6815
business, or place of employment of the complainant or the alleged 6816
victim. 6817

(2)(a) If the court issues a protection order under this 6818
section that includes a requirement that the alleged offender 6819
refrain from entering the residence, school, business, or place of 6820
employment of the complainant or the alleged victim, the order 6821
shall clearly state that the order cannot be waived or nullified 6822
by an invitation to the alleged offender from the complainant, the 6823
alleged victim, or a family or household member to enter the 6824
residence, school, business, or place of employment or by the 6825
alleged offender's entry into one of those places otherwise upon 6826
the consent of the complainant, the alleged victim, or a family or 6827
household member. 6828

(b) Division (C)(2)(a) of this section does not limit any 6829
discretion of a court to determine that an alleged offender 6830
charged with a violation of section 2919.27 of the Revised Code, 6831
with a violation of a municipal ordinance or township resolution 6832
substantially equivalent to that section, or with contempt of 6833
court, which charge is based on an alleged violation of a 6834
protection order issued under this section, did not commit the 6835
violation or was not in contempt of court. 6836

(D)(1) Except when the complaint involves a person who is a 6837
family or household member as defined in section 2919.25 of the 6838
Revised Code, upon the filing of a complaint that alleges a 6839
violation specified in division (A) of this section, the court, 6840
upon its own motion, may issue a protection order under this 6841
section as a pretrial condition of release of the alleged offender 6842
if it finds that the safety and protection of the complainant or 6843
the alleged victim may be impaired by the continued presence of 6844
the alleged offender. 6845

(2) If the court issues a protection order under this section 6846
as an ex parte order, it shall conduct, as soon as possible after 6847
the issuance of the order but not later than the next day that the 6848
court is in session after its issuance, a hearing to determine 6849
whether the order should remain in effect, be modified, or be 6850
revoked. The hearing shall be conducted under the standards set 6851
forth in division (C) of this section. 6852

(3) If a municipal court or a county court issues a 6853
protection order under this section and if, subsequent to the 6854
issuance of the order, the alleged offender who is the subject of 6855
the order is bound over to the court of common pleas for 6856
prosecution of a felony arising out of the same activities as 6857
those that were the basis of the complaint upon which the order is 6858
based, notwithstanding the fact that the order was issued by a 6859
municipal court or county court, the order shall remain in effect, 6860
as though it were an order of the court of common pleas, while the 6861
charges against the alleged offender are pending in the court of 6862
common pleas, for the period of time described in division (E)(2) 6863
of this section, and the court of common pleas has exclusive 6864
jurisdiction to modify the order issued by the municipal court or 6865
county court. This division applies when the alleged offender is 6866
bound over to the court of common pleas as a result of the person 6867
waiving a preliminary hearing on the felony charge, as a result of 6868
the municipal court or county court having determined at a 6869
preliminary hearing that there is probable cause to believe that 6870
the felony has been committed and that the alleged offender 6871
committed it, as a result of the alleged offender having been 6872
indicted for the felony, or in any other manner. 6873

(E) A protection order that is issued as a pretrial condition 6874
of release under this section: 6875

(1) Is in addition to, but shall not be construed as a part 6876
of, any bail set under Criminal Rule 46; 6877

(2) Is effective only until the disposition, by the court 6878
that issued the order or, in the circumstances described in 6879
division (D)(3) of this section, by the court of common pleas to 6880
which the alleged offender is bound over for prosecution, of the 6881
criminal proceeding arising out of the complaint upon which the 6882
order is based or until the issuance under section 2903.214 of the 6883
Revised Code of a protection order arising out of the same 6884
activities as those that were the basis of the complaint filed 6885
under this section; 6886

(3) Shall not be construed as a finding that the alleged 6887
offender committed the alleged offense and shall not be introduced 6888
as evidence of the commission of the offense at the trial of the 6889
alleged offender on the complaint upon which the order is based. 6890

(F) A person who meets the criteria for bail under Criminal 6891
Rule 46 and who, if required to do so pursuant to that rule, 6892
executes or posts bond or deposits cash or securities as bail, 6893
shall not be held in custody pending a hearing before the court on 6894
a motion requesting a protection order under this section. 6895

(G)(1) A copy of a protection order that is issued under this 6896
section shall be issued by the court to the complainant, to the 6897
alleged victim, to the person who requested the order, to the 6898
defendant, and to all law enforcement agencies that have 6899
jurisdiction to enforce the order. The court shall direct that a 6900
copy of the order be delivered to the defendant on the same day 6901
that the order is entered. If a municipal court or a county court 6902
issues a protection order under this section and if, subsequent to 6903
the issuance of the order, the defendant who is the subject of the 6904
order is bound over to the court of common pleas for prosecution 6905
as described in division (D)(3) of this section, the municipal 6906
court or county court shall direct that a copy of the order be 6907
delivered to the court of common pleas to which the defendant is 6908
bound over. 6909

(2) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time of the agency's receipt of the order.

(3) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section in accordance with the provisions of the order.

(H) Upon a violation of a protection order issued pursuant to this section, the court may issue another protection order under this section, as a pretrial condition of release, that modifies the terms of the order that was violated.

(I) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, or service of a protection order or consent agreement, or for obtaining certified copies of a protection order or consent agreement.

(J) As used in this section, "sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

Sec. 2903.214. (A) As used in this section:

(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code. 6940
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(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 6942
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(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 6944
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(B) The court has jurisdiction over all proceedings under this section. 6946
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(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state both of the following: 6948
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(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation; 6953
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(2) A request for relief under this section. 6959

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in 6960
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which the respondent has threatened the person to be protected by 6971
the protection order with bodily harm or in which the respondent 6972
previously has been convicted of or pleaded guilty to a violation 6973
of section 2903.211 of the Revised Code or a sexually oriented 6974
offense against the person to be protected by the protection 6975
order. 6976

(2)(a) If the court, after an ex parte hearing, issues a 6977
protection order described in division (E) of this section, the 6978
court shall schedule a full hearing for a date that is within ten 6979
court days after the ex parte hearing. The court shall give the 6980
respondent notice of, and an opportunity to be heard at, the full 6981
hearing. The court shall hold the full hearing on the date 6982
scheduled under this division unless the court grants a 6983
continuance of the hearing in accordance with this division. Under 6984
any of the following circumstances or for any of the following 6985
reasons, the court may grant a continuance of the full hearing to 6986
a reasonable time determined by the court: 6987

(i) Prior to the date scheduled for the full hearing under 6988
this division, the respondent has not been served with the 6989
petition filed pursuant to this section and notice of the full 6990
hearing. 6991

(ii) The parties consent to the continuance. 6992

(iii) The continuance is needed to allow a party to obtain 6993
counsel. 6994

(iv) The continuance is needed for other good cause. 6995

(b) An ex parte order issued under this section does not 6996
expire because of a failure to serve notice of the full hearing 6997
upon the respondent before the date set for the full hearing under 6998
division (D)(2)(a) of this section or because the court grants a 6999
continuance under that division. 7000

(3) If a person who files a petition pursuant to this section 7001

does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E)(5) of this section.

(2)(a) Any protection order issued pursuant to this section shall be valid until a date certain but not later than five years from the date of its issuance.

(b) Any protection order issued pursuant to this section may be renewed in the same manner as the original order was issued.

(3) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order 7033
pursuant to division (D) of this section, the court does not delay 7034
any hearing required by that division beyond the time specified in 7035
that division in order to consolidate the hearing with a hearing 7036
on the petition filed by the respondent. 7037

(d) After a full hearing at which the respondent presents 7038
evidence in support of the request for a protection order and the 7039
petitioner is afforded an opportunity to defend against that 7040
evidence, the court determines that the petitioner has committed a 7041
violation of section 2903.211 of the Revised Code against the 7042
person to be protected by the protection order issued pursuant to 7043
this section, has committed a sexually oriented offense against 7044
the person to be protected by the protection order, or has 7045
violated a protection order issued pursuant to section 2903.213 of 7046
the Revised Code relative to the person to be protected by the 7047
protection order issued pursuant to this section. 7048

(4) No protection order issued pursuant to this section shall 7049
in any manner affect title to any real property. 7050

(5)(a) If the court issues a protection order under this 7051
section that includes a requirement that the alleged offender 7052
refrain from entering the residence, school, business, or place of 7053
employment of the petitioner or a family or household member, the 7054
order shall clearly state that the order cannot be waived or 7055
nullified by an invitation to the alleged offender from the 7056
complainant to enter the residence, school, business, or place of 7057
employment or by the alleged offender's entry into one of those 7058
places otherwise upon the consent of the petitioner or family or 7059
household member. 7060

(b) Division (E)(5)(a) of this section does not limit any 7061
discretion of a court to determine that an alleged offender 7062
charged with a violation of section 2919.27 of the Revised Code, 7063
with a violation of a municipal ordinance or township resolution 7064

substantially equivalent to that section, or with contempt of 7065
court, which charge is based on an alleged violation of a 7066
protection order issued under this section, did not commit the 7067
violation or was not in contempt of court. 7068

(F)(1) The court shall cause the delivery of a copy of any 7069
protection order that is issued under this section to the 7070
petitioner, to the respondent, and to all law enforcement agencies 7071
that have jurisdiction to enforce the order. The court shall 7072
direct that a copy of the order be delivered to the respondent on 7073
the same day that the order is entered. 7074

(2) All law enforcement agencies shall establish and maintain 7075
an index for the protection orders delivered to the agencies 7076
pursuant to division (F)(1) of this section. With respect to each 7077
order delivered, each agency shall note on the index the date and 7078
time that it received the order. 7079

(3) Regardless of whether the petitioner has registered the 7080
protection order in the county in which the officer's agency has 7081
jurisdiction pursuant to division (M) of this section, any officer 7082
of a law enforcement agency shall enforce a protection order 7083
issued pursuant to this section by any court in this state in 7084
accordance with the provisions of the order, including removing 7085
the respondent from the premises, if appropriate. 7086

(G) Any proceeding under this section shall be conducted in 7087
accordance with the Rules of Civil Procedure, except that a 7088
protection order may be obtained under this section with or 7089
without bond. An order issued under this section, other than an ex 7090
parte order, that grants a protection order, or that refuses to 7091
grant a protection order, is a final, appealable order. The 7092
remedies and procedures provided in this section are in addition 7093
to, and not in lieu of, any other available civil or criminal 7094
remedies. 7095

(H) The filing of proceedings under this section does not 7096
excuse a person from filing any report or giving any notice 7097
required by section 2151.421 of the Revised Code or by any other 7098
law. 7099

(I) Any law enforcement agency that investigates an alleged 7100
violation of section 2903.211 of the Revised Code or an alleged 7101
commission of a sexually oriented offense shall provide 7102
information to the victim and the family or household members of 7103
the victim regarding the relief available under this section and 7104
section 2903.213 of the Revised Code. 7105

(J) Notwithstanding any provision of law to the contrary and 7106
regardless of whether a protection order is issued or a consent 7107
agreement is approved by a court of another county or by a court 7108
of another state, no court or unit of state or local government 7109
shall charge any fee, cost, deposit, or money in connection with 7110
the filing of a petition pursuant to this section, in connection 7111
with the filing, issuance, registration, or service of a 7112
protection order or consent agreement, or for obtaining a 7113
certified copy of a protection order or consent agreement. 7114

(K)(1) A person who violates a protection order issued under 7115
this section is subject to the following sanctions: 7116

(a) Criminal prosecution for a violation of section 2919.27 7117
of the Revised Code, if the violation of the protection order 7118
constitutes a violation of that section; 7119

(b) Punishment for contempt of court. 7120

(2) The punishment of a person for contempt of court for 7121
violation of a protection order issued under this section does not 7122
bar criminal prosecution of the person for a violation of section 7123
2919.27 of the Revised Code. However, a person punished for 7124
contempt of court is entitled to credit for the punishment imposed 7125
upon conviction of a violation of that section, and a person 7126

convicted of a violation of that section shall not subsequently be 7127
punished for contempt of court arising out of the same activity. 7128

(L) In all stages of a proceeding under this section, a 7129
petitioner may be accompanied by a victim advocate. 7130

(M)(1) A petitioner who obtains a protection order under this 7131
section or a protection order under section 2903.213 of the 7132
Revised Code may provide notice of the issuance or approval of the 7133
order to the judicial and law enforcement officials in any county 7134
other than the county in which the order is issued by registering 7135
that order in the other county pursuant to division (M)(2) of this 7136
section and filing a copy of the registered order with a law 7137
enforcement agency in the other county in accordance with that 7138
division. A person who obtains a protection order issued by a 7139
court of another state may provide notice of the issuance of the 7140
order to the judicial and law enforcement officials in any county 7141
of this state by registering the order in that county pursuant to 7142
section 2919.272 of the Revised Code and filing a copy of the 7143
registered order with a law enforcement agency in that county. 7144

(2) A petitioner may register a protection order issued 7145
pursuant to this section or section 2903.213 of the Revised Code 7146
in a county other than the county in which the court that issued 7147
the order is located in the following manner: 7148

(a) The petitioner shall obtain a certified copy of the order 7149
from the clerk of the court that issued the order and present that 7150
certified copy to the clerk of the court of common pleas or the 7151
clerk of a municipal court or county court in the county in which 7152
the order is to be registered. 7153

(b) Upon accepting the certified copy of the order for 7154
registration, the clerk of the court of common pleas, municipal 7155
court, or county court shall place an endorsement of registration 7156
on the order and give the petitioner a copy of the order that 7157

bears that proof of registration. 7158

(3) The clerk of each court of common pleas, municipal court, 7159
or county court shall maintain a registry of certified copies of 7160
protection orders that have been issued by courts in other 7161
counties pursuant to this section or section 2903.213 of the 7162
Revised Code and that have been registered with the clerk. 7163

Sec. 2907.24. (A) No person shall solicit another to engage 7164
with such other person in sexual activity for hire. 7165

(B) No person, with knowledge that the person has tested 7166
positive as a carrier of a virus that causes acquired 7167
immunodeficiency syndrome, shall engage in conduct in violation of 7168
division (A) of this section. 7169

(C)(1) Whoever violates division (A) of this section is 7170
guilty of soliciting, a misdemeanor of the third degree. 7171

(2) Whoever violates division (B) of this section is guilty 7172
of engaging in solicitation after a positive HIV test. If the 7173
offender commits the violation prior to July 1, 1996, engaging in 7174
solicitation after a positive HIV test is a felony of the second 7175
degree. If the offender commits the violation on or after July 1, 7176
1996, engaging in solicitation after a positive HIV test is a 7177
felony of the third degree. 7178

(D) If a person is convicted of or pleads guilty to a 7179
violation of any provision of this section, an attempt to commit a 7180
violation of any provision of this section, or a violation of or 7181
an attempt to commit a violation of a municipal ordinance or 7182
township resolution that is substantially equivalent to any 7183
provision of this section and if the person, in committing or 7184
attempting to commit the violation, was in, was on, or used a 7185
motor vehicle, the court, in addition to or independent of all 7186
other penalties imposed for the violation, shall impose upon the 7187

offender a class six suspension of the person's driver's license, 7188
commercial driver's license, temporary instruction permit, 7189
probationary license, or nonresident operating privilege from the 7190
range specified in division (A)(6) of section 4510.02 of the 7191
Revised Code. 7192

Sec. 2907.27. (A)(1) If a person is charged with a violation 7193
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 7194
2907.25 of the Revised Code or with a violation of a municipal 7195
ordinance or township resolution that is substantially equivalent 7196
to any of those sections, the arresting authorities or a court, 7197
upon the request of the prosecutor in the case or upon the request 7198
of the victim, shall cause the accused to submit to one or more 7199
appropriate tests to determine if the accused is suffering from a 7200
venereal disease. 7201

(2) If the accused is found to be suffering from a venereal 7202
disease in an infectious stage, the accused shall be required to 7203
submit to medical treatment for that disease. The cost of the 7204
medical treatment shall be charged to and paid by the accused who 7205
undergoes the treatment. If the accused is indigent, the court 7206
shall order the accused to report to a facility operated by a city 7207
health district or a general health district for treatment. If the 7208
accused is convicted of or pleads guilty to the offense with which 7209
the accused is charged and is placed under a community control 7210
sanction, a condition of community control shall be that the 7211
offender submit to and faithfully follow a course of medical 7212
treatment for the venereal disease. If the offender does not seek 7213
the required medical treatment, the court may revoke the 7214
offender's community control and order the offender to undergo 7215
medical treatment during the period of the offender's 7216
incarceration and to pay the cost of that treatment. 7217

(B)(1)(a) Notwithstanding the requirements for informed 7218

consent in section 3701.242 of the Revised Code, if a person is 7219
charged with a violation of division (B) of section 2903.11 or of 7220
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 7221
2907.241, or 2907.25 of the Revised Code or with a violation of a 7222
municipal ordinance or township resolution that is substantially 7223
equivalent to that division or any of those sections, the court, 7224
upon the request of the prosecutor in the case, upon the request 7225
of the victim, or upon the request of any other person whom the 7226
court reasonably believes had contact with the accused in 7227
circumstances related to the violation that could have resulted in 7228
the transmission to that person of a virus that causes acquired 7229
immunodeficiency syndrome, shall cause the accused to submit to 7230
one or more tests designated by the director of health under 7231
section 3701.241 of the Revised Code to determine if the accused 7232
is a carrier of a virus that causes acquired immunodeficiency 7233
syndrome. The court, upon the request of the prosecutor in the 7234
case, upon the request of the victim with the agreement of the 7235
prosecutor, or upon the request of any other person with the 7236
agreement of the prosecutor, may cause an accused who is charged 7237
with a violation of any other section of the Revised Code or with 7238
a violation of any other municipal ordinance to submit to one or 7239
more tests so designated by the director of health if the 7240
circumstances of the violation indicate probable cause to believe 7241
that the accused, if the accused is infected with the virus that 7242
causes acquired immunodeficiency syndrome, might have transmitted 7243
the virus to any of the following persons in committing the 7244
violation: 7245

(i) In relation to a request made by the prosecuting 7246
attorney, to the victim or to any other person; 7247

(ii) In relation to a request made by the victim, to the 7248
victim making the request; 7249

(iii) In relation to a request made by any other person, to 7250

the person making the request. 7251

(b) The results of a test performed under division (B)(1)(a) 7252
of this section shall be communicated in confidence to the court, 7253
and the court shall inform the accused of the result. The court 7254
shall inform the victim that the test was performed and that the 7255
victim has a right to receive the results on request. If the test 7256
was performed upon the request of a person other than the 7257
prosecutor in the case and other than the victim, the court shall 7258
inform the person who made the request that the test was performed 7259
and that the person has a right to receive the results upon 7260
request. Additionally, regardless of who made the request that was 7261
the basis of the test being performed, if the court reasonably 7262
believes that, in circumstances related to the violation, a person 7263
other than the victim had contact with the accused that could have 7264
resulted in the transmission of the virus to that person, the 7265
court may inform that person that the test was performed and that 7266
the person has a right to receive the results of the test on 7267
request. If the accused tests positive for a virus that causes 7268
acquired immunodeficiency syndrome, the test results shall be 7269
reported to the department of health in accordance with section 7270
3701.24 of the Revised Code and to the sheriff, head of the state 7271
correctional institution, or other person in charge of any jail or 7272
prison in which the accused is incarcerated. If the accused tests 7273
positive for a virus that causes acquired immunodeficiency 7274
syndrome and the accused was charged with, and was convicted of or 7275
pleaded guilty to, a violation of section 2907.24, 2907.241, or 7276
2907.25 of the Revised Code or a violation of a municipal 7277
ordinance or township resolution that is substantially equivalent 7278
to any of those sections, the test results also shall be reported 7279
to the law enforcement agency that arrested the accused, and the 7280
law enforcement agency may use the test results as the basis for 7281
any future charge of a violation of division (B) of any of those 7282
sections or a violation of a municipal ordinance or township 7283

resolution that is substantially equivalent to division (B) of any 7284
of those sections. No other disclosure of the test results or the 7285
fact that a test was performed shall be made, other than as 7286
evidence in a grand jury proceeding or as evidence in a judicial 7287
proceeding in accordance with the Rules of Evidence. If the test 7288
result is negative, and the charge has not been dismissed or if 7289
the accused has been convicted of the charge or a different 7290
offense arising out of the same circumstances as the offense 7291
charged, the court shall order that the test be repeated not 7292
earlier than three months nor later than six months after the 7293
original test. 7294

(2) If an accused who is free on bond refuses to submit to a 7295
test ordered by the court pursuant to division (B)(1) of this 7296
section, the court may order that the accused's bond be revoked 7297
and that the accused be incarcerated until the test is performed. 7298
If an accused who is incarcerated refuses to submit to a test 7299
ordered by the court pursuant to division (B)(1) of this section, 7300
the court shall order the person in charge of the jail or prison 7301
in which the accused is incarcerated to take any action necessary 7302
to facilitate the performance of the test, including the forcible 7303
restraint of the accused for the purpose of drawing blood to be 7304
used in the test. 7305

(3) A state agency, a political subdivision of the state, or 7306
an employee of a state agency or of a political subdivision of the 7307
state is immune from liability in a civil action to recover 7308
damages for injury, death, or loss to person or property allegedly 7309
caused by any act or omission in connection with the performance 7310
of the duties required under division (B)(2) of this section 7311
unless the acts or omissions are with malicious purpose, in bad 7312
faith, or in a wanton or reckless manner. 7313

(C) As used in this section, "community control sanction" has 7314
the same meaning as in section 2929.01 of the Revised Code. 7315

Sec. 2907.28. (A) Any cost incurred by a hospital or 7316
emergency medical facility in conducting a medical examination of 7317
a victim of an offense under any provision of sections 2907.02 to 7318
2907.06 of the Revised Code for the purpose of gathering physical 7319
evidence for a possible prosecution, including the cost of any 7320
antibiotics administered as part of the examination, shall be paid 7321
out of the reparations fund established pursuant to section 7322
2743.191 of the Revised Code, subject to the following conditions: 7323

(1) The hospital or emergency facility shall follow a 7324
protocol for conducting such medical examinations that is 7325
identified by the attorney general in rule adopted in accordance 7326
with Chapter 119. of the Revised Code. 7327

(2) The hospital or emergency facility shall submit requests 7328
for payment to the attorney general on a monthly basis, through a 7329
procedure determined by the attorney general and on forms approved 7330
by the attorney general. The requests shall identify the number of 7331
sexual assault examinations performed and shall verify that all 7332
required protocols were met for each examination form submitted 7333
for payment in the request. 7334

(3) The attorney general shall review all requests for 7335
payment that are submitted under division (A)(2) of this section 7336
and shall submit for payment as described in division (A)(5) of 7337
this section all requests that meet the requirements of this 7338
section. 7339

(4) The hospital or emergency facility shall accept a flat 7340
fee payment for conducting each examination in the amount 7341
determined by the attorney general pursuant to Chapter 119. of the 7342
Revised Code as payment in full for any cost incurred in 7343
conducting a medical examination and test of a victim of an 7344
offense under any provision of sections 2907.02 to 2907.06 of the 7345
Revised Code for the purpose of gathering physical evidence for a 7346

possible prosecution of a person. The attorney general shall 7347
determine a flat fee payment amount to be paid under this division 7348
that is reasonable. 7349

(5) In approving a payment under this section, the attorney 7350
general shall order the payment against the state. The payment 7351
shall be accomplished only through the following procedure, and 7352
the procedure may be enforced through a mandamus action and a writ 7353
of mandamus directed to the appropriate official: 7354

(a) The attorney general shall provide for payment in the 7355
amount set forth in the order. 7356

(b) The expense of the payment of the amount described in 7357
this section shall be charged against all available unencumbered 7358
moneys in the reparations fund. 7359

(B) No costs incurred by a hospital or emergency facility in 7360
conducting a medical examination and test of any victim of an 7361
offense under any provision of sections 2907.02 to 2907.06 of the 7362
Revised Code for the purpose of gathering physical evidence for a 7363
possible prosecution of a person shall be billed or charged 7364
directly or indirectly to the victim or the victim's insurer. 7365

(C) Any cost incurred by a hospital or emergency medical 7366
facility in conducting a medical examination and test of any 7367
person who is charged with a violation of division (B) of section 7368
2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 7369
2907.241, or 2907.25 of the Revised Code or with a violation of a 7370
municipal ordinance or township resolution that is substantially 7371
equivalent to that division or any of those sections, pursuant to 7372
division (B) of section 2907.27 of the Revised Code, shall be 7373
charged to and paid by the accused who undergoes the examination 7374
and test, unless the court determines that the accused is unable 7375
to pay, in which case the cost shall be charged to and paid by the 7376
municipal corporation in which the offense allegedly was 7377

committed, ~~or charged to and paid~~ by the township in which the 7378
offense allegedly was committed if the offense is a violation of a 7379
township resolution, or by the county if the offense allegedly was 7380
committed within an unincorporated area and is not a violation of 7381
a township resolution. If separate counts of an alleged offense or 7382
alleged separate offenses under section 2907.02, 2907.03, 2907.04, 7383
2907.05, 2907.24, 2907.241, or 2907.25 of the Revised Code or 7384
under a municipal ordinance or township resolution that is 7385
substantially equivalent to any of those sections took place in 7386
more than one municipal corporation or more than one 7387
unincorporated area, or both, the local governments shall share 7388
the cost of the examination and test. If a hospital or other 7389
emergency medical facility has submitted charges for the cost of a 7390
medical examination and test to an accused and has been unable to 7391
collect payment for the charges after making good faith attempts 7392
to collect for a period of six months or more, the cost shall be 7393
charged to and paid by the appropriate municipal corporation or 7394
county as specified in division (C) of this section. 7395

Sec. 2907.41. (A) Subject to division (D) of this section, a 7396
person who is charged with the commission of any sexually oriented 7397
offense or with a violation of section 2907.09 of the Revised Code 7398
shall appear before the court for the setting of bail if the 7399
person charged previously was convicted of or pleaded guilty to a 7400
sexually oriented offense, a violation of section 2907.09 of the 7401
Revised Code, or a violation of an existing or former municipal 7402
ordinance, township resolution, or law of this or any other state 7403
or the United States that is substantially similar to section 7404
2907.09 of the Revised Code. 7405

(B) To the extent that information about any of the following 7406
is available to the court, the court, in addition to any other 7407
circumstances considered by the court and notwithstanding any 7408
provisions to the contrary contained in Criminal Rule 46, shall 7409

consider all of the following before setting bail for a person who 7410
appears before the court pursuant to division (A) of this section: 7411

(1) Whether the person previously has been adjudicated a 7412
sexual predator or child-victim predator pursuant to Chapter 2950. 7413
of the Revised Code, previously has been determined to be a 7414
habitual sex offender or habitual child-victim offender pursuant 7415
to that ~~Chapter~~ chapter, has a history of committing sexually 7416
oriented offenses or child-victim oriented offenses, or has a 7417
history of committing violations of section 2907.09 of the Revised 7418
Code or violations of an existing or former municipal ordinance, 7419
township resolution, or law of this or any other state or the 7420
United States that is substantially similar to that section; 7421

(2) The mental health of the person; 7422

(3) Whether the person has a history of violating the orders 7423
of any court or governmental entity; 7424

(4) Whether the person is potentially a threat to any other 7425
person; 7426

(5) Whether the person has access to deadly weapons or a 7427
history of using deadly weapons; 7428

(6) Whether the person has a history of abusing alcohol or 7429
any controlled substance; 7430

(7) The severity of the alleged conduct of the person that is 7431
the basis of the offense, including but not limited to, the 7432
duration of the alleged conduct, and whether the alleged conduct 7433
involved physical injury, assault, violence, or forcible entry to 7434
gain access to an alleged victim; 7435

(8) Whether the person has exhibited obsessive or controlling 7436
behaviors toward another person, including, but not limited to, 7437
stalking, surveillance, or isolation of another person; 7438

(9) Whether the person has expressed suicidal or homicidal 7439

ideations; 7440

(10) Any information contained in the complaint and any 7441
police reports, affidavits, or other documents accompanying the 7442
complaint. 7443

(C) Any court that has jurisdiction over charges alleging the 7444
commission of a sexually oriented offense or a violation of 7445
section 2907.09 of the Revised Code, in circumstances in which the 7446
person charged previously was convicted of or pleaded guilty to 7447
any of the offenses or violations described in division (A) of 7448
this section, may set a schedule for bail to be used in cases 7449
involving those offenses and violations. The schedule shall 7450
require that a judge consider all of the factors listed in 7451
division (B) of this section and may require judges to set bail at 7452
a certain level if the history of the alleged offender or the 7453
circumstances of the alleged offense meet certain criteria in the 7454
schedule. 7455

(D)(1) Upon the court's own motion or the motion of a party 7456
and upon any terms that the court may direct, a court may permit a 7457
person who is required to appear before it by division (A) of this 7458
section to appear by video conferencing equipment. 7459

(2) If, in the opinion of the court, the appearance in person 7460
or by video conferencing equipment of a person who is charged with 7461
a misdemeanor and who is required to appear before the court by 7462
division (A) of this section is not practicable, the court may 7463
waive the appearance and release the person on bail in accordance 7464
with the court's schedule for bail set under division (C) of this 7465
section or, if the court has not set a schedule for bail under 7466
that division, on one or both of the following types of bail in an 7467
amount set by the court: 7468

(a) A bail bond secured by a deposit of ten per cent of the 7469
amount of the bond in cash; 7470

(b) A surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of cash, at the option of the person.

(3) Division (A) of this section does not create a right in a person to appear before the court for the setting of bail or prohibit a court from requiring any person charged with a sexually oriented offense or a violation of section 2907.09 of the Revised Code who is not described in that division from appearing before the court for the setting of bail.

(E) As used in this section, "child-victim oriented offense," "child-victim predator," "habitual child-victim offender," "habitual sex offender," "sexually oriented offense," and "sexual predator" have the same meanings as in section 2950.01 of the Revised Code.

Sec. 2913.01. As used in this chapter, unless the context requires that a term be given a different meaning:

(A) "Deception" means knowingly deceiving another or causing another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

(B) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(C) "Deprive" means to do any of the following:

(1) Withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other

consideration; 7501

(2) Dispose of property so as to make it unlikely that the 7502
owner will recover it; 7503

(3) Accept, use, or appropriate money, property, or services, 7504
with purpose not to give proper consideration in return for the 7505
money, property, or services, and without reasonable justification 7506
or excuse for not giving proper consideration. 7507

(D) "Owner" means, unless the context requires a different 7508
meaning, any person, other than the actor, who is the owner of, 7509
who has possession or control of, or who has any license or 7510
interest in property or services, even though the ownership, 7511
possession, control, license, or interest is unlawful. 7512

(E) "Services" include labor, personal services, professional 7513
services, public utility services including wireless service as 7514
defined in division (F)(1) of section 4931.40 of the Revised Code, 7515
common carrier services, and food, drink, transportation, 7516
entertainment, and cable television services and, for purposes of 7517
section 2913.04 of the Revised Code, include cable services as 7518
defined in that section. 7519

(F) "Writing" means any computer software, document, letter, 7520
memorandum, note, paper, plate, data, film, or other thing having 7521
in or upon it any written, typewritten, or printed matter, and any 7522
token, stamp, seal, credit card, badge, trademark, label, or other 7523
symbol of value, right, privilege, license, or identification. 7524

(G) "Forge" means to fabricate or create, in whole or in part 7525
and by any means, any spurious writing, or to make, execute, 7526
alter, complete, reproduce, or otherwise purport to authenticate 7527
any writing, when the writing in fact is not authenticated by that 7528
conduct. 7529

(H) "Utter" means to issue, publish, transfer, use, put or 7530
send into circulation, deliver, or display. 7531

(I) "Coin machine" means any mechanical or electronic device 7532
designed to do both of the following: 7533

(1) Receive a coin, bill, or token made for that purpose; 7534

(2) In return for the insertion or deposit of a coin, bill, 7535
or token, automatically dispense property, provide a service, or 7536
grant a license. 7537

(J) "Slug" means an object that, by virtue of its size, 7538
shape, composition, or other quality, is capable of being inserted 7539
or deposited in a coin machine as an improper substitute for a 7540
genuine coin, bill, or token made for that purpose. 7541

(K) "Theft offense" means any of the following: 7542

(1) A violation of section 2911.01, 2911.02, 2911.11, 7543
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 7544
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 7545
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 7546
2913.47, former section 2913.47 or 2913.48, or section 2913.51, 7547
2915.05, or 2921.41 of the Revised Code; 7548

(2) A violation of an existing or former municipal ordinance 7549
or law of this or any other state, or of the United States, 7550
substantially equivalent to any section listed in division (K)(1) 7551
of this section or a violation of section 2913.41, 2913.81, or 7552
2915.06 of the Revised Code as it existed prior to July 1, 1996; 7553

(3) An offense under an existing or former municipal 7554
ordinance, township resolution, or law of this or any other state, 7555
or of the United States, involving robbery, burglary, breaking and 7556
entering, theft, embezzlement, wrongful conversion, forgery, 7557
counterfeiting, deceit, or fraud; 7558

(4) A conspiracy or attempt to commit, or complicity in 7559
committing, any offense under division (K)(1), (2), or (3) of this 7560
section. 7561

(L) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.

(M) "Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature.

(N) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

(O) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

(P) "Computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data.

(Q) "Computer software" means computer programs, procedures, and other documentation associated with the operation of a computer system.

(R) "Data" means a representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system, or computer network. For purposes of

section 2913.47 of the Revised Code, "data" has the additional 7593
meaning set forth in division (A) of that section. 7594

(S) "Cable television service" means any services provided by 7595
or through the facilities of any cable television system or other 7596
similar closed circuit coaxial cable communications system, or any 7597
microwave or similar transmission service used in connection with 7598
any cable television system or other similar closed circuit 7599
coaxial cable communications system. 7600

(T) "Gain access" means to approach, instruct, communicate 7601
with, store data in, retrieve data from, or otherwise make use of 7602
any resources of a computer, computer system, or computer network, 7603
or any cable service or cable system both as defined in section 7604
2913.04 of the Revised Code. 7605

(U) "Credit card" includes, but is not limited to, a card, 7606
code, device, or other means of access to a customer's account for 7607
the purpose of obtaining money, property, labor, or services on 7608
credit, or for initiating an electronic fund transfer at a 7609
point-of-sale terminal, an automated teller machine, or a cash 7610
dispensing machine. It also includes a county procurement card 7611
issued under section 301.29 of the Revised Code. 7612

(V) "Electronic fund transfer" has the same meaning as in 92 7613
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 7614

(W) "Rented property" means personal property in which the 7615
right of possession and use of the property is for a short and 7616
possibly indeterminate term in return for consideration; the 7617
rentee generally controls the duration of possession of the 7618
property, within any applicable minimum or maximum term; and the 7619
amount of consideration generally is determined by the duration of 7620
possession of the property. 7621

(X) "Telecommunication" means the origination, emission, 7622
dissemination, transmission, or reception of data, images, 7623

signals, sounds, or other intelligence or equivalence of 7624
intelligence of any nature over any communications system by any 7625
method, including, but not limited to, a fiber optic, electronic, 7626
magnetic, optical, digital, or analog method. 7627

(Y) "Telecommunications device" means any instrument, 7628
equipment, machine, or other device that facilitates 7629
telecommunication, including, but not limited to, a computer, 7630
computer network, computer chip, computer circuit, scanner, 7631
telephone, cellular telephone, pager, personal communications 7632
device, transponder, receiver, radio, modem, or device that 7633
enables the use of a modem. 7634

(Z) "Telecommunications service" means the providing, 7635
allowing, facilitating, or generating of any form of 7636
telecommunication through the use of a telecommunications device 7637
over a telecommunications system. 7638

(AA) "Counterfeit telecommunications device" means a 7639
telecommunications device that, alone or with another 7640
telecommunications device, has been altered, constructed, 7641
manufactured, or programmed to acquire, intercept, receive, or 7642
otherwise facilitate the use of a telecommunications service or 7643
information service without the authority or consent of the 7644
provider of the telecommunications service or information service. 7645
"Counterfeit telecommunications device" includes, but is not 7646
limited to, a clone telephone, clone microchip, tumbler telephone, 7647
or tumbler microchip; a wireless scanning device capable of 7648
acquiring, intercepting, receiving, or otherwise facilitating the 7649
use of telecommunications service or information service without 7650
immediate detection; or a device, equipment, hardware, or software 7651
designed for, or capable of, altering or changing the electronic 7652
serial number in a wireless telephone. 7653

(BB)(1) "Information service" means, subject to division 7654
(BB)(2) of this section, the offering of a capability for 7655

generating, acquiring, storing, transforming, processing, 7656
retrieving, utilizing, or making available information via 7657
telecommunications, including, but not limited to, electronic 7658
publishing. 7659

(2) "Information service" does not include any use of a 7660
capability of a type described in division (BB)(1) of this section 7661
for the management, control, or operation of a telecommunications 7662
system or the management of a telecommunications service. 7663

(CC) "Elderly person" means a person who is sixty-five years 7664
of age or older. 7665

(DD) "Disabled adult" means a person who is eighteen years of 7666
age or older and has some impairment of body or mind that makes 7667
the person unable to work at any substantially remunerative 7668
employment that the person otherwise would be able to perform and 7669
that will, with reasonable probability, continue for a period of 7670
at least twelve months without any present indication of recovery 7671
from the impairment, or who is eighteen years of age or older and 7672
has been certified as permanently and totally disabled by an 7673
agency of this state or the United States that has the function of 7674
so classifying persons. 7675

(EE) "Firearm" and "dangerous ordnance" have the same 7676
meanings as in section 2923.11 of the Revised Code. 7677

(FF) "Motor vehicle" has the same meaning as in section 7678
4501.01 of the Revised Code. 7679

(GG) "Dangerous drug" has the same meaning as in section 7680
4729.01 of the Revised Code. 7681

(HH) "Drug abuse offense" has the same meaning as in section 7682
2925.01 of the Revised Code. 7683

(II)(1) "Computer hacking" means any of the following: 7684

(a) Gaining access or attempting to gain access to all or 7685

part of a computer, computer system, or a computer network without 7686
express or implied authorization with the intent to defraud or 7687
with intent to commit a crime; 7688

(b) Misusing computer or network services including, but not 7689
limited to, mail transfer programs, file transfer programs, proxy 7690
servers, and web servers by performing functions not authorized by 7691
the owner of the computer, computer system, or computer network or 7692
other person authorized to give consent. As used in this division, 7693
"misuse of computer and network services" includes, but is not 7694
limited to, the unauthorized use of any of the following: 7695

(i) Mail transfer programs to send mail to persons other than 7696
the authorized users of that computer or computer network; 7697

(ii) File transfer program proxy services or proxy servers to 7698
access other computers, computer systems, or computer networks; 7699

(iii) Web servers to redirect users to other web pages or web 7700
servers. 7701

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 7702
using a group of computer programs commonly known as "port 7703
scanners" or "probes" to intentionally access any computer, 7704
computer system, or computer network without the permission of the 7705
owner of the computer, computer system, or computer network or 7706
other person authorized to give consent. The group of computer 7707
programs referred to in this division includes, but is not limited 7708
to, those computer programs that use a computer network to access 7709
a computer, computer system, or another computer network to 7710
determine any of the following: the presence or types of computers 7711
or computer systems on a network; the computer network's 7712
facilities and capabilities; the availability of computer or 7713
network services; the presence or versions of computer software 7714
including, but not limited to, operating systems, computer 7715
services, or computer contaminants; the presence of a known 7716

computer software deficiency that can be used to gain unauthorized 7717
access to a computer, computer system, or computer network; or any 7718
other information about a computer, computer system, or computer 7719
network not necessary for the normal and lawful operation of the 7720
computer initiating the access. 7721

(ii) The group of computer programs referred to in division 7722
(II)(1)(c)(i) of this section does not include standard computer 7723
software used for the normal operation, administration, 7724
management, and test of a computer, computer system, or computer 7725
network including, but not limited to, domain name services, mail 7726
transfer services, and other operating system services, computer 7727
programs commonly called "ping," "tcpdump," and "traceroute" and 7728
other network monitoring and management computer software, and 7729
computer programs commonly known as "nslookup" and "whois" and 7730
other systems administration computer software. 7731

(d) The intentional use of a computer, computer system, or a 7732
computer network in a manner that exceeds any right or permission 7733
granted by the owner of the computer, computer system, or computer 7734
network or other person authorized to give consent. 7735

(2) "Computer hacking" does not include the introduction of a 7736
computer contaminant, as defined in section 2909.02 of the Revised 7737
Code, into a computer, computer system, computer program, or 7738
computer network. 7739

(JJ) "Police dog or horse" has the same meaning as in section 7740
2921.321 of the Revised Code. 7741

(KK) "Anhydrous ammonia" is a compound formed by the 7742
combination of two gaseous elements, nitrogen and hydrogen, in the 7743
manner described in this division. Anhydrous ammonia is one part 7744
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 7745
weight is fourteen parts nitrogen to three parts hydrogen, which 7746
is approximately eighty-two per cent nitrogen to eighteen per cent 7747

hydrogen.	7748
(LL) "Assistance dog" has the same meaning as in section 955.011 of the Revised Code.	7749 7750
(MM) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.	7751 7752
Sec. 2915.01. As used in this chapter:	7753
(A) "Bookmaking" means the business of receiving or paying off bets.	7754 7755
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	7756 7757 7758
(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.	7759 7760 7761 7762 7763
(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.	7764 7765 7766 7767
(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.	7768 7769 7770
(F) "Gambling device" means any of the following:	7771
(1) A book, totalizer, or other equipment for recording bets;	7772
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	7773 7774
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a	7775 7776

game of chance; 7777

(4) Any equipment, device, apparatus, or paraphernalia 7778
specially designed for gambling purposes; 7779

(5) Bingo supplies sold or otherwise provided, or used, in 7780
violation of this chapter. 7781

(G) "Gambling offense" means any of the following: 7782

(1) A violation of section 2915.02, 2915.03, 2915.04, 7783
2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 7784
2915.092, 2915.10, or 2915.11 of the Revised Code; 7785

(2) A violation of an existing or former municipal ordinance, 7786
township resolution, or law of this or any other state or the 7787
United States substantially equivalent to any section listed in 7788
division (G)(1) of this section or a violation of section 2915.06 7789
of the Revised Code as it existed prior to July 1, 1996; 7790

(3) An offense under an existing or former municipal 7791
ordinance, township resolution, or law of this or any other state 7792
or the United States, of which gambling is an element; 7793

(4) A conspiracy or attempt to commit, or complicity in 7794
committing, any offense under division (G)(1), (2), or (3) of this 7795
section. 7796

(H) Except as otherwise provided in this chapter, "charitable 7797
organization" means any tax exempt religious, educational, 7798
veteran's, fraternal, sporting, service, nonprofit medical, 7799
volunteer rescue service, volunteer firefighter's, senior 7800
citizen's, historic railroad educational, youth athletic, amateur 7801
athletic, or youth athletic park organization. An organization is 7802
tax exempt if the organization is, and has received from the 7803
internal revenue service a determination letter that currently is 7804
in effect stating that the organization is, exempt from federal 7805
income taxation under subsection 501(a) and described in 7806

subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 7807
501(c)(19) of the Internal Revenue Code, or if the organization is 7808
a sporting organization that is exempt from federal income 7809
taxation under subsection 501(a) and is described in subsection 7810
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 7811
organization, an organization, except a volunteer rescue service 7812
or volunteer ~~fire fighter's~~ firefighter's organization, shall have 7813
been in continuous existence as such in this state for a period of 7814
two years immediately preceding either the making of an 7815
application for a bingo license under section 2915.08 of the 7816
Revised Code or the conducting of any game of chance as provided 7817
in division (D) of section 2915.02 of the Revised Code. A 7818
charitable organization that is exempt from federal income 7819
taxation under subsection 501(a) and described in subsection 7820
501(c)(3) of the Internal Revenue Code and that is created by a 7821
veteran's organization, a fraternal organization, or a sporting 7822
organization does not have to have been in continuous existence as 7823
such in this state for a period of two years immediately preceding 7824
either the making of an application for a bingo license under 7825
section 2915.08 of the Revised Code or the conducting of any game 7826
of chance as provided in division (D) of section 2915.02 of the 7827
Revised Code. 7828

(I) "Religious organization" means any church, body of 7829
communicants, or group that is not organized or operated for 7830
profit and that gathers in common membership for regular worship 7831
and religious observances. 7832

(J) "Educational organization" means any organization within 7833
this state that is not organized for profit, the primary purpose 7834
of which is to educate and develop the capabilities of individuals 7835
through instruction by means of operating or contributing to the 7836
support of a school, academy, college, or university. 7837

(K) "Veteran's organization" means any individual post or 7838

state headquarters of a national veteran's association or an 7839
auxiliary unit of any individual post of a national veteran's 7840
association, which post, state headquarters, or auxiliary unit has 7841
been in continuous existence in this state for at least two years 7842
and incorporated as a nonprofit corporation and either has 7843
received a letter from the state headquarters of the national 7844
veteran's association indicating that the individual post or 7845
auxiliary unit is in good standing with the national veteran's 7846
association or has received a letter from the national veteran's 7847
association indicating that the state headquarters is in good 7848
standing with the national veteran's association. As used in this 7849
division, "national veteran's association" means any veteran's 7850
association that has been in continuous existence as such for a 7851
period of at least five years and either is incorporated by an act 7852
of the United States congress or has a national dues-paying 7853
membership of at least five thousand persons. 7854

(L) "Volunteer firefighter's organization" means any 7855
organization of volunteer firefighters, as defined in section 7856
146.01 of the Revised Code, that is organized and operated 7857
exclusively to provide financial support for a volunteer fire 7858
department or a volunteer fire company and that is recognized or 7859
ratified by a county, municipal corporation, or township. 7860

(M) "Fraternal organization" means any society, order, state 7861
headquarters, or association within this state, except a college 7862
or high school fraternity, that is not organized for profit, that 7863
is a branch, lodge, or chapter of a national or state 7864
organization, that exists exclusively for the common business or 7865
sodality of its members, and that has been in continuous existence 7866
in this state for a period of five years. 7867

(N) "Volunteer rescue service organization" means any 7868
organization of volunteers organized to function as an emergency 7869
medical service organization, as defined in section 4765.01 of the 7870

Revised Code. 7871

(O) "Service organization" means either of the following: 7872

(1) Any organization, not organized for profit, that is 7873
organized and operated exclusively to provide, or to contribute to 7874
the support of organizations or institutions organized and 7875
operated exclusively to provide, medical and therapeutic services 7876
for persons who are crippled, born with birth defects, or have any 7877
other mental or physical defect or those organized and operated 7878
exclusively to protect, or to contribute to the support of 7879
organizations or institutions organized and operated exclusively 7880
to protect, animals from inhumane treatment or provide immediate 7881
shelter to victims of domestic violence; 7882

(2) Any organization that is described in subsection 7883
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 7884
and is either a governmental unit or an organization that is tax 7885
exempt under subsection 501(a) and described in subsection 7886
501(c)(3) of the Internal Revenue Code and that is an 7887
organization, not organized for profit, that is organized and 7888
operated primarily to provide, or to contribute to the support of 7889
organizations or institutions organized and operated primarily to 7890
provide, medical and therapeutic services for persons who are 7891
crippled, born with birth defects, or have any other mental or 7892
physical defect. 7893

(P) "Nonprofit medical organization" means either of the 7894
following: 7895

(1) Any organization that has been incorporated as a 7896
nonprofit corporation for at least five years and that has 7897
continuously operated and will be operated exclusively to provide, 7898
or to contribute to the support of organizations or institutions 7899
organized and operated exclusively to provide, hospital, medical, 7900
research, or therapeutic services for the public; 7901

(2) Any organization that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code, that has been incorporated as a nonprofit corporation for at least five years, and that has continuously operated and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, hospital, medical, research, or therapeutic services for the public.

(Q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(R) "Charitable bingo game" means any bingo game described in division (S)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(S) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters 7933
and numbers that appear on objects that a bingo game operator 7934
selects by chance, either manually or mechanically, from a 7935
receptacle that contains seventy-five objects at the beginning of 7936
each game, each object marked by a different combination of a 7937
letter and a number that corresponds to one of the seventy-five 7938
possible combinations of a letter and a number that can appear on 7939
the bingo cards or sheets. 7940

(d) The winner of the bingo game includes any participant who 7941
properly announces during the interval between the announcements 7942
of letters and numbers as described in division (S)(1)(c) of this 7943
section, that a predetermined and preannounced pattern of spaces 7944
has been covered on a bingo card or sheet being used by the 7945
participant. 7946

(2) Instant bingo, punch boards, and raffles. 7947

(T) "Conduct" means to back, promote, organize, manage, carry 7948
on, sponsor, or prepare for the operation of bingo or a game of 7949
chance. 7950

(U) "Bingo game operator" means any person, except security 7951
personnel, who performs work or labor at the site of bingo, 7952
including, but not limited to, collecting money from participants, 7953
handing out bingo cards or sheets or objects to cover spaces on 7954
bingo cards or sheets, selecting from a receptacle the objects 7955
that contain the combination of letters and numbers that appear on 7956
bingo cards or sheets, calling out the combinations of letters and 7957
numbers, distributing prizes, selling or redeeming instant bingo 7958
tickets or cards, supervising the operation of a punch board, 7959
selling raffle tickets, selecting raffle tickets from a receptacle 7960
and announcing the winning numbers in a raffle, and preparing, 7961
selling, and serving food or beverages. 7962

(V) "Participant" means any person who plays bingo. 7963

(W) "Bingo session" means a period that includes both of the following: 7964
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(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards; 7966
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(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section. 7969
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(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply: 7972
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(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo. 7980
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(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage. 7983
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(3) The food and beverages are sold at customary and reasonable prices. 7986
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(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted. 7988
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(Z) "Charitable purpose" means that the net profit of bingo, 7995
other than instant bingo, is used by, or is given, donated, or 7996
otherwise transferred to, any of the following: 7997

(1) Any organization that is described in subsection 7998
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 7999
and is either a governmental unit or an organization that is tax 8000
exempt under subsection 501(a) and described in subsection 8001
501(c)(3) of the Internal Revenue Code; 8002

(2) A veteran's organization that is a post, chapter, or 8003
organization of veterans, or an auxiliary unit or society of, or a 8004
trust or foundation for, any such post, chapter, or organization 8005
organized in the United States or any of its possessions, at least 8006
seventy-five per cent of the members of which are veterans and 8007
substantially all of the other members of which are individuals 8008
who are spouses, widows, or widowers of veterans, or such 8009
individuals, provided that no part of the net earnings of such 8010
post, chapter, or organization inures to the benefit of any 8011
private shareholder or individual, and further provided that the 8012
net profit is used by the post, chapter, or organization for the 8013
charitable purposes set forth in division (B)(12) of section 8014
5739.02 of the Revised Code, is used for awarding scholarships to 8015
or for attendance at an institution mentioned in division (B)(12) 8016
of section 5739.02 of the Revised Code, is donated to a 8017
governmental agency, or is used for nonprofit youth activities, 8018
the purchase of United States or Ohio flags that are donated to 8019
schools, youth groups, or other bona fide nonprofit organizations, 8020
promotion of patriotism, or disaster relief; 8021

(3) A fraternal organization that has been in continuous 8022
existence in this state for fifteen years and that uses the net 8023
profit exclusively for religious, charitable, scientific, 8024
literary, or educational purposes, or for the prevention of 8025
cruelty to children or animals, if contributions for such use 8026

would qualify as a deductible charitable contribution under 8027
subsection 170 of the Internal Revenue Code; 8028

(4) A volunteer firefighter's organization that uses the net 8029
profit for the purposes set forth in division (L) of this section. 8030

(AA) "Internal Revenue Code" means the "Internal Revenue Code 8031
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 8032
amended. 8033

(BB) "Youth athletic organization" means any organization, 8034
not organized for profit, that is organized and operated 8035
exclusively to provide financial support to, or to operate, 8036
athletic activities for persons who are twenty-one years of age or 8037
younger by means of sponsoring, organizing, operating, or 8038
contributing to the support of an athletic team, club, league, or 8039
association. 8040

(CC) "Youth athletic park organization" means any 8041
organization, not organized for profit, that satisfies both of the 8042
following: 8043

(1) It owns, operates, and maintains playing fields that 8044
satisfy both of the following: 8045

(a) The playing fields are used at least one hundred days per 8046
year for athletic activities by one or more organizations, not 8047
organized for profit, each of which is organized and operated 8048
exclusively to provide financial support to, or to operate, 8049
athletic activities for persons who are eighteen years of age or 8050
younger by means of sponsoring, organizing, operating, or 8051
contributing to the support of an athletic team, club, league, or 8052
association. 8053

(b) The playing fields are not used for any profit-making 8054
activity at any time during the year. 8055

(2) It uses the proceeds of bingo it conducts exclusively for 8056

the operation, maintenance, and improvement of its playing fields 8057
of the type described in division (CC)(1) of this section. 8058

(DD) "Amateur athletic organization" means any organization, 8059
not organized for profit, that is organized and operated 8060
exclusively to provide financial support to, or to operate, 8061
athletic activities for persons who are training for amateur 8062
athletic competition that is sanctioned by a national governing 8063
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 8064
3045, 36 U.S.C.A. 373. 8065

(EE) "Bingo supplies" means bingo cards or sheets; instant 8066
bingo tickets or cards; electronic bingo aids; raffle tickets; 8067
punch boards; seal cards; instant bingo ticket dispensers; and 8068
devices for selecting or displaying the combination of bingo 8069
letters and numbers or raffle tickets. Items that are "bingo 8070
supplies" are not gambling devices if sold or otherwise provided, 8071
and used, in accordance with this chapter. For purposes of this 8072
chapter, "bingo supplies" are not to be considered equipment used 8073
to conduct a bingo game. 8074

(FF) "Instant bingo" means a form of bingo that uses folded 8075
or banded tickets or paper cards with perforated break-open tabs, 8076
a face of which is covered or otherwise hidden from view to 8077
conceal a number, letter, or symbol, or set of numbers, letters, 8078
or symbols, some of which have been designated in advance as prize 8079
winners. "Instant bingo" includes seal cards. "Instant bingo" does 8080
not include any device that is activated by the insertion of a 8081
coin, currency, token, or an equivalent, and that contains as one 8082
of its components a video display monitor that is capable of 8083
displaying numbers, letters, symbols, or characters in winning or 8084
losing combinations. 8085

(GG) "Seal card" means a form of instant bingo that uses 8086
instant bingo tickets in conjunction with a board or placard that 8087
contains one or more seals that, when removed or opened, reveal 8088

predesignated winning numbers, letters, or symbols. 8089

(HH) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. 8090
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(II) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number. 8096
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(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards. 8105
8106

(KK) "Net profit" means gross profit minus expenses. 8107

(LL) "Expenses" means the reasonable amount of gross profit actually expended for all of the following: 8108
8109

(1) The purchase or lease of bingo supplies; 8110

(2) The annual license fee required under section 2915.08 of the Revised Code; 8111
8112

(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code; 8113
8114

(4) Audits and accounting services; 8115

(5) Safes; 8116

(6) Cash registers; 8117

(7) Hiring security personnel;	8118
(8) Advertising bingo;	8119
(9) Renting premises in which to conduct a bingo session;	8120
(10) Tables and chairs;	8121
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	8122 8123 8124 8125
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	8126 8127 8128 8129
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	8130 8131 8132
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	8133 8134 8135 8136
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	8137 8138 8139 8140
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	8141 8142
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	8143 8144 8145
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this	8146 8147

state. 8148

(QQ) "Manufacturer" means any person who assembles completed 8149
bingo supplies from raw materials, other items, or subparts or who 8150
modifies, converts, adds to, or removes parts from bingo supplies 8151
to further their promotion or sale. 8152

(RR) "Gross annual revenues" means the annual gross receipts 8153
derived from the conduct of bingo described in division (S)(1) of 8154
this section plus the annual net profit derived from the conduct 8155
of bingo described in division (S)(2) of this section. 8156

(SS) "Instant bingo ticket dispenser" means a mechanical 8157
device that dispenses an instant bingo ticket or card as the sole 8158
item of value dispensed and that has the following 8159
characteristics: 8160

(1) It is activated upon the insertion of United States 8161
currency. 8162

(2) It performs no gaming functions. 8163

(3) It does not contain a video display monitor or generate 8164
noise. 8165

(4) It is not capable of displaying any numbers, letters, 8166
symbols, or characters in winning or losing combinations. 8167

(5) It does not simulate or display rolling or spinning 8168
reels. 8169

(6) It is incapable of determining whether a dispensed bingo 8170
ticket or card is a winning or nonwinning ticket or card and 8171
requires a winning ticket or card to be paid by a bingo game 8172
operator. 8173

(7) It may provide accounting and security features to aid in 8174
accounting for the instant bingo tickets or cards it dispenses. 8175

(8) It is not part of an electronic network and is not 8176
interactive. 8177

(TT)(1) "Electronic bingo aid" means an electronic device 8178
used by a participant to monitor bingo cards or sheets purchased 8179
at the time and place of a bingo session and that does all of the 8180
following: 8181

(a) It provides a means for a participant to input numbers 8182
and letters announced by a bingo caller. 8183

(b) It compares the numbers and letters entered by the 8184
participant to the bingo faces previously stored in the memory of 8185
the device. 8186

(c) It identifies a winning bingo pattern. 8187

(2) "Electronic bingo aid" does not include any device into 8188
which a coin, currency, token, or an equivalent is inserted to 8189
activate play. 8190

(UU) "Deal of instant bingo tickets" means a single game of 8191
instant bingo tickets all with the same serial number. 8192

(VV)(1) "Slot machine" ~~machine~~ means either of the following: 8193

(a) Any mechanical, electronic, video, or digital device that 8194
is capable of accepting anything of value, directly or indirectly, 8195
from or on behalf of a player who gives the thing of value in the 8196
hope of gain, the outcome of which is determined largely or wholly 8197
by chance; 8198

(b) Any mechanical, electronic, video, or digital device that 8199
is capable of accepting anything of value, directly or indirectly, 8200
from or on behalf of a player to conduct or dispense bingo or a 8201
scheme or game of chance. 8202

(2) "Slot machine" does not include a skill-based amusement 8203
machine. 8204

(WW) "Net profit from the proceeds of the sale of instant 8205
bingo" means gross profit minus the ordinary, necessary, and 8206
reasonable expense expended for the purchase of instant bingo 8207

supplies. 8208

(XX) "Charitable instant bingo organization" means an 8209
organization that is exempt from federal income taxation under 8210
subsection 501(a) and described in subsection 501(c)(3) of the 8211
Internal Revenue Code and is a charitable organization as defined 8212
in this section. A "charitable instant bingo organization" does 8213
not include a charitable organization that is exempt from federal 8214
income taxation under subsection 501(a) and described in 8215
subsection 501(c)(3) of the Internal Revenue Code and that is 8216
created by a veteran's organization, a fraternal organization, or 8217
a sporting organization in regards to bingo conducted or assisted 8218
by a veteran's organization, a fraternal organization, or a 8219
sporting organization pursuant to section 2915.13 of the Revised 8220
Code. 8221

(YY) "Game flare" means the board or placard that accompanies 8222
each deal of instant bingo tickets and that has printed on or 8223
affixed to it the following information for the game: 8224

(1) The name of the game; 8225

(2) The manufacturer's name or distinctive logo; 8226

(3) The form number; 8227

(4) The ticket count; 8228

(5) The prize structure, including the number of winning 8229
instant bingo tickets by denomination and the respective winning 8230
symbol or number combinations for the winning instant bingo 8231
tickets; 8232

(6) The cost per play; 8233

(7) The serial number of the game. 8234

(ZZ) "Historic railroad educational organization" means an 8235
organization that is exempt from federal income taxation under 8236
subsection 501(a) and described in subsection 501(c)(3) of the 8237

Internal Revenue Code, that owns in fee simple the tracks and the 8238
right of way of a historic railroad that the organization restores 8239
or maintains and on which the organization provides excursions as 8240
part of a program to promote tourism and educate visitors 8241
regarding the role of railroad transportation in Ohio history, and 8242
that received as donations from a charitable organization that 8243
holds a license to conduct bingo under this chapter an amount 8244
equal to at least fifty per cent of that licensed charitable 8245
organization's net proceeds from the conduct of bingo during each 8246
of the five years preceding June 30, 2003. "Historic railroad" 8247
means all or a portion of the tracks and right-of-way of a 8248
railroad that was owned and operated by a for-profit common 8249
carrier in this state at any time prior to January 1, 1950. 8250

(AAA)(1) "Skill-based amusement machine" means a skill-based 8251
amusement device, such as a mechanical, electronic, video, or 8252
digital device, or machine, whether or not the skill-based 8253
amusement machine requires payment for use through a coin or bill 8254
validator or other payment of consideration or value to 8255
participate in the machine's offering or to activate the machine, 8256
provided that all of the following apply: 8257

(a) The machine involves a task, game, play, contest, 8258
competition, or tournament in which the player actively 8259
participates in the task, game, play, contest, competition, or 8260
tournament. 8261

(b) The outcome of an individual's play and participation is 8262
not determined largely or wholly by chance. 8263

(c) The outcome of play during a game is not controlled by a 8264
person not actively participating in the game. 8265

(2) All of the following apply to any machine that is 8266
operated as described in division (AAA)(1) of this section: 8267

(a) As used in this section, "task," "game," and "play" mean 8268

one event from the initial activation of the machine until the 8269
results of play are determined without payment of additional 8270
consideration. An individual utilizing a machine that involves a 8271
single task, game, play, contest, competition, or tournament may 8272
be awarded prizes based on the results of play. 8273

(b) Advance play for a single task, game, play, contest, 8274
competition, or tournament participation may be purchased. The 8275
cost of the contest, competition, or tournament participation may 8276
be greater than a single non-contest, competition, or tournament 8277
play. 8278

(c) To the extent that the machine is used in a contest, 8279
competition, or tournament, that contest, competition, or 8280
tournament has a defined starting and ending date and is open to 8281
participants in competition for scoring and ranking results toward 8282
the awarding of prizes that are stated prior to the start of the 8283
contest, competition, or tournament. 8284

(BBB) "Pool not conducted for profit" means a scheme in which 8285
a participant gives a valuable consideration for a chance to win a 8286
prize and the total amount of consideration wagered is distributed 8287
to a participant or participants. 8288

(CCC) "Sporting organization" means a hunting, fishing, or 8289
trapping organization, other than a college or high school 8290
fraternity or sorority, that is not organized for profit, that is 8291
affiliated with a state or national sporting organization, 8292
including but not limited to, the Ohio ~~League~~ league of sportsmen, 8293
and that has been in continuous existence in this state for a 8294
period of three years. 8295

(DDD) "Community action agency" has the same meaning as in 8296
section 122.66 of the Revised Code. 8297

Sec. 2917.11. (A) No person shall recklessly cause 8298

inconvenience, annoyance, or alarm to another by doing any of the following: 8299
8300

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior; 8301
8302

(2) Making unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person; 8303
8304
8305

(3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response; 8306
8307
8308

(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender; 8309
8310
8311
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(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender. 8314
8315
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8317

(B) No person, while voluntarily intoxicated, shall do either of the following: 8318
8319

(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others; 8320
8321
8322
8323
8324
8325

(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another. 8326
8327
8328

(C) Violation of any statute ~~or~~, ordinance, or resolution of 8329
which an element is operating a motor vehicle, locomotive, 8330
watercraft, aircraft, or other vehicle while under the influence 8331
of alcohol or any drug of abuse, is not a violation of division 8332
(B) of this section. 8333

(D) If a person appears to an ordinary observer to be 8334
intoxicated, it is probable cause to believe that person is 8335
voluntarily intoxicated for purposes of division (B) of this 8336
section. 8337

(E)(1) Whoever violates this section is guilty of disorderly 8338
conduct. 8339

(2) Except as otherwise provided in division (E)(3) of this 8340
section, disorderly conduct is a minor misdemeanor. 8341

(3) Disorderly conduct is a misdemeanor of the fourth degree 8342
if any of the following applies: 8343

(a) The offender persists in disorderly conduct after 8344
reasonable warning or request to desist. 8345

(b) The offense is committed in the vicinity of a school or 8346
in a school safety zone. 8347

(c) The offense is committed in the presence of any law 8348
enforcement officer, firefighter, rescuer, medical person, 8349
emergency medical services person, or other authorized person who 8350
is engaged in the person's duties at the scene of a fire, 8351
accident, disaster, riot, or emergency of any kind. 8352

(d) The offense is committed in the presence of any emergency 8353
facility person who is engaged in the person's duties in an 8354
emergency facility. 8355

(F) As used in this section: 8356

(1) "Emergency medical services person" is the singular of 8357
"emergency medical services personnel" as defined in section 8358

2133.21 of the Revised Code. 8359

(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code. 8360
8361
8362

(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code. 8363
8364

(4) "Committed in the vicinity of a school" has the same meaning as in section 2925.01 of the Revised Code. 8365
8366

Sec. 2917.41. (A) No person shall evade the payment of the known fares of a public transportation system. 8367
8368

(B) No person shall alter any transfer, pass, ticket, or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system. 8369
8370
8371

(C) No person shall do any of the following while in any facility or on any vehicle of a public transportation system: 8372
8373

(1) Play sound equipment without the proper use of a private earphone; 8374
8375

(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited; 8376
8377

(3) Expectorate upon a person, facility, or vehicle. 8378

(D) No person shall write, deface, draw, or otherwise mark on any facility or vehicle of a public transportation system. 8379
8380

(E) No person shall fail to comply with a lawful order of a public transportation system police officer, and no person shall resist, obstruct, or abuse a public transportation police officer in the performance of the officer's duties. 8381
8382
8383
8384

(F) Whoever violates this section is guilty of misconduct involving a public transportation system. 8385
8386

(1) Violation of division (A), (B), or (E) of this section is 8387
a misdemeanor of the fourth degree. 8388

(2) Violation of division (C) of this section is a minor 8389
misdemeanor on a first offense. If a person previously has been 8390
convicted of or pleaded guilty to a violation of any division of 8391
this section or of a municipal ordinance or township resolution 8392
that is substantially similar to any division of this section, 8393
violation of division (C) of this section is a misdemeanor of the 8394
fourth degree. 8395

(3) Violation of division (D) of this section is a 8396
misdemeanor of the third degree. 8397

(G) Notwithstanding any other provision of law, seventy-five 8398
per cent of each fine paid to satisfy a sentence imposed for a 8399
violation of this section shall be deposited into the treasury of 8400
the county in which the violation occurred and twenty-five per 8401
cent shall be deposited with the county transit board, regional 8402
transit authority, or regional transit commission that operates 8403
the public transportation system involved in the violation, unless 8404
the board of county commissioners operates the public 8405
transportation system, in which case one hundred per cent of each 8406
fine shall be deposited into the treasury of the county. 8407

(H) As used in this section, "public transportation system" 8408
means a county transit system operated in accordance with sections 8409
306.01 to 306.13 of the Revised Code, a regional transit authority 8410
operated in accordance with sections 306.30 to 306.71 of the 8411
Revised Code, or a regional transit commission operated in 8412
accordance with sections 306.80 to 306.90 of the Revised Code. 8413

Sec. 2919.25. (A) No person shall knowingly cause or attempt 8414
to cause physical harm to a family or household member. 8415

(B) No person shall recklessly cause serious physical harm to 8416

a family or household member. 8417

(C) No person, by threat of force, shall knowingly cause a 8418
family or household member to believe that the offender will cause 8419
imminent physical harm to the family or household member. 8420

(D)(1) Whoever violates this section is guilty of domestic 8421
violence. 8422

(2) Except as otherwise provided in division (D)(3) or (4) of 8423
this section, a violation of division (C) of this section is a 8424
misdemeanor of the fourth degree, and a violation of division (A) 8425
or (B) of this section is a misdemeanor of the first degree. 8426

(3) Except as otherwise provided in division (D)(4) of this 8427
section, if the offender previously has pleaded guilty to or been 8428
convicted of domestic violence, a violation of an existing or 8429
former municipal ordinance, township resolution, or law of this or 8430
any other state or the United States that is substantially similar 8431
to domestic violence, a violation of section 2903.14, 2909.06, 8432
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the 8433
victim of the violation was a family or household member at the 8434
time of the violation, a violation of an existing or former 8435
municipal ordinance, township resolution, or law of this or any 8436
other state or the United States that is substantially similar to 8437
any of those sections if the victim of the violation was a family 8438
or household member at the time of the commission of the 8439
violation, or any offense of violence if the victim of the offense 8440
was a family or household member at the time of the commission of 8441
the offense, a violation of division (A) or (B) of this section is 8442
a felony of the fourth degree, and a violation of division (C) of 8443
this section is a misdemeanor of the second degree. 8444

(4) If the offender previously has pleaded guilty to or been 8445
convicted of two or more offenses of domestic violence or two or 8446
more violations or offenses of the type described in division 8447

(D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony of the third degree, and a violation of division (C) of this section is a misdemeanor of the first degree.

(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 or township resolution 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 8478
prior to the date of the alleged commission of the act in 8479
question. 8480

Sec. 2919.251. (A) Subject to division (D) of this section, a 8481
person who is charged with the commission of any offense of 8482
violence shall appear before the court for the setting of bail if 8483
the alleged victim of the offense charged was a family or 8484
household member at the time of the offense and if any of the 8485
following applies: 8486

(1) The person charged, at the time of the alleged offense, 8487
was subject to the terms of a protection order issued or consent 8488
agreement approved pursuant to section 2919.26 or 3113.31 of the 8489
Revised Code or previously was convicted of or pleaded guilty to a 8490
violation of section 2919.25 of the Revised Code or a violation of 8491
section 2919.27 of the Revised Code involving a protection order 8492
or consent agreement of that type, a violation of an existing or 8493
former municipal ordinance, township resolution, or law of this or 8494
any other state or the United States that is substantially similar 8495
to either section, a violation of section 2909.06, 2909.07, 8496
2911.12, or 2911.211 of the Revised Code if the victim of the 8497
violation was a family or household member at the time of the 8498
violation, a violation of an existing or former municipal 8499
ordinance, township resolution, or law of this or any other state 8500
or the United States that is substantially similar to any of those 8501
sections if the victim of the violation was a family or household 8502
member at the time of the commission of the violation, or any 8503
offense of violence if the victim of the offense was a family or 8504
household member at the time of the offense; 8505

(2) The arresting officer indicates in a police report or 8506
other document accompanying the complaint any of the following: 8507

(a) That the arresting officer observed on the alleged victim 8508

objective manifestations of physical harm that the arresting officer reasonably believes are a result of the alleged offense;

(b) That the arresting officer reasonably believes that the person had on the person's person at the time of the alleged offense a deadly weapon or dangerous ordnance;

(c) That the arresting officer reasonably believes that the person presents a credible threat of serious physical harm to the alleged victim or to any other person if released on bail before trial.

(B) To the extent that information about any of the following is available to the court, the court shall consider all of the following, in addition to any other circumstances considered by the court and notwithstanding any provisions to the contrary contained in Criminal Rule 46, before setting bail for a person who appears before the court pursuant to division (A) of this section:

(1) Whether the person has a history of domestic violence or a history of other violent acts;

(2) The mental health of the person;

(3) Whether the person has a history of violating the orders of any court or governmental entity;

(4) Whether the person is potentially a threat to any other person;

(5) Whether the person has access to deadly weapons or a history of using deadly weapons;

(6) Whether the person has a history of abusing alcohol or any controlled substance;

(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident

involved serious physical injury, sexual assault, strangulation, 8539
abuse during the alleged victim's pregnancy, abuse of pets, or 8540
forcible entry to gain access to the alleged victim; 8541

(8) Whether a separation of the person from the alleged 8542
victim or a termination of the relationship between the person and 8543
the alleged victim has recently occurred or is pending; 8544

(9) Whether the person has exhibited obsessive or controlling 8545
behaviors toward the alleged victim, including but not limited to, 8546
stalking, surveillance, or isolation of the alleged victim; 8547

(10) Whether the person has expressed suicidal or homicidal 8548
ideations; 8549

(11) Any information contained in the complaint and any 8550
police reports, affidavits, or other documents accompanying the 8551
complaint. 8552

(C) Any court that has jurisdiction over charges alleging the 8553
commission of an offense of violence in circumstances in which the 8554
alleged victim of the offense was a family or household member at 8555
the time of the offense may set a schedule for bail to be used in 8556
cases involving those offenses. The schedule shall require that a 8557
judge consider all of the factors listed in division (B) of this 8558
section and may require judges to set bail at a certain level if 8559
the history of the alleged offender or the circumstances of the 8560
alleged offense meet certain criteria in the schedule. 8561

(D)(1) Upon the court's own motion or the motion of a party 8562
and upon any terms that the court may direct, a court may permit a 8563
person who is required to appear before it by division (A) of this 8564
section to appear by video conferencing equipment. 8565

(2) If in the opinion of the court the appearance in person 8566
or by video conferencing equipment of a person who is charged with 8567
a misdemeanor and who is required to appear before the court by 8568
division (A) of this section is not practicable, the court may 8569

waive the appearance and release the person on bail in accordance 8570
with the court's schedule for bail set under division (C) of this 8571
section or, if the court has not set a schedule for bail under 8572
that division, on one or both of the following types of bail in an 8573
amount set by the court: 8574

(a) A bail bond secured by a deposit of ten per cent of the 8575
amount of the bond in cash; 8576

(b) A surety bond, a bond secured by real estate or 8577
securities as allowed by law, or the deposit of cash, at the 8578
option of the person. 8579

(3) Division (A) of this section does not create a right in a 8580
person to appear before the court for the setting of bail or 8581
prohibit a court from requiring any person charged with an offense 8582
of violence who is not described in that division from appearing 8583
before the court for the setting of bail. 8584

(E) As used in this section: 8585

(1) "Controlled substance" has the same meaning as in section 8586
3719.01 of the Revised Code. 8587

(2) "Dangerous ordnance" and "deadly weapon" have the same 8588
meanings as in section 2923.11 of the Revised Code. 8589

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 8590
alleges a violation of section 2909.06, 2909.07, 2911.12, or 8591
2911.211 of the Revised Code if the alleged victim of the 8592
violation was a family or household member at the time of the 8593
violation, a violation of a municipal ordinance or township 8594
resolution that is substantially similar to any of those sections 8595
if the alleged victim of the violation was a family or household 8596
member at the time of the violation, any offense of violence if 8597
the alleged victim of the offense was a family or household member 8598
at the time of the commission of the offense, or any sexually 8599

oriented offense if the alleged victim of the offense was a family 8600
or household member at the time of the commission of the offense, 8601
the complainant, the alleged victim, or a family or household 8602
member of an alleged victim may file, or, if in an emergency the 8603
alleged victim is unable to file, a person who made an arrest for 8604
the alleged violation or offense under section 2935.03 of the 8605
Revised Code may file on behalf of the alleged victim, a motion 8606
that requests the issuance of a temporary protection order as a 8607
pretrial condition of release of the alleged offender, in addition 8608
to any bail set under Criminal Rule 46. The motion shall be filed 8609
with the clerk of the court that has jurisdiction of the case at 8610
any time after the filing of the complaint. 8611

(2) For purposes of section 2930.09 of the Revised Code, all 8612
stages of a proceeding arising out of a complaint alleging the 8613
commission of a violation, offense of violence, or sexually 8614
oriented offense described in division (A)(1) of this section, 8615
including all proceedings on a motion for a temporary protection 8616
order, are critical stages of the case, and a victim may be 8617
accompanied by a victim advocate or another person to provide 8618
support to the victim as provided in that section. 8619

(B) The motion shall be prepared on a form that is provided 8620
by the clerk of the court, which form shall be substantially as 8621
follows: 8622

"MOTION FOR TEMPORARY PROTECTION ORDER 8623

..... Court 8624

Name and address of court 8625

State of Ohio 8626

v. No. 8627

..... 8628

Name of Defendant 8629

(name of person), moves the court to issue a temporary protection 8630

order containing terms designed to ensure the safety and 8631
protection of the complainant, alleged victim, and other family or 8632
household members, in relation to the named defendant, pursuant to 8633
its authority to issue such an order under section 2919.26 of the 8634
Revised Code. 8635

A complaint, a copy of which has been attached to this 8636
motion, has been filed in this court charging the named defendant 8637
with (name of the specified violation, 8638
the offense of violence, or sexually oriented offense charged) in 8639
circumstances in which the victim was a family or household member 8640
in violation of (section of the Revised Code designating the 8641
specified violation, offense of violence, or sexually oriented 8642
offense charged), or charging the named defendant with a violation 8643
of a municipal ordinance or township resolution that is 8644
substantially similar to (section of the 8645
Revised Code designating the specified violation, offense of 8646
violence, or sexually oriented offense charged) involving a family 8647
or household member. 8648

I understand that I must appear before the court, at a time 8649
set by the court within twenty-four hours after the filing of this 8650
motion, for a hearing on the motion or that, if I am unable to 8651
appear because of hospitalization or a medical condition resulting 8652
from the offense alleged in the complaint, a person who can 8653
provide information about my need for a temporary protection order 8654
must appear before the court in lieu of my appearing in court. I 8655
understand that any temporary protection order granted pursuant to 8656
this motion is a pretrial condition of release and is effective 8657
only until the disposition of the criminal proceeding arising out 8658
of the attached complaint, or the issuance of a civil protection 8659
order or the approval of a consent agreement, arising out of the 8660
same activities as those that were the basis of the complaint, 8661
under section 3113.31 of the Revised Code. 8662

.....	8663
Signature of person	8664
(or signature of the arresting officer who filed the motion on behalf of the alleged victim)	8665 8666
.....	8667
Address of person (or office address of the arresting officer who filed the motion on behalf of the alleged victim)"	8668 8669
(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member.	8670 8671 8672 8673 8674 8675 8676 8677 8678 8679 8680 8681 8682 8683 8684 8685 8686 8687 8688 8689 8690 8691 8692
(2)(a) If the court issues a temporary protection order that	8693

includes a requirement that the alleged offender refrain from 8694
entering the residence, school, business, or place of employment 8695
of the complainant, the alleged victim, or the family or household 8696
member, the order shall state clearly that the order cannot be 8697
waived or nullified by an invitation to the alleged offender from 8698
the complainant, alleged victim, or family or household member to 8699
enter the residence, school, business, or place of employment or 8700
by the alleged offender's entry into one of those places otherwise 8701
upon the consent of the complainant, alleged victim, or family or 8702
household member. 8703

(b) Division (C)(2)(a) of this section does not limit any 8704
discretion of a court to determine that an alleged offender 8705
charged with a violation of section 2919.27 of the Revised Code, 8706
with a violation of a municipal ordinance or township resolution 8707
substantially equivalent to that section, or with contempt of 8708
court, which charge is based on an alleged violation of a 8709
temporary protection order issued under this section, did not 8710
commit the violation or was not in contempt of court. 8711

(D)(1) Upon the filing of a complaint that alleges a 8712
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 8713
Revised Code if the alleged victim of the violation was a family 8714
or household member at the time of the violation, a violation of a 8715
municipal ordinance or township resolution that is substantially 8716
similar to any of those sections if the alleged victim of the 8717
violation was a family or household member at the time of the 8718
violation, any offense of violence if the alleged victim of the 8719
offense was a family or household member at the time of the 8720
commission of the offense, or any sexually oriented offense if the 8721
alleged victim of the offense was a family or household member at 8722
the time of the commission of the offense, the court, upon its own 8723
motion, may issue a temporary protection order as a pretrial 8724
condition of release if it finds that the safety and protection of 8725

the complainant, alleged victim, or other family or household member of the alleged offender may be impaired by the continued presence of the alleged offender.

(2) If the court issues a temporary protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order, a hearing in the presence of the alleged offender not later than the next day on which the court is scheduled to conduct business after the day on which the alleged offender was arrested or at the time of the appearance of the alleged offender pursuant to summons to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

(3) An order issued under this section shall contain only those terms authorized in orders issued under division (C) of this section.

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of

the municipal court or county court having determined at a 8758
preliminary hearing that there is probable cause to believe that 8759
the felony has been committed and that the alleged offender 8760
committed it, as a result of the alleged offender having been 8761
indicted for the felony, or in any other manner. 8762

(E) A temporary protection order that is issued as a pretrial 8763
condition of release under this section: 8764

(1) Is in addition to, but shall not be construed as a part 8765
of, any bail set under Criminal Rule 46; 8766

(2) Is effective only until the occurrence of either of the 8767
following: 8768

(a) The disposition, by the court that issued the order or, 8769
in the circumstances described in division (D)(4) of this section, 8770
by the court of common pleas to which the alleged offender is 8771
bound over for prosecution, of the criminal proceeding arising out 8772
of the complaint upon which the order is based; 8773

(b) The issuance of a protection order or the approval of a 8774
consent agreement, arising out of the same activities as those 8775
that were the basis of the complaint upon which the order is 8776
based, under section 3113.31 of the Revised Code; 8777

(3) Shall not be construed as a finding that the alleged 8778
offender committed the alleged offense, and shall not be 8779
introduced as evidence of the commission of the offense at the 8780
trial of the alleged offender on the complaint upon which the 8781
order is based. 8782

(F) A person who meets the criteria for bail under Criminal 8783
Rule 46 and who, if required to do so pursuant to that rule, 8784
executes or posts bond or deposits cash or securities as bail, 8785
shall not be held in custody pending a hearing before the court on 8786
a motion requesting a temporary protection order. 8787

(G)(1) A copy of any temporary protection order that is 8788
issued under this section shall be issued by the court to the 8789
complainant, to the alleged victim, to the person who requested 8790
the order, to the defendant, and to all law enforcement agencies 8791
that have jurisdiction to enforce the order. The court shall 8792
direct that a copy of the order be delivered to the defendant on 8793
the same day that the order is entered. If a municipal court or a 8794
county court issues a temporary protection order under this 8795
section and if, subsequent to the issuance of the order, the 8796
defendant who is the subject of the order is bound over to the 8797
court of common pleas for prosecution as described in division 8798
(D)(4) of this section, the municipal court or county court shall 8799
direct that a copy of the order be delivered to the court of 8800
common pleas to which the defendant is bound over. 8801

(2) All law enforcement agencies shall establish and maintain 8802
an index for the temporary protection orders delivered to the 8803
agencies pursuant to division (G)(1) of this section. With respect 8804
to each order delivered, each agency shall note on the index, the 8805
date and time of the receipt of the order by the agency. 8806
8807

(3) A complainant, alleged victim, or other person who 8808
obtains a temporary protection order under this section may 8809
provide notice of the issuance of the temporary protection order 8810
to the judicial and law enforcement officials in any county other 8811
than the county in which the order is issued by registering that 8812
order in the other county in accordance with division (N) of 8813
section 3113.31 of the Revised Code and filing a copy of the 8814
registered protection order with a law enforcement agency in the 8815
other county in accordance with that division. 8816

(4) Any officer of a law enforcement agency shall enforce a 8817
temporary protection order issued by any court in this state in 8818
accordance with the provisions of the order, including removing 8819

the defendant from the premises, regardless of whether the order 8820
is registered in the county in which the officer's agency has 8821
jurisdiction as authorized by division (G)(3) of this section. 8822

(H) Upon a violation of a temporary protection order, the 8823
court may issue another temporary protection order, as a pretrial 8824
condition of release, that modifies the terms of the order that 8825
was violated. 8826

(I)(1) As used in divisions (I)(1) and (2) of this section, 8827
"defendant" means a person who is alleged in a complaint to have 8828
committed a violation, offense of violence, or sexually oriented 8829
offense of the type described in division (A) of this section. 8830

(2) If a complaint is filed that alleges that a person 8831
committed a violation, offense of violence, or sexually oriented 8832
offense of the type described in division (A) of this section, the 8833
court may not issue a temporary protection order under this 8834
section that requires the complainant, the alleged victim, or 8835
another family or household member of the defendant to do or 8836
refrain from doing an act that the court may require the defendant 8837
to do or refrain from doing under a temporary protection order 8838
unless both of the following apply: 8839

(a) The defendant has filed a separate complaint that alleges 8840
that the complainant, alleged victim, or other family or household 8841
member in question who would be required under the order to do or 8842
refrain from doing the act committed a violation or offense of 8843
violence of the type described in division (A) of this section. 8844

(b) The court determines that both the complainant, alleged 8845
victim, or other family or household member in question who would 8846
be required under the order to do or refrain from doing the act 8847
and the defendant acted primarily as aggressors, that neither the 8848
complainant, alleged victim, or other family or household member 8849
in question who would be required under the order to do or refrain 8850

from doing the act nor the defendant acted primarily in 8851
self-defense, and, in accordance with the standards and criteria 8852
of this section as applied in relation to the separate complaint 8853
filed by the defendant, that it should issue the order to require 8854
the complainant, alleged victim, or other family or household 8855
member in question to do or refrain from doing the act. 8856

(J) Notwithstanding any provision of law to the contrary and 8857
regardless of whether a protection order is issued or a consent 8858
agreement is approved by a court of another county or a court of 8859
another state, no court or unit of state or local government shall 8860
charge any fee, cost, deposit, or money in connection with the 8861
filing of a motion pursuant to this section, in connection with 8862
the filing, issuance, registration, or service of a protection 8863
order or consent agreement, or for obtaining a certified copy of a 8864
protection order or consent agreement. 8865

(K) As used in this section: 8866

(1) "Sexually oriented offense" has the same meaning as in 8867
section 2950.01 of the Revised Code. 8868

(2) "Victim advocate" means a person who provides support and 8869
assistance for a victim of an offense during court proceedings. 8870

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a 8871
violation of section 2919.27 of the Revised Code or of a municipal 8872
ordinance or township resolution that is substantially similar to 8873
that section, the court may order an evaluation of the mental 8874
condition of the defendant if the court determines that either of 8875
the following criteria apply: 8876

(i) If the alleged violation is a violation of a protection 8877
order issued or consent agreement approved pursuant to section 8878
2919.26 or 3113.31 of the Revised Code, that the violation 8879
allegedly involves conduct by the defendant that caused physical 8880

harm to the person or property of a family or household member 8881
covered by the order or agreement, or conduct by the defendant 8882
that caused a family or household member to believe that the 8883
defendant would cause physical harm to that member or that 8884
member's property. 8885

(ii) If the alleged violation is a violation of a protection 8886
order issued pursuant to section 2903.213 or 2903.214 of the 8887
Revised Code or a protection order issued by a court of another 8888
state, that the violation allegedly involves conduct by the 8889
defendant that caused physical harm to the person or property of 8890
the person covered by the order, or conduct by the defendant that 8891
caused the person covered by the order to believe that the 8892
defendant would cause physical harm to that person or that 8893
person's property. 8894

(b) If a defendant is charged with a violation of section 8895
2903.211 of the Revised Code or of a municipal ordinance or 8896
township resolution that is substantially similar to that section, 8897
the court may order an evaluation of the mental condition of the 8898
defendant. 8899

(2) An evaluation ordered under division (A)(1) of this 8900
section shall be completed no later than thirty days from the date 8901
the order is entered pursuant to that division. In that order, the 8902
court shall do either of the following: 8903

(a) Order that the evaluation of the mental condition of the 8904
defendant be preceded by an examination conducted either by a 8905
forensic center that is designated by the department of mental 8906
health to conduct examinations and make evaluations of defendants 8907
charged with violations of section 2903.211 or 2919.27 of the 8908
Revised Code or of substantially similar municipal ordinances or 8909
township resolutions in the area in which the court is located, or 8910
by any other program or facility that is designated by the 8911
department of mental health or the department of mental 8912

retardation and developmental disabilities to conduct examinations 8913
and make evaluations of defendants charged with violations of 8914
section 2903.211 or 2919.27 of the Revised Code or of 8915
substantially similar municipal ordinances or township 8916
resolutions, and that is operated by either department or is 8917
certified by either department as being in compliance with the 8918
standards established under division (I) of section 5119.01 of the 8919
Revised Code or division (C) of section 5123.04 of the Revised 8920
Code. 8921

(b) Designate a center, program, or facility other than one 8922
designated by the department of mental health or the department of 8923
mental retardation and developmental disabilities, as described in 8924
division (A)(2)(a) of this section, to conduct the evaluation and 8925
preceding examination of the mental condition of the defendant. 8926

Whether the court acts pursuant to division (A)(2)(a) or (b) 8927
of this section, the court may designate examiners other than the 8928
personnel of the center, program, facility, or department involved 8929
to make the evaluation and preceding examination of the mental 8930
condition of the defendant. 8931

(B) If the court considers that additional evaluations of the 8932
mental condition of a defendant are necessary following the 8933
evaluation authorized by division (A) of this section, the court 8934
may order up to two additional similar evaluations. These 8935
evaluations shall be completed no later than thirty days from the 8936
date the applicable court order is entered. If more than one 8937
evaluation of the mental condition of the defendant is ordered 8938
under this division, the prosecutor and the defendant may 8939
recommend to the court an examiner whom each prefers to perform 8940
one of the evaluations and preceding examinations. 8941

(C)(1) The court may order a defendant who has been released 8942
on bail to submit to an examination under division (A) or (B) of 8943
this section. The examination shall be conducted either at the 8944

detention facility in which the defendant would have been confined 8945
if the defendant had not been released on bail, or, if so 8946
specified by the center, program, facility, or examiners involved, 8947
at the premises of the center, program, or facility. Additionally, 8948
the examination shall be conducted at the times established by the 8949
examiners involved. If such a defendant refuses to submit to an 8950
examination or a complete examination as required by the court or 8951
the center, program, facility, or examiners involved, the court 8952
may amend the conditions of the bail of the defendant and order 8953
the sheriff to take the defendant into custody and deliver the 8954
defendant to the detention facility in which the defendant would 8955
have been confined if the defendant had not been released on bail, 8956
or, if so specified by the center, program, facility, or examiners 8957
involved, to the premises of the center, program, or facility, for 8958
purposes of the examination. 8959

(2) A defendant who has not been released on bail shall be 8960
examined at the detention facility in which the defendant is 8961
confined or, if so specified by the center, program, facility, or 8962
examiners involved, at the premises of the center, program, or 8963
facility. 8964

(D) The examiner of the mental condition of a defendant under 8965
division (A) or (B) of this section shall file a written report 8966
with the court within thirty days after the entry of an order for 8967
the evaluation of the mental condition of the defendant. The 8968
report shall contain the findings of the examiner; the facts in 8969
reasonable detail on which the findings are based; the opinion of 8970
the examiner as to the mental condition of the defendant; the 8971
opinion of the examiner as to whether the defendant represents a 8972
substantial risk of physical harm to other persons as manifested 8973
by evidence of recent homicidal or other violent behavior, 8974
evidence of recent threats that placed other persons in reasonable 8975
fear of violent behavior and serious physical harm, or evidence of 8976

present dangerousness; and the opinion of the examiner as to the 8977
types of treatment or counseling that the defendant needs. The 8978
court shall provide copies of the report to the prosecutor and 8979
defense counsel. 8980

(E) The costs of any evaluation and preceding examination of 8981
a defendant that is ordered pursuant to division (A) or (B) of 8982
this section shall be taxed as court costs in the criminal case. 8983

(F) If the examiner considers it necessary in order to make 8984
an accurate evaluation of the mental condition of a defendant, an 8985
examiner under division (A) or (B) of this section may request any 8986
family or household member of the defendant to provide the 8987
examiner with information. A family or household member may, but 8988
is not required to, provide information to the examiner upon 8989
receipt of the request. 8990

(G) As used in this section: 8991

(1) "Bail" includes a recognizance. 8992

(2) "Examiner" means a psychiatrist, a licensed independent 8993
social worker who is employed by a forensic center that is 8994
certified as being in compliance with the standards established 8995
under division (I) of section 5119.01 or division (C) of section 8996
5123.04 of the Revised Code, a licensed professional clinical 8997
counselor who is employed at a forensic center that is certified 8998
as being in compliance with such standards, or a licensed clinical 8999
psychologist, except that in order to be an examiner, a licensed 9000
clinical psychologist shall meet the criteria of division (I)(1) 9001
of section 5122.01 of the Revised Code or be employed to conduct 9002
examinations by the department of mental health or by a forensic 9003
center certified as being in compliance with the standards 9004
established under division (I) of section 5119.01 or division (C) 9005
of section 5123.04 of the Revised Code that is designated by the 9006
department of mental health. 9007

(3) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. 9008
9009

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 9010
9011

(5) "Psychiatrist" and "licensed clinical psychologist" have the same meanings as in section 5122.01 of the Revised Code. 9012
9013

(6) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 9014
9015

Sec. 2921.25. (A) No judge ~~of a or community~~ court ~~of record,~~ 9016
~~or mayor presiding over a mayor's court,~~ magistrate shall order a 9017
peace officer, parole officer, prosecuting attorney, assistant 9018
prosecuting attorney, correctional employee, or youth services 9019
employee who is a witness in a criminal case, to disclose the 9020
peace officer's, parole officer's, prosecuting attorney's, 9021
assistant prosecuting attorney's, correctional employee's, or 9022
youth services employee's home address during the peace officer's, 9023
parole officer's, prosecuting attorney's, assistant prosecuting 9024
attorney's, correctional employee's, or youth services employee's 9025
examination in the case, unless the judge or ~~mayor~~ magistrate 9026
determines that the defendant has a right to the disclosure. 9027

(B) As used in this section: 9028

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 9029
9030

(2) "Correctional employee" and "youth services employee" have the same meanings as in section 149.43 of the Revised Code. 9031
9032

Sec. 2921.51. (A) As used in this section: 9033

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a 9034
9035
9036

political subdivision of this state, a member of a police force 9037
employed by a metropolitan housing authority under division (D) of 9038
section 3735.31 of the Revised Code, a member of a police force 9039
employed by a regional transit authority under division (Y) of 9040
section 306.35 of the Revised Code, a state university law 9041
enforcement officer appointed under section 3345.04 of the Revised 9042
Code, a veterans' home police officer appointed under section 9043
5907.02 of the Revised Code, a special police officer employed by 9044
a port authority under section 4582.04 or 4582.28 of the Revised 9045
Code, or a state highway patrol trooper and whose primary duties 9046
are to preserve the peace, to protect life and property, and to 9047
enforce the laws, ordinances, resolutions, or rules of the state 9048
or any of its political subdivisions. 9049

(2) "Private police officer" means any security guard, 9050
special police officer, private detective, or other person who is 9051
privately employed in a police capacity. 9052

(3) "Federal law enforcement officer" means an employee of 9053
the United States who serves in a position the duties of which are 9054
primarily the investigation, apprehension, or detention of 9055
individuals suspected or convicted of offenses under the criminal 9056
laws of the United States. 9057

(4) "Impersonate" means to act the part of, assume the 9058
identity of, wear the uniform or any part of the uniform of, or 9059
display the identification of a particular person or of a member 9060
of a class of persons with purpose to make another person believe 9061
that the actor is that particular person or is a member of that 9062
class of persons. 9063

(5) "Investigator of the bureau of criminal identification 9064
and investigation" has the same meaning as in section 2903.11 of 9065
the Revised Code. 9066

(B) No person shall impersonate a peace officer, private 9067

police officer, ~~or~~ a federal law enforcement officer, or 9068
investigator of the bureau of criminal identification and 9069
investigation. 9070

(C) No person, by impersonating a peace officer, private 9071
police officer, ~~or~~ a federal law enforcement officer, or 9072
investigator of the bureau of criminal identification and 9073
investigation, shall arrest or detain any person, search any 9074
person, or search the property of any person. 9075

(D) No person, with purpose to commit or facilitate the 9076
commission of an offense, shall impersonate a peace officer, 9077
private police officer, a federal law enforcement officer, 9078
officer, agent, or employee of the state, or investigator of the 9079
bureau of criminal identification and investigation. 9080

(E) No person shall commit a felony while impersonating a 9081
peace officer, private police officer, a federal law enforcement 9082
officer, officer, agent, or employee of the state, or investigator 9083
of the bureau of criminal identification and investigation. 9084
9085

(F) It is an affirmative defense to a charge under division 9086
(B) of this section that the impersonation of the peace officer, 9087
private police officer, or investigator of the bureau of criminal 9088
identification and investigation was for a lawful purpose. 9089

(G) Whoever violates division (B) of this section is guilty 9090
of a misdemeanor of the fourth degree. Whoever violates division 9091
(C) or (D) of this section is guilty of a misdemeanor of the first 9092
degree. If the purpose of a violation of division (D) of this 9093
section is to commit or facilitate the commission of a felony, a 9094
violation of division (D) is a felony of the fourth degree. 9095
Whoever violates division (E) of this section is guilty of a 9096
felony of the third degree. 9097

Sec. 2921.52. (A) As used in this section: 9098

(1) "Lawfully issued" means adopted, issued, or rendered in 9099
accordance with the United States constitution, the constitution 9100
of a state, and the applicable statutes, rules, regulations, 9101
resolutions, and ordinances of the United States, a state, and the 9102
political subdivisions of a state. 9103

(2) "State" means a state of the United States, including 9104
without limitation, the state legislature, the highest court of 9105
the state that has statewide jurisdiction, the offices of all 9106
elected state officers, and all departments, boards, offices, 9107
commissions, agencies, institutions, and other instrumentalities 9108
of the state. "State" does not include the political subdivisions 9109
of the state. 9110

(3) "Political subdivisions" means municipal corporations, 9111
townships, counties, school districts, and all other bodies 9112
corporate and politic that are organized under state law and are 9113
responsible for governmental activities only in geographical areas 9114
smaller than that of a state. 9115

(4) "Sham legal process" means an instrument that meets all 9116
of the following conditions: 9117

(a) It is not lawfully issued. 9118

(b) It purports to do any of the following: 9119

(i) To be a summons, subpoena, judgment, or order of a court, 9120
a law enforcement officer, or a legislative, executive, or 9121
administrative body. 9122

(ii) To assert jurisdiction over or determine the legal or 9123
equitable status, rights, duties, powers, or privileges of any 9124
person or property. 9125

(iii) To require or authorize the search, seizure, 9126
indictment, arrest, trial, or sentencing of any person or 9127

property. 9128

(c) It is designed to make another person believe that it is 9129
lawfully issued. 9130

(B) No person shall, knowing the sham legal process to be 9131
sham legal process, do any of the following: 9132

(1) Knowingly issue, display, deliver, distribute, or 9133
otherwise use sham legal process; 9134

(2) Knowingly use sham legal process to arrest, detain, 9135
search, or seize any person or the property of another person; 9136

(3) Knowingly commit or facilitate the commission of an 9137
offense, using sham legal process; 9138

(4) Knowingly commit a felony by using sham legal process. 9139

(C) It is an affirmative defense to a charge under division 9140
(B)(1) or (2) of this section that the use of sham legal process 9141
was for a lawful purpose. 9142

(D) Whoever violates this section is guilty of using sham 9143
legal process. A violation of division (B)(1) of this section is a 9144
misdemeanor of the fourth degree. A violation of division (B)(2) 9145
or (3) of this section is a misdemeanor of the first degree, 9146
except that, if the purpose of a violation of division (B)(3) of 9147
this section is to commit or facilitate the commission of a 9148
felony, a violation of division (B)(3) of this section is a felony 9149
of the fourth degree. A violation of division (B)(4) of this 9150
section is a felony of the third degree. 9151

(E) A person who violates this section is liable in a civil 9152
action to any person harmed by the violation for injury, death, or 9153
loss to person or property incurred as a result of the commission 9154
of the offense and for reasonable attorney's fees, court costs, 9155
and other expenses incurred as a result of prosecuting the civil 9156
action commenced under this division. A civil action under this 9157

division is not the exclusive remedy of a person who incurs 9158
injury, death, or loss to person or property as a result of a 9159
violation of this section. 9160

Sec. 2929.142. Notwithstanding the definite prison term 9161
specified in division (A) of section 2929.14 of the Revised Code 9162
for a felony of the first degree, if an offender is convicted of 9163
or pleads guilty to aggravated vehicular homicide in violation of 9164
division (A)(1) of section 2903.06 of the Revised Code, the court 9165
shall impose upon the offender a mandatory prison term of ten, 9166
eleven, twelve, thirteen, fourteen, or fifteen years if any of the 9167
following apply: 9168

(A) The offender previously has been convicted of or pleaded 9169
guilty to three or more prior violations of section 4511.19 of the 9170
Revised Code or of a substantially equivalent municipal ordinance 9171
or township resolution within the previous six years. 9172

(B) The offender previously has been convicted of or pleaded 9173
guilty to three or more prior violations of division (A) of 9174
section 1547.11 of the Revised Code or of a substantially 9175
equivalent municipal ordinance within the previous six years. 9176

(C) The offender previously has been convicted of or pleaded 9177
guilty to three or more prior violations of division (A)(3) of 9178
section 4561.15 of the Revised Code or of a substantially 9179
equivalent municipal ordinance or township resolution within the 9180
previous six years. 9181

(D) The offender previously has been convicted of or pleaded 9182
guilty to three or more prior violations of division (A)(1) of 9183
section 2903.06 of the Revised Code. 9184

(E) The offender previously has been convicted of or pleaded 9185
guilty to three or more prior violations of division (A)(1) of 9186
section 2903.08 of the Revised Code. 9187

(F) The offender previously has been convicted of or pleaded 9188
guilty to three or more prior violations of section 2903.04 of the 9189
Revised Code in circumstances in which division (D) of that 9190
section applied regarding the violations. 9191

(G) The offender previously has been convicted of or pleaded 9192
guilty to three or more violations of any combination of the 9193
offenses listed in division (A), (B), (C), (D), (E), or (F) of 9194
this section. 9195

(H) The offender previously has been convicted of or pleaded 9196
guilty to a second or subsequent felony violation of division (A) 9197
of section 4511.19 of the Revised Code. 9198

Sec. 2929.21. (A) A court that sentences an offender for a 9199
misdemeanor or minor misdemeanor violation of any provision of the 9200
Revised Code, or of any municipal ordinance or township resolution 9201
that is substantially similar to a misdemeanor or minor 9202
misdemeanor violation of a provision of the Revised Code, shall be 9203
guided by the overriding purposes of misdemeanor sentencing. The 9204
overriding purposes of misdemeanor sentencing are to protect the 9205
public from future crime by the offender and others and to punish 9206
the offender. To achieve those purposes, the sentencing court 9207
shall consider the impact of the offense upon the victim and the 9208
need for changing the offender's behavior, rehabilitating the 9209
offender, and making restitution to the victim of the offense, the 9210
public, or the victim and the public. 9211

(B) A sentence imposed for a misdemeanor or minor misdemeanor 9212
violation of a Revised Code provision or for a violation of a 9213
municipal ordinance that is subject to division (A) of this 9214
section shall be reasonably calculated to achieve the two 9215
overriding purposes of misdemeanor sentencing set forth in 9216
division (A) of this section, commensurate with and not demeaning 9217
to the seriousness of the offender's conduct and its impact upon 9218

the victim, and consistent with sentences imposed for similar 9219
offenses committed by similar offenders. 9220

(C) A court that imposes a sentence upon an offender for a 9221
misdemeanor or minor misdemeanor violation of a Revised Code 9222
provision or for a violation of a municipal ordinance that is 9223
subject to division (A) of this section shall not base the 9224
sentence upon the race, ethnic background, gender, or religion of 9225
the offender. 9226

(D) Divisions (A) and (B) of this section shall not apply to 9227
any offense that is disposed of by a traffic violations bureau of 9228
any court pursuant to Traffic Rule 13 and shall not apply to any 9229
violation of any provision of the Revised Code that is a minor 9230
misdemeanor and that is disposed of without a court appearance. 9231
Divisions (A) to (C) of this section do not affect any penalties 9232
established by a municipal corporation for a violation of its 9233
ordinances. 9234

Sec. 2930.01. As used in this chapter: 9235

(A) "Crime" means any of the following: 9236

(1) A felony; 9237

(2) A violation of section 2903.05, 2903.06, 2903.13, 9238
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 9239
Revised Code, a violation of section 2903.07 of the Revised Code 9240
as it existed prior to March 23, 2000, or a violation of a 9241
substantially equivalent municipal ordinance or township 9242
resolution; 9243

(3) A violation of division (A) or (B) of section 4511.19, 9244
division (A) or (B) of section 1547.11, or division (A)(3) of 9245
section 4561.15 of the Revised Code or of a municipal ordinance or 9246
township resolution substantially similar to any of those 9247
divisions that is the proximate cause of a vehicle, streetcar, 9248

trackless trolley, aquatic device, or aircraft accident in which 9249
the victim receives injuries for which the victim receives medical 9250
treatment either at the scene of the accident by emergency medical 9251
services personnel or at a hospital, ambulatory care facility, 9252
physician's office, specialist's office, or other medical care 9253
facility. 9254

(4) A motor vehicle accident to which both of the following 9255
apply: 9256

(a) The motor vehicle accident is caused by a violation of a 9257
provision of the Revised Code that is a misdemeanor of the first 9258
degree or higher. 9259

(b) As a result of the motor vehicle accident, the victim 9260
receives injuries for which the victim receives medical treatment 9261
either at the scene of the accident by emergency medical services 9262
personnel or at a hospital, ambulatory care facility, physician's 9263
office, specialist's office, or other medical care facility. 9264

(B) "Custodial agency" means one of the following: 9265

(1) The entity that has custody of a defendant or an alleged 9266
juvenile offender who is incarcerated for a crime, is under 9267
detention for the commission of a specified delinquent act, or who 9268
is detained after a finding of incompetence to stand trial or not 9269
guilty by reason of insanity relative to a crime, including any of 9270
the following: 9271

(a) The department of rehabilitation and correction or the 9272
adult parole authority; 9273

(b) A county sheriff; 9274

(c) The entity that administers a jail, as defined in section 9275
2929.01 of the Revised Code; 9276

(d) The entity that administers a community-based 9277
correctional facility and program or a district community-based 9278

correctional facility and program;	9279
(e) The department of mental health or other entity to which	9280
a defendant found incompetent to stand trial or not guilty by	9281
reason of insanity is committed.	9282
(2) The entity that has custody of an alleged juvenile	9283
offender pursuant to an order of disposition of a juvenile court,	9284
including the department of youth services or a school, camp,	9285
institution, or other facility operated for the care of delinquent	9286
children.	9287
(C) "Defendant" means a person who is alleged to be the	9288
perpetrator of a crime in a police report or in a complaint,	9289
indictment, or information that charges the commission of a crime	9290
and that provides the basis for the criminal prosecution and	9291
subsequent proceedings to which this chapter makes reference.	9292
(D) "Member of the victim's family" means a spouse, child,	9293
stepchild, sibling, parent, stepparent, grandparent, or other	9294
relative of a victim but does not include a person who is charged	9295
with, convicted of, or adjudicated to be a delinquent child for	9296
the crime or specified delinquent act against the victim or	9297
another crime or specified delinquent act arising from the same	9298
conduct, criminal episode, or plan.	9299
(E) "Prosecutor" means one of the following:	9300
(1) With respect to a criminal case, it has the same meaning	9301
as in section 2935.01 of the Revised Code and also includes the	9302
attorney general and, when appropriate, the employees of any	9303
person listed in section 2935.01 of the Revised Code or of the	9304
attorney general.	9305
(2) With respect to a delinquency proceeding, it includes any	9306
person listed in division (C) of section 2935.01 of the Revised	9307
Code or an employee of a person listed in that division who	9308
prosecutes a delinquency proceeding.	9309

(F) "Public agency" means an office, agency, department, bureau, or other governmental entity of the state or of a political subdivision of the state.

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

(H) "Victim" means either of the following:

(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.

(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A)(3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A)(4) of this section and who receives medical treatment as described in division (A)(3) or (4) of this section, whichever is applicable.

(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.

(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.

(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has been filed alleging that a child is a delinquent child.

(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.

(M) The "defense" means the defense against criminal charges 9340
in a criminal prosecution or the defense against a delinquent 9341
child complaint in a delinquency proceeding. 9342

(N) The "prosecution" means the prosecution of criminal 9343
charges in a criminal prosecution or the prosecution of a 9344
delinquent child complaint in a delinquency proceeding. 9345

(O) "Specified delinquent act" means any of the following: 9346

(1) An act committed by a child that if committed by an adult 9347
would be a felony; 9348

(2) An act committed by a child that is a violation of a 9349
section listed in division (A)(1) or (2) of this section or is a 9350
violation of a substantially equivalent municipal ordinance or 9351
township resolution; 9352

(3) An act committed by a child that is described in division 9353
(A)(3) or (4) of this section. 9354

(P)(1) "Alleged juvenile offender" means a child who is 9355
alleged to have committed a specified delinquent act in a police 9356
report or in a complaint in juvenile court that charges the 9357
commission of a specified delinquent act and that provides the 9358
basis for the delinquency proceeding and all subsequent 9359
proceedings to which this chapter makes reference. 9360

(2) As used in divisions (O) and (P)(1) of this section, 9361
"child" has the same meaning as in section 2151.011 of the Revised 9362
Code. 9363

(Q) "Motor vehicle accident" means any accident involving a 9364
motor vehicle. 9365

(R) "Motor vehicle" has the same meaning as in section 9366
4509.01 of the Revised Code. 9367

(S) "Aircraft" has the same meaning as in section 4561.01 of 9368
the Revised Code. 9369

(T) "Aquatic device" means any vessel, or any water skis, 9370
aquaplane, or similar device. 9371

(U) "Vehicle," "streetcar," and "trackless trolley" have the 9372
same meanings as in section 4511.01 of the Revised Code. 9373

(V) "Vehicle, streetcar, trackless trolley, aquatic device, 9374
or aircraft accident" means any accident involving a vehicle, 9375
streetcar, trackless trolley, aquatic device, or aircraft. 9376

(W) "Vessel" has the same meaning as in section 1547.01 of 9377
the Revised Code. 9378

Sec. 2931.01. As used in Chapters 2931. to 2953. of the 9379
Revised Code: 9380

(A) "Magistrate" includes county court judges, ~~police~~ 9381
~~justices, mayors of municipal corporation~~ community court 9382
magistrates, and judges of other courts inferior to the court of 9383
common pleas. 9384

(B) "Judge" does not include the probate judge. 9385

(C) "Court" does not include the probate court. 9386

(D) "Clerk" does not include the clerk of the probate court. 9387

Sec. 2933.02. When a complaint is made in writing and upon 9388
oath, filed with a municipal ~~or~~, county, or community court ~~or a~~ 9389
~~mayor sitting as the judge of a mayor's court~~, and states that the 9390
complainant has just cause to fear and fears that another 9391
individual will commit an offense against the person or property 9392
of the complainant or ~~his~~ the ward or child of the complainant, a 9393
municipal or county court judge or ~~mayor~~ community court 9394
magistrate shall issue to the sheriff or to any other appropriate 9395
peace officer, as defined in section 2935.01 of the Revised Code, 9396
within the territorial jurisdiction of the court, a warrant in the 9397
name of the state that commands ~~him~~ the sheriff or peace officer 9398

forthwith to arrest and take the individual complained of before 9399
the court to answer the complaint. 9400

Sec. 2933.03. Warrants issued under section 2933.02 of the 9401
Revised Code shall be substantially in the following form: 9402

The State of Ohio, County, ss: 9403

To the sheriff or other appropriate peace officer, greeting: 9404

Whereas, a complaint has been filed by one C.D., in writing 9405
and upon oath, stating that ~~he~~ such individual has just cause to 9406
fear and does fear that one E.F. will (here state the threatened 9407
injury or violence according to the fact as sworn to). 9408

~~These You~~ are therefore ~~to command you~~ commanded to forthwith 9409
arrest E.F. and bring ~~him~~ such individual before this court to 9410
show cause why ~~he~~ such individual should not ~~find surety~~ post a 9411
cash or security bond with the court in a sum fixed by the judge 9412
to keep the peace and be of good behavior toward the citizens of 9413
the state generally, and C.D. especially, and for ~~his~~ such 9414
individual's appearance before the proper court. 9415

Given under my hand, this day of 9416
A.B., Judge, County Court; 9417
Judge, Municipal Court; 9418
~~Mayor Magistrate~~, ~~Mayor's~~ 9419
Community Court

Sec. 2933.04. When the accused ~~in~~ is brought before the 9420
municipal, county, or ~~mayer's~~ community court pursuant to sections 9421
2933.02 and 2933.03 of the Revised Code, ~~he~~ the accused shall be 9422
heard in ~~his~~ the accused's own defense. If it is necessary for 9423
just cause to adjourn the hearing, the municipal or county court 9424
judge or ~~mayer~~ community court magistrate involved may order such 9425
adjournment. The judge or ~~mayer~~ magistrate also may direct the 9426
sheriff or other peace officer having custody of the accused to 9427

detain ~~him~~ the accused in the county jail or other appropriate 9428
detention facility until the cause of delay is removed, unless a 9429
bond in a sum fixed by the judge or ~~mayor but not to exceed five~~ 9430
~~hundred dollars~~ magistrate, with sufficient surety, is given by 9431
the accused. A delay shall not exceed two days. 9432

Sec. 2933.05. The municipal or county court judge or ~~mayor~~ 9433
~~sitting as the judge of a mayor's court~~ community court 9434
magistrate, upon the appearance of the parties pursuant to 9435
sections 2933.02 to 2933.04 of the Revised Code, shall hear the 9436
witnesses under oath and do one of the following: 9437

(A) Discharge the accused, render judgment against the 9438
complainant for costs, and award execution for the costs; 9439

(B) Order the accused to enter into a bond ~~of not less than~~ 9440
~~fifty or more than five hundred dollars~~ in a sum fixed by the 9441
judge or magistrate, with sufficient surety, to keep the peace and 9442
be of good behavior for such time as may be just, render judgment 9443
against ~~him~~ the accused for costs, and award execution for the 9444
costs. 9445

In default of such bond, the judge or ~~mayor~~ magistrate shall 9446
commit the accused to the county jail or other appropriate 9447
detention facility, until such order is complied with or ~~he~~ the 9448
accused is discharged. 9449

Sec. 2933.06. The accused under sections 2933.02 to 2933.05 9450
of the Revised Code may appeal from the decision of a municipal or 9451
county court judge or community court magistrate to the 9452
appropriate court of appeals ~~or from the decision of a mayor~~ 9453
~~sitting as the judge of a mayor's court to the appropriate~~ 9454
~~municipal or county court~~. An appeal ~~from the decision of a~~ 9455
~~municipal or county court judge to the appropriate court of~~ 9456
~~appeals~~ shall be only as to questions of law and, to the extent 9457

~~that sections 2933.06 to 2933.09 of the Revised Code do this 9458~~
~~section does not contain relevant provisions, shall be made and 9459~~
~~proceed in accordance with the Rules of Appellate Procedure. An 9460~~
~~appeal from the decision of a mayor sitting as the judge of a 9461~~
~~mayor's court to the appropriate municipal or county court shall 9462~~
~~be as to questions of law and fact, and shall be made and proceed 9463~~
~~in accordance with sections 2933.06 to 2933.09 of the Revised 9464~~
~~Code. 9465~~

In connection with ~~either type of~~ an appeal, the accused 9466
shall file with the clerk of the municipal, county, or ~~mayor's~~ 9467
community court, within ten days after the decision is rendered, 9468
an appeal bond in a sum to be fixed by the judge or ~~mayor~~ at not 9469
~~less than fifty or more than five hundred dollars~~ magistrate, with 9470
surety to be approved by the judge or ~~mayor~~ magistrate, 9471
conditioned that, pending the determination of the appeal, the 9472
accused will keep the peace and will be of good behavior generally 9473
and especially towards the person named in the complaint. Upon the 9474
filing of the appeal bond, the clerk of the municipal, county, or 9475
~~mayor's~~ community court forthwith shall make a certified 9476
transcript of the proceedings in the action, the appeal bond to be 9477
included. Upon the payment by the appellant of the fee for the 9478
transcript, the clerk immediately shall file the transcript and 9479
all the original papers in the action in the office of the clerk 9480
of the appellate court. 9481

Sec. 2933.10. Whoever, in the presence of a municipal or 9482
county court judge, or ~~a mayor sitting as the judge of a mayor's~~ 9483
~~court~~ community court magistrate, makes an affray, threatens to 9484
beat or kill another or to commit an offense against the person or 9485
property of another, or contends with angry words to the 9486
disturbance of the peace, may be ordered without process or other 9487
proof to enter into a bond under section 2933.05 of the Revised 9488
Code. In default of such a bond, the person may be committed under 9489

that section. 9490

Sec. 2935.01. As used in this chapter: 9491

(A) "Magistrate" has the same meaning as in section 2931.01 9492
of the Revised Code. 9493

(B) "Peace officer" includes, except as provided in section 9494
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 9495
deputy marshal; member of the organized police department of any 9496
municipal corporation, including a member of the organized police 9497
department of a municipal corporation in an adjoining state 9498
serving in Ohio under a contract pursuant to section 737.04 of the 9499
Revised Code; member of a police force employed by a metropolitan 9500
housing authority under division (D) of section 3735.31 of the 9501
Revised Code; member of a police force employed by a regional 9502
transit authority under division (Y) of section 306.05 of the 9503
Revised Code; state university law enforcement officer appointed 9504
under section 3345.04 of the Revised Code; enforcement agent of 9505
the department of public safety designated under section 5502.14 9506
of the Revised Code; employee of the department of taxation to 9507
whom investigation powers have been delegated under section 9508
5743.45 of the Revised Code; employee of the department of natural 9509
resources who is a natural resources law enforcement staff officer 9510
designated pursuant to section 1501.013 of the Revised Code, a 9511
forest officer designated pursuant to section 1503.29 of the 9512
Revised Code, a preserve officer designated pursuant to section 9513
1517.10 of the Revised Code, a wildlife officer designated 9514
pursuant to section 1531.13 of the Revised Code, a park officer 9515
designated pursuant to section 1541.10 of the Revised Code, or a 9516
state watercraft officer designated pursuant to section 1547.521 9517
of the Revised Code; individual designated to perform law 9518
enforcement duties under section 511.232, 1545.13, or 6101.75 of 9519
the Revised Code; veterans' home police officer appointed under 9520

section 5907.02 of the Revised Code; special police officer 9521
employed by a port authority under section 4582.04 or 4582.28 of 9522
the Revised Code; police constable of any township; police officer 9523
of a township or joint township police district; a special police 9524
officer employed by a municipal corporation at a municipal 9525
airport, or other municipal air navigation facility, that has 9526
scheduled operations, as defined in section 119.3 of Title 14 of 9527
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 9528
that is required to be under a security program and is governed by 9529
aviation security rules of the transportation security 9530
administration of the United States department of transportation 9531
as provided in Parts 1542. and 1544. of Title 49 of the Code of 9532
Federal Regulations, as amended; the house of representatives 9533
sergeant at arms if the house of representatives sergeant at arms 9534
has arrest authority pursuant to division (E)(1) of section 9535
101.311 of the Revised Code; and an assistant house of 9536
representatives sergeant at arms; officer or employee of the 9537
bureau of criminal identification and investigation established 9538
pursuant to section 109.51 of the Revised Code who has been 9539
awarded a certificate by the executive director of the Ohio peace 9540
officer training commission attesting to the officer's or 9541
employee's satisfactory completion of an approved state, county, 9542
municipal, or department of natural resources peace officer basic 9543
training program and who is providing assistance upon request to a 9544
law enforcement officer or emergency assistance to a peace officer 9545
pursuant to section 109.54 or 109.541 of the Revised Code; and, 9546
for the purpose of arrests within those areas, for the purposes of 9547
Chapter 5503. of the Revised Code, and the filing of and service 9548
of process relating to those offenses witnessed or investigated by 9549
them, the superintendent and troopers of the state highway patrol. 9550

(C) "Prosecutor" includes the county prosecuting attorney and 9551
any assistant prosecutor designated to assist the county 9552
prosecuting attorney, and, in the case of courts inferior to 9553

courts of common pleas, includes the village solicitor, city 9554
director of law, or similar chief legal officer of a municipal 9555
corporation, any such officer's assistants, or any attorney 9556
designated by the prosecuting attorney of the county to appear for 9557
the prosecution of a given case. 9558

(D) "Offense," except where the context specifically 9559
indicates otherwise, includes felonies, misdemeanors, and 9560
violations of ordinances and resolutions of municipal 9561
corporations, townships, and other public bodies authorized by law 9562
to adopt penal regulations. 9563

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 9564
deputy marshal, municipal police officer, township constable, 9565
police officer of a township or joint township police district, 9566
member of a police force employed by a metropolitan housing 9567
authority under division (D) of section 3735.31 of the Revised 9568
Code, member of a police force employed by a regional transit 9569
authority under division (Y) of section 306.35 of the Revised 9570
Code, state university law enforcement officer appointed under 9571
section 3345.04 of the Revised Code, veterans' home police officer 9572
appointed under section 5907.02 of the Revised Code, special 9573
police officer employed by a port authority under section 4582.04 9574
or 4582.28 of the Revised Code, or a special police officer 9575
employed by a municipal corporation at a municipal airport, or 9576
other municipal air navigation facility, that has scheduled 9577
operations, as defined in section 119.3 of Title 14 of the Code of 9578
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 9579
required to be under a security program and is governed by 9580
aviation security rules of the transportation security 9581
administration of the United States department of transportation 9582
as provided in Parts 1542. and 1544. of Title 49 of the Code of 9583
Federal Regulations, as amended, shall arrest and detain, until a 9584
warrant can be obtained, a person found violating, within the 9585

limits of the political subdivision, metropolitan housing 9586
authority housing project, regional transit authority facilities 9587
or areas of a municipal corporation that have been agreed to by a 9588
regional transit authority and a municipal corporation located 9589
within its territorial jurisdiction, college, university, 9590
veterans' home operated under Chapter 5907. of the Revised Code, 9591
port authority, or municipal airport or other municipal air 9592
navigation facility, in which the peace officer is appointed, 9593
employed, or elected, a law of this state, an ordinance of a 9594
municipal corporation, or a resolution of a township. 9595

(2) A peace officer of the department of natural resources or 9596
an individual designated to perform law enforcement duties under 9597
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 9598
arrest and detain, until a warrant can be obtained, a person found 9599
violating, within the limits of the peace officer's or 9600
individual's territorial jurisdiction, a law of this state. 9601

(3) The house sergeant at arms if the house sergeant at arms 9602
has arrest authority pursuant to division (E)(1) of section 9603
101.311 of the Revised Code and an assistant house sergeant at 9604
arms shall arrest and detain, until a warrant can be obtained, a 9605
person found violating, within the limits of the sergeant at 9606
arms's or assistant sergeant at arms's territorial jurisdiction 9607
specified in division (D)(1)(a) of section 101.311 of the Revised 9608
Code or while providing security pursuant to division (D)(1)(f) of 9609
section 101.311 of the Revised Code, a law of this state, an 9610
ordinance of a municipal corporation, or a resolution of a 9611
township. 9612

(B)(1) When there is reasonable ground to believe that an 9613
offense of violence, the offense of criminal child enticement as 9614
defined in section 2905.05 of the Revised Code, the offense of 9615
public indecency as defined in section 2907.09 of the Revised 9616
Code, the offense of domestic violence as defined in section 9617

2919.25 of the Revised Code, the offense of violating a protection 9618
order as defined in section 2919.27 of the Revised Code, the 9619
offense of menacing by stalking as defined in section 2903.211 of 9620
the Revised Code, the offense of aggravated trespass as defined in 9621
section 2911.211 of the Revised Code, a theft offense as defined 9622
in section 2913.01 of the Revised Code, or a felony drug abuse 9623
offense as defined in section 2925.01 of the Revised Code, has 9624
been committed within the limits of the political subdivision, 9625
metropolitan housing authority housing project, regional transit 9626
authority facilities or those areas of a municipal corporation 9627
that have been agreed to by a regional transit authority and a 9628
municipal corporation located within its territorial jurisdiction, 9629
college, university, veterans' home operated under Chapter 5907. 9630
of the Revised Code, port authority, or municipal airport or other 9631
municipal air navigation facility, in which the peace officer is 9632
appointed, employed, or elected or within the limits of the 9633
territorial jurisdiction of the peace officer, a peace officer 9634
described in division (A) of this section may arrest and detain 9635
until a warrant can be obtained any person who the peace officer 9636
has reasonable cause to believe is guilty of the violation. 9637

(2) For purposes of division (B)(1) of this section, the 9638
execution of any of the following constitutes reasonable ground to 9639
believe that the offense alleged in the statement was committed 9640
and reasonable cause to believe that the person alleged in the 9641
statement to have committed the offense is guilty of the 9642
violation: 9643

(a) A written statement by a person alleging that an alleged 9644
offender has committed the offense of menacing by stalking or 9645
aggravated trespass; 9646

(b) A written statement by the administrator of the 9647
interstate compact on mental health appointed under section 9648
5119.51 of the Revised Code alleging that a person who had been 9649

hospitalized, institutionalized, or confined in any facility under 9650
an order made pursuant to or under authority of section 2945.37, 9651
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 9652
Revised Code has escaped from the facility, from confinement in a 9653
vehicle for transportation to or from the facility, or from 9654
supervision by an employee of the facility that is incidental to 9655
hospitalization, institutionalization, or confinement in the 9656
facility and that occurs outside of the facility, in violation of 9657
section 2921.34 of the Revised Code; 9658

(c) A written statement by the administrator of any facility 9659
in which a person has been hospitalized, institutionalized, or 9660
confined under an order made pursuant to or under authority of 9661
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 9662
2945.402 of the Revised Code alleging that the person has escaped 9663
from the facility, from confinement in a vehicle for 9664
transportation to or from the facility, or from supervision by an 9665
employee of the facility that is incidental to hospitalization, 9666
institutionalization, or confinement in the facility and that 9667
occurs outside of the facility, in violation of section 2921.34 of 9668
the Revised Code. 9669

(3)(a) For purposes of division (B)(1) of this section, a 9670
peace officer described in division (A) of this section has 9671
reasonable grounds to believe that the offense of domestic 9672
violence or the offense of violating a protection order has been 9673
committed and reasonable cause to believe that a particular person 9674
is guilty of committing the offense if any of the following 9675
occurs: 9676

(i) A person executes a written statement alleging that the 9677
person in question has committed the offense of domestic violence 9678
or the offense of violating a protection order against the person 9679
who executes the statement or against a child of the person who 9680
executes the statement. 9681

(ii) No written statement of the type described in division 9682
(B)(3)(a)(i) of this section is executed, but the peace officer, 9683
based upon the peace officer's own knowledge and observation of 9684
the facts and circumstances of the alleged incident of the offense 9685
of domestic violence or the alleged incident of the offense of 9686
violating a protection order or based upon any other information, 9687
including, but not limited to, any reasonably trustworthy 9688
information given to the peace officer by the alleged victim of 9689
the alleged incident of the offense or any witness of the alleged 9690
incident of the offense, concludes that there are reasonable 9691
grounds to believe that the offense of domestic violence or the 9692
offense of violating a protection order has been committed and 9693
reasonable cause to believe that the person in question is guilty 9694
of committing the offense. 9695

(iii) No written statement of the type described in division 9696
(B)(3)(a)(i) of this section is executed, but the peace officer 9697
witnessed the person in question commit the offense of domestic 9698
violence or the offense of violating a protection order. 9699

(b) If pursuant to division (B)(3)(a) of this section a peace 9700
officer has reasonable grounds to believe that the offense of 9701
domestic violence or the offense of violating a protection order 9702
has been committed and reasonable cause to believe that a 9703
particular person is guilty of committing the offense, it is the 9704
preferred course of action in this state that the officer arrest 9705
and detain that person pursuant to division (B)(1) of this section 9706
until a warrant can be obtained. 9707

If pursuant to division (B)(3)(a) of this section a peace 9708
officer has reasonable grounds to believe that the offense of 9709
domestic violence or the offense of violating a protection order 9710
has been committed and reasonable cause to believe that family or 9711
household members have committed the offense against each other, 9712
it is the preferred course of action in this state that the 9713

officer, pursuant to division (B)(1) of this section, arrest and 9714
detain until a warrant can be obtained the family or household 9715
member who committed the offense and whom the officer has 9716
reasonable cause to believe is the primary physical aggressor. 9717
There is no preferred course of action in this state regarding any 9718
other family or household member who committed the offense and 9719
whom the officer does not have reasonable cause to believe is the 9720
primary physical aggressor, but, pursuant to division (B)(1) of 9721
this section, the peace officer may arrest and detain until a 9722
warrant can be obtained any other family or household member who 9723
committed the offense and whom the officer does not have 9724
reasonable cause to believe is the primary physical aggressor. 9725

(c) If a peace officer described in division (A) of this 9726
section does not arrest and detain a person whom the officer has 9727
reasonable cause to believe committed the offense of domestic 9728
violence or the offense of violating a protection order when it is 9729
the preferred course of action in this state pursuant to division 9730
(B)(3)(b) of this section that the officer arrest that person, the 9731
officer shall articulate in the written report of the incident 9732
required by section 2935.032 of the Revised Code a clear statement 9733
of the officer's reasons for not arresting and detaining that 9734
person until a warrant can be obtained. 9735

(d) In determining for purposes of division (B)(3)(b) of this 9736
section which family or household member is the primary physical 9737
aggressor in a situation in which family or household members have 9738
committed the offense of domestic violence or the offense of 9739
violating a protection order against each other, a peace officer 9740
described in division (A) of this section, in addition to any 9741
other relevant circumstances, should consider all of the 9742
following: 9743

(i) Any history of domestic violence or of any other violent 9744
acts by either person involved in the alleged offense that the 9745

officer reasonably can ascertain; 9746

(ii) If violence is alleged, whether the alleged violence was 9747
caused by a person acting in self-defense; 9748

(iii) Each person's fear of physical harm, if any, resulting 9749
from the other person's threatened use of force against any person 9750
or resulting from the other person's use or history of the use of 9751
force against any person, and the reasonableness of that fear; 9752

(iv) The comparative severity of any injuries suffered by the 9753
persons involved in the alleged offense. 9754

(e)(i) A peace officer described in division (A) of this 9755
section shall not require, as a prerequisite to arresting or 9756
charging a person who has committed the offense of domestic 9757
violence or the offense of violating a protection order, that the 9758
victim of the offense specifically consent to the filing of 9759
charges against the person who has committed the offense or sign a 9760
complaint against the person who has committed the offense. 9761

(ii) If a person is arrested for or charged with committing 9762
the offense of domestic violence or the offense of violating a 9763
protection order and if the victim of the offense does not 9764
cooperate with the involved law enforcement or prosecuting 9765
authorities in the prosecution of the offense or, subsequent to 9766
the arrest or the filing of the charges, informs the involved law 9767
enforcement or prosecuting authorities that the victim does not 9768
wish the prosecution of the offense to continue or wishes to drop 9769
charges against the alleged offender relative to the offense, the 9770
involved prosecuting authorities, in determining whether to 9771
continue with the prosecution of the offense or whether to dismiss 9772
charges against the alleged offender relative to the offense and 9773
notwithstanding the victim's failure to cooperate or the victim's 9774
wishes, shall consider all facts and circumstances that are 9775
relevant to the offense, including, but not limited to, the 9776

statements and observations of the peace officers who responded to 9777
the incident that resulted in the arrest or filing of the charges 9778
and of all witnesses to that incident. 9779

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 9780
this section whether to arrest a person pursuant to division 9781
(B)(1) of this section, a peace officer described in division (A) 9782
of this section shall not consider as a factor any possible 9783
shortage of cell space at the detention facility to which the 9784
person will be taken subsequent to the person's arrest or any 9785
possibility that the person's arrest might cause, contribute to, 9786
or exacerbate overcrowding at that detention facility or at any 9787
other detention facility. 9788

(g) If a peace officer described in division (A) of this 9789
section intends pursuant to divisions (B)(3)(a) to (g) of this 9790
section to arrest a person pursuant to division (B)(1) of this 9791
section and if the officer is unable to do so because the person 9792
is not present, the officer promptly shall seek a warrant for the 9793
arrest of the person. 9794

(h) If a peace officer described in division (A) of this 9795
section responds to a report of an alleged incident of the offense 9796
of domestic violence or an alleged incident of the offense of 9797
violating a protection order and if the circumstances of the 9798
incident involved the use or threatened use of a deadly weapon or 9799
any person involved in the incident brandished a deadly weapon 9800
during or in relation to the incident, the deadly weapon that was 9801
used, threatened to be used, or brandished constitutes contraband, 9802
and, to the extent possible, the officer shall seize the deadly 9803
weapon as contraband pursuant to Chapter 2981. of the Revised 9804
Code. Upon the seizure of a deadly weapon pursuant to division 9805
(B)(3)(h) of this section, section 2981.12 of the Revised Code 9806
shall apply regarding the treatment and disposition of the deadly 9807
weapon. For purposes of that section, the "underlying criminal 9808

offense" that was the basis of the seizure of a deadly weapon 9809
under division (B)(3)(h) of this section and to which the deadly 9810
weapon had a relationship is any of the following that is 9811
applicable: 9812

(i) The alleged incident of the offense of domestic violence 9813
or the alleged incident of the offense of violating a protection 9814
order to which the officer who seized the deadly weapon responded; 9815

(ii) Any offense that arose out of the same facts and 9816
circumstances as the report of the alleged incident of the offense 9817
of domestic violence or the alleged incident of the offense of 9818
violating a protection order to which the officer who seized the 9819
deadly weapon responded. 9820

(4) If, in the circumstances described in divisions (B)(3)(a) 9821
to (g) of this section, a peace officer described in division (A) 9822
of this section arrests and detains a person pursuant to division 9823
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 9824
this section, a peace officer described in division (A) of this 9825
section seizes a deadly weapon, the officer, to the extent 9826
described in and in accordance with section 9.86 or 2744.03 of the 9827
Revised Code, is immune in any civil action for damages for 9828
injury, death, or loss to person or property that arises from or 9829
is related to the arrest and detention or the seizure. 9830

(C) When there is reasonable ground to believe that a 9831
violation of division (A)(1), (2), (3), (4), or (5) of section 9832
4506.15 or a violation of section 4511.19 of the Revised Code has 9833
been committed by a person operating a motor vehicle subject to 9834
regulation by the public utilities commission of Ohio under Title 9835
XLIX of the Revised Code, a peace officer with authority to 9836
enforce that provision of law may stop or detain the person whom 9837
the officer has reasonable cause to believe was operating the 9838
motor vehicle in violation of the division or section and, after 9839
investigating the circumstances surrounding the operation of the 9840

vehicle, may arrest and detain the person. 9841

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 9842
municipal police officer, member of a police force employed by a 9843
metropolitan housing authority under division (D) of section 9844
3735.31 of the Revised Code, member of a police force employed by 9845
a regional transit authority under division (Y) of section 306.35 9846
of the Revised Code, special police officer employed by a port 9847
authority under section 4582.04 or 4582.28 of the Revised Code, 9848
special police officer employed by a municipal corporation at a 9849
municipal airport or other municipal air navigation facility 9850
described in division (A) of this section, township constable, 9851
police officer of a township or joint township police district, 9852
state university law enforcement officer appointed under section 9853
3345.04 of the Revised Code, peace officer of the department of 9854
natural resources, individual designated to perform law 9855
enforcement duties under section 511.232, 1545.13, or 6101.75 of 9856
the Revised Code, the house sergeant at arms if the house sergeant 9857
at arms has arrest authority pursuant to division (E)(1) of 9858
section 101.311 of the Revised Code, or an assistant house 9859
sergeant at arms is authorized by division (A) or (B) of this 9860
section to arrest and detain, within the limits of the political 9861
subdivision, metropolitan housing authority housing project, 9862
regional transit authority facilities or those areas of a 9863
municipal corporation that have been agreed to by a regional 9864
transit authority and a municipal corporation located within its 9865
territorial jurisdiction, port authority, municipal airport or 9866
other municipal air navigation facility, college, or university in 9867
which the officer is appointed, employed, or elected or within the 9868
limits of the territorial jurisdiction of the peace officer, a 9869
person until a warrant can be obtained, the peace officer, outside 9870
the limits of that territory, may pursue, arrest, and detain that 9871
person until a warrant can be obtained if all of the following 9872
apply: 9873

(1) The pursuit takes place without unreasonable delay after 9874
the offense is committed; 9875

(2) The pursuit is initiated within the limits of the 9876
political subdivision, metropolitan housing authority housing 9877
project, regional transit authority facilities or those areas of a 9878
municipal corporation that have been agreed to by a regional 9879
transit authority and a municipal corporation located within its 9880
territorial jurisdiction, port authority, municipal airport or 9881
other municipal air navigation facility, college, or university in 9882
which the peace officer is appointed, employed, or elected or 9883
within the limits of the territorial jurisdiction of the peace 9884
officer; 9885

(3) The offense involved is a felony, a misdemeanor of the 9886
first degree or a substantially equivalent municipal ordinance or 9887
township resolution, a misdemeanor of the second degree or a 9888
substantially equivalent municipal ordinance or township 9889
resolution, or any offense for which points are chargeable 9890
pursuant to section 4510.036 of the Revised Code. 9891

(E) In addition to the authority granted under division (A) 9892
or (B) of this section: 9893

(1) A sheriff or deputy sheriff may arrest and detain, until 9894
a warrant can be obtained, any person found violating section 9895
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 9896
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 9897
portion of any street or highway that is located immediately 9898
adjacent to the boundaries of the county in which the sheriff or 9899
deputy sheriff is elected or appointed. 9900

(2) A member of the police force of a township police 9901
district created under section 505.48 of the Revised Code, a 9902
member of the police force of a joint township police district 9903
created under section 505.481 of the Revised Code, or a township 9904

constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may

arrest and detain, until a warrant can be obtained, any person 9937
found violating any section or chapter of the Revised Code listed 9938
in division (E)(1) of this section, other than sections 4513.33 9939
and 4513.34 of the Revised Code, on the portion of any street or 9940
highway that is located immediately adjacent to the boundaries of 9941
the lands and waters that constitute the territorial jurisdiction 9942
of the peace officer. 9943

(F)(1) A department of mental health special police officer 9944
or a department of mental retardation and developmental 9945
disabilities special police officer may arrest without a warrant 9946
and detain until a warrant can be obtained any person found 9947
committing on the premises of any institution under the 9948
jurisdiction of the particular department a misdemeanor under a 9949
law of the state. 9950

A department of mental health special police officer or a 9951
department of mental retardation and developmental disabilities 9952
special police officer may arrest without a warrant and detain 9953
until a warrant can be obtained any person who has been 9954
hospitalized, institutionalized, or confined in an institution 9955
under the jurisdiction of the particular department pursuant to or 9956
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 9957
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 9958
found committing on the premises of any institution under the 9959
jurisdiction of the particular department a violation of section 9960
2921.34 of the Revised Code that involves an escape from the 9961
premises of the institution. 9962

(2)(a) If a department of mental health special police 9963
officer or a department of mental retardation and developmental 9964
disabilities special police officer finds any person who has been 9965
hospitalized, institutionalized, or confined in an institution 9966
under the jurisdiction of the particular department pursuant to or 9967
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 9968

2945.40, 2945.401, or 2945.402 of the Revised Code committing a 9969
violation of section 2921.34 of the Revised Code that involves an 9970
escape from the premises of the institution, or if there is 9971
reasonable ground to believe that a violation of section 2921.34 9972
of the Revised Code has been committed that involves an escape 9973
from the premises of an institution under the jurisdiction of the 9974
department of mental health or the department of mental 9975
retardation and developmental disabilities and if a department of 9976
mental health special police officer or a department of mental 9977
retardation and developmental disabilities special police officer 9978
has reasonable cause to believe that a particular person who has 9979
been hospitalized, institutionalized, or confined in the 9980
institution pursuant to or under authority of section 2945.37, 9981
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 9982
Revised Code is guilty of the violation, the special police 9983
officer, outside of the premises of the institution, may pursue, 9984
arrest, and detain that person for that violation of section 9985
2921.34 of the Revised Code, until a warrant can be obtained, if 9986
both of the following apply: 9987

(i) The pursuit takes place without unreasonable delay after 9988
the offense is committed; 9989

(ii) The pursuit is initiated within the premises of the 9990
institution from which the violation of section 2921.34 of the 9991
Revised Code occurred. 9992

(b) For purposes of division (F)(2)(a) of this section, the 9993
execution of a written statement by the administrator of the 9994
institution in which a person had been hospitalized, 9995
institutionalized, or confined pursuant to or under authority of 9996
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 9997
2945.402 of the Revised Code alleging that the person has escaped 9998
from the premises of the institution in violation of section 9999
2921.34 of the Revised Code constitutes reasonable ground to 10000

believe that the violation was committed and reasonable cause to 10001
believe that the person alleged in the statement to have committed 10002
the offense is guilty of the violation. 10003

(G) As used in this section: 10004

(1) A "department of mental health special police officer" 10005
means a special police officer of the department of mental health 10006
designated under section 5119.14 of the Revised Code who is 10007
certified by the Ohio peace officer training commission under 10008
section 109.77 of the Revised Code as having successfully 10009
completed an approved peace officer basic training program. 10010

(2) A "department of mental retardation and developmental 10011
disabilities special police officer" means a special police 10012
officer of the department of mental retardation and developmental 10013
disabilities designated under section 5123.13 of the Revised Code 10014
who is certified by the Ohio peace officer training council under 10015
section 109.77 of the Revised Code as having successfully 10016
completed an approved peace officer basic training program. 10017

(3) "Deadly weapon" has the same meaning as in section 10018
2923.11 of the Revised Code. 10019

(4) "Family or household member" has the same meaning as in 10020
section 2919.25 of the Revised Code. 10021

(5) "Street" or "highway" has the same meaning as in section 10022
4511.01 of the Revised Code. 10023

(6) "Interstate system" has the same meaning as in section 10024
5516.01 of the Revised Code. 10025

(7) "Peace officer of the department of natural resources" 10026
means an employee of the department of natural resources who is a 10027
natural resources law enforcement staff officer designated 10028
pursuant to section 1501.013 of the Revised Code, a forest officer 10029
designated pursuant to section 1503.29 of the Revised Code, a 10030

preserve officer designated pursuant to section 1517.10 of the 10031
Revised Code, a wildlife officer designated pursuant to section 10032
1531.13 of the Revised Code, a park officer designated pursuant to 10033
section 1541.10 of the Revised Code, or a state watercraft officer 10034
designated pursuant to section 1547.521 of the Revised Code. 10035

(8) "Portion of any street or highway" means all lanes of the 10036
street or highway irrespective of direction of travel, including 10037
designated turn lanes, and any berm, median, or shoulder. 10038

Sec. 2935.13. Upon the arrest of any person pursuant to 10039
warrant, ~~he~~ the person shall forthwith be taken before the court 10040
or magistrate issuing the same, if such court be in session or 10041
such magistrate available, and proceedings had as provided in 10042
sections 2937.01 to 2937.46, inclusive, of the Revised Code. If 10043
such court be not in session and a misdemeanor or violation of an 10044
ordinance ~~violation or resolution~~ is charged, ~~he~~ the defendant 10045
shall be taken before the clerk or deputy clerk of the court and 10046
let to bail, as provided in sections 2937.22 to 2937.46~~7~~ 10047
~~inclusive~~, of the Revised Code, if the magistrate be not 10048
available, or if the defendant is arrested in a county other than 10049
that of the issuing court or magistrate ~~he~~ the defendant shall 10050
forthwith be taken before the most convenient magistrate, clerk, 10051
or deputy clerk of a court ~~of record~~, and there let to bail for 10052
~~his~~ the defendant's appearance before the issuing court or 10053
magistrate within a reasonable time to be set by such clerk. 10054

Sec. 2935.14. If the person arrested is unable to offer 10055
sufficient bail or, if the offense charged be a felony, ~~he~~ the 10056
person arrested shall, prior to being confined or removed from the 10057
county of arrest, as the case may be, be speedily permitted 10058
facilities to communicate with an attorney at law of ~~his~~ the 10059
person's own choice, or to communicate with at least one relative 10060
or other person for the purpose of obtaining counsel (or in cases 10061

of misdemeanors or ~~ordinance~~ violation of an ordinance or 10062
resolution for the purpose of arranging bail). He The person 10063
arrested shall not thereafter be confined or removed from the 10064
county or from the situs of initial detention until such attorney 10065
has had reasonable opportunity to confer with ~~him~~ the person 10066
privately, or other person to arrange bail, under such security 10067
measures as may be necessary under the circumstances. 10068

Whoever, being a police officer in charge of a prisoner, or 10069
the custodian of any jail or place of confinement, violates this 10070
section shall be fined not less than one hundred nor more than 10071
five hundred dollars or imprisoned not more than thirty days, or 10072
both. 10073

Sec. 2935.17. (A) An affidavit in either of the following 10074
forms is sufficient: 10075

(1) "State of Ohio, 10076

..... County, ss: 10077

Before me, A.B., personally came C.D., who being duly sworn 10078
according to law deposes and says that on or about the day of 10079
.....,, at the county of one E.F. (here 10080
describe the offense as nearly according to the nature thereof as 10081
the case will admit, in ordinary concise language) C.D. 10082

Sworn to and subscribed before me this day of 10083

....., 10084

A.B., County Judge 10085

Clerk of Court" 10086

(2) "State of Ohio, 10087

..... County, ss: 10088

Before me, A.B., personally came C.D., who being duly sworn 10089
according to law says that on or about the day of 10090
.....,, one E.F. did: (here listing several common 10091

offenses, plainly but tersely described as: fail to stop at stop 10092
sign, pass at crest of grade, etc., with a ruled box before each, 10093
and then showing an X or distinctive mark in front of the offense 10094
claimed to be committed). C.D. 10095

Sworn to before me and subscribed in my presence this day 10096
of, 10097

A.B., County Judge 10098

Clerk of Court" 10099

(B) A complaint in the following form is sufficient: 10100

"State of Ohio, 10101

..... County, ss: 10102

The undersigned (assistant) prosecuting attorney of 10103

..... County complains that on or about the day of 10104

.....,, one E.F. did (here describing the offense 10105

committed as above) based on affidavit of filed 10106

with me. 10107

..... 10108

Prosecuting Attorney/City 10109

Director of Law" 10110

Provided, that the supreme court of Ohio, may, by rule, 10111

provide for the uniform type and language to be used in any 10112

affidavit or complaint to be filed in any court inferior to the 10113

court of common pleas for violations of the motor vehicle and 10114

traffic acts and related ordinances and resolutions and in any 10115

notice to violator to appear in such courts, and may require that 10116

such forms and no other, shall be received in such courts, and 10117

issued to violators. 10118

Sec. 2935.27. (A)(1) If a law enforcement officer issues a 10119

citation to a person pursuant to section 2935.26 of the Revised 10120

Code and if the minor misdemeanor offense for which the citation 10121

is issued is an act prohibited by Chapter 4511., 4513., or 4549. 10122
of the Revised Code or an act prohibited by any municipal 10123
ordinance or township resolution that is substantially similar to 10124
any section contained in Chapter 4511., 4513., or 4549. of the 10125
Revised Code, the officer shall inform the person, if the person 10126
has a current valid Ohio driver's or commercial driver's license, 10127
of the possible consequences of the person's actions as required 10128
under division (E) of this section, and also shall inform the 10129
person that the person is required either to appear at the time 10130
and place stated in the citation or to comply with division (C) of 10131
section 2935.26 of the Revised Code. 10132

(2) If the person is an Ohio resident but does not have a 10133
current valid Ohio driver's or commercial driver's license or if 10134
the person is a resident of a state that is not a member of the 10135
nonresident violator compact of which this state is a member 10136
pursuant to section 4510.71 of the Revised Code, and if the court, 10137
by local rule, has prescribed a procedure for the setting of a 10138
reasonable security pursuant to division (F) of this section, 10139
security shall be set in accordance with that local rule and that 10140
division. 10141

A court by local rule may prescribe a procedure for the 10142
setting of reasonable security as described in this division. As 10143
an alternative to this procedure, a court by local rule may 10144
prescribe a procedure for the setting of a reasonable security by 10145
the person without the person appearing before the court. 10146

(B) A person who has security set under division (A)(2) of 10147
this section shall be given a receipt or other evidence of the 10148
deposit of the security by the court. 10149

(C) Upon compliance with division (C) of section 2935.26 of 10150
the Revised Code by a person who was issued a citation, the clerk 10151
of the court shall notify the court. The court shall immediately 10152

return any sum of money, license, or other security deposited in 10153
relation to the citation to the person, or to any other person who 10154
deposited the security. 10155

(D) If a person who has a current valid Ohio driver's or 10156
commercial driver's license and who was issued a citation fails to 10157
appear at the time and place specified on the citation, fails to 10158
comply with division (C) of section 2935.26 of the Revised Code, 10159
or fails to comply with or satisfy any judgment of the court 10160
within the time allowed by the court, the court shall declare the 10161
forfeiture of the person's license. Thirty days after the 10162
declaration of forfeiture, the court shall enter information 10163
relative to the forfeiture on a form approved and furnished by the 10164
registrar of motor vehicles, and forward the form to the 10165
registrar. The registrar shall suspend the person's driver's or 10166
commercial driver's license, send written notification of the 10167
suspension to the person at the person's last known address, and 10168
order the person to surrender the person's driver's or commercial 10169
driver's license to the registrar within forty-eight hours. No 10170
valid driver's or commercial driver's license shall be granted to 10171
the person until the court having jurisdiction of the offense that 10172
led to the forfeiture orders that the forfeiture be terminated. 10173
The court shall so order if the person, after having failed to 10174
appear in court at the required time and place to answer the 10175
charge or after having pleaded guilty to or been found guilty of 10176
the violation and having failed within the time allowed by the 10177
court to pay the fine imposed by the court, thereafter appears to 10178
answer the charge and pays any fine imposed by the court or pays 10179
the fine originally imposed by the court. The court shall inform 10180
the registrar of the termination of the forfeiture by entering 10181
information relative to the termination on a form approved and 10182
furnished by the registrar and sending the form to the registrar 10183
as provided in this division. The person shall pay to the bureau 10184
of motor vehicles a fifteen-dollar reinstatement fee to cover the 10185

costs of the bureau in administering this section. The registrar 10186
shall deposit the fees so paid into the state bureau of motor 10187
vehicles fund created by section 4501.25 of the Revised Code. 10188

In addition, upon receipt of the copy of the declaration of 10189
forfeiture from the court, neither the registrar nor any deputy 10190
registrar shall accept any application for the registration or 10191
transfer of registration of any motor vehicle owned or leased by 10192
the person named in the declaration of forfeiture until the court 10193
having jurisdiction of the offense that led to the forfeiture 10194
orders that the forfeiture be terminated. However, for a motor 10195
vehicle leased by a person named in a declaration of forfeiture, 10196
the registrar shall not implement the preceding sentence until the 10197
registrar adopts procedures for that implementation under section 10198
4503.39 of the Revised Code. Upon receipt by the registrar of an 10199
order terminating the forfeiture, the registrar shall take such 10200
measures as may be necessary to permit the person to register a 10201
motor vehicle owned or leased by the person or to transfer the 10202
registration of such a motor vehicle, if the person later makes 10203
application to take such action and the person otherwise is 10204
eligible to register the motor vehicle or to transfer the 10205
registration of it. 10206

The registrar is not required to give effect to any 10207
declaration of forfeiture or order terminating a forfeiture unless 10208
the order is transmitted to the registrar by means of an 10209
electronic transfer system. The registrar shall not restore the 10210
person's driving or vehicle registration privileges until the 10211
person pays the reinstatement fee as provided in this division. 10212

If the person who was issued the citation fails to appear at 10213
the time and place specified on the citation and fails to comply 10214
with division (C) of section 2935.26 of the Revised Code and the 10215
person has deposited a sum of money or other security in relation 10216
to the citation under division (A)(2) of this section, the deposit 10217

immediately shall be forfeited to the court. 10218

This section does not preclude further action as authorized 10219
by division (F) of section 2935.26 of the Revised Code. 10220

(E) A law enforcement officer who issues a person a minor 10221
misdemeanor citation for an act prohibited by Chapter 4511., 10222
4513., or 4549. of the Revised Code or an act prohibited by a 10223
municipal ordinance or township resolution that is substantially 10224
similar to any section contained in Chapter 4511., 4513., or 4549. 10225
of the Revised Code shall inform the person that if the person 10226
does not appear at the time and place stated on the citation or 10227
does not comply with division (C) of section 2935.26 of the 10228
Revised Code, the person's driver's or commercial driver's license 10229
will be suspended, the person will not be eligible for the 10230
reissuance of the license or the issuance of a new license or the 10231
issuance of a certificate of registration for a motor vehicle 10232
owned or leased by the person, until the person appears and 10233
complies with all orders of the court. The person also is subject 10234
to any applicable criminal penalties. 10235

(F) A court setting security under division (A)(2) of this 10236
section shall do so in conformity with sections 2937.22 and 10237
2937.23 of the Revised Code and the Rules of Criminal Procedure. 10238

Sec. 2935.33. (A) If a person charged with a misdemeanor is 10239
taken before a judge of a court of record and if it appears to the 10240
judge that the person is an alcoholic or is suffering from acute 10241
alcohol intoxication and that the person would benefit from 10242
services provided by an alcohol and drug addiction program 10243
certified under Chapter 3793. of the Revised Code, the judge may 10244
place the person temporarily in a program certified under that 10245
chapter in the area in which the court has jurisdiction for 10246
inpatient care and treatment for an indefinite period not 10247
exceeding five days. The commitment does not limit the right to 10248

release on bail. The judge may dismiss a charge of a violation of 10249
division (B) of section 2917.11 of the Revised Code or of a 10250
municipal ordinance or township resolution substantially 10251
equivalent to that division if the defendant complies with all the 10252
conditions of treatment ordered by the court. 10253

The court may order that any fines or court costs collected 10254
by the court from defendants who have received inpatient care from 10255
an alcohol and drug addiction program be paid, for the benefit of 10256
the program, to the board of alcohol, drug addiction, and mental 10257
health services of the alcohol, drug addiction, and mental health 10258
service district in which the program is located or to the 10259
director of alcohol and drug addiction services. 10260

(B) If a person is being sentenced for a violation of 10261
division (B) of section 2917.11 or section 4511.19 of the Revised 10262
Code, a misdemeanor violation of section 2919.25 of the Revised 10263
Code, a misdemeanor violation of section 2919.27 of the Revised 10264
Code involving a protection order issued or consent agreement 10265
approved pursuant to section 2919.26 or 3113.31 of the Revised 10266
Code, or a violation of a municipal ordinance or township 10267
resolution substantially equivalent to that division or any of 10268
those sections and if it appears to the judge at the time of 10269
sentencing that the person is an alcoholic or is suffering from 10270
acute alcohol intoxication and that, in lieu of imprisonment, the 10271
person would benefit from services provided by an alcohol and drug 10272
addiction program certified under Chapter 3793. of the Revised 10273
Code, the court may commit the person to close supervision in any 10274
facility in the area in which the court has jurisdiction that is, 10275
or is operated by, such a program. Such close supervision may 10276
include outpatient services and part-time release, except that a 10277
person convicted of a violation of division (A) of section 4511.19 10278
of the Revised Code shall be confined to the facility for at least 10279
three days and except that a person convicted of a misdemeanor 10280

violation of section 2919.25 of the Revised Code, a misdemeanor 10281
violation of section 2919.27 of the Revised Code involving a 10282
protection order issued or consent agreement approved pursuant to 10283
section 2919.26 or 3113.31 of the Revised Code, or a violation of 10284
a substantially equivalent municipal ordinance or township
resolution shall be confined to the facility in accordance with 10285
the order of commitment. A commitment of a person to a facility 10286
for purposes of close supervision shall not exceed the maximum 10287
term for which the person could be imprisoned. 10288
10289

(C) A law enforcement officer who finds a person subject to 10290
prosecution for violation of division (B) of section 2917.11 of 10291
the Revised Code or a municipal ordinance or township resolution 10292
substantially equivalent to that division and who has reasonable 10293
cause to believe that the person is an alcoholic or is suffering 10294
from acute alcohol intoxication and would benefit from immediate 10295
treatment immediately may place the person in an alcohol and drug 10296
addiction program certified under Chapter 3793. of the Revised 10297
Code in the area in which the person is found, for emergency 10298
treatment, in lieu of other arrest procedures, for a maximum 10299
period of forty-eight hours. During that time, if the person 10300
desires to leave such custody, the person shall be released 10301
forthwith. 10302

(D) As used in this section: 10303

(1) "Alcoholic" has the same meaning as in section 3793.01 of 10304
the Revised Code; 10305

(2) "Acute alcohol intoxication" means a heavy consumption of 10306
alcohol over a relatively short period of time, resulting in 10307
dysfunction of the brain centers controlling behavior, speech, and 10308
memory and causing characteristic withdrawal symptoms. 10309

Sec. 2935.36. (A) The prosecuting attorney may establish 10310
pre-trial diversion programs for adults who are accused of 10311

committing criminal offenses and whom the prosecuting attorney 10312
believes probably will not offend again. The prosecuting attorney 10313
may require, as a condition of an accused's participation in the 10314
program, the accused to pay a reasonable fee for supervision 10315
services that include, but are not limited to, monitoring and drug 10316
testing. The programs shall be operated pursuant to written 10317
standards approved by journal entry by the presiding judge or, in 10318
courts with only one judge, the judge of the court of common pleas 10319
and shall not be applicable to any of the following: 10320

(1) Repeat offenders or dangerous offenders; 10321

(2) Persons accused of an offense of violence, of a violation 10322
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 10323
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 10324
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 10325
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 10326
Code that, had it occurred prior to July 1, 1996, would have been 10327
a violation of section 2905.04 of the Revised Code as it existed 10328
prior to that date, with the exception that the prosecuting 10329
attorney may permit persons accused of any such offense to enter a 10330
pre-trial diversion program, if the prosecuting attorney finds any 10331
of the following: 10332

(a) The accused did not cause, threaten, or intend serious 10333
physical harm to any person; 10334

(b) The offense was the result of circumstances not likely to 10335
recur; 10336

(c) The accused has no history of prior delinquency or 10337
criminal activity; 10338

(d) The accused has led a law-abiding life for a substantial 10339
time before commission of the alleged offense; 10340

(e) Substantial grounds tending to excuse or justify the 10341
alleged offense. 10342

(3) Persons accused of a violation of Chapter 2925. or 3719. 10343
of the Revised Code; 10344

(4) Drug dependent persons or persons in danger of becoming 10345
drug dependent persons, as defined in section 3719.011 of the 10346
Revised Code. However, this division does not affect the 10347
eligibility of such persons for intervention in lieu of conviction 10348
pursuant to section 2951.041 of the Revised Code. 10349

(5) Persons accused of a violation of section 4511.19 of the 10350
Revised Code or a violation of any substantially similar municipal 10351
ordinance or township resolution. 10352

(B) An accused who enters a diversion program shall do all of 10353
the following: 10354

(1) Waive, in writing and contingent upon the accused's 10355
successful completion of the program, the accused's right to a 10356
speedy trial, the preliminary hearing, the time period within 10357
which the grand jury may consider an indictment against the 10358
accused, and arraignment, unless the hearing, indictment, or 10359
arraignment has already occurred; 10360

(2) Agree, in writing, to the tolling while in the program of 10361
all periods of limitation established by statutes or rules of 10362
court, that are applicable to the offense with which the accused 10363
is charged and to the conditions of the diversion program 10364
established by the prosecuting attorney; 10365

(3) Agree, in writing, to pay any reasonable fee for 10366
supervision services established by the prosecuting attorney. 10367

(C) The trial court, upon the application of the prosecuting 10368
attorney, shall order the release from confinement of any accused 10369
who has agreed to enter a pre-trial diversion program and shall 10370
discharge and release any existing bail and release any sureties 10371
on recognizances and shall release the accused on a recognizance 10372
bond conditioned upon the accused's compliance with the terms of 10373

the diversion program. The prosecuting attorney shall notify every 10374
victim of the crime and the arresting officers of the prosecuting 10375
attorney's intent to permit the accused to enter a pre-trial 10376
diversion program. The victim of the crime and the arresting 10377
officers shall have the opportunity to file written objections 10378
with the prosecuting attorney prior to the commencement of the 10379
pre-trial diversion program. 10380

(D) If the accused satisfactorily completes the diversion 10381
program, the prosecuting attorney shall recommend to the trial 10382
court that the charges against the accused be dismissed, and the 10383
court, upon the recommendation of the prosecuting attorney, shall 10384
dismiss the charges. If the accused chooses not to enter the 10385
prosecuting attorney's diversion program, or if the accused 10386
violates the conditions of the agreement pursuant to which the 10387
accused has been released, the accused may be brought to trial 10388
upon the charges in the manner provided by law, and the waiver 10389
executed pursuant to division (B)(1) of this section shall be void 10390
on the date the accused is removed from the program for the 10391
violation. 10392

(E) As used in this section: 10393

(1) "Repeat offender" means a person who has a history of 10394
persistent criminal activity and whose character and condition 10395
reveal a substantial risk that the person will commit another 10396
offense. It is prima-facie evidence that a person is a repeat 10397
offender if any of the following applies: 10398

(a) Having been convicted of one or more offenses of violence 10399
and having been imprisoned pursuant to sentence for any such 10400
offense, the person commits a subsequent offense of violence; 10401

(b) Having been convicted of one or more sexually oriented 10402
offenses or child-victim oriented offenses, both as defined in 10403
section 2950.01 of the Revised Code, and having been imprisoned 10404

pursuant to sentence for one or more of those offenses, the person 10405
commits a subsequent sexually oriented offense or child-victim 10406
oriented offense; 10407

(c) Having been convicted of one or more theft offenses as 10408
defined in section 2913.01 of the Revised Code and having been 10409
imprisoned pursuant to sentence for one or more of those theft 10410
offenses, the person commits a subsequent theft offense; 10411

(d) Having been convicted of one or more felony drug abuse 10412
offenses as defined in section 2925.01 of the Revised Code and 10413
having been imprisoned pursuant to sentence for one or more of 10414
those felony drug abuse offenses, the person commits a subsequent 10415
felony drug abuse offense; 10416

(e) Having been convicted of two or more felonies and having 10417
been imprisoned pursuant to sentence for one or more felonies, the 10418
person commits a subsequent offense; 10419

(f) Having been convicted of three or more offenses of any 10420
type or degree other than traffic offenses, alcoholic intoxication 10421
offenses, or minor misdemeanors and having been imprisoned 10422
pursuant to sentence for any such offense, the person commits a 10423
subsequent offense. 10424

(2) "Dangerous offender" means a person who has committed an 10425
offense, whose history, character, and condition reveal a 10426
substantial risk that the person will be a danger to others, and 10427
whose conduct has been characterized by a pattern of repetitive, 10428
compulsive, or aggressive behavior with heedless indifference to 10429
the consequences. 10430

Sec. 2937.08. Upon a plea of not guilty or a plea of once in 10431
jeopardy, if the charge be a misdemeanor in a court ~~of record~~ 10432
other than a community court, the court shall proceed to set the 10433
matter for trial at a future time, pursuant to Chapter 2938. of 10434

the Revised Code, and shall let accused to bail pending such 10435
trial. Or ~~he~~ the court may, but only if both prosecutor and 10436
accused expressly consent, set the matter for trial forthwith. 10437

Upon the entry of such pleas to a charge of misdemeanor in a 10438
community court ~~not of record~~, the magistrate shall forthwith set 10439
the matter for future trial or, with the consent of both state and 10440
defendant may set trial forthwith, both pursuant to Chapter 2938. 10441
of the Revised Code, provided that if the nature of the offense is 10442
such that right to jury trial exists, such matter shall not be 10443
tried before ~~him~~ the magistrate unless the accused, by writing 10444
subscribed by ~~him~~ the accused, waives a jury and consents to be 10445
tried by the magistrate. 10446

If the defendant in such event does not waive right to jury 10447
trial, then the magistrate shall require the accused to enter into 10448
recognizance to appear before a the municipal court ~~of record in~~ 10449
~~the or county, set by such magistrate~~ court that has territorial 10450
jurisdiction over the municipal corporation in which the community 10451
court is located, and the magistrate shall thereupon certify all 10452
papers filed, together with transcript of proceedings and accrued 10453
costs to date, and such recognizance if given, to such ~~designated~~ 10454
court ~~of record~~. Such transfer shall not require the filing of 10455
indictment or information and trial shall proceed in the 10456
transferee court pursuant to Chapter 2938. of the Revised Code. 10457

Sec. 2937.221. (A) A person arrested without warrant for any 10458
violation listed in division (B) of this section, and having a 10459
current valid Ohio driver's or commercial driver's license, if the 10460
person has been notified of the possible consequences of the 10461
person's actions as required by division (C) of this section, may 10462
post bond by depositing the license with the arresting officer if 10463
the officer and person so choose, or with the local court having 10464
jurisdiction if the court and person so choose. The license may be 10465

used as bond only during the period for which it is valid. 10466

When an arresting officer accepts the driver's or commercial 10467
driver's license as bond, the officer shall note the date, time, 10468
and place of the court appearance on "the violator's notice to 10469
appear," and the notice shall serve as a valid Ohio driver's or 10470
commercial driver's license until the date and time appearing 10471
thereon. The arresting officer immediately shall forward the 10472
license to the appropriate court. 10473

When a local court accepts the license as bond or continues 10474
the case to another date and time, it shall provide the person 10475
with a card in a form approved by the registrar of motor vehicles 10476
setting forth the license number, name, address, the date and time 10477
of the court appearance, and a statement that the license is being 10478
held as bond. The card shall serve as a valid license until the 10479
date and time contained in the card. 10480

The court may accept other bond at any time and return the 10481
license to the person. The court shall return the license to the 10482
person when judgment is satisfied, including, but not limited to, 10483
compliance with any court orders, unless a suspension or 10484
cancellation is part of the penalty imposed. 10485

Neither "the violator's notice to appear" nor a court- 10486
granted card shall continue driving privileges beyond the 10487
expiration date of the license. 10488

If the person arrested fails to appear in court at the date 10489
and time set by the court or fails to satisfy the judgment of the 10490
court, including, but not limited to, compliance with all court 10491
orders within the time allowed by the court, the court may declare 10492
the forfeiture of the person's license. Thirty days after the 10493
declaration of the forfeiture, the court shall forward the 10494
person's license to the registrar. The court also shall enter 10495
information relative to the forfeiture on a form approved and 10496

furnished by the registrar and send the form to the registrar. The 10497
registrar shall suspend the person's license and send written 10498
notification of the suspension to the person at the person's last 10499
known address. No valid driver's or commercial driver's license 10500
shall be granted to the person until the court having jurisdiction 10501
orders that the forfeiture be terminated. The court shall inform 10502
the registrar of the termination of the forfeiture by entering 10503
information relative to the termination on a form approved and 10504
furnished by the registrar and sending the form to the registrar. 10505
Upon the termination, the person shall pay to the bureau of motor 10506
vehicles a reinstatement fee of fifteen dollars to cover the costs 10507
of the bureau in administering this section. The registrar shall 10508
deposit the fees so paid into the state bureau of motor vehicles 10509
fund created by section 4501.25 of the Revised Code. 10510

In addition, upon receipt from the court of the copy of the 10511
declaration of forfeiture, neither the registrar nor any deputy 10512
registrar shall accept any application for the registration or 10513
transfer of registration of any motor vehicle owned by or leased 10514
in the name of the person named in the declaration of forfeiture 10515
until the court having jurisdiction over the offense that led to 10516
the suspension issues an order terminating the forfeiture. 10517
However, for a motor vehicle leased in the name of a person named 10518
in a declaration of forfeiture, the registrar shall not implement 10519
the preceding sentence until the registrar adopts procedures for 10520
that implementation under section 4503.39 of the Revised Code. 10521
Upon receipt by the registrar of such an order, the registrar also 10522
shall take the measures necessary to permit the person to register 10523
a motor vehicle the person owns or leases or to transfer the 10524
registration of a motor vehicle the person owns or leases if the 10525
person later makes a proper application and otherwise is eligible 10526
to be issued or to transfer a motor vehicle registration. 10527

(B) Division (A) of this section applies to persons arrested 10528

for violation of: 10529

(1) Any of the provisions of Chapter 4511. or 4513. of the 10530
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 10531
4513.36 of the Revised Code; 10532

(2) Any municipal ordinance or township resolution 10533
substantially similar to a section included in division (B)(1) of 10534
this section; 10535

(3) Any bylaw, rule, or regulation of the Ohio turnpike 10536
commission substantially similar to a section included in division 10537
(B)(1) of this section. 10538

Division (A) of this section does not apply to those persons 10539
issued a citation for the commission of a minor misdemeanor under 10540
section 2935.26 of the Revised Code. 10541

(C) No license shall be accepted as bond by an arresting 10542
officer or by a court under this section until the officer or 10543
court has notified the person that, if the person deposits the 10544
license with the officer or court and either does not appear on 10545
the date and at the time set by the officer or the court, if the 10546
court sets a time, or does not satisfy any judgment rendered, 10547
including, but not limited to, compliance with all court orders, 10548
the license will be suspended, and the person will not be eligible 10549
for reissuance of the license or issuance of a new license, or the 10550
issuance of a certificate of registration for a motor vehicle 10551
owned or leased by the person until the person appears and 10552
complies with any order issued by the court. The person also is 10553
subject to any criminal penalties that may apply to the person. 10554

(D) The registrar shall not restore the person's driving or 10555
vehicle registration privileges until the person pays the 10556
reinstatement fee as provided in this section. 10557

Sec. 2937.23. (A)(1) In a case involving a felony or a 10558

violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code when the victim of the offense is a peace officer, the judge or magistrate shall fix the amount of bail.

(2) In a case involving a misdemeanor or a violation of a municipal ordinance and not involving a felony or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code when the victim of the offense is a peace officer, the judge, magistrate, or clerk of the court may fix the amount of bail and may do so in accordance with a schedule previously fixed by the judge or magistrate. If the judge, magistrate, or clerk of the court is not readily available, the sheriff, deputy sheriff, marshal, deputy marshal, police officer, or jailer having custody of the person charged may fix the amount of bail in accordance with a schedule previously fixed by the judge or magistrate and shall take the bail only in the county courthouse, the municipal or township building, or the county or municipal jail.

(3) In all cases, the bail shall be fixed with consideration of the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of the defendant appearing at the trial of the case.

(B) In any case involving an alleged violation of section 2903.211 of the Revised Code or of a municipal ordinance or township resolution that is substantially similar to that section, the court shall determine whether it will order an evaluation of the mental condition of the defendant pursuant to section 2919.271 of the Revised Code and, if it decides to so order, shall issue the order requiring the evaluation before it sets bail for the person charged with the violation. In any case involving an alleged violation of section 2919.27 of the Revised Code or of a municipal ordinance or township resolution that is substantially similar to that section and in which the court finds that either of the following criteria applies, the court shall determine

whether it will order an evaluation of the mental condition of the 10591
defendant pursuant to section 2919.271 of the Revised Code and, if 10592
it decides to so order, shall issue the order requiring that 10593
evaluation before it sets bail for the person charged with the 10594
violation: 10595

(1) Regarding an alleged violation of a protection order 10596
issued or consent agreement approved pursuant to section 2919.26 10597
or 3113.31 of the Revised Code, that the violation allegedly 10598
involves conduct by the defendant that caused physical harm to the 10599
person or property of a family or household member covered by the 10600
order or agreement or conduct by that defendant that caused a 10601
family or household member to believe that the defendant would 10602
cause physical harm to that member or that member's property; 10603

(2) Regarding an alleged violation of a protection order 10604
issued pursuant to section 2903.213 or 2903.214 of the Revised 10605
Code, or a protection order issued by a court of another state, as 10606
defined in section 2919.27 of the Revised Code, that the violation 10607
allegedly involves conduct by the defendant that caused physical 10608
harm to the person or property of the person covered by the order 10609
or conduct by that defendant that caused the person covered by the 10610
order to believe that the defendant would cause physical harm to 10611
that person or that person's property. 10612

(C) As used in this section, "peace officer" has the same 10613
meaning as in section 2935.01 of the Revised Code. 10614

Sec. 2937.46. (A) The supreme court of Ohio, in the interest 10615
of uniformity of procedure in the various courts and for the 10616
purpose of promoting prompt and efficient disposition of cases 10617
arising under the traffic laws of this state and related 10618
ordinances and resolutions, may make uniform rules for practice 10619
and procedure in courts inferior to the court of common pleas not 10620
inconsistent with the provisions of Chapter 2937. of the Revised 10621

Code, including, but not limited to:	10622
(1) Separation of arraignment and trial of traffic and other types of cases;	10623 10624
(2) Consolidation of cases for trial;	10625
(3) Transfer of cases within the same county for the purpose of trial;	10626 10627
(4) Designation of special referees for hearings or for receiving pleas or bail at times when courts are not in session;	10628 10629
(5) Fixing of reasonable bonds, and disposition of cases in which bonds have been forfeited.	10630 10631
(B) Except as otherwise specified in division (N) of section 4511.19 of the Revised Code, all of the rules described in division (A) of this section, when promulgated by the supreme court, shall be fully binding on all courts inferior to the court of common pleas and on the court of common pleas in relation to felony violations of division (A) of section 4511.19 of the Revised Code and shall effect a cancellation of any local court rules inconsistent with the supreme court's rules.	10632 10633 10634 10635 10636 10637 10638 10639
Sec. 2937.99. (A) No person shall fail to appear as required, after having been released pursuant to section 2937.29 of the Revised Code. Whoever violates this section is guilty of failure to appear and shall be punished as set forth in division (B) or (C) of this section.	10640 10641 10642 10643 10644
(B) If the release was in connection with a felony charge or pending appeal after conviction of a felony, failure to appear is a felony of the fourth degree.	10645 10646 10647
(C) If the release was in connection with a misdemeanor charge or for appearance as a witness, failure to appear is a misdemeanor of the first degree.	10648 10649 10650

(D) This section does not apply to misdemeanors and related 10651
ordinance and resolution offenses arising under Chapters 4501., 10652
4503., 4505., 4507., 4509., 4510., 4511., 4513., 4517., 4549., and 10653
5577. of the Revised Code, except that this section does apply to 10654
violations of sections 4511.19, 4549.02, and 4549.021 of the 10655
Revised Code and ordinance and resolution offenses related to 10656
sections 4511.19, 4549.02, and 4549.021 of the Revised Code. 10657

Sec. 2938.02. The provisions of Chapter 2938. of the Revised 10658
Code shall apply to trial on the merits of any misdemeanor, 10659
ordinance or resolution offense, prosecution for the violation of 10660
any rule or regulation of any governmental body authorized to 10661
adopt penal regulations, or to complaints to keep the peace, which 10662
may be instituted in and retained for trial on the merits in any 10663
court or before any magistrate inferior to the court of common 10664
pleas; provided that in juvenile courts, where the conduct of any 10665
person under the age of eighteen years is made the subject of 10666
inquiry and for which special provision is made by Chapter 2151. 10667
or 2152. of the Revised Code, such matters shall be tried, 10668
adjusted, or disposed of pursuant to Chapter 2151. or 2152. of the 10669
Revised Code. 10670

Sec. 2938.04. In courts ~~of record~~ other than community 10671
courts, the right to trial by jury as defined in section 2945.17 10672
of the Revised Code shall be claimed by making demand in writing 10673
therefor and filing the same with the clerk of the court not less 10674
than three days prior to the date set for trial or on the day 10675
following receipt of notice whichever is the later. Failure to 10676
claim jury trial as provided in this section is a complete waiver 10677
of right thereto. In community courts ~~not of record~~ jury trial may 10678
not be had, but failure to waive jury in writing where right to 10679
jury trial may be asserted shall require the magistrate to certify 10680
such case to a another court ~~of record~~ as provided in section 10681

1923.10 or 2937.08 of the Revised Code. 10682

Sec. 2941.51. (A) Counsel appointed to a case or selected by 10683
an indigent person under division (E) of section 120.16 or 10684
division (E) of section 120.26 of the Revised Code, or otherwise 10685
appointed by the court, except for counsel appointed by the court 10686
to provide legal representation for a person charged with a 10687
violation of an ordinance of a municipal corporation or resolution 10688
of a township, shall be paid for their services by the county the 10689
compensation and expenses that the trial court approves. Each 10690
request for payment shall be accompanied by a financial disclosure 10691
form and an affidavit of indigency that are completed by the 10692
indigent person on forms prescribed by the state public defender. 10693
Compensation and expenses shall not exceed the amounts fixed by 10694
the board of county commissioners pursuant to division (B) of this 10695
section. 10696

(B) The board of county commissioners shall establish a 10697
schedule of fees by case or on an hourly basis to be paid by the 10698
county for legal services provided by appointed counsel. Prior to 10699
establishing such schedule, the board shall request the bar 10700
association or associations of the county to submit a proposed 10701
schedule. The schedule submitted shall be subject to the review, 10702
amendment, and approval of the board of county commissioners. 10703

(C) In a case where counsel have been appointed to conduct an 10704
appeal under Chapter 120. of the Revised Code, such compensation 10705
shall be fixed by the court of appeals or the supreme court, as 10706
provided in divisions (A) and (B) of this section. 10707

(D) The fees and expenses approved by the court under this 10708
section shall not be taxed as part of the costs and shall be paid 10709
by the county. However, if the person represented has, or 10710
reasonably may be expected to have, the means to meet some part of 10711
the cost of the services rendered to the person, the person shall 10712

pay the county an amount that the person reasonably can be 10713
expected to pay. Pursuant to section 120.04 of the Revised Code, 10714
the county shall pay to the state public defender a percentage of 10715
the payment received from the person in an amount proportionate to 10716
the percentage of the costs of the person's case that were paid to 10717
the county by the state public defender pursuant to this section. 10718
The money paid to the state public defender shall be credited to 10719
the client payment fund created pursuant to division (B)(5) of 10720
section 120.04 of the Revised Code. 10721

(E) The county auditor shall draw a warrant on the county 10722
treasurer for the payment of such counsel in the amount fixed by 10723
the court, plus the expenses that the court fixes and certifies to 10724
the auditor. The county auditor shall report periodically, but not 10725
less than annually, to the board of county commissioners and to 10726
the Ohio public defender commission the amounts paid out pursuant 10727
to the approval of the court under this section, separately 10728
stating costs and expenses that are reimbursable under section 10729
120.35 of the Revised Code. The board, after review and approval 10730
of the auditor's report, may then certify it to the state public 10731
defender for reimbursement. The request for reimbursement shall be 10732
accompanied by a financial disclosure form completed by each 10733
indigent person for whom counsel was provided on a form prescribed 10734
by the state public defender. The state public defender shall 10735
review the report and, in accordance with the standards, 10736
guidelines, and maximums established pursuant to divisions (B)(7) 10737
and (8) of section 120.04 of the Revised Code, pay fifty per cent 10738
of the total cost, other than costs and expenses that are 10739
reimbursable under section 120.35 of the Revised Code, if any, of 10740
paying appointed counsel in each county and pay fifty per cent of 10741
costs and expenses that are reimbursable under section 120.35 of 10742
the Revised Code, if any, to the board. 10743

(F) If any county system for paying appointed counsel fails 10744

to maintain the standards for the conduct of the system 10745
established by the rules of the Ohio public defender commission 10746
pursuant to divisions (B) and (C) of section 120.03 of the Revised 10747
Code or the standards established by the state public defender 10748
pursuant to division (B)(7) of section 120.04 of the Revised Code, 10749
the commission shall notify the board of county commissioners of 10750
the county that the county system for paying appointed counsel has 10751
failed to comply with its rules. Unless the board corrects the 10752
conduct of its appointed counsel system to comply with the rules 10753
within ninety days after the date of the notice, the state public 10754
defender may deny all or part of the county's reimbursement from 10755
the state provided for in this section. 10756

Sec. 2945.17. (A) At any trial, in any court, for the 10757
violation of any statute of this state, ~~or of~~ any ordinance of any 10758
municipal corporation, or any resolution of any township, except 10759
as provided in divisions (B) and (C) of this section, the accused 10760
has the right to be tried by a jury. 10761

(B) The right to be tried by a jury that is granted under 10762
division (A) of this section does not apply to a violation of a 10763
statute ~~or~~, ordinance, or resolution that is any of the following: 10764

(1) A violation that is a minor misdemeanor; 10765

(2) A violation for which the potential penalty does not 10766
include the possibility of a prison term or jail term and for 10767
which the possible fine does not exceed one thousand dollars. 10768

(C) Division (A) of this section does not apply to, and there 10769
is no right to a jury trial for, a person who is the subject of a 10770
complaint filed under section 2151.27 of the Revised Code against 10771
both a child and the parent, guardian, or other person having care 10772
of the child. 10773

Sec. 2947.23. (A)(1) In all criminal cases, including 10774

violations of ordinances or resolutions, the judge or magistrate 10775
shall include in the sentence the costs of prosecution and render 10776
a judgment against the defendant for such costs. At the time the 10777
judge or magistrate imposes sentence, the judge or magistrate 10778
shall notify the defendant of both of the following: 10779

(a) If the defendant fails to pay that judgment or fails to 10780
timely make payments towards that judgment under a payment 10781
schedule approved by the court, the court may order the defendant 10782
to perform community service in an amount of not more than forty 10783
hours per month until the judgment is paid or until the court is 10784
satisfied that the defendant is in compliance with the approved 10785
payment schedule. 10786

(b) If the court orders the defendant to perform the 10787
community service, the defendant will receive credit upon the 10788
judgment at the specified hourly credit rate per hour of community 10789
service performed, and each hour of community service performed 10790
will reduce the judgment by that amount. 10791

(2) The following shall apply in all criminal cases: 10792

(a) If a jury has been sworn at the trial of a case, the fees 10793
of the jurors shall be included in the costs, which shall be paid 10794
to the public treasury from which the jurors were paid. 10795

(b) If a jury has not been sworn at the trial of a case 10796
because of a defendant's failure to appear without good cause, the 10797
costs incurred in summoning jurors for that particular trial may 10798
be included in the costs of prosecution. If the costs incurred in 10799
summoning jurors are assessed against the defendant, those costs 10800
shall be paid to the public treasury from which the jurors were 10801
paid. 10802

(B) If a judge or magistrate has reason to believe that a 10803
defendant has failed to pay the judgment described in division (A) 10804
of this section or has failed to timely make payments towards that 10805

judgment under a payment schedule approved by the judge or 10806
magistrate, the judge or magistrate shall hold a hearing to 10807
determine whether to order the offender to perform community 10808
service for that failure. The judge or magistrate shall notify 10809
both the defendant and the prosecuting attorney of the place, 10810
time, and date of the hearing and shall give each an opportunity 10811
to present evidence. If, after the hearing, the judge or 10812
magistrate determines that the defendant has failed to pay the 10813
judgment or to timely make payments under the payment schedule and 10814
that imposition of community service for the failure is 10815
appropriate, the judge or magistrate may order the offender to 10816
perform community service in an amount of not more than forty 10817
hours per month until the judgment is paid or until the judge or 10818
magistrate is satisfied that the offender is in compliance with 10819
the approved payment schedule. If the judge or magistrate orders 10820
the defendant to perform community service under this division, 10821
the defendant shall receive credit upon the judgment at the 10822
specified hourly credit rate per hour of community service 10823
performed, and each hour of community service performed shall 10824
reduce the judgment by that amount. Except for the credit and 10825
reduction provided in this division, ordering an offender to 10826
perform community service under this division does not lessen the 10827
amount of the judgment and does not preclude the state from taking 10828
any other action to execute the judgment. 10829

(C) As used in this section, "specified hourly credit rate" 10830
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 10831
under the federal Fair Labor Standards Act of 1938, that then is 10832
in effect, and that an employer subject to that provision must pay 10833
per hour to each of the employer's employees who is subject to 10834
that provision. 10835

Sec. 2949.02. (A) If a person is convicted of any bailable 10836
offense, including, but not limited to, a violation of an 10837

ordinance of a municipal corporation or resolution of a township, 10838
in a municipal or county court or in a court of common pleas and 10839
if the person gives to the trial judge or magistrate a written 10840
notice of the person's intention to file or apply for leave to 10841
file an appeal to the court of appeals, the trial judge or 10842
magistrate may suspend, subject to division (A)(2)(b) of section 10843
2953.09 of the Revised Code, execution of the sentence or judgment 10844
imposed for any fixed time that will give the person time either 10845
to prepare and file, or to apply for leave to file, the appeal. In 10846
all bailable cases, except as provided in division (B) of this 10847
section, the trial judge or magistrate may release the person on 10848
bail in accordance with Criminal Rule 46, and the bail shall at 10849
least be conditioned that the person will appeal without delay and 10850
abide by the judgment and sentence of the court. 10851

(B) Notwithstanding any provision of Criminal Rule 46 to the 10852
contrary, a trial judge of a court of common pleas shall not 10853
release on bail pursuant to division (A) of this section a person 10854
who is convicted of a bailable offense if the person is sentenced 10855
to imprisonment for life or if that offense is a violation of 10856
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 10857
2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 10858
of the Revised Code or is felonious sexual penetration in 10859
violation of former section 2907.12 of the Revised Code. 10860

(C) If a trial judge of a court of common pleas is prohibited 10861
by division (B) of this section from releasing on bail pursuant to 10862
division (A) of this section a person who is convicted of a 10863
bailable offense and not sentenced to imprisonment for life, the 10864
appropriate court of appeals or two judges of it, upon motion of 10865
such a person and for good cause shown, may release the person on 10866
bail in accordance with Appellate Rule 8 and Criminal Rule 46, and 10867
the bail shall at least be conditioned as described in division 10868
(A) of this section. 10869

Sec. 2950.01. As used in this chapter, unless the context
clearly requires otherwise:

(A) "Sexually oriented offense" means any of the following
violations or offenses committed by a person, regardless of the
person's age:

(1) A violation of section 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322,
or 2907.323 of the Revised Code;

(2) A violation of section 2907.04 of the Revised Code when
the offender is less than four years older than the other person
with whom the offender engaged in sexual conduct, the other person
did not consent to the sexual conduct, and the offender previously
has not been convicted of or pleaded guilty to a violation of
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a
violation of former section 2907.12 of the Revised Code;

(3) A violation of section 2907.04 of the Revised Code when
the offender is at least four years older than the other person
with whom the offender engaged in sexual conduct or when the
offender is less than four years older than the other person with
whom the offender engaged in sexual conduct and the offender
previously has been convicted of or pleaded guilty to a violation
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a
violation of former section 2907.12 of the Revised Code;

(4) A violation of section 2903.01, 2903.02, or 2903.11 of
the Revised Code when the violation was committed with a sexual
motivation;

(5) A violation of division (A) of section 2903.04 of the
Revised Code when the offender committed or attempted to commit
the felony that is the basis of the violation with a sexual
motivation;

(6) A violation of division (A)(3) of section 2903.211 of the Revised Code; 10900
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(7) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation; 10902
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(8) A violation of division (A)(4) of section 2905.01 of the Revised Code; 10905
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(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense; 10907
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(10) A violation of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B)(5) of section 2919.22 of the Revised Code; 10911
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(11) A violation of any former law of this state, any existing or former municipal ordinance, township resolution, or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section; 10915
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(12) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this section. 10923
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(B)(1) "Sex offender" means, subject to division (B)(2) of this section, a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a 10927
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delinquent child for committing any sexually oriented offense. 10931

(2) "Sex offender" does not include a person who is convicted 10932
of, pleads guilty to, has been convicted of, has pleaded guilty 10933
to, is adjudicated a delinquent child for committing, or has been 10934
adjudicated a delinquent child for committing a sexually oriented 10935
offense if the offense involves consensual sexual conduct or 10936
consensual sexual contact and either of the following applies: 10937

(a) The victim of the sexually oriented offense was eighteen 10938
years of age or older and at the time of the sexually oriented 10939
offense was not under the custodial authority of the person who is 10940
convicted of, pleads guilty to, has been convicted of, has pleaded 10941
guilty to, is adjudicated a delinquent child for committing, or 10942
has been adjudicated a delinquent child for committing the 10943
sexually oriented offense. 10944

(b) The victim of the offense was thirteen years of age or 10945
older, and the person who is convicted of, pleads guilty to, has 10946
been convicted of, has pleaded guilty to, is adjudicated a 10947
delinquent child for committing, or has been adjudicated a 10948
delinquent child for committing the sexually oriented offense is 10949
not more than four years older than the victim. 10950

(C) "Child-victim oriented offense" means any of the 10951
following violations or offenses committed by a person, regardless 10952
of the person's age, when the victim is under eighteen years of 10953
age and is not a child of the person who commits the violation: 10954

(1) A violation of division (A)(1), (2), (3), or (5) of 10955
section 2905.01 of the Revised Code when the violation is not 10956
included in division (A)(7) of this section; 10957

(2) A violation of division (A) of section 2905.02, division 10958
(A) of section 2905.03, or division (A) of section 2905.05 of the 10959
Revised Code; 10960

(3) A violation of any former law of this state, any existing 10961

or former municipal ordinance, township resolution, or law of 10962
another state or the United States, any existing or former law 10963
applicable in a military court or in an Indian tribal court, or 10964
any existing or former law of any nation other than the United 10965
States that is or was substantially equivalent to any offense 10966
listed in division (C)(1) or (2) of this section; 10967

(4) Any attempt to commit, conspiracy to commit, or 10968
complicity in committing any offense listed in division (C)(1), 10969
(2), or (3) of this section. 10970

(D) "Child-victim offender" means a person who is convicted 10971
of, pleads guilty to, has been convicted of, has pleaded guilty 10972
to, is adjudicated a delinquent child for committing, or has been 10973
adjudicated a delinquent child for committing any child-victim 10974
oriented offense. 10975

(E) "Tier I sex offender/child-victim offender" means any of 10976
the following: 10977

(1) A sex offender who is convicted of, pleads guilty to, has 10978
been convicted of, or has pleaded guilty to any of the following 10979
sexually oriented offenses: 10980

(a) A violation of section 2907.06, 2907.07, 2907.08, or 10981
2907.32 of the Revised Code; 10982

(b) A violation of section 2907.04 of the Revised Code when 10983
the offender is less than four years older than the other person 10984
with whom the offender engaged in sexual conduct, the other person 10985
did not consent to the sexual conduct, and the offender previously 10986
has not been convicted of or pleaded guilty to a violation of 10987
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 10988
violation of former section 2907.12 of the Revised Code; 10989

(c) A violation of division (A)(1), (2), (3), or (5) of 10990
section 2907.05 of the Revised Code; 10991

(d) A violation of division (A)(3) of section 2907.323 of the Revised Code; 10992
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(e) A violation of division (A)(3) of section 2903.211, of division (B) of section 2905.03, or of division (B) of section 2905.05 of the Revised Code; 10994
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(f) A violation of any former law of this state, any existing or former municipal ordinance, township resolution, or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (E)(1)(a), (b), (c), (d), or (e) of this section; 10997
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(g) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E)(1)(a), (b), (c), (d), (e), or (f) of this section. 11005
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(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F)(2) or (G)(2) of this section. 11008
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(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense. 11013
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(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 11019
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2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense. 11023
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(F) "Tier II sex offender/child-victim offender" means any of the following: 11025
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(1) A sex offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any of the following sexually oriented offenses: 11027
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(a) A violation of section 2907.21, 2907.321, or 2907.322 of the Revised Code; 11030
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(b) A violation of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct, or when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct and the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or former section 2907.12 of the Revised Code; 11032
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(c) A violation of division (A)(4) of section 2907.05 or of division (A)(1) or (2) of section 2907.323 of the Revised Code; 11040
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(d) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation; 11042
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(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is eighteen years of age or older; 11045
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(f) A violation of division (B) of section 2905.02 or of division (B)(5) of section 2919.22 of the Revised Code; 11048
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(g) A violation of any former law of this state, any existing or former municipal ordinance, township resolution, or law of another state or the United States, any existing or former law 11050
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applicable in a military court or in an Indian tribal court, or 11053
any existing or former law of any nation other than the United 11054
States that is or was substantially equivalent to any offense 11055
listed in division (F)(1)(a), (b), (c), (d), (e), or (f) of this 11056
section; 11057

(h) Any attempt to commit, conspiracy to commit, or 11058
complicity in committing any offense listed in division (F)(1)(a), 11059
(b), (c), (d), (e), (f), or (g) of this section; 11060

(i) Any sexually oriented offense that is committed after the 11061
sex offender previously has been convicted of, pleaded guilty to, 11062
or has been adjudicated a delinquent child for committing any 11063
sexually oriented offense or child-victim oriented offense for 11064
which the offender was classified a tier I sex 11065
offender/child-victim offender. 11066

(2) A child-victim offender who is convicted of, pleads 11067
guilty to, has been convicted of, or has pleaded guilty to any 11068
child-victim oriented offense when the child-victim oriented 11069
offense is committed after the child-victim offender previously 11070
has been convicted of, pleaded guilty to, or been adjudicated a 11071
delinquent child for committing any sexually oriented offense or 11072
child-victim oriented offense for which the offender was 11073
classified a tier I sex offender/child-victim offender. 11074

(3) A sex offender who is adjudicated a delinquent child for 11075
committing or has been adjudicated a delinquent child for 11076
committing any sexually oriented offense and who a juvenile court, 11077
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 11078
Revised Code, classifies a tier II sex offender/child-victim 11079
offender relative to the offense. 11080

(4) A child-victim offender who is adjudicated a delinquent 11081
child for committing or has been adjudicated a delinquent child 11082
for committing any child-victim oriented offense and whom a 11083

juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 11084
2152.85 of the Revised Code, classifies a tier II sex 11085
offender/child-victim offender relative to the current offense. 11086

(5) A sex offender or child-victim offender who is not in any 11087
category of tier II sex offender/child-victim offender set forth 11088
in division (F)(1), (2), (3), or (4) of this section, who prior to 11089
January 1, 2008, was adjudicated a delinquent child for committing 11090
a sexually oriented offense or child-victim oriented offense, and 11091
who prior to that date was determined to be a habitual sex 11092
offender or determined to be a habitual child-victim offender, 11093
unless either of the following applies: 11094

(a) The sex offender or child-victim offender is reclassified 11095
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 11096
tier I sex offender/child-victim offender or a tier III sex 11097
offender/child-victim offender relative to the offense. 11098

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 11099
2152.84, or 2152.85 of the Revised Code, classifies the child a 11100
tier I sex offender/child-victim offender or a tier III sex 11101
offender/child-victim offender relative to the offense. 11102

(G) "Tier III sex offender/child-victim offender" means any 11103
of the following: 11104

(1) A sex offender who is convicted of, pleads guilty to, has 11105
been convicted of, or has pleaded guilty to any of the following 11106
sexually oriented offenses: 11107

(a) A violation of section 2907.02 or 2907.03 of the Revised 11108
Code; 11109

(b) A violation of division (B) of section 2907.05 of the 11110
Revised Code; 11111

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 11112
the Revised Code when the violation was committed with a sexual 11113

motivation; 11114

(d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation; 11115
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11118

(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age; 11119
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11121

(f) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense; 11122
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(g) A violation of any former law of this state, any existing or former municipal ordinance, township resolution, or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (G)(1)(a), (b), (c), (d), (e), or (f) of this section; 11126
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(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 11134
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(i) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III sex offender/child-victim offender. 11137
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(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any 11143
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child-victim oriented offense when the child-victim oriented 11145
offense is committed after the child-victim offender previously 11146
has been convicted of, pleaded guilty to, or been adjudicated a 11147
delinquent child for committing any sexually oriented offense or 11148
child-victim oriented offense for which the offender was 11149
classified a tier II sex offender/child-victim offender or a tier 11150
III sex offender/child-victim offender. 11151

(3) A sex offender who is adjudicated a delinquent child for 11152
committing or has been adjudicated a delinquent child for 11153
committing any sexually oriented offense and who a juvenile court, 11154
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 11155
Revised Code, classifies a tier III sex offender/child-victim 11156
offender relative to the offense. 11157

(4) A child-victim offender who is adjudicated a delinquent 11158
child for committing or has been adjudicated a delinquent child 11159
for committing any child-victim oriented offense and whom a 11160
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 11161
2152.85 of the Revised Code, classifies a tier III sex 11162
offender/child-victim offender relative to the current offense. 11163

(5) A sex offender or child-victim offender who is not in any 11164
category of tier III sex offender/child-victim offender set forth 11165
in division (G)(1), (2), (3), or (4) of this section, who prior to 11166
January 1, 2008, was convicted of or pleaded guilty to a sexually 11167
oriented offense or child-victim oriented offense or was 11168
adjudicated a delinquent child for committing a sexually oriented 11169
offense or child-victim oriented offense and classified a juvenile 11170
offender registrant, and who prior to that date was adjudicated a 11171
sexual predator or adjudicated a child-victim predator, unless 11172
either of the following applies: 11173

(a) The sex offender or child-victim offender is reclassified 11174
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 11175
tier I sex offender/child-victim offender or a tier II sex 11176

offender/child-victim offender relative to the offense. 11177

(b) The sex offender or child-victim offender is a delinquent 11178
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 11179
2152.84, or 2152.85 of the Revised Code, classifies the child a 11180
tier I sex offender/child-victim offender or a tier II sex 11181
offender/child-victim offender relative to the offense. 11182

(6) A sex offender who is convicted of, pleads guilty to, was 11183
convicted of, or pleaded guilty to a sexually oriented offense, if 11184
the sexually oriented offense and the circumstances in which it 11185
was committed are such that division (F) of section 2971.03 of the 11186
Revised Code automatically classifies the offender as a tier III 11187
sex offender/child-victim offender; 11188

(7) A sex offender or child-victim offender who is convicted 11189
of, pleads guilty to, was convicted of, pleaded guilty to, is 11190
adjudicated a delinquent child for committing, or was adjudicated 11191
a delinquent child for committing a sexually oriented offense or 11192
child-victim offense in another state, in a federal court, 11193
military court, or Indian tribal court, or in a court in any 11194
nation other than the United States if both of the following 11195
apply: 11196

(a) Under the law of the jurisdiction in which the offender 11197
was convicted or pleaded guilty or the delinquent child was 11198
adjudicated, the offender or delinquent child is in a category 11199
substantially equivalent to a category of tier III sex 11200
offender/child-victim offender described in division (G)(1), (2), 11201
(3), (4), (5), or (6) of this section. 11202

(b) Subsequent to the conviction, plea of guilty, or 11203
adjudication in the other jurisdiction, the offender or delinquent 11204
child resides, has temporary domicile, attends school or an 11205
institution of higher education, is employed, or intends to reside 11206
in this state in any manner and for any period of time that 11207

subjects the offender or delinquent child to a duty to register or 11208
provide notice of intent to reside under section 2950.04 or 11209
2950.041 of the Revised Code. 11210

(H) "Confinement" includes, but is not limited to, a 11211
community residential sanction imposed pursuant to section 2929.16 11212
or 2929.26 of the Revised Code. 11213

(I) "Prosecutor" has the same meaning as in section 2935.01 11214
of the Revised Code. 11215

(J) "Supervised release" means a release of an offender from 11216
a prison term, a term of imprisonment, or another type of 11217
confinement that satisfies either of the following conditions: 11218

(1) The release is on parole, a conditional pardon, under a 11219
community control sanction, under transitional control, or under a 11220
post-release control sanction, and it requires the person to 11221
report to or be supervised by a parole officer, probation officer, 11222
field officer, or another type of supervising officer. 11223

(2) The release is any type of release that is not described 11224
in division (J)(1) of this section and that requires the person to 11225
report to or be supervised by a probation officer, a parole 11226
officer, a field officer, or another type of supervising officer. 11227

(K) "Sexually violent predator specification," "sexually 11228
violent predator," "sexually violent offense," "sexual motivation 11229
specification," "designated homicide, assault, or kidnapping 11230
offense," and "violent sex offense" have the same meanings as in 11231
section 2971.01 of the Revised Code. 11232

(L) "Post-release control sanction" and "transitional 11233
control" have the same meanings as in section 2967.01 of the 11234
Revised Code. 11235

(M) "Juvenile offender registrant" means a person who is 11236
adjudicated a delinquent child for committing on or after January 11237

1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83, 2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a juvenile offender registrant and specifies has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. "Juvenile offender registrant" includes a person who prior to January 1, 2008, was a "juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was a "juvenile sex offender registrant" under the former definition of that former term.

(N) "Public registry-qualified juvenile offender registrant" means a person who is adjudicated a delinquent child and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after January 1, 2008, and to whom all of the following apply:

(1) The person is adjudicated a delinquent child for committing, attempting to commit, conspiring to commit, or complicity in committing one of the following acts:

(a) A violation of section 2907.02 of the Revised Code, division (B) of section 2907.05 of the Revised Code, or section 2907.03 of the Revised Code if the victim of the violation was less than twelve years of age;

(b) A violation of section 2903.01, 2903.02, or 2905.01 of the Revised Code that was committed with a purpose to gratify the sexual needs or desires of the child.

(2) The person was fourteen, fifteen, sixteen, or seventeen years of age at the time of committing the act.

(3) A juvenile court judge, pursuant to an order issued under section 2152.86 of the Revised Code, classifies the person a juvenile offender registrant, specifies the person has a duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code, and classifies the person a public registry-qualified juvenile offender registrant, and the classification of the person as a public registry-qualified juvenile offender registrant has not been terminated pursuant to division (D) of section 2152.86 of the Revised Code.

(O) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are locked and under the exclusive control of its staff and to ensure that, because of that exclusive control, no person who is institutionalized or confined in the facility may leave the facility without permission or supervision.

(P) "Out-of-state juvenile offender registrant" means a person who is adjudicated a delinquent child in a court in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States for committing a sexually oriented offense or a child-victim oriented offense, who on or after January 1, 2002, moves to and resides in this state or temporarily is domiciled in this state for more than five days, and who has a duty under section 2950.04 or 2950.041 of the Revised Code to register in this state and the duty to otherwise comply with that applicable section and sections 2950.05 and 2950.06 of the Revised Code. "Out-of-state juvenile offender registrant" includes a person who prior to January 1, 2008, was an "out-of-state juvenile offender registrant" under the definition of the term in existence prior to January 1, 2008, and a person who prior to July 31, 2003, was an "out-of-state juvenile sex offender registrant" under the former definition of that former term.

(Q) "Juvenile court judge" includes a magistrate to whom the juvenile court judge confers duties pursuant to division (A)(15) of section 2151.23 of the Revised Code.

(R) "Adjudicated a delinquent child for committing a sexually oriented offense" includes a child who receives a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for committing a sexually oriented offense.

(S) "School" and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(T) "Residential premises" means the building in which a residential unit is located and the grounds upon which that building stands, extending to the perimeter of the property. "Residential premises" includes any type of structure in which a residential unit is located, including, but not limited to, multi-unit buildings and mobile and manufactured homes.

(U) "Residential unit" means a dwelling unit for residential use and occupancy, and includes the structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility.

(V) "Multi-unit building" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division.

(W) "Community control sanction" has the same meaning as in

section 2929.01 of the Revised Code. 11332

(X) "Halfway house" and "community-based correctional 11333
facility" have the same meanings as in section 2929.01 of the 11334
Revised Code. 11335

Sec. 2951.041. (A)(1) If an offender is charged with a 11336
criminal offense and the court has reason to believe that drug or 11337
alcohol usage by the offender was a factor leading to the 11338
offender's criminal behavior, the court may accept, prior to the 11339
entry of a guilty plea, the offender's request for intervention in 11340
lieu of conviction. The request shall include a waiver of the 11341
defendant's right to a speedy trial, the preliminary hearing, the 11342
time period within which the grand jury may consider an indictment 11343
against the offender, and arraignment, unless the hearing, 11344
indictment, or arraignment has already occurred. The court may 11345
reject an offender's request without a hearing. If the court 11346
elects to consider an offender's request, the court shall conduct 11347
a hearing to determine whether the offender is eligible under this 11348
section for intervention in lieu of conviction and shall stay all 11349
criminal proceedings pending the outcome of the hearing. If the 11350
court schedules a hearing, the court shall order an assessment of 11351
the offender for the purpose of determining the offender's 11352
eligibility for intervention in lieu of conviction and 11353
recommending an appropriate intervention plan. 11354

(2) The victim notification provisions of division (C) of 11355
section 2930.08 of the Revised Code apply in relation to any 11356
hearing held under division (A)(1) of this section. 11357

(B) An offender is eligible for intervention in lieu of 11358
conviction if the court finds all of the following: 11359

(1) The offender previously has not been convicted of or 11360
pleaded guilty to a felony, previously has not been through 11361
intervention in lieu of conviction under this section or any 11362

similar regimen, and is charged with a felony for which the court, 11363
upon conviction, would impose sentence under division (B)(2)(b) of 11364
section 2929.13 of the Revised Code or with a misdemeanor. 11365

(2) The offense is not a felony of the first, second, or 11366
third degree, is not an offense of violence, is not a violation of 11367
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 11368
not a violation of division (A)(1) of section 2903.08 of the 11369
Revised Code, is not a violation of division (A) of section 11370
4511.19 of the Revised Code or a municipal ordinance or township 11371
resolution that is substantially similar to that division, and is 11372
not an offense for which a sentencing court is required to impose 11373
a mandatory prison term, a mandatory term of local incarceration, 11374
or a mandatory term of imprisonment in a jail. 11375

(3) The offender is not charged with a violation of section 11376
2925.02, 2925.03, 2925.04, or 2925.06 of the Revised Code and is 11377
not charged with a violation of section 2925.11 of the Revised 11378
Code that is a felony of the first, second, or third degree. 11379

(4) The offender is not charged with a violation of section 11380
2925.11 of the Revised Code that is a felony of the fourth degree, 11381
or the offender is charged with a violation of that section that 11382
is a felony of the fourth degree and the prosecutor in the case 11383
has recommended that the offender be classified as being eligible 11384
for intervention in lieu of conviction under this section. 11385

(5) The offender has been assessed by an appropriately 11386
licensed provider, certified facility, or licensed and 11387
credentialed professional, including, but not limited to, a 11388
program licensed by the department of alcohol and drug addiction 11389
services pursuant to section 3793.11 of the Revised Code, a 11390
program certified by that department pursuant to section 3793.06 11391
of the Revised Code, a public or private hospital, the United 11392
States department of veterans affairs, another appropriate agency 11393
of the government of the United States, or a licensed physician, 11394

psychiatrist, psychologist, independent social worker, 11395
professional counselor, or chemical dependency counselor for the 11396
purpose of determining the offender's eligibility for intervention 11397
in lieu of conviction and recommending an appropriate intervention 11398
plan. 11399

(6) The offender's drug or alcohol usage was a factor leading 11400
to the criminal offense with which the offender is charged, 11401
intervention in lieu of conviction would not demean the 11402
seriousness of the offense, and intervention would substantially 11403
reduce the likelihood of any future criminal activity. 11404

(7) The alleged victim of the offense was not sixty-five 11405
years of age or older, permanently and totally disabled, under 11406
thirteen years of age, or a peace officer engaged in the officer's 11407
official duties at the time of the alleged offense. 11408

(8) If the offender is charged with a violation of section 11409
2925.24 of the Revised Code, the alleged violation did not result 11410
in physical harm to any person, and the offender previously has 11411
not been treated for drug abuse. 11412

(9) The offender is willing to comply with all terms and 11413
conditions imposed by the court pursuant to division (D) of this 11414
section. 11415

(C) At the conclusion of a hearing held pursuant to division 11416
(A) of this section, the court shall enter its determination as to 11417
whether the offender is eligible for intervention in lieu of 11418
conviction and as to whether to grant the offender's request. If 11419
the court finds under division (B) of this section that the 11420
offender is eligible for intervention in lieu of conviction and 11421
grants the offender's request, the court shall accept the 11422
offender's plea of guilty and waiver of the defendant's right to a 11423
speedy trial, the preliminary hearing, the time period within 11424
which the grand jury may consider an indictment against the 11425

offender, and arraignment, unless the hearing, indictment, or 11426
arraignment has already occurred. In addition, the court then may 11427
stay all criminal proceedings and order the offender to comply 11428
with all terms and conditions imposed by the court pursuant to 11429
division (D) of this section. If the court finds that the offender 11430
is not eligible or does not grant the offender's request, the 11431
criminal proceedings against the offender shall proceed as if the 11432
offender's request for intervention in lieu of conviction had not 11433
been made. 11434

(D) If the court grants an offender's request for 11435
intervention in lieu of conviction, the court shall place the 11436
offender under the general control and supervision of the county 11437
probation department, the adult parole authority, or another 11438
appropriate local probation or court services agency, if one 11439
exists, as if the offender was subject to a community control 11440
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 11441
Revised Code. The court shall establish an intervention plan for 11442
the offender. The terms and conditions of the intervention plan 11443
shall require the offender, for at least one year from the date on 11444
which the court grants the order of intervention in lieu of 11445
conviction, to abstain from the use of illegal drugs and alcohol 11446
and to submit to regular random testing for drug and alcohol use 11447
and may include any other treatment terms and conditions, or terms 11448
and conditions similar to community control sanctions, that are 11449
ordered by the court. 11450

(E) If the court grants an offender's request for 11451
intervention in lieu of conviction and the court finds that the 11452
offender has successfully completed the intervention plan for the 11453
offender, including the requirement that the offender abstain from 11454
using drugs and alcohol for a period of at least one year from the 11455
date on which the court granted the order of intervention in lieu 11456
of conviction and all other terms and conditions ordered by the 11457

court, the court shall dismiss the proceedings against the 11458
offender. Successful completion of the intervention plan and 11459
period of abstinence under this section shall be without 11460
adjudication of guilt and is not a criminal conviction for 11461
purposes of any disqualification or disability imposed by law and 11462
upon conviction of a crime, and the court may order the sealing of 11463
records related to the offense in question in the manner provided 11464
in sections 2953.31 to 2953.36 of the Revised Code. 11465

(F) If the court grants an offender's request for 11466
intervention in lieu of conviction and the offender fails to 11467
comply with any term or condition imposed as part of the 11468
intervention plan for the offender, the supervising authority for 11469
the offender promptly shall advise the court of this failure, and 11470
the court shall hold a hearing to determine whether the offender 11471
failed to comply with any term or condition imposed as part of the 11472
plan. If the court determines that the offender has failed to 11473
comply with any of those terms and conditions, it shall enter a 11474
finding of guilty and shall impose an appropriate sanction under 11475
Chapter 2929. of the Revised Code. 11476

(G) As used in this section: 11477

(1) "Community control sanction" has the same meaning as in 11478
section 2929.01 of the Revised Code. 11479

(2) "Intervention in lieu of conviction" means any 11480
court-supervised activity that complies with this section. 11481

(3) "Peace officer" has the same meaning as in section 11482
2935.01 of the Revised Code. 11483

Sec. 2953.02. In a capital case in which a sentence of death 11484
is imposed for an offense committed before January 1, 1995, and in 11485
any other criminal case, including a conviction for the violation 11486
of an ordinance of a municipal corporation or a resolution of a 11487

township, the judgment or final order of a court of record 11488
inferior to the court of appeals may be reviewed in the court of 11489
appeals. A final order of an administrative officer or agency may 11490
be reviewed in the court of common pleas. A judgment or final 11491
order of the court of appeals involving a question arising under 11492
the Constitution of the United States or of this state may be 11493
appealed to the supreme court as a matter of right. This right of 11494
appeal from judgments and final orders of the court of appeals 11495
shall extend to cases in which a sentence of death is imposed for 11496
an offense committed before January 1, 1995, and in which the 11497
death penalty has been affirmed, felony cases in which the supreme 11498
court has directed the court of appeals to certify its record, and 11499
in all other criminal cases of public or general interest wherein 11500
the supreme court has granted a motion to certify the record of 11501
the court of appeals. In a capital case in which a sentence of 11502
death is imposed for an offense committed on or after January 1, 11503
1995, the judgment or final order may be appealed from the trial 11504
court directly to the supreme court as a matter of right. The 11505
supreme court in criminal cases shall not be required to determine 11506
as to the weight of the evidence, except that, in cases in which a 11507
sentence of death is imposed for an offense committed on or after 11508
January 1, 1995, and in which the question of the weight of the 11509
evidence to support the judgment has been raised on appeal, the 11510
supreme court shall determine as to the weight of the evidence to 11511
support the judgment and shall determine as to the weight of the 11512
evidence to support the sentence of death as provided in section 11513
2929.05 of the Revised Code. 11514

Sec. 2953.03. (A) If a motion for a new trial is filed 11515
pursuant to Criminal Rule 33 by a defendant who is convicted of a 11516
misdemeanor under the Revised Code or an ordinance of a municipal 11517
corporation or resolution of a township, and if that defendant was 11518
on bail at the time of the conviction of that offense, the trial 11519

judge or magistrate shall suspend execution of the sentence or 11520
judgment imposed pending the determination on the motion for a new 11521
trial and shall determine the amount and nature of any bail that 11522
is required of the defendant in accordance with Criminal Rule 46. 11523

(B) If a notice of appeal is filed pursuant to the Rules of 11524
Appellate Procedure or Chapter 1905. of the Revised Code by a 11525
defendant who is convicted in a municipal, county, or ~~mayer's~~ 11526
community court or a court of common pleas of a misdemeanor under 11527
the Revised Code ~~or~~, an ordinance of a municipal corporation, or a 11528
resolution of a township, if that defendant was on bail at the 11529
time of the conviction of that offense, and if execution of the 11530
sentence or judgment imposed is suspended, the trial court or 11531
magistrate or the court in which the appeal is being prosecuted 11532
shall determine the amount and nature of any bail that is required 11533
of the defendant ~~as follows:~~ 11534

~~(1) In the case of an appeal to a court of appeals by a 11535
defendant who is convicted in a municipal or county court or a 11536
court of common pleas,~~ in accordance with Appellate Rule 8 and 11537
Criminal Rule 46~~;~~ 11538

~~(2) In the case of an appeal to a municipal or county court 11539
by a defendant who is convicted in a mayor's court, in accordance 11540
with Criminal Rule 46. 11541~~

Sec. 2953.07. (A) Upon the hearing of an appeal ~~other than an~~ 11542
~~appeal from a mayor's court,~~ the appellate court may affirm the 11543
judgment or reverse it, in whole or in part, or modify it, and 11544
order the accused to be discharged or grant a new trial. The 11545
appellate court may remand the accused for the sole purpose of 11546
correcting a sentence imposed contrary to law, provided that, on 11547
an appeal of a sentence imposed upon a person who is convicted of 11548
or pleads guilty to a felony that is brought under section 2953.08 11549
of the Revised Code, division (G) of that section applies to the 11550

court. If the judgment is reversed, the appellant shall recover 11551
from the appellee all court costs incurred to secure the reversal, 11552
including the cost of transcripts. In capital cases, when the 11553
judgment is affirmed and the day fixed for the execution is 11554
passed, the appellate court shall appoint a day for it, and the 11555
clerk of the appellate court shall issue a warrant under the seal 11556
of the appellate court, to the sheriff of the proper county, or 11557
the warden of the appropriate state correctional institution, 11558
commanding the sheriff or warden to carry the sentence into 11559
execution on the day so appointed. The sheriff or warden shall 11560
execute and return the warrant as in other cases, and the clerk 11561
shall record the warrant and return. 11562

(B) As used in this section, "appellate court" means, for a 11563
case in which a sentence of death is imposed for an offense 11564
committed before January 1, 1995, both the court of appeals and 11565
the supreme court, and for a case in which a sentence of death is 11566
imposed for an offense committed on or after January 1, 1995, the 11567
supreme court. 11568

Sec. 2953.09. (A)(1) Upon filing an appeal in the supreme 11569
court, the execution of the sentence or judgment imposed in cases 11570
of felony is suspended. 11571

(2)(a) If a notice of appeal is filed pursuant to the Rules 11572
of Appellate Procedure by a defendant who is convicted in a 11573
municipal ~~or~~ court, county court, community court, or a court of 11574
common pleas of a felony or misdemeanor under the Revised Code ~~or~~, 11575
an ordinance of a municipal corporation, or a resolution of a 11576
township, the filing of the notice of appeal does not suspend 11577
execution of the sentence or judgment imposed. However, consistent 11578
with divisions (A)(2)(b), (B), and (C) of this section, Appellate 11579
Rule 8, and Criminal Rule 46, the municipal or county court, court 11580
of common pleas, or court of appeals may suspend execution of the 11581

sentence or judgment imposed during the pendency of the appeal and shall determine whether that defendant is entitled to bail and the amount and nature of any bail that is required. The bail shall at least be conditioned that the defendant will prosecute the appeal without delay and abide by the judgment and sentence of the court.

(b)(i) A court of common pleas or court of appeals may suspend the execution of a sentence of death imposed for an offense committed before January 1, 1995, only if no date for execution has been set by the supreme court, good cause is shown for the suspension, the defendant files a motion requesting the suspension, and notice has been given to the prosecuting attorney of the appropriate county.

(ii) A court of common pleas may suspend the execution of a sentence of death imposed for an offense committed on or after January 1, 1995, only if no date for execution has been set by the supreme court, good cause is shown, the defendant files a motion requesting the suspension, and notice has been given to the prosecuting attorney of the appropriate county.

(iii) A court of common pleas or court of appeals may suspend the execution of the sentence or judgment imposed for a felony in a capital case in which a sentence of death is not imposed only if no date for execution of the sentence has been set by the supreme court, good cause is shown for the suspension, the defendant files a motion requesting the suspension, and only after notice has been given to the prosecuting attorney of the appropriate county.

(B) Notwithstanding any provision of Criminal Rule 46 to the contrary, a trial judge of a court of common pleas shall not release on bail pursuant to division (A)(2)(a) of this section a defendant who is convicted of a bailable offense if the defendant is sentenced to imprisonment for life or if that offense is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or

2911.11 of the Revised Code or is felonious sexual penetration in 11614
violation of former section 2907.12 of the Revised Code. 11615

(C) If a trial judge of a court of common pleas is prohibited 11616
by division (B) of this section from releasing on bail pursuant to 11617
division (A)(2)(a) of this section a defendant who is convicted of 11618
a bailable offense and not sentenced to imprisonment for life, the 11619
appropriate court of appeals or two judges of it, upon motion of 11620
the defendant and for good cause shown, may release the defendant 11621
on bail in accordance with division (A)(2) of this section. 11622

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 11623
Revised Code: 11624

(A) "First offender" means anyone who has been convicted of 11625
an offense in this state or any other jurisdiction and who 11626
previously or subsequently has not been convicted of the same or a 11627
different offense in this state or any other jurisdiction. When 11628
two or more convictions result from or are connected with the same 11629
act or result from offenses committed at the same time, they shall 11630
be counted as one conviction. When two or three convictions result 11631
from the same indictment, information, or complaint, from the same 11632
plea of guilty, or from the same official proceeding, and result 11633
from related criminal acts that were committed within a 11634
three-month period but do not result from the same act or from 11635
offenses committed at the same time, they shall be counted as one 11636
conviction, provided that a court may decide as provided in 11637
division (C)(1)(a) of section 2953.32 of the Revised Code that it 11638
is not in the public interest for the two or three convictions to 11639
be counted as one conviction. 11640

For purposes of, and except as otherwise provided in, this 11641
division, a conviction for a minor misdemeanor, for a violation of 11642
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 11643
Revised Code, or for a violation of a municipal ordinance or 11644

township resolution that is substantially similar to any section 11645
in those chapters is not a previous or subsequent conviction. 11646
However, a conviction for a violation of section 4511.19, 11647
4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or 11648
sections 4549.41 to 4549.46 of the Revised Code, for a violation 11649
of section 4510.11 or 4510.14 of the Revised Code that is based 11650
upon the offender's operation of a vehicle during a suspension 11651
imposed under section 4511.191 or 4511.196 of the Revised Code, 11652
for a violation of a substantially equivalent municipal ordinance 11653
or township resolution, for a felony violation of Title XLV of the 11654
Revised Code, or for a violation of a substantially equivalent 11655
former law of this state or former municipal ordinance or township 11656
resolution shall be considered a previous or subsequent 11657
conviction. 11658

(B) "Prosecutor" means the county prosecuting attorney, city 11659
director of law, village solicitor, or similar chief legal 11660
officer, who has the authority to prosecute a criminal case in the 11661
court in which the case is filed. 11662

(C) "Bail forfeiture" means the forfeiture of bail by a 11663
defendant who is arrested for the commission of a misdemeanor, 11664
other than a defendant in a traffic case as defined in Traffic 11665
Rule 2, if the forfeiture is pursuant to an agreement with the 11666
court and prosecutor in the case. 11667

(D) "Official records" has the same meaning as in division 11668
(D) of section 2953.51 of the Revised Code. 11669

(E) "Official proceeding" has the same meaning as in section 11670
2921.01 of the Revised Code. 11671

(F) "Community control sanction" has the same meaning as in 11672
section 2929.01 of the Revised Code. 11673

(G) "Post-release control" and "post-release control 11674
sanction" have the same meanings as in section 2967.01 of the 11675

Revised Code.	11676
Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code	11677
do not apply to any of the following:	11678
(A) Convictions when the offender is subject to a mandatory prison term;	11679 11680
(B) Convictions under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance <u>or</u> <u>township resolution</u> that is substantially similar to any section contained in any of those chapters;	11681 11682 11683 11684 11685 11686
(C) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section 2917.03 of the Revised Code and is not a violation of section 2903.13, 2917.01, or 2917.31 of the Revised Code that is a misdemeanor of the first degree;	11687 11688 11689 11690 11691
(D) Convictions on or after the effective date of this amendment <u>October 10, 2007</u> , under section 2907.07 of the Revised Code or a conviction on or after the effective date of this amendment <u>October 10, 2007</u> , for a violation of a municipal ordinance that is substantially similar to that section;	11692 11693 11694 11695 11696
(E) Convictions on or after the effective date of this amendment <u>October 10, 2007</u> , under section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Revised Code when the victim of the offense was under eighteen years of age;	11697 11698 11699 11700 11701
(F) Convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or a felony;	11702 11703 11704
(G) Convictions of a felony of the first or second degree;	11705

(H) Bail forfeitures in a traffic case as defined in Traffic Rule 2.	11706 11707
Sec. 3113.31. (A) As used in this section:	11708
(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:	11709 11710
(a) Attempting to cause or recklessly causing bodily injury;	11711
(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	11712 11713 11714
(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	11715 11716 11717
(d) Committing a sexually oriented offense.	11718
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.	11719 11720 11721 11722
(3) "Family or household member" means any of the following:	11723
(a) Any of the following who is residing with or has resided with the respondent:	11724 11725
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	11726 11727
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	11728 11729
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	11730 11731 11732 11733

(b) The natural parent of any child of whom the respondent is 11734
the other natural parent or is the putative other natural parent. 11735

(4) "Person living as a spouse" means a person who is living 11736
or has lived with the respondent in a common law marital 11737
relationship, who otherwise is cohabiting with the respondent, or 11738
who otherwise has cohabited with the respondent within five years 11739
prior to the date of the alleged occurrence of the act in 11740
question. 11741

(5) "Victim advocate" means a person who provides support and 11742
assistance for a person who files a petition under this section. 11743

(6) "Sexually oriented offense" has the same meaning as in 11744
section 2950.01 of the Revised Code. 11745

(B) The court has jurisdiction over all proceedings under 11746
this section. The petitioner's right to relief under this section 11747
is not affected by the petitioner's leaving the residence or 11748
household to avoid further domestic violence. 11749

(C) A person may seek relief under this section on the 11750
person's own behalf, or any parent or adult household member may 11751
seek relief under this section on behalf of any other family or 11752
household member, by filing a petition with the court. The 11753
petition shall contain or state: 11754

(1) An allegation that the respondent engaged in domestic 11755
violence against a family or household member of the respondent, 11756
including a description of the nature and extent of the domestic 11757
violence; 11758

(2) The relationship of the respondent to the petitioner, and 11759
to the victim if other than the petitioner; 11760

(3) A request for relief under this section. 11761

(D)(1) If a person who files a petition pursuant to this 11762
section requests an ex parte order, the court shall hold an ex 11763

parte hearing on the same day that the petition is filed. The 11764
court, for good cause shown at the ex parte hearing, may enter any 11765
temporary orders, with or without bond, including, but not limited 11766
to, an order described in division (E)(1)(a), (b), or (c) of this 11767
section, that the court finds necessary to protect the family or 11768
household member from domestic violence. Immediate and present 11769
danger of domestic violence to the family or household member 11770
constitutes good cause for purposes of this section. Immediate and 11771
present danger includes, but is not limited to, situations in 11772
which the respondent has threatened the family or household member 11773
with bodily harm, in which the respondent has threatened the 11774
family or household member with a sexually oriented offense, or in 11775
which the respondent previously has been convicted of or pleaded 11776
guilty to an offense that constitutes domestic violence against 11777
the family or household member. 11778

(2)(a) If the court, after an ex parte hearing, issues an 11779
order described in division (E)(1)(b) or (c) of this section, the 11780
court shall schedule a full hearing for a date that is within 11781
seven court days after the ex parte hearing. If any other type of 11782
protection order that is authorized under division (E) of this 11783
section is issued by the court after an ex parte hearing, the 11784
court shall schedule a full hearing for a date that is within ten 11785
court days after the ex parte hearing. The court shall give the 11786
respondent notice of, and an opportunity to be heard at, the full 11787
hearing. The court shall hold the full hearing on the date 11788
scheduled under this division unless the court grants a 11789
continuance of the hearing in accordance with this division. Under 11790
any of the following circumstances or for any of the following 11791
reasons, the court may grant a continuance of the full hearing to 11792
a reasonable time determined by the court: 11793

(i) Prior to the date scheduled for the full hearing under 11794
this division, the respondent has not been served with the 11795

petition filed pursuant to this section and notice of the full hearing. 11796
11797

(ii) The parties consent to the continuance. 11798

(iii) The continuance is needed to allow a party to obtain counsel. 11799
11800

(iv) The continuance is needed for other good cause. 11801

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division. 11802
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(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter. 11807
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(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may: 11812
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(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members; 11816
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(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other 11819
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family or household member; 11826

(c) When the respondent has a duty to support the petitioner 11827
or other family or household member living in the residence or 11828
household and the respondent is the sole owner or lessee of the 11829
residence or household, grant possession of the residence or 11830
household to the petitioner or other family or household member, 11831
to the exclusion of the respondent, by ordering the respondent to 11832
vacate the premises, or, in the case of a consent agreement, allow 11833
the respondent to provide suitable, alternative housing; 11834

(d) Temporarily allocate parental rights and responsibilities 11835
for the care of, or establish temporary parenting time rights with 11836
regard to, minor children, if no other court has determined, or is 11837
determining, the allocation of parental rights and 11838
responsibilities for the minor children or parenting time rights; 11839

(e) Require the respondent to maintain support, if the 11840
respondent customarily provides for or contributes to the support 11841
of the family or household member, or if the respondent has a duty 11842
to support the petitioner or family or household member; 11843

(f) Require the respondent, petitioner, victim of domestic 11844
violence, or any combination of those persons, to seek counseling; 11845

(g) Require the respondent to refrain from entering the 11846
residence, school, business, or place of employment of the 11847
petitioner or family or household member; 11848

(h) Grant other relief that the court considers equitable and 11849
fair, including, but not limited to, ordering the respondent to 11850
permit the use of a motor vehicle by the petitioner or other 11851
family or household member and the apportionment of household and 11852
family personal property. 11853

(2) If a protection order has been issued pursuant to this 11854
section in a prior action involving the respondent and the 11855
petitioner or one or more of the family or household members or 11856

victims, the court may include in a protection order that it 11857
issues a prohibition against the respondent returning to the 11858
residence or household. If it includes a prohibition against the 11859
respondent returning to the residence or household in the order, 11860
it also shall include in the order provisions of the type 11861
described in division (E)(7) of this section. This division does 11862
not preclude the court from including in a protection order or 11863
consent agreement, in circumstances other than those described in 11864
this division, a requirement that the respondent be evicted from 11865
or vacate the residence or household or refrain from entering the 11866
residence, school, business, or place of employment of the 11867
petitioner or a family or household member, and, if the court 11868
includes any requirement of that type in an order or agreement, 11869
the court also shall include in the order provisions of the type 11870
described in division (E)(7) of this section. 11871

(3)(a) Any protection order issued or consent agreement 11872
approved under this section shall be valid until a date certain, 11873
but not later than five years from the date of its issuance or 11874
approval unless modified or terminated as provided in division 11875
(E)(8) of this section. 11876

(b) Subject to the limitation on the duration of an order or 11877
agreement set forth in division (E)(3)(a) of this section, any 11878
order under division (E)(1)(d) of this section shall terminate on 11879
the date that a court in an action for divorce, dissolution of 11880
marriage, or legal separation brought by the petitioner or 11881
respondent issues an order allocating parental rights and 11882
responsibilities for the care of children or on the date that a 11883
juvenile court in an action brought by the petitioner or 11884
respondent issues an order awarding legal custody of minor 11885
children. Subject to the limitation on the duration of an order or 11886
agreement set forth in division (E)(3)(a) of this section, any 11887
order under division (E)(1)(e) of this section shall terminate on 11888

the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order.

(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved.

(4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as

aggressors, and that neither the petitioner nor the respondent 11920
acted primarily in self-defense. 11921

(5) No protection order issued or consent agreement approved 11922
under this section shall in any manner affect title to any real 11923
property. 11924

(6)(a) If a petitioner, or the child of a petitioner, who 11925
obtains a protection order or consent agreement pursuant to 11926
division (E)(1) of this section or a temporary protection order 11927
pursuant to section 2919.26 of the Revised Code and is the subject 11928
of a parenting time order issued pursuant to section 3109.051 or 11929
3109.12 of the Revised Code or a visitation or companionship order 11930
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 11931
Revised Code or division (E)(1)(d) of this section granting 11932
parenting time rights to the respondent, the court may require the 11933
public children services agency of the county in which the court 11934
is located to provide supervision of the respondent's exercise of 11935
parenting time or visitation or companionship rights with respect 11936
to the child for a period not to exceed nine months, if the court 11937
makes the following findings of fact: 11938

(i) The child is in danger from the respondent; 11939

(ii) No other person or agency is available to provide the 11940
supervision. 11941

(b) A court that requires an agency to provide supervision 11942
pursuant to division (E)(6)(a) of this section shall order the 11943
respondent to reimburse the agency for the cost of providing the 11944
supervision, if it determines that the respondent has sufficient 11945
income or resources to pay that cost. 11946

(7)(a) If a protection order issued or consent agreement 11947
approved under this section includes a requirement that the 11948
respondent be evicted from or vacate the residence or household or 11949
refrain from entering the residence, school, business, or place of 11950

employment of the petitioner or a family or household member, the 11951
order or agreement shall state clearly that the order or agreement 11952
cannot be waived or nullified by an invitation to the respondent 11953
from the petitioner or other family or household member to enter 11954
the residence, school, business, or place of employment or by the 11955
respondent's entry into one of those places otherwise upon the 11956
consent of the petitioner or other family or household member. 11957

(b) Division (E)(7)(a) of this section does not limit any 11958
discretion of a court to determine that a respondent charged with 11959
a violation of section 2919.27 of the Revised Code, with a 11960
violation of a municipal ordinance or township resolution 11961
substantially equivalent to that section, or with contempt of 11962
court, which charge is based on an alleged violation of a 11963
protection order issued or consent agreement approved under this 11964
section, did not commit the violation or was not in contempt of 11965
court. 11966

(8)(a) The court may modify or terminate as provided in 11967
division (E)(8) of this section a protection order or consent 11968
agreement that was issued after a full hearing under this section. 11969
The court that issued the protection order or approved the consent 11970
agreement shall hear a motion for modification or termination of 11971
the protection order or consent agreement pursuant to division 11972
(E)(8) of this section. 11973

(b) Either the petitioner or the respondent of the original 11974
protection order or consent agreement may bring a motion for 11975
modification or termination of a protection order or consent 11976
agreement that was issued or approved after a full hearing. The 11977
court shall require notice of the motion to be made as provided by 11978
the Rules of Civil Procedure. If the petitioner for the original 11979
protection order or consent agreement has requested that the 11980
petitioner's address be kept confidential, the court shall not 11981
disclose the address to the respondent of the original protection 11982

order or consent agreement or any other person, except as 11983
otherwise required by law. The moving party has the burden of 11984
proof to show, by a preponderance of the evidence, that 11985
modification or termination of the protection order or consent 11986
agreement is appropriate because either the protection order or 11987
consent agreement is no longer needed or because the terms of the 11988
original protection order or consent agreement are no longer 11989
appropriate. 11990

(c) In considering whether to modify or terminate a 11991
protection order or consent agreement issued or approved under 11992
this section, the court shall consider all relevant factors, 11993
including, but not limited to, the following: 11994

(i) Whether the petitioner consents to modification or 11995
termination of the protection order or consent agreement; 11996

(ii) Whether the petitioner fears the respondent; 11997

(iii) The current nature of the relationship between the 11998
petitioner and the respondent; 11999

(iv) The circumstances of the petitioner and respondent, 12000
including the relative proximity of the petitioner's and 12001
respondent's workplaces and residences and whether the petitioner 12002
and respondent have minor children together; 12003

(v) Whether the respondent has complied with the terms and 12004
conditions of the original protection order or consent agreement; 12005

(vi) Whether the respondent has a continuing involvement with 12006
illegal drugs or alcohol; 12007

(vii) Whether the respondent has been convicted of or pleaded 12008
guilty to an offense of violence since the issuance of the 12009
protection order or approval of the consent agreement; 12010

(viii) Whether any other protection orders, consent 12011
agreements, restraining orders, or no contact orders have been 12012

issued against the respondent pursuant to this section, section 12013
2919.26 of the Revised Code, any other provision of state law, or 12014
the law of any other state; 12015

(ix) Whether the respondent has participated in any domestic 12016
violence treatment, intervention program, or other counseling 12017
addressing domestic violence and whether the respondent has 12018
completed the treatment, program, or counseling; 12019

(x) The time that has elapsed since the protection order was 12020
issued or since the consent agreement was approved; 12021

(xi) The age and health of the respondent; 12022

(xii) When the last incident of abuse, threat of harm, or 12023
commission of a sexually oriented offense occurred or other 12024
relevant information concerning the safety and protection of the 12025
petitioner or other protected parties. 12026

(d) If a protection order or consent agreement is modified or 12027
terminated as provided in division (E)(8) of this section, the 12028
court shall issue copies of the modified or terminated order or 12029
agreement as provided in division (F) of this section. A 12030
petitioner may also provide notice of the modification or 12031
termination to the judicial and law enforcement officials in any 12032
county other than the county in which the order or agreement is 12033
modified or terminated as provided in division (N) of this 12034
section. 12035

(e) If the respondent moves for modification or termination 12036
of a protection order or consent agreement pursuant to this 12037
section, the court may assess costs against the respondent for the 12038
filing of the motion. 12039

(F)(1) A copy of any protection order, or consent agreement, 12040
that is issued, approved, modified, or terminated under this 12041
section shall be issued by the court to the petitioner, to the 12042
respondent, and to all law enforcement agencies that have 12043

jurisdiction to enforce the order or agreement. The court shall 12044
direct that a copy of an order be delivered to the respondent on 12045
the same day that the order is entered. 12046

(2) All law enforcement agencies shall establish and maintain 12047
an index for the protection orders and the approved consent 12048
agreements delivered to the agencies pursuant to division (F)(1) 12049
of this section. With respect to each order and consent agreement 12050
delivered, each agency shall note on the index the date and time 12051
that it received the order or consent agreement. 12052

(3) Regardless of whether the petitioner has registered the 12053
order or agreement in the county in which the officer's agency has 12054
jurisdiction pursuant to division (N) of this section, any officer 12055
of a law enforcement agency shall enforce a protection order 12056
issued or consent agreement approved by any court in this state in 12057
accordance with the provisions of the order or agreement, 12058
including removing the respondent from the premises, if 12059
appropriate. 12060

(G) Any proceeding under this section shall be conducted in 12061
accordance with the Rules of Civil Procedure, except that an order 12062
under this section may be obtained with or without bond. An order 12063
issued under this section, other than an ex parte order, that 12064
grants a protection order or approves a consent agreement, that 12065
refuses to grant a protection order or approve a consent agreement 12066
that modifies or terminates a protection order or consent 12067
agreement, or that refuses to modify or terminate a protection 12068
order or consent agreement, is a final, appealable order. The 12069
remedies and procedures provided in this section are in addition 12070
to, and not in lieu of, any other available civil or criminal 12071
remedies. 12072

(H) The filing of proceedings under this section does not 12073
excuse a person from filing any report or giving any notice 12074
required by section 2151.421 of the Revised Code or by any other 12075

law. When a petition under this section alleges domestic violence 12076
against minor children, the court shall report the fact, or cause 12077
reports to be made, to a county, township, or municipal peace 12078
officer under section 2151.421 of the Revised Code. 12079

(I) Any law enforcement agency that investigates a domestic 12080
dispute shall provide information to the family or household 12081
members involved regarding the relief available under this section 12082
and section 2919.26 of the Revised Code. 12083

(J) Notwithstanding any provision of law to the contrary and 12084
regardless of whether a protection order is issued or a consent 12085
agreement is approved by a court of another county or a court of 12086
another state, no court or unit of state or local government shall 12087
charge any fee, cost, deposit, or money in connection with the 12088
filing of a petition pursuant to this section or in connection 12089
with the filing, issuance, registration, or service of a 12090
protection order or consent agreement, or for obtaining a 12091
certified copy of a protection order or consent agreement. 12092

(K)(1) The court shall comply with Chapters 3119., 3121., 12093
3123., and 3125. of the Revised Code when it makes or modifies an 12094
order for child support under this section. 12095

(2) If any person required to pay child support under an 12096
order made under this section on or after April 15, 1985, or 12097
modified under this section on or after December 31, 1986, is 12098
found in contempt of court for failure to make support payments 12099
under the order, the court that makes the finding, in addition to 12100
any other penalty or remedy imposed, shall assess all court costs 12101
arising out of the contempt proceeding against the person and 12102
require the person to pay any reasonable attorney's fees of any 12103
adverse party, as determined by the court, that arose in relation 12104
to the act of contempt. 12105

(L)(1) A person who violates a protection order issued or a 12106

consent agreement approved under this section is subject to the 121107
following sanctions: 121108

(a) Criminal prosecution for a violation of section 2919.27 121109
of the Revised Code, if the violation of the protection order or 121110
consent agreement constitutes a violation of that section; 121111

(b) Punishment for contempt of court. 121112

(2) The punishment of a person for contempt of court for 121113
violation of a protection order issued or a consent agreement 121114
approved under this section does not bar criminal prosecution of 121115
the person for a violation of section 2919.27 of the Revised Code. 121116
However, a person punished for contempt of court is entitled to 121117
credit for the punishment imposed upon conviction of a violation 121118
of that section, and a person convicted of a violation of that 121119
section shall not subsequently be punished for contempt of court 121120
arising out of the same activity. 121121

(M) In all stages of a proceeding under this section, a 121122
petitioner may be accompanied by a victim advocate. 121123

(N)(1) A petitioner who obtains a protection order or consent 121124
agreement under this section or a temporary protection order under 121125
section 2919.26 of the Revised Code may provide notice of the 121126
issuance or approval of the order or agreement to the judicial and 121127
law enforcement officials in any county other than the county in 121128
which the order is issued or the agreement is approved by 121129
registering that order or agreement in the other county pursuant 121130
to division (N)(2) of this section and filing a copy of the 121131
registered order or registered agreement with a law enforcement 121132
agency in the other county in accordance with that division. A 121133
person who obtains a protection order issued by a court of another 121134
state may provide notice of the issuance of the order to the 121135
judicial and law enforcement officials in any county of this state 121136
by registering the order in that county pursuant to section 121137

2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order or agreement is to be registered.

(b) Upon accepting the certified copy of the order or agreement for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order or agreement and give the petitioner a copy of the order or agreement that bears that proof of registration.

(3) The clerk of each court of common pleas, the clerk of each municipal court, and the clerk of each county court shall maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk.

Sec. 3301.88. (A) A recipient of a grant under section 3301.86 of the Revised Code may request from the bureau of criminal identification and investigation a criminal records check on any individual, other than an individual described in division (B) of this section, who applies to participate in providing directly to children any program or service funded in whole or in part by the grant. If a recipient elects to request a criminal

records check, the request shall consist of a request for the 12169
information a school district board of education may request under 12170
division (F)(2)(a) of section 109.57 of the Revised Code and shall 12171
be accompanied by one of the following identification options: 12172

(1) The form and standard impression sheet prescribed by the 12173
bureau under division (C) of section 109.572 of the Revised Code; 12174

(2) A form prescribed by the bureau on which is specified the 12175
individual's name, social security number, and date of birth. 12176

(B) A grant recipient shall not request a criminal records 12177
check under division (A) of this section with respect to any 12178
individual who furnishes the grant recipient with a certified copy 12179
of a report of a criminal records check completed by the bureau 12180
within one year prior to applying to participate in providing 12181
programs or services under the grant. 12182

(C) Except as provided in rules adopted under division (G)(2) 12183
of this section, a grant recipient shall not allow an individual 12184
to participate in providing directly to children any program or 12185
service funded in whole or in part by the grant if the information 12186
requested under this section from the bureau indicates that the 12187
individual has ever pleaded guilty to or been found guilty by a 12188
jury or court of any of the following: 12189

(1) A felony; 12190

(2) A violation of section 2903.16, 2903.34, 2905.05, 12191
2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.23, 2907.25, 12192
2907.31, 2919.12, 2919.22, 2919.24, 2925.04, or 3716.11 of the 12193
Revised Code; a violation of section 2905.04 of the Revised Code 12194
as it existed prior to July 1, 1996; or a violation of section 12195
2919.23 of the Revised Code that would have been a violation of 12196
section 2905.04 of the Revised Code as it existed prior to July 1, 12197
1996, had it been committed prior to that date; 12198

(3) An offense of violence; 12199

(4) A theft offense, as defined in section 2913.01 of the Revised Code; 12200
12201

(5) A drug abuse offense, as defined in section 2925.01 of the Revised Code; 12202
12203

(6) A violation of an existing or former ordinance of a municipal corporation, resolution of a township, or law of the United States or another state that is substantively comparable to an offense listed in divisions (C)(1) to (5) of this section. 12204
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(D) A grant recipient that elects to request criminal records checks may conditionally allow an individual to participate in providing programs or services directly to children until the criminal records check is completed and the grant recipient receives the results. If the results of the criminal records check indicate that the individual has been convicted of or pleaded guilty to an offense listed in division (C) of this section, the grant recipient shall not allow the individual to further participate in providing directly to children any program or service funded in whole or in part by the grant, except as provided in the rules adopted under division (G)(2) of this section. 12208
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(E) The report of any criminal records check conducted in accordance with division (F)(5) of section 109.57 of the Revised Code pursuant to a request under this section is not a public record for purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the individual who is the subject of the criminal records check or the individual's representative, the grant recipient or the grant recipient's representative, and any court, hearing officer, or other necessary individual in a case dealing with the denial of the individual's participation in a program or service funded by a grant awarded under section 3301.86 of the Revised Code. 12220
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(F) The department of education shall reimburse each grant recipient for each criminal records check the actual amount paid by the grant recipient for the portion of the criminal records check conducted by the bureau of criminal identification and investigation. Reimbursement shall be paid under this division only for criminal records checks on individuals who apply to participate in providing directly to children any program or service funded in whole or in part by the grant. To receive it, the grant recipient must submit information to the department in the form and manner required by the department. The reimbursement is in addition to the grant awarded to the recipient under section 3301.86 of the Revised Code.

(G) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code:

(1) Prescribing the form and manner in which grant recipients must submit information to the department to receive reimbursement under division (F) of this section;

(2) Specifying circumstances under which a grant recipient may allow an individual whose criminal records check report indicates that the individual has been convicted of or pleaded guilty to an offense listed in division (C) of this section, but who meets standards in regard to rehabilitation set forth in the rules, to participate in providing directly to children any program or service funded in whole or in part by the grant.

Sec. 3313.662. (A) The superintendent of public instruction, pursuant to this section and the adjudication procedures of section 3301.121 of the Revised Code, may issue an adjudication order that permanently excludes a pupil from attending any of the public schools of this state if the pupil is convicted of, or adjudicated a delinquent child for, committing, when the pupil was sixteen years of age or older, an act that would be a criminal

offense if committed by an adult and if the act is any of the 12262
following: 12263

(1) A violation of section 2923.122 of the Revised Code; 12264

(2) A violation of section 2923.12 of the Revised Code, of a 12265
substantially similar municipal ordinance or township resolution, 12266
or of section 2925.03 of the Revised Code that was committed on 12267
property owned or controlled by, or at an activity held under the 12268
auspices of, a board of education of a city, local, exempted 12269
village, or joint vocational school district; 12270

(3) A violation of section 2925.11 of the Revised Code, other 12271
than a violation of that section that would be a minor drug 12272
possession offense, that was committed on property owned or 12273
controlled by, or at an activity held under the auspices of, the 12274
board of education of a city, local, exempted village, or joint 12275
vocational school district; 12276

(4) A violation of section 2903.01, 2903.02, 2903.03, 12277
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 12278
section 2907.12 of the Revised Code that was committed on property 12279
owned or controlled by, or at an activity held under the auspices 12280
of, a board of education of a city, local, exempted village, or 12281
joint vocational school district, if the victim at the time of the 12282
commission of the act was an employee of that board of education; 12283

(5) Complicity in any violation described in division (A)(1), 12284
(2), (3), or (4) of this section that was alleged to have been 12285
committed in the manner described in division (A)(1), (2), (3), or 12286
(4) of this section, regardless of whether the act of complicity 12287
was committed on property owned or controlled by, or at an 12288
activity held under the auspices of, a board of education of a 12289
city, local, exempted village, or joint vocational school 12290
district. 12291

(B) A pupil may be suspended or expelled in accordance with 12292

section 3313.66 of the Revised Code prior to being permanently 12293
excluded from public school attendance under this section and 12294
section 3301.121 of the Revised Code. 12295

(C)(1) If the superintendent of a city, local, exempted 12296
village, or joint vocational school district in which a pupil 12297
attends school obtains or receives proof that the pupil has been 12298
convicted of committing when the pupil was sixteen years of age or 12299
older a violation listed in division (A) of this section or 12300
adjudicated a delinquent child for the commission when the pupil 12301
was sixteen years of age or older of a violation listed in 12302
division (A) of this section, the superintendent may issue to the 12303
board of education of the school district a request that the pupil 12304
be permanently excluded from public school attendance, if both of 12305
the following apply: 12306

(a) After obtaining or receiving proof of the conviction or 12307
adjudication, the superintendent or the superintendent's designee 12308
determines that the pupil's continued attendance in school may 12309
endanger the health and safety of other pupils or school employees 12310
and gives the pupil and the pupil's parent, guardian, or custodian 12311
written notice that the superintendent intends to recommend to the 12312
board of education that the board adopt a resolution requesting 12313
the superintendent of public instruction to permanently exclude 12314
the pupil from public school attendance. 12315

(b) The superintendent or the superintendent's designee 12316
forwards to the board of education the superintendent's written 12317
recommendation that includes the determinations the superintendent 12318
or designee made pursuant to division (C)(1)(a) of this section 12319
and a copy of the proof the superintendent received showing that 12320
the pupil has been convicted of or adjudicated a delinquent child 12321
for a violation listed in division (A) of this section that was 12322
committed when the pupil was sixteen years of age or older. 12323

(2) Within fourteen days after receipt of a recommendation 12324

from the superintendent pursuant to division (C)(1)(b) of this 12325
section that a pupil be permanently excluded from public school 12326
attendance, the board of education of a city, local, exempted 12327
village, or joint vocational school district, after review and 12328
consideration of all of the following available information, may 12329
adopt a resolution requesting the superintendent of public 12330
instruction to permanently exclude the pupil who is the subject of 12331
the recommendation from public school attendance: 12332

(a) The academic record of the pupil and a record of any 12333
extracurricular activities in which the pupil previously was 12334
involved; 12335

(b) The disciplinary record of the pupil and any available 12336
records of the pupil's prior behavioral problems other than the 12337
behavioral problems contained in the disciplinary record; 12338

(c) The social history of the pupil; 12339

(d) The pupil's response to the imposition of prior 12340
discipline and sanctions imposed for behavioral problems; 12341

(e) Evidence regarding the seriousness of and any aggravating 12342
factors related to the offense that is the basis of the resolution 12343
seeking permanent exclusion; 12344

(f) Any mitigating circumstances surrounding the offense that 12345
gave rise to the request for permanent exclusion; 12346

(g) Evidence regarding the probable danger posed to the 12347
health and safety of other pupils or of school employees by the 12348
continued presence of the pupil in a public school setting; 12349

(h) Evidence regarding the probable disruption of the 12350
teaching of any school district's graded course of study by the 12351
continued presence of the pupil in a public school setting; 12352

(i) Evidence regarding the availability of alternative 12353
sanctions of a less serious nature than permanent exclusion that 12354

would enable the pupil to remain in a public school setting 12355
without posing a significant danger to the health and safety of 12356
other pupils or of school employees and without posing a threat of 12357
the disruption of the teaching of any district's graded course of 12358
study. 12359

(3) If the board does not adopt a resolution requesting the 12360
superintendent of public instruction to permanently exclude the 12361
pupil, it immediately shall send written notice of that fact to 12362
the superintendent who sought the resolution, to the pupil who was 12363
the subject of the proposed resolution, and to that pupil's 12364
parent, guardian, or custodian. 12365

(D)(1) Upon adoption of a resolution under division (C) of 12366
this section, the board of education immediately shall forward to 12367
the superintendent of public instruction the written resolution, 12368
proof of the conviction or adjudication that is the basis of the 12369
resolution, a copy of the pupil's entire school record, and any 12370
other relevant information and shall forward a copy of the 12371
resolution to the pupil who is the subject of the recommendation 12372
and to that pupil's parent, guardian, or custodian. 12373

(2) The board of education that adopted and forwarded the 12374
resolution requesting the permanent exclusion of the pupil to the 12375
superintendent of public instruction promptly shall designate a 12376
representative of the school district to present the case for 12377
permanent exclusion to the superintendent or the referee appointed 12378
by the superintendent. The representative of the school district 12379
may be an attorney admitted to the practice of law in this state. 12380
At the adjudication hearing held pursuant to section 3301.121 of 12381
the Revised Code, the representative of the school district shall 12382
present evidence in support of the requested permanent exclusion. 12383

(3) Upon receipt of a board of education's resolution 12384
requesting the permanent exclusion of a pupil from public school 12385
attendance, the superintendent of public instruction, in 12386

accordance with the adjudication procedures of section 3301.121 of 12387
the Revised Code, promptly shall issue an adjudication order that 12388
either permanently excludes the pupil from attending any of the 12389
public schools of this state or that rejects the resolution of the 12390
board of education. 12391

(E) Notwithstanding any provision of section 3313.64 of the 12392
Revised Code or an order of any court of this state that otherwise 12393
requires the admission of the pupil to a school, no school 12394
official in a city, local, exempted village, or joint vocational 12395
school district knowingly shall admit to any school in the school 12396
district a pupil who has been permanently excluded from public 12397
school attendance by the superintendent of public instruction. 12398

(F)(1)(a) Upon determining that the school attendance of a 12399
pupil who has been permanently excluded from public school 12400
attendance no longer will endanger the health and safety of other 12401
students or school employees, the superintendent of any city, 12402
local, exempted village, or joint vocational school district in 12403
which the pupil desires to attend school may issue to the board of 12404
education of the school district a recommendation, including the 12405
reasons for the recommendation, that the permanent exclusion of a 12406
pupil be revoked and the pupil be allowed to return to the public 12407
schools of the state. 12408

If any violation which in whole or in part gave rise to the 12409
permanent exclusion of any pupil involved the pupil's bringing a 12410
firearm to a school operated by the board of education of a school 12411
district or onto any other property owned or operated by such a 12412
board, no superintendent shall recommend under this division an 12413
effective date for the revocation of the pupil's permanent 12414
exclusion that is less than one year after the date on which the 12415
last such firearm incident occurred. However, on a case-by-case 12416
basis, a superintendent may recommend an earlier effective date 12417
for such a revocation for any of the reasons for which the 12418

superintendent may reduce the one-year expulsion requirement in 12419
division (B)(2) of section 3313.66 of the Revised Code. 12420

(b) Upon receipt of the recommendation of the superintendent 12421
that a permanent exclusion of a pupil be revoked, the board of 12422
education of a city, local, exempted village, or joint vocational 12423
school district may adopt a resolution by a majority vote of its 12424
members requesting the superintendent of public instruction to 12425
revoke the permanent exclusion of the pupil. Upon adoption of the 12426
resolution, the board of education shall forward a copy of the 12427
resolution, the reasons for the resolution, and any other relevant 12428
information to the superintendent of public instruction. 12429

(c) Upon receipt of a resolution of a board of education 12430
requesting the revocation of a permanent exclusion of a pupil, the 12431
superintendent of public instruction, in accordance with the 12432
adjudication procedures of Chapter 119. of the Revised Code, shall 12433
issue an adjudication order that revokes the permanent exclusion 12434
of the pupil from public school attendance or that rejects the 12435
resolution of the board of education. 12436

(2)(a) A pupil who has been permanently excluded pursuant to 12437
this section and section 3301.121 of the Revised Code may request 12438
the superintendent of any city, local, exempted village, or joint 12439
vocational school district in which the pupil desires to attend 12440
school to admit the pupil on a probationary basis for a period not 12441
to exceed ninety school days. Upon receiving the request, the 12442
superintendent may enter into discussions with the pupil and with 12443
the pupil's parent, guardian, or custodian or a person designated 12444
by the pupil's parent, guardian, or custodian to develop a 12445
probationary admission plan designed to assist the pupil's 12446
probationary admission to the school. The plan may include a 12447
treatment program, a behavioral modification program, or any other 12448
program reasonably designed to meet the educational needs of the 12449
child and the disciplinary requirements of the school. 12450

If any violation which in whole or in part gave rise to the permanent exclusion of the pupil involved the pupil's bringing a firearm to a school operated by the board of education of any school district or onto any other property owned or operated by such a board, no plan developed under this division for the pupil shall include an effective date for the probationary admission of the pupil that is less than one year after the date on which the last such firearm incident occurred except that on a case-by-case basis, a plan may include an earlier effective date for such an admission for any of the reasons for which the superintendent of the district may reduce the one-year expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code.

(b) If the superintendent of a school district, a pupil, and the pupil's parent, guardian, or custodian or a person designated by the pupil's parent, guardian, or custodian agree upon a probationary admission plan prepared pursuant to division (F)(2)(a) of this section, the superintendent of the school district shall issue to the board of education of the school district a recommendation that the pupil be allowed to attend school within the school district under probationary admission, the reasons for the recommendation, and a copy of the agreed upon probationary admission plan. Within fourteen days after the board of education receives the recommendation, reasons, and plan, the board may adopt the recommendation by a majority vote of its members. If the board adopts the recommendation, the pupil may attend school under probationary admission within that school district for a period not to exceed ninety days or any additional probationary period permitted under divisions (F)(2)(d) and (e) of this section in accordance with the probationary admission plan prepared pursuant to division (F)(2)(a) of this section.

(c) If a pupil who is permitted to attend school under probationary admission pursuant to division (F)(2)(b) of this

section fails to comply with the probationary admission plan 12483
prepared pursuant to division (F)(2)(a) of this section, the 12484
superintendent of the school district immediately may remove the 12485
pupil from the school and issue to the board of education of the 12486
school district a recommendation that the probationary admission 12487
be revoked. Within five days after the board of education receives 12488
the recommendation, the board may adopt the recommendation to 12489
revoke the pupil's probationary admission by a majority vote of 12490
its members. If a majority of the board does not adopt the 12491
recommendation to revoke the pupil's probationary admission, the 12492
pupil shall continue to attend school in compliance with the 12493
pupil's probationary admission plan. 12494

(d) If a pupil who is permitted to attend school under 12495
probationary admission pursuant to division (F)(2)(b) of this 12496
section complies with the probationary admission plan prepared 12497
pursuant to division (F)(2)(a) of this section, the pupil or the 12498
pupil's parent, guardian, or custodian, at any time before the 12499
expiration of the ninety-day probationary admission period, may 12500
request the superintendent of the school district to extend the 12501
terms and period of the pupil's probationary admission for a 12502
period not to exceed ninety days or to issue a recommendation 12503
pursuant to division (F)(1) of this section that the pupil's 12504
permanent exclusion be revoked and the pupil be allowed to return 12505
to the public schools of this state. 12506

(e) If a pupil is granted an extension of the pupil's 12507
probationary admission pursuant to division (F)(2)(d) of this 12508
section, the pupil or the pupil's parent, guardian, or custodian, 12509
in the manner described in that division, may request, and the 12510
superintendent and board, in the manner described in that 12511
division, may recommend and grant, subsequent probationary 12512
admission periods not to exceed ninety days each. If a pupil who 12513
is permitted to attend school under an extension of a probationary 12514

admission plan complies with the probationary admission plan 12515
prepared pursuant to the extension, the pupil or the pupil's 12516
parent, guardian, or custodian may request a revocation of the 12517
pupil's permanent exclusion in the manner described in division 12518
(F)(2)(d) of this section. 12519

(f) Any extension of a probationary admission requested by a 12520
pupil or a pupil's parent, guardian, or custodian pursuant to 12521
divisions (F)(2)(d) or (e) of this section shall be subject to the 12522
adoption and approval of a probationary admission plan in the 12523
manner described in divisions (F)(2)(a) and (b) of this section 12524
and may be terminated as provided in division (F)(2)(c) of this 12525
section. 12526

(g) If the pupil has complied with any probationary admission 12527
plan and the superintendent issues a recommendation that seeks 12528
revocation of the pupil's permanent exclusion pursuant to division 12529
(F)(1) of this section, the pupil's compliance with any 12530
probationary admission plan may be considered along with other 12531
relevant factors in any determination or adjudication conducted 12532
pursuant to division (F)(1) of this section. 12533

(G)(1) Except as provided in division (G)(2) of this section, 12534
any information regarding the permanent exclusion of a pupil shall 12535
be included in the pupil's official records and shall be included 12536
in any records sent to any school district that requests the 12537
pupil's records. 12538

(2) When a pupil who has been permanently excluded from 12539
public school attendance reaches the age of twenty-two or when the 12540
permanent exclusion of a pupil has been revoked, all school 12541
districts that maintain records regarding the pupil's permanent 12542
exclusion shall remove all references to the exclusion from the 12543
pupil's file and shall destroy them. 12544

A pupil who has reached the age of twenty-two or whose 12545

permanent exclusion has been revoked may send a written notice to 12546
the superintendent of any school district maintaining records of 12547
the pupil's permanent exclusion requesting the superintendent to 12548
ensure that the records are removed from the pupil's file and 12549
destroyed. Upon receipt of the request and a determination that 12550
the pupil is twenty-two years of age or older or that the pupil's 12551
permanent exclusion has been revoked, the superintendent shall 12552
ensure that the records are removed from the pupil's file and 12553
destroyed. 12554

(H)(1) This section does not apply to any of the following: 12555

(a) An institution that is a residential facility, that 12556
receives and cares for children, that is maintained by the 12557
department of youth services, and that operates a school chartered 12558
by the state board of education under section 3301.16 of the 12559
Revised Code; 12560

(b) Any on-premises school operated by an out-of-home care 12561
entity, other than a school district, that is chartered by the 12562
state board of education under section 3301.16 of the Revised 12563
Code; 12564

(c) Any school operated in connection with an out-of-home 12565
care entity or a nonresidential youth treatment program that 12566
enters into a contract or agreement with a school district for the 12567
provision of educational services in a setting other than a 12568
setting that is a building or structure owned or controlled by the 12569
board of education of the school district during normal school 12570
hours. 12571

(2) This section does not prohibit any person who has been 12572
permanently excluded pursuant to this section and section 3301.121 12573
of the Revised Code from seeking a certificate of high school 12574
equivalence. A person who has been permanently excluded may be 12575
permitted to participate in a course of study in preparation for 12576

the tests of general educational development, except that the 12577
person shall not participate during normal school hours in that 12578
course of study in any building or structure owned or controlled 12579
by the board of education of a school district. 12580

(3) This section does not relieve any school district from 12581
any requirement under section 2151.362 or 3313.64 of the Revised 12582
Code to pay for the cost of educating any child who has been 12583
permanently excluded pursuant to this section and section 3301.121 12584
of the Revised Code. 12585

(I) As used in this section: 12586

(1) "Permanently exclude" means to forever prohibit an 12587
individual from attending any public school in this state that is 12588
operated by a city, local, exempted village, or joint vocational 12589
school district. 12590

(2) "Permanent exclusion" means the prohibition of a pupil 12591
forever from attending any public school in this state that is 12592
operated by a city, local, exempted village, or joint vocational 12593
school district. 12594

(3) "Out-of-home care" has the same meaning as in section 12595
2151.011 of the Revised Code. 12596

(4) "Certificate of highschool equivalence" has the same 12597
meaning as in section 4109.06 of the Revised Code. 12598

(5) "Nonresidential youth treatment program" means a program 12599
designed to provide services to persons under the age of eighteen 12600
in a setting that does not regularly provide long-term overnight 12601
care, including settlement houses, diversion and prevention 12602
programs, run-away centers, and alternative education programs. 12603

(6) "Firearm" has the same meaning as provided pursuant to 12604
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 12605
8001(a)(2). 12606

(7) "Minor drug possession offense" has the same meaning as 12607
in section 2925.01 of the Revised Code. 12608

Sec. 3319.20. Whenever an employee of a board of education, 12609
other than an employee who is a license holder to whom section 12610
3319.52 of the Revised Code applies, is convicted of or pleads 12611
guilty to a felony, a violation of section 2907.04 or 2907.06 or 12612
of division (A) or (B) of section 2907.07 of the Revised Code, an 12613
offense of violence, theft offense, or drug abuse offense that is 12614
not a minor misdemeanor, or a violation of an ordinance of a 12615
municipal corporation or resolution of a township that is 12616
substantively comparable to a felony or to a violation or offense 12617
of that nature, the prosecutor in the case, on forms prescribed 12618
and furnished by the state board of education, shall notify the 12619
employing board of education of the employee's name and residence 12620
address, the fact that the employee was convicted of or pleaded 12621
guilty to the specified offense, the section of the Revised Code 12622
or the municipal ordinance violated, and the sentence imposed by 12623
the court. 12624

The prosecutor shall give the notification required by this 12625
section no earlier than the fifth day following the expiration of 12626
the period within which the employee may file a notice of appeal 12627
from the judgment of the trial court under Appellate Rule 4(B) and 12628
no later than the eighth day following the expiration of that 12629
period. The notification also shall indicate whether the employee 12630
appealed the conviction, and, if applicable, the court in which 12631
the appeal will be heard. If the employee is permitted, by leave 12632
of court pursuant to Appellate Rule 5, to appeal the judgment of 12633
the trial court subsequent to the expiration of the period for 12634
filing a notice of appeal under Appellate Rule 4(B), the 12635
prosecutor promptly shall notify the employing board of education 12636
of the appeal and the court in which the appeal will be heard. 12637

As used in this section, "theft offense" has the same meaning 12638
as in section 2913.01 of the Revised Code, "drug abuse offense" 12639
has the same meaning as in section 2925.01 of the Revised Code, 12640
and "prosecutor" has the same meaning as in section 2935.01 of the 12641
Revised Code. 12642

Sec. 3319.31. (A) As used in this section and sections 12643
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 12644
means a certificate, license, or permit described in this chapter 12645
or in division (B) of section 3301.071 or in section 3301.074 of 12646
the Revised Code. 12647

(B) For any of the following reasons, the state board of 12648
education, in accordance with Chapter 119. and section 3319.311 of 12649
the Revised Code, may refuse to issue a license to an applicant, 12650
may limit a license it issues to an applicant, or may suspend, 12651
revoke, or limit a license that has been issued to any person: 12652

(1) Engaging in an immoral act, incompetence, negligence, or 12653
conduct that is unbecoming to the applicant's or person's 12654
position; 12655

(2) A plea of guilty to, a finding of guilt by a jury or 12656
court of, or a conviction of any of the following: 12657

(a) A felony; 12658

(b) A violation of section 2907.04 or 2907.06 or division (A) 12659
or (B) of section 2907.07 of the Revised Code; 12660

(c) An offense of violence; 12661

(d) A theft offense, as defined in section 2913.01 of the 12662
Revised Code; 12663

(e) A drug abuse offense, as defined in section 2925.01 of 12664
the Revised Code, that is not a minor misdemeanor; 12665

(f) A violation of an ordinance of a municipal corporation or 12666

resolution of a township that is substantively comparable to an 12667
offense listed in divisions (B)(2)(a) to (e) of this section. 12668

(C) The state board may take action under division (B) of 12669
this section on the basis of substantially comparable conduct 12670
occurring in a jurisdiction outside this state or occurring before 12671
a person applies for or receives any license. 12672

(D) The state board may adopt rules in accordance with 12673
Chapter 119. of the Revised Code to carry out this section and 12674
section 3319.311 of the Revised Code. 12675

Sec. 3327.10. (A) No person shall be employed as driver of a 12676
school bus or motor van, owned and operated by any school district 12677
or educational service center or privately owned and operated 12678
under contract with any school district or service center in this 12679
state, who has not received a certificate from the educational 12680
service center governing board in case such person is employed by 12681
a service center or by a local school district under the 12682
supervision of the service center governing board, or by the 12683
superintendent of schools, in case such person is employed by the 12684
board of a city or exempted village school district, certifying 12685
that such person is at least eighteen years of age and is of good 12686
moral character and is qualified physically and otherwise for such 12687
position. The service center governing board or the 12688
superintendent, as the case may be, shall provide for an annual 12689
physical examination that conforms with rules adopted by the state 12690
board of education of each driver to ascertain the driver's 12691
physical fitness for such employment. Any certificate may be 12692
revoked by the authority granting the same on proof that the 12693
holder has been guilty of failing to comply with division (D)(1) 12694
of this section, or upon a conviction or a guilty plea for a 12695
violation, or any other action, that results in a loss or 12696
suspension of driving rights. Failure to comply with such division 12697

may be cause for disciplinary action or termination of employment 12698
under division (C) of section 3319.081, or section 124.34 of the 12699
Revised Code. 12700

(B) No person shall be employed as driver of a school bus or 12701
motor van not subject to the rules of the department of education 12702
pursuant to division (A) of this section who has not received a 12703
certificate from the school administrator or contractor certifying 12704
that such person is at least eighteen years of age, is of good 12705
moral character, and is qualified physically and otherwise for 12706
such position. Each driver shall have an annual physical 12707
examination which conforms to the state highway patrol rules, 12708
ascertaining the driver's physical fitness for such employment. 12709
The examination shall be performed by one of the following: 12710

(1) A person licensed under Chapter 4731. of the Revised Code 12711
or by another state to practice medicine and surgery or 12712
osteopathic medicine and surgery; 12713

(2) A physician assistant; 12714

(3) A certified nurse practitioner; 12715

(4) A clinical nurse specialist; 12716

(5) A certified nurse-midwife. 12717

Any written documentation of the physical examination shall 12718
be completed by the individual who performed the examination. 12719

Any certificate may be revoked by the authority granting the 12720
same on proof that the holder has been guilty of failing to comply 12721
with division (D)(2) of this section. 12722

(C) Any person who drives a school bus or motor van must give 12723
satisfactory and sufficient bond except a driver who is an 12724
employee of a school district and who drives a bus or motor van 12725
owned by the school district. 12726

(D) No person employed as driver of a school bus or motor van 12727

under this section who is convicted of a traffic violation or who 12728
has had the person's commercial driver's license suspended shall 12729
drive a school bus or motor van until the person has filed a 12730
written notice of the conviction or suspension, as follows: 12731

(1) If the person is employed under division (A) of this 12732
section, the person shall file the notice with the superintendent, 12733
or a person designated by the superintendent, of the school 12734
district for which the person drives a school bus or motor van as 12735
an employee or drives a privately owned and operated school bus or 12736
motor van under contract. 12737

(2) If employed under division (B) of this section, the 12738
person shall file the notice with the employing school 12739
administrator or contractor, or a person designated by the 12740
administrator or contractor. 12741

(E) In addition to resulting in possible revocation of a 12742
certificate as authorized by divisions (A) and (B) of this 12743
section, violation of division (D) of this section is a minor 12744
misdemeanor. 12745

(F)(1) Not later than thirty days after June 30, 2007, each 12746
owner of a school bus or motor van shall obtain the complete 12747
driving record for each person who is currently employed or 12748
otherwise authorized to drive the school bus or motor van. An 12749
owner of a school bus or motor van shall not permit a person to 12750
operate the school bus or motor van for the first time before the 12751
owner has obtained the person's complete driving record. 12752
Thereafter, the owner of a school bus or motor van shall obtain 12753
the person's driving record not less frequently than semiannually 12754
if the person remains employed or otherwise authorized to drive 12755
the school bus or motor van. An owner of a school bus or motor van 12756
shall not permit a person to resume operating a school bus or 12757
motor van, after an interruption of one year or longer, before the 12758
owner has obtained the person's complete driving record. 12759

(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for six years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance or township resolution.

(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the state board of education prescribing qualifications of drivers of school buses and other student transportation.

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) A criminal records check, including information from the federal bureau of investigation, has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in

rules adopted by the state board. 12791

(I) For qualified drivers who, on ~~the effective date of this~~ 12792
~~amendment~~ July 1, 2007, are employed by the owner of a school bus 12793
or motor van to drive the school bus or motor van, any instance in 12794
which the driver was convicted of or pleaded guilty to a violation 12795
of section 4511.19 of the Revised Code or a substantially 12796
equivalent municipal ordinance or township resolution prior to two 12797
years prior to ~~the effective date of this amendment~~ July 1, 2007, 12798
shall not be considered a disqualifying event with respect to 12799
division (F) of this section. 12800
12801

Sec. 3345.23. (A) The conviction of a student, faculty or 12802
staff member, or employee of a college or university which 12803
receives any state funds in support thereof, of any offense 12804
covered by division (D) of this section, automatically effects the 12805
student's, faculty or staff member's, or employee's dismissal from 12806
such college or university, except as provided in division (E) of 12807
this section. A student dismissed pursuant to this section may be 12808
readmitted or admitted to any other college or university which 12809
receives state funds in support thereof, in the discretion of the 12810
board of trustees, but only upon the lapse of one calendar year 12811
following the student's dismissal, and only upon terms of strict 12812
disciplinary probation. The contract, if any, of a faculty or 12813
staff member or employee dismissed pursuant to this section is 12814
terminated thereby. A faculty or staff member or employee 12815
dismissed pursuant to this section may be re-employed by any such 12816
college or university, in the discretion of the board of trustees, 12817
but only upon the lapse of one calendar year following the faculty 12818
or staff member's or employee's dismissal. 12819

(B) Upon conviction of a student, faculty or staff member, or 12820
employee of a college or university which receives any state funds 12821

in support thereof, of any offense covered by division (D) of this 12822
section, the court shall immediately notify the college or 12823
university of such conviction. The president, or other 12824
administrative official designated by the board of trustees, shall 12825
immediately notify such person of the person's dismissal. The 12826
notice shall be in writing and shall be mailed by certified mail 12827
to the person's address as shown in both the court and the 12828
university records. If such person has been suspended pursuant to 12829
section 3345.22 of the Revised Code, and not permitted to return 12830
to the college or university, the period of the person's dismissal 12831
shall run from the date of such suspension. 12832

(C) No degrees or honors shall be conferred upon, no 12833
instructional credit or grades shall be given to, and no student 12834
assistance, scholarship funds, salaries, or wages shall be paid or 12835
credited to any student, faculty or staff member, or employee, in 12836
respect of the period such person is properly under dismissal 12837
pursuant to this section or under suspension pursuant to section 12838
3345.22 of the Revised Code. 12839

(D) Without limiting the grounds for dismissal, suspension, 12840
or other disciplinary action against a student, faculty or staff 12841
member, or employee of a college or university which receives any 12842
state funds in support thereof, the commission of an offense of 12843
violence as defined in division (A)(9)(a) of section 2901.01 of 12844
the Revised Code or a substantially equivalent offense under a 12845
municipal ordinance or township resolution, which offense is 12846
committed on or affects persons or property on such college or 12847
university, or which offense is committed in the immediate 12848
vicinity of a college or university with respect to which an 12849
emergency has been declared and is in effect pursuant to section 12850
3345.26 of the Revised Code, is cause for dismissal pursuant to 12851
this section or for suspension pursuant to section 3345.22 of the 12852
Revised Code. Criminal cases resulting from arrests for offenses 12853

covered by division (D) of this section shall take precedence over 12854
all civil matters and proceedings and over all other criminal 12855
cases. 12856

(E) If a final judicial determination results in an 12857
acquittal, or if the conviction is reversed on appeal, the 12858
student, faculty or staff member, or employee shall be reinstated 12859
and the college or university shall expunge the record of the 12860
student's, faculty or staff member's, or employee's dismissal from 12861
the student's, faculty or staff member's, or employee's college or 12862
university records, and the dismissal shall be deemed never to 12863
have occurred. 12864

Sec. 3375.50. All Subject to division (F)(2) of section 12865
1901.31 of the Revised Code, all fines and penalties collected by, 12866
and moneys arising from forfeited bail in, a municipal court for 12867
offenses and misdemeanors brought for prosecution in the name of a 12868
municipal corporation under one of its penal ordinances or in the 12869
name of a township under one of its penal resolutions, where there 12870
is in force a state statute under which the offense might be 12871
prosecuted, or brought for prosecution in the name of the state, 12872
except a portion of such fines, penalties, and moneys which, plus 12873
all costs collected monthly in such state cases, equal the 12874
compensation allowed by the board of county commissioners to the 12875
judges of the municipal court, its clerk, and the prosecuting 12876
attorney of such court in state cases, shall be retained by the 12877
clerk of such municipal court, and be paid by ~~him~~ the clerk 12878
forthwith, each month, to the board of trustees of the law library 12879
association in the county in which such municipal corporation or 12880
township is located. The sum so retained and paid by the clerk of 12881
the municipal court to the board of trustees of such law library 12882
association shall, in no month, be less than twenty-five per cent 12883
of the amount of such fines, penalties, and moneys received in 12884
that month, without deducting the amount of the allowance of the 12885

board of county commissioners to the judges, clerk, and 12886
prosecuting attorney. 12887

The total amount paid under this section in any one calendar 12888
year by the clerks of all municipal courts in any one county to 12889
the board of trustees of such law library association shall in no 12890
event exceed the following amounts: 12891

(A) In counties having a population of fifty thousand or 12892
less, seventy-five hundred dollars and the maximum amount paid by 12893
any of such courts shall not exceed four thousand dollars in any 12894
calendar year. 12895

(B) In counties having a population in excess of fifty 12896
thousand but not in excess of one hundred thousand, eight thousand 12897
dollars and the maximum amount paid by any of such courts shall 12898
not exceed five thousand five hundred dollars in any calendar 12899
year. 12900

(C) In counties having a population in excess of one hundred 12901
thousand but not in excess of one hundred fifty thousand, ten 12902
thousand dollars and the maximum amount paid by any of such courts 12903
shall not exceed seven thousand dollars in any calendar year. 12904

(D) In counties having a population of in excess of one 12905
hundred fifty thousand, fifteen thousand dollars in any calendar 12906
year. The maximum amount to be paid by each such clerk shall be 12907
determined by the county auditor in December of each year for the 12908
next succeeding calendar year, and shall bear the same ratio to 12909
the total amount payable under this section from the clerks of all 12910
municipal courts in such county as the total fines, costs, and 12911
forfeitures received by the corresponding municipal court, bear to 12912
the total fines, costs, and forfeitures received by all the 12913
municipal courts in the county, as shown for the last complete 12914
year of actual receipts, on the latest available budgets of such 12915
municipal courts. Payments in the full amounts provided in this 12916

section shall be made monthly by each clerk in each calendar year 12917
until the maximum amount for such year has been paid. When such 12918
amount, so determined by the auditor, has been paid to the board 12919
of trustees of such law library association, then no further 12920
payments shall be required in that calendar year from the clerk of 12921
such court. 12922

(E) This section does not apply to fines collected by a 12923
municipal court for violations of division (B) of section 4513.263 12924
of the Revised Code, or for violations of any municipal ordinance 12925
or township resolution that is substantively comparable to that 12926
division, all of which shall be forwarded to the treasurer of 12927
state as provided in division (E) of section 4513.263 of the 12928
Revised Code. 12929

Sec. 3375.51. Fifty per cent of all moneys collected by a 12930
county court accruing from fines, penalties, and forfeited bail, 12931
unless otherwise distributed by law, shall be paid to the board of 12932
trustees of the law library association of the county by the 12933
county treasurer, upon the voucher of the county auditor within 12934
thirty days after such moneys have been paid into the county 12935
treasury by the clerk of the county court. 12936

This section does not apply to fines collected by a county 12937
court for violations of division (B) of section 4513.263 of the 12938
Revised Code, or for violations of any municipal ordinance or 12939
township resolution that is substantively comparable to that 12940
division, all of which shall be forwarded to the treasurer of 12941
state as provided in division (E) of section 4513.263 of the 12942
Revised Code. 12943

Sec. 3937.41. (A) As used in this section: 12944

(1) "Ambulance" has the same meaning as in section 4765.01 of 12945
the Revised Code and also includes private ambulance companies 12946

under contract to a municipal corporation, township, or county. 12947

(2) "Emergency vehicle" means any of the following: 12948

(a) Any vehicle, as defined in section 4511.01 of the Revised 12949
Code, that is an emergency vehicle of a municipal, township, or 12950
county department or public utility corporation and that is 12951
identified as such as required by law, the director of public 12952
safety, or local authorities; 12953

(b) Any motor vehicle, as defined in section 4511.01 of the 12954
Revised Code, when commandeered by a police officer; 12955

(c) Any vehicle, as defined in section 4511.01 of the Revised 12956
Code, that is an emergency vehicle of a qualified nonprofit 12957
corporation police department established pursuant to section 12958
1702.80 of the Revised Code and that is identified as an emergency 12959
vehicle; 12960

(d) Any vehicle, as defined in section 4511.01 of the Revised 12961
Code, that is an emergency vehicle of a proprietary police 12962
department or security department of a hospital operated by a 12963
public hospital agency or a nonprofit hospital agency that employs 12964
police officers under section 4973.17 of the Revised Code, and 12965
that is identified as an emergency vehicle. 12966

(3) "Firefighter" means any regular, paid, member of a 12967
lawfully constituted fire department of a municipal corporation or 12968
township. 12969

(4) "Law enforcement officer" means a sheriff, deputy 12970
sheriff, constable, marshal, deputy marshal, municipal or township 12971
police officer, state highway patrol trooper, police officer 12972
employed by a qualified nonprofit police department pursuant to 12973
section 1702.80 of the Revised Code, or police officer employed by 12974
a proprietary police department or security department of a 12975
hospital operated by a public hospital agency or nonprofit 12976
hospital agency pursuant to section 4973.17 of the Revised Code. 12977

(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in bodily injury to any person, or damage to the property of any person.

(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice removal as a county, township, or department of transportation employee, or while operating a vehicle while engaged in the pursuit of the applicant's or policyholder's official duties as a member of the motor carrier enforcement unit of the state highway patrol under section 5503.34 of the Revised Code, as a basis for doing either of the following:

(1) Refusing to issue or deliver a policy of insurance upon a private automobile, or increasing the rate to be charged for such a policy;

(2) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile.

(C) Any applicant or policyholder affected by an action of an insurer in violation of this section may appeal to the superintendent of insurance. After a hearing held upon not less than ten days' notice to the applicant or policyholder and to the insurer and if the superintendent determines that the insurer has violated this section, the superintendent may direct the issuance of a policy, decrease the premium rate on a policy, or reinstate insurance coverage.

(D) The employer of the law enforcement officer, firefighter, or operator of an emergency vehicle or ambulance, operator of a vehicle engaged in mowing or snow and ice removal, or operator of

a vehicle who is a member of the motor carrier enforcement unit, 13009
except as otherwise provided in division (F) of this section, 13010
shall certify to the state highway patrol or law enforcement 13011
agency that investigates the accident whether the officer, 13012
firefighter, or operator of an emergency vehicle or ambulance, 13013
operator of a vehicle engaged in mowing or snow and ice removal, 13014
or operator of a vehicle who is a member of the motor carrier 13015
enforcement unit, was engaged in the performance of the person's 13016
official duties as such employee at the time of the accident. The 13017
employer shall designate an official authorized to make the 13018
certifications. The state highway patrol or law enforcement agency 13019
shall include the certification in any report of the accident 13020
forwarded to the department of public safety pursuant to sections 13021
5502.11 and 5502.12 of the Revised Code and shall forward the 13022
certification to the department if received after the report of 13023
the accident has been forwarded to the department. The registrar 13024
of motor vehicles shall not include an accident in a certified 13025
abstract of information under division (A) of section 4509.05 of 13026
the Revised Code, if the person involved has been so certified as 13027
having been engaged in the performance of the person's official 13028
duties at the time of the accident. 13029

(E) Division (B) of this section does not apply to an insurer 13030
whose policy covers the motor vehicle at the time the motor 13031
vehicle is involved in an accident described in division (B) of 13032
this section. 13033

(F) Division (B) of this section does not apply if an 13034
applicant or policyholder, on the basis of the applicant's or 13035
policyholder's involvement in an accident described in that 13036
division, is convicted of or pleads guilty or no contest to a 13037
violation of section 4511.19 of the Revised Code or a municipal 13038
OVI ordinance or township OVI resolution as defined in section 13039
4511.181 of the Revised Code. 13040

Sec. 3937.43. (A) As used in this section: 13041

(1) "Automobile insurance policies" has the same meaning as 13042
in section 3937.30 of the Revised Code. 13043

(2) "Moving violation" means any violation of any statute or 13044
ordinance that regulates the operation of vehicles, streetcars, or 13045
trackless trolleys on highways or streets or that regulates size 13046
or load limitations or fitness requirements of vehicles. "Moving 13047
violation" does not include the violation of any statute, 13048
resolution, or ordinance that regulates pedestrians or the parking 13049
of vehicles. 13050

(3) "Community control sanction" has the same meaning as in 13051
section 2929.01 of the Revised Code. 13052

(B) Every rating plan or schedule of rates for automobile 13053
insurance policies that is filed with the superintendent of 13054
insurance shall provide for an appropriate reduction in premium 13055
charges for any insured or applicant for insurance under the 13056
following conditions: 13057

(1) The applicant or insured is sixty years of age or older; 13058

(2) The applicant or insured successfully completes a motor 13059
vehicle accident prevention course, which includes classroom 13060
instruction and the passing of an examination in accordance with 13061
both of the following: 13062

(a) The department of public safety shall approve the course 13063
and the examination. However, the department shall not approve any 13064
correspondence course or any other course that does not provide 13065
classroom instruction. 13066

(b) The examination shall include an actual demonstration of 13067
the applicant's or insured's ability to exercise ordinary and 13068
reasonable control in the operation of a motor vehicle. 13069

(3) The applicant or insured submits to the insurer a 13070

certificate that is issued by the sponsor of the motor vehicle 13071
accident prevention course and attests to the successful 13072
completion of the course by the applicant or insured; 13073

(4) The insurer may consider the driving record of the 13074
applicant or insured in accordance with divisions (C) and (D) of 13075
this section. 13076

(C) In determining whether to grant a reduction in premium 13077
charges in accordance with this section, the insurer may consider 13078
the driving record of the insured or applicant for a three-year 13079
period prior to the successful completion of a motor vehicle 13080
accident prevention course. 13081

(D)(1) Subject to division (D)(2) of this section, every 13082
reduction in premium charges granted in accordance with this 13083
section shall be effective for an insured for a three-year period 13084
after each successful completion of a motor vehicle accident 13085
prevention course. 13086

(2) As a condition of maintaining a reduction in premium 13087
charges granted in accordance with this section, an insurer may 13088
require that the insured, during the three-year period for which 13089
the reduction has been granted, neither be involved in an accident 13090
for which the insured is primarily at fault, nor be convicted of 13091
more than one moving violation. 13092

(E) A reduction in premium charges granted in accordance with 13093
this section shall not become effective until the first full term 13094
of coverage following the successful completion of a motor vehicle 13095
accident prevention course in accordance with division (B) of this 13096
section. 13097

(F) The director of the department of public safety shall 13098
adopt rules in accordance with Chapter 119. of the Revised Code 13099
that are necessary to carry out the duties of the department under 13100
this section. 13101

(G) This section does not apply to any automobile insurance 13102
policy issued under an assigned risk plan pursuant to section 13103
4509.70 of the Revised Code. 13104

(H) This section does not apply to circumstances in which the 13105
motor vehicle accident prevention course is required by a court as 13106
a condition of a community control sanction imposed for a moving 13107
violation. 13108

Sec. 4112.02. It shall be an unlawful discriminatory 13109
practice: 13110

(A) For any employer, because of the race, color, religion, 13111
sex, national origin, disability, age, or ancestry of any person, 13112
to discharge without just cause, to refuse to hire, or otherwise 13113
to discriminate against that person with respect to hire, tenure, 13114
terms, conditions, or privileges of employment, or any matter 13115
directly or indirectly related to employment. 13116

(B) For an employment agency or personnel placement service, 13117
because of race, color, religion, sex, national origin, 13118
disability, age, or ancestry, to do any of the following: 13119

(1) Refuse or fail to accept, register, classify properly, or 13120
refer for employment, or otherwise discriminate against any 13121
person; 13122

(2) Comply with a request from an employer for referral of 13123
applicants for employment if the request directly or indirectly 13124
indicates that the employer fails to comply with the provisions of 13125
sections 4112.01 to 4112.07 of the Revised Code. 13126

(C) For any labor organization to do any of the following: 13127

(1) Limit or classify its membership on the basis of race, 13128
color, religion, sex, national origin, disability, age, or 13129
ancestry; 13130

(2) Discriminate against, limit the employment opportunities 13131

of, or otherwise adversely affect the employment status, wages, 13132
hours, or employment conditions of any person as an employee 13133
because of race, color, religion, sex, national origin, 13134
disability, age, or ancestry. 13135

(D) For any employer, labor organization, or joint 13136
labor-management committee controlling apprentice training 13137
programs to discriminate against any person because of race, 13138
color, religion, sex, national origin, disability, or ancestry in 13139
admission to, or employment in, any program established to provide 13140
apprentice training. 13141

(E) Except where based on a bona fide occupational 13142
qualification certified in advance by the commission, for any 13143
employer, employment agency, personnel placement service, or labor 13144
organization, prior to employment or admission to membership, to 13145
do any of the following: 13146

(1) Elicit or attempt to elicit any information concerning 13147
the race, color, religion, sex, national origin, disability, age, 13148
or ancestry of an applicant for employment or membership; 13149

(2) Make or keep a record of the race, color, religion, sex, 13150
national origin, disability, age, or ancestry of any applicant for 13151
employment or membership; 13152

(3) Use any form of application for employment, or personnel 13153
or membership blank, seeking to elicit information regarding race, 13154
color, religion, sex, national origin, disability, age, or 13155
ancestry; but an employer holding a contract containing a 13156
nondiscrimination clause with the government of the United States, 13157
or any department or agency of that government, may require an 13158
employee or applicant for employment to furnish documentary proof 13159
of United States citizenship and may retain that proof in the 13160
employer's personnel records and may use photographic or 13161
fingerprint identification for security purposes; 13162

(4) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination, based upon race, color, religion, sex, national origin, disability, age, or ancestry;

(5) Announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, sex, national origin, disability, age, or ancestry of that group;

(6) Utilize in the recruitment or hiring of persons any employment agency, personnel placement service, training school or center, labor organization, or any other employee-referring source known to discriminate against persons because of their race, color, religion, sex, national origin, disability, age, or ancestry.

(F) For any person seeking employment to publish or cause to be published any advertisement that specifies or in any manner indicates that person's race, color, religion, sex, national origin, disability, age, or ancestry, or expresses a limitation or preference as to the race, color, religion, sex, national origin, disability, age, or ancestry of any prospective employer.

(G) For any proprietor or any employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, national origin, disability, age, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation.

(H) For any person to do any of the following:

(1) Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or

make unavailable housing accommodations because of race, color, 13194
religion, sex, familial status, ancestry, disability, or national 13195
origin; 13196

(2) Represent to any person that housing accommodations are 13197
not available for inspection, sale, or rental, when in fact they 13198
are available, because of race, color, religion, sex, familial 13199
status, ancestry, disability, or national origin; 13200

(3) Discriminate against any person in the making or 13201
purchasing of loans or the provision of other financial assistance 13202
for the acquisition, construction, rehabilitation, repair, or 13203
maintenance of housing accommodations, or any person in the making 13204
or purchasing of loans or the provision of other financial 13205
assistance that is secured by residential real estate, because of 13206
race, color, religion, sex, familial status, ancestry, disability, 13207
or national origin or because of the racial composition of the 13208
neighborhood in which the housing accommodations are located, 13209
provided that the person, whether an individual, corporation, or 13210
association of any type, lends money as one of the principal 13211
aspects or incident to the person's principal business and not 13212
only as a part of the purchase price of an owner-occupied 13213
residence the person is selling nor merely casually or 13214
occasionally to a relative or friend; 13215

(4) Discriminate against any person in the terms or 13216
conditions of selling, transferring, assigning, renting, leasing, 13217
or subleasing any housing accommodations or in furnishing 13218
facilities, services, or privileges in connection with the 13219
ownership, occupancy, or use of any housing accommodations, 13220
including the sale of fire, extended coverage, or homeowners 13221
insurance, because of race, color, religion, sex, familial status, 13222
ancestry, disability, or national origin or because of the racial 13223
composition of the neighborhood in which the housing 13224
accommodations are located; 13225

(5) Discriminate against any person in the terms or 13226
conditions of any loan of money, whether or not secured by 13227
mortgage or otherwise, for the acquisition, construction, 13228
rehabilitation, repair, or maintenance of housing accommodations 13229
because of race, color, religion, sex, familial status, ancestry, 13230
disability, or national origin or because of the racial 13231
composition of the neighborhood in which the housing 13232
accommodations are located; 13233

(6) Refuse to consider without prejudice the combined income 13234
of both husband and wife for the purpose of extending mortgage 13235
credit to a married couple or either member of a married couple; 13236

(7) Print, publish, or circulate any statement or 13237
advertisement, or make or cause to be made any statement or 13238
advertisement, relating to the sale, transfer, assignment, rental, 13239
lease, sublease, or acquisition of any housing accommodations, or 13240
relating to the loan of money, whether or not secured by mortgage 13241
or otherwise, for the acquisition, construction, rehabilitation, 13242
repair, or maintenance of housing accommodations, that indicates 13243
any preference, limitation, specification, or discrimination based 13244
upon race, color, religion, sex, familial status, ancestry, 13245
disability, or national origin, or an intention to make any such 13246
preference, limitation, specification, or discrimination; 13247

(8) Except as otherwise provided in division (H)(8) or (17) 13248
of this section, make any inquiry, elicit any information, make or 13249
keep any record, or use any form of application containing 13250
questions or entries concerning race, color, religion, sex, 13251
familial status, ancestry, disability, or national origin in 13252
connection with the sale or lease of any housing accommodations or 13253
the loan of any money, whether or not secured by mortgage or 13254
otherwise, for the acquisition, construction, rehabilitation, 13255
repair, or maintenance of housing accommodations. Any person may 13256
make inquiries, and make and keep records, concerning race, color, 13257

religion, sex, familial status, ancestry, disability, or national origin for the purpose of monitoring compliance with this chapter. 13258
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(9) Include in any transfer, rental, or lease of housing accommodations any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant; 13260
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(10) Induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, familial status, or ethnic composition of the block, neighborhood, or other area in which the housing accommodations are located, or induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any race, color, religion, sex, familial status, ancestry, disability, or national origin, in the block, neighborhood, or other area will or may have results including, but not limited to, the following: 13263
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(a) The lowering of property values; 13275

(b) A change in the racial, religious, sexual, familial status, or ethnic composition of the block, neighborhood, or other area; 13276
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(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area; 13279
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(d) A decline in the quality of the schools serving the block, neighborhood, or other area. 13281
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(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, 13283
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religion, sex, familial status, national origin, disability, or	13289
ancestry;	13290
(12) Coerce, intimidate, threaten, or interfere with any	13291
person in the exercise or enjoyment of, or on account of that	13292
person's having exercised or enjoyed or having aided or encouraged	13293
any other person in the exercise or enjoyment of, any right	13294
granted or protected by division (H) of this section;	13295
(13) Discourage or attempt to discourage the purchase by a	13296
prospective purchaser of housing accommodations, by representing	13297
that any block, neighborhood, or other area has undergone or might	13298
undergo a change with respect to its religious, racial, sexual,	13299
familial status, or ethnic composition;	13300
(14) Refuse to sell, transfer, assign, rent, lease, sublease,	13301
or finance, or otherwise deny or withhold, a burial lot from any	13302
person because of the race, color, sex, familial status, age,	13303
ancestry, disability, or national origin of any prospective owner	13304
or user of the lot;	13305
(15) Discriminate in the sale or rental of, or otherwise make	13306
unavailable or deny, housing accommodations to any buyer or renter	13307
because of a disability of any of the following:	13308
(a) The buyer or renter;	13309
(b) A person residing in or intending to reside in the	13310
housing accommodations after they are sold, rented, or made	13311
available;	13312
(c) Any individual associated with the person described in	13313
division (H)(15)(b) of this section.	13314
(16) Discriminate in the terms, conditions, or privileges of	13315
the sale or rental of housing accommodations to any person or in	13316
the provision of services or facilities to any person in	13317
connection with the housing accommodations because of a disability	13318

of any of the following:	13319
(a) That person;	13320
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	13321 13322 13323
(c) Any individual associated with the person described in division (H)(16)(b) of this section.	13324 13325
(17) Except as otherwise provided in division (H)(17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:	13326 13327 13328 13329 13330 13331 13332 13333 13334 13335
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	13336 13337
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	13338 13339 13340
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	13341 13342 13343
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance <u>or township resolution</u> ;	13344 13345 13346 13347
(e) An inquiry to determine whether an applicant at any time	13348

has been convicted of or pleaded guilty to any offense, an element 13349
of which is the illegal sale, offer to sell, cultivation, 13350
manufacture, other production, shipment, transportation, delivery, 13351
or other distribution of a controlled substance. 13352

(18)(a) Refuse to permit, at the expense of a person with a 13353
disability, reasonable modifications of existing housing 13354
accommodations that are occupied or to be occupied by the person 13355
with a disability, if the modifications may be necessary to afford 13356
the person with a disability full enjoyment of the housing 13357
accommodations. This division does not preclude a landlord of 13358
housing accommodations that are rented or to be rented to a 13359
disabled tenant from conditioning permission for a proposed 13360
modification upon the disabled tenant's doing one or more of the 13361
following: 13362

(i) Providing a reasonable description of the proposed 13363
modification and reasonable assurances that the proposed 13364
modification will be made in a workerlike manner and that any 13365
required building permits will be obtained prior to the 13366
commencement of the proposed modification; 13367

(ii) Agreeing to restore at the end of the tenancy the 13368
interior of the housing accommodations to the condition they were 13369
in prior to the proposed modification, but subject to reasonable 13370
wear and tear during the period of occupancy, if it is reasonable 13371
for the landlord to condition permission for the proposed 13372
modification upon the agreement; 13373

(iii) Paying into an interest-bearing escrow account that is 13374
in the landlord's name, over a reasonable period of time, a 13375
reasonable amount of money not to exceed the projected costs at 13376
the end of the tenancy of the restoration of the interior of the 13377
housing accommodations to the condition they were in prior to the 13378
proposed modification, but subject to reasonable wear and tear 13379
during the period of occupancy, if the landlord finds the account 13380

reasonably necessary to ensure the availability of funds for the 13381
restoration work. The interest earned in connection with an escrow 13382
account described in this division shall accrue to the benefit of 13383
the disabled tenant who makes payments into the account. 13384

(b) A landlord shall not condition permission for a proposed 13385
modification upon a disabled tenant's payment of a security 13386
deposit that exceeds the customarily required security deposit of 13387
all tenants of the particular housing accommodations. 13388

(19) Refuse to make reasonable accommodations in rules, 13389
policies, practices, or services when necessary to afford a person 13390
with a disability equal opportunity to use and enjoy a dwelling 13391
unit, including associated public and common use areas; 13392

(20) Fail to comply with the standards and rules adopted 13393
under division (A) of section 3781.111 of the Revised Code; 13394

(21) Discriminate against any person in the selling, 13395
brokering, or appraising of real property because of race, color, 13396
religion, sex, familial status, ancestry, disability, or national 13397
origin; 13398

(22) Fail to design and construct covered multifamily 13399
dwellings for first occupancy on or after June 30, 1992, in 13400
accordance with the following conditions: 13401

(a) The dwellings shall have at least one building entrance 13402
on an accessible route, unless it is impractical to do so because 13403
of the terrain or unusual characteristics of the site. 13404

(b) With respect to dwellings that have a building entrance 13405
on an accessible route, all of the following apply: 13406

(i) The public use areas and common use areas of the 13407
dwellings shall be readily accessible to and usable by persons 13408
with a disability. 13409

(ii) All the doors designed to allow passage into and within 13410

all premises shall be sufficiently wide to allow passage by 13411
persons with a disability who are in wheelchairs. 13412

(iii) All premises within covered multifamily dwelling units 13413
shall contain an accessible route into and through the dwelling; 13414
all light switches, electrical outlets, thermostats, and other 13415
environmental controls within such units shall be in accessible 13416
locations; the bathroom walls within such units shall contain 13417
reinforcements to allow later installation of grab bars; and the 13418
kitchens and bathrooms within such units shall be designed and 13419
constructed in a manner that enables an individual in a wheelchair 13420
to maneuver about such rooms. 13421

For purposes of division (H)(22) of this section, "covered 13422
multifamily dwellings" means buildings consisting of four or more 13423
units if such buildings have one or more elevators and ground 13424
floor units in other buildings consisting of four or more units. 13425

(I) For any person to discriminate in any manner against any 13426
other person because that person has opposed any unlawful 13427
discriminatory practice defined in this section or because that 13428
person has made a charge, testified, assisted, or participated in 13429
any manner in any investigation, proceeding, or hearing under 13430
sections 4112.01 to 4112.07 of the Revised Code. 13431

(J) For any person to aid, abet, incite, compel, or coerce 13432
the doing of any act declared by this section to be an unlawful 13433
discriminatory practice, to obstruct or prevent any person from 13434
complying with this chapter or any order issued under it, or to 13435
attempt directly or indirectly to commit any act declared by this 13436
section to be an unlawful discriminatory practice. 13437

(K)(1) Nothing in division (H) of this section shall bar any 13438
religious or denominational institution or organization, or any 13439
nonprofit charitable or educational organization that is operated, 13440
supervised, or controlled by or in connection with a religious 13441

organization, from limiting the sale, rental, or occupancy of 13442
housing accommodations that it owns or operates for other than a 13443
commercial purpose to persons of the same religion, or from giving 13444
preference in the sale, rental, or occupancy of such housing 13445
accommodations to persons of the same religion, unless membership 13446
in the religion is restricted on account of race, color, or 13447
national origin. 13448

(2) Nothing in division (H) of this section shall bar any 13449
bona fide private or fraternal organization that, incidental to 13450
its primary purpose, owns or operates lodgings for other than a 13451
commercial purpose, from limiting the rental or occupancy of the 13452
lodgings to its members or from giving preference to its members. 13453

(3) Nothing in division (H) of this section limits the 13454
applicability of any reasonable local, state, or federal 13455
restrictions regarding the maximum number of occupants permitted 13456
to occupy housing accommodations. Nothing in that division 13457
prohibits the owners or managers of housing accommodations from 13458
implementing reasonable occupancy standards based on the number 13459
and size of sleeping areas or bedrooms and the overall size of a 13460
dwelling unit, provided that the standards are not implemented to 13461
circumvent the purposes of this chapter and are formulated, 13462
implemented, and interpreted in a manner consistent with this 13463
chapter and any applicable local, state, or federal restrictions 13464
regarding the maximum number of occupants permitted to occupy 13465
housing accommodations. 13466

(4) Nothing in division (H) of this section requires that 13467
housing accommodations be made available to an individual whose 13468
tenancy would constitute a direct threat to the health or safety 13469
of other individuals or whose tenancy would result in substantial 13470
physical damage to the property of others. 13471

(5) Nothing in division (H) of this section pertaining to 13472
discrimination on the basis of familial status shall be construed 13473

to apply to any of the following: 13474

(a) Housing accommodations provided under any state or 13475
federal program that have been determined under the "Fair Housing 13476
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 13477
amended, to be specifically designed and operated to assist 13478
elderly persons; 13479

(b) Housing accommodations intended for and solely occupied 13480
by persons who are sixty-two years of age or older; 13481

(c) Housing accommodations intended and operated for 13482
occupancy by at least one person who is fifty-five years of age or 13483
older per unit, as determined under the "Fair Housing Amendments 13484
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 13485

(L) Nothing in divisions (A) to (E) of this section shall be 13486
construed to require a person with a disability to be employed or 13487
trained under circumstances that would significantly increase the 13488
occupational hazards affecting either the person with a 13489
disability, other employees, the general public, or the facilities 13490
in which the work is to be performed, or to require the employment 13491
or training of a person with a disability in a job that requires 13492
the person with a disability routinely to undertake any task, the 13493
performance of which is substantially and inherently impaired by 13494
the person's disability. 13495

(M) Nothing in divisions (H)(1) to (18) of this section shall 13496
be construed to require any person selling or renting property to 13497
modify the property in any way or to exercise a higher degree of 13498
care for a person with a disability, to relieve any person with a 13499
disability of any obligation generally imposed on all persons 13500
regardless of disability in a written lease, rental agreement, or 13501
contract of purchase or sale, or to forbid distinctions based on 13502
the inability to fulfill the terms and conditions, including 13503
financial obligations, of the lease, agreement, or contract. 13504

(N) An aggrieved individual may enforce the individual's rights relative to discrimination on the basis of age as provided for in this section by instituting a civil action, within one hundred eighty days after the alleged unlawful discriminatory practice occurred, in any court with jurisdiction for any legal or equitable relief that will effectuate the individual's rights.

A person who files a civil action under this division is barred, with respect to the practices complained of, from instituting a civil action under section 4112.14 of the Revised Code and from filing a charge with the commission under section 4112.05 of the Revised Code.

(O) With regard to age, it shall not be an unlawful discriminatory practice and it shall not constitute a violation of division (A) of section 4112.14 of the Revised Code for any employer, employment agency, joint labor-management committee controlling apprenticeship training programs, or labor organization to do any of the following:

(1) Establish bona fide employment qualifications reasonably related to the particular business or occupation that may include standards for skill, aptitude, physical capability, intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A.

623, as amended. 13537

(3) Retire an employee who has attained sixty-five years of 13538
age who, for the two-year period immediately before retirement, is 13539
employed in a bona fide executive or a high policymaking position, 13540
if the employee is entitled to an immediate nonforfeitable annual 13541
retirement benefit from a pension, profit-sharing, savings, or 13542
deferred compensation plan, or any combination of those plans, of 13543
the employer of the employee, which equals, in the aggregate, at 13544
least forty-four thousand dollars, in accordance with the 13545
conditions of the "Age Discrimination in Employment Act Amendment 13546
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 13547
Discrimination in Employment Act Amendments of 1986," 100 Stat. 13548
3342, 29 U.S.C.A. 631, as amended; 13549

(4) Observe the terms of any bona fide apprenticeship program 13550
if the program is registered with the Ohio apprenticeship council 13551
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 13552
approved by the federal committee on apprenticeship of the United 13553
States department of labor. 13554

(P) Nothing in this chapter prohibiting age discrimination 13555
and nothing in division (A) of section 4112.14 of the Revised Code 13556
shall be construed to prohibit the following: 13557

(1) The designation of uniform age the attainment of which is 13558
necessary for public employees to receive pension or other 13559
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 13560
or 5505. of the Revised Code; 13561

(2) The mandatory retirement of uniformed patrol officers of 13562
the state highway patrol as provided in section 5505.16 of the 13563
Revised Code; 13564

(3) The maximum age requirements for appointment as a patrol 13565
officer in the state highway patrol established by section 5503.01 13566
of the Revised Code; 13567

(4) The maximum age requirements established for original 13568
appointment to a police department or fire department in sections 13569
124.41 and 124.42 of the Revised Code; 13570

(5) Any maximum age not in conflict with federal law that may 13571
be established by a municipal charter, municipal ordinance, or 13572
resolution of a board of township trustees for original 13573
appointment as a police officer or firefighter; 13574

(6) Any mandatory retirement provision not in conflict with 13575
federal law of a municipal charter, municipal ordinance, or 13576
resolution of a board of township trustees pertaining to police 13577
officers and firefighters; 13578

(7) Until January 1, 1994, the mandatory retirement of any 13579
employee who has attained seventy years of age and who is serving 13580
under a contract of unlimited tenure, or similar arrangement 13581
providing for unlimited tenure, at an institution of higher 13582
education as defined in the "Education Amendments of 1980," 94 13583
Stat. 1503, 20 U.S.C.A. 1141(a). 13584

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 13585
section, for purposes of divisions (A) to (E) of this section, a 13586
disability does not include any physiological disorder or 13587
condition, mental or psychological disorder, or disease or 13588
condition caused by an illegal use of any controlled substance by 13589
an employee, applicant, or other person, if an employer, 13590
employment agency, personnel placement service, labor 13591
organization, or joint labor-management committee acts on the 13592
basis of that illegal use. 13593

(b) Division (Q)(1)(a) of this section does not apply to an 13594
employee, applicant, or other person who satisfies any of the 13595
following: 13596

(i) The employee, applicant, or other person has successfully 13597
completed a supervised drug rehabilitation program and no longer 13598

is engaging in the illegal use of any controlled substance, or the 13599
employee, applicant, or other person otherwise successfully has 13600
been rehabilitated and no longer is engaging in that illegal use. 13601

(ii) The employee, applicant, or other person is 13602
participating in a supervised drug rehabilitation program and no 13603
longer is engaging in the illegal use of any controlled substance. 13604

(iii) The employee, applicant, or other person is erroneously 13605
regarded as engaging in the illegal use of any controlled 13606
substance, but the employee, applicant, or other person is not 13607
engaging in that illegal use. 13608

(2) Divisions (A) to (E) of this section do not prohibit an 13609
employer, employment agency, personnel placement service, labor 13610
organization, or joint labor-management committee from doing any 13611
of the following: 13612

(a) Adopting or administering reasonable policies or 13613
procedures, including, but not limited to, testing for the illegal 13614
use of any controlled substance, that are designed to ensure that 13615
an individual described in division (Q)(1)(b)(i) or (ii) of this 13616
section no longer is engaging in the illegal use of any controlled 13617
substance; 13618

(b) Prohibiting the illegal use of controlled substances and 13619
the use of alcohol at the workplace by all employees; 13620

(c) Requiring that employees not be under the influence of 13621
alcohol or not be engaged in the illegal use of any controlled 13622
substance at the workplace; 13623

(d) Requiring that employees behave in conformance with the 13624
requirements established under "The Drug-Free Workplace Act of 13625
1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 13626

(e) Holding an employee who engages in the illegal use of any 13627
controlled substance or who is an alcoholic to the same 13628

qualification standards for employment or job performance, and the 13629
same behavior, to which the employer, employment agency, personnel 13630
placement service, labor organization, or joint labor-management 13631
committee holds other employees, even if any unsatisfactory 13632
performance or behavior is related to an employee's illegal use of 13633
a controlled substance or alcoholism; 13634

(f) Exercising other authority recognized in the "Americans 13635
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 13636
as amended, including, but not limited to, requiring employees to 13637
comply with any applicable federal standards. 13638

(3) For purposes of this chapter, a test to determine the 13639
illegal use of any controlled substance does not include a medical 13640
examination. 13641

(4) Division (Q) of this section does not encourage, 13642
prohibit, or authorize, and shall not be construed as encouraging, 13643
prohibiting, or authorizing, the conduct of testing for the 13644
illegal use of any controlled substance by employees, applicants, 13645
or other persons, or the making of employment decisions based on 13646
the results of that type of testing. 13647

Sec. 4113.52. (A)(1)(a) If an employee becomes aware in the 13648
course of the employee's employment of a violation of any state or 13649
federal statute or any ordinance, resolution, or regulation of a 13650
political subdivision that the employee's employer has authority 13651
to correct, and the employee reasonably believes that the 13652
violation is a criminal offense that is likely to cause an 13653
imminent risk of physical harm to persons or a hazard to public 13654
health or safety, a felony, or an improper solicitation for a 13655
contribution, the employee orally shall notify the employee's 13656
supervisor or other responsible officer of the employee's employer 13657
of the violation and subsequently shall file with that supervisor 13658
or officer a written report that provides sufficient detail to 13659

identify and describe the violation. If the employer does not 13660
correct the violation or make a reasonable and good faith effort 13661
to correct the violation within twenty-four hours after the oral 13662
notification or the receipt of the report, whichever is earlier, 13663
the employee may file a written report that provides sufficient 13664
detail to identify and describe the violation with the prosecuting 13665
authority of the county or municipal corporation where the 13666
violation occurred, with a peace officer, with the inspector 13667
general if the violation is within the inspector general's 13668
jurisdiction, or with any other appropriate public official or 13669
agency that has regulatory authority over the employer and the 13670
industry, trade, or business in which the employer is engaged. 13671

(b) If an employee makes a report under division (A)(1)(a) of 13672
this section, the employer, within twenty-four hours after the 13673
oral notification was made or the report was received or by the 13674
close of business on the next regular business day following the 13675
day on which the oral notification was made or the report was 13676
received, whichever is later, shall notify the employee, in 13677
writing, of any effort of the employer to correct the alleged 13678
violation or hazard or of the absence of the alleged violation or 13679
hazard. 13680

(2) If an employee becomes aware in the course of the 13681
employee's employment of a violation of chapter 3704., 3734., 13682
6109., or 6111. of the Revised Code that is a criminal offense, 13683
the employee directly may notify, either orally or in writing, any 13684
appropriate public official or agency that has regulatory 13685
authority over the employer and the industry, trade, or business 13686
in which the employer is engaged. 13687

(3) If an employee becomes aware in the course of the 13688
employee's employment of a violation by a fellow employee of any 13689
state or federal statute, any ordinance, resolution, or regulation 13690

of a political subdivision, or any work rule or company policy of 13691
the employee's employer and the employee reasonably believes that 13692
the violation is a criminal offense that is likely to cause an 13693
imminent risk of physical harm to persons or a hazard to public 13694
health or safety, a felony, or an improper solicitation for a 13695
contribution, the employee orally shall notify the employee's 13696
supervisor or other responsible officer of the employee's employer 13697
of the violation and subsequently shall file with that supervisor 13698
or officer a written report that provides sufficient detail to 13699
identify and describe the violation. 13700

(B) Except as otherwise provided in division (C) of this 13701
section, no employer shall take any disciplinary or retaliatory 13702
action against an employee for making any report authorized by 13703
division (A)(1) or (2) of this section, or as a result of the 13704
employee's having made any inquiry or taken any other action to 13705
ensure the accuracy of any information reported under either such 13706
division. No employer shall take any disciplinary or retaliatory 13707
action against an employee for making any report authorized by 13708
division (A)(3) of this section if the employee made a reasonable 13709
and good faith effort to determine the accuracy of any information 13710
so reported, or as a result of the employee's having made any 13711
inquiry or taken any other action to ensure the accuracy of any 13712
information reported under that division. For purposes of this 13713
division, disciplinary or retaliatory action by the employer 13714
includes, without limitation, doing any of the following: 13715

(1) Removing or suspending the employee from employment; 13716

(2) Withholding from the employee salary increases or 13717
employee benefits to which the employee is otherwise entitled; 13718

(3) Transferring or reassigning the employee; 13719

(4) Denying the employee a promotion that otherwise would 13720
have been received; 13721

(5) Reducing the employee in pay or position. 13722

(C) An employee shall make a reasonable and good faith effort 13723
to determine the accuracy of any information reported under 13724
division (A)(1) or (2) of this section. If the employee who makes 13725
a report under either division fails to make such an effort, the 13726
employee may be subject to disciplinary action by the employee's 13727
employer, including suspension or removal, for reporting 13728
information without a reasonable basis to do so under division 13729
(A)(1) or (2) of this section. 13730

(D) If an employer takes any disciplinary or retaliatory 13731
action against an employee as a result of the employee's having 13732
filed a report under division (A) of this section, the employee 13733
may bring a civil action for appropriate injunctive relief or for 13734
the remedies set forth in division (E) of this section, or both, 13735
within one hundred eighty days after the date the disciplinary or 13736
retaliatory action was taken, in a court of common pleas in 13737
accordance with the Rules of Civil Procedure. A civil action under 13738
this division is not available to an employee as a remedy for any 13739
disciplinary or retaliatory action taken by an appointing 13740
authority against the employee as a result of the employee's 13741
having filed a report under division (A) of section 124.341 of the 13742
Revised Code. 13743

(E) The court, in rendering a judgment for the employee in an 13744
action brought pursuant to division (D) of this section, may 13745
order, as it determines appropriate, reinstatement of the employee 13746
to the same position that the employee held at the time of the 13747
disciplinary or retaliatory action and at the same site of 13748
employment or to a comparable position at that site, the payment 13749
of back wages, full reinstatement of fringe benefits and seniority 13750
rights, or any combination of these remedies. The court also may 13751
award the prevailing party all or a portion of the costs of 13752
litigation and, if the employee who brought the action prevails in 13753

the action, may award the prevailing employee reasonable attorney's fees, witness fees, and fees for experts who testify at trial, in an amount the court determines appropriate. If the court determines that an employer deliberately has violated division (B) of this section, the court, in making an award of back pay, may include interest at the rate specified in section 1343.03 of the Revised Code.

(F) Any report filed with the inspector general under this section shall be filed as a complaint in accordance with section 121.46 of the Revised Code.

(G) As used in this section:

(1) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(2) "Improper solicitation for a contribution" means a solicitation for a contribution that satisfies all of the following:

(a) The solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;

(b) The solicitation is made in person by a public official or by an employee who has a supervisory role within the public office;

(c) The public official or employee knowingly made the solicitation, and the solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;

(d) The employee reporting the solicitation is an employee of the same public office as the public official or the employee with the supervisory role who is making the solicitation.

Sec. 4301.252. (A)(1) Except as provided in divisions (A)(2)(d), (B), and (C) of this section, when the liquor control commission determines that the permit of any permit holder is to

be suspended under Title XLIII of the Revised Code or any rule of 13784
the commission, the commission may issue an order allowing a 13785
permit holder to elect to pay a forfeiture for each day of the 13786
suspension in accordance with division (A)(2) of this section, 13787
rather than to suspend operations under the permit holder's permit 13788
issued for the premises at which the violation occurred. 13789

(2)(a) If the permit holder has not violated, at the premises 13790
for which the permit holder's permit was issued, any provision of 13791
Title XLIII of the Revised Code or rule of the commission during 13792
the preceding two years, the amount of the forfeiture for each day 13793
for the suspension shall be from one hundred to two hundred 13794
dollars. 13795

(b) If the permit holder has violated, at the premises for 13796
which the permit holder's permit was issued, any provision of 13797
Title XLIII of the Revised Code or rule of the commission for 13798
which the permit holder has been disciplined by the commission not 13799
more than one other time during the preceding two years, the 13800
amount of the forfeiture for each day of the suspension shall be 13801
from two hundred to four hundred dollars. 13802

(c) Except as provided under division (A)(2)(e) of this 13803
section, if the permit holder has violated, at the premises for 13804
which the permit holder's permit was issued, any provision of 13805
Title XLIII of the Revised Code or rule of the commission for 13806
which the permit holder has been disciplined by the commission 13807
more than once, but not more than twice, during the preceding two 13808
years, the commission shall establish the amount of the forfeiture 13809
for each day of the suspension, but the amount shall be not less 13810
than three hundred dollars for each day of suspension. 13811

(d) If the permit holder has violated, at the premises for 13812
which the permit holder's permit was issued, any provision of 13813
Title XLIII of the Revised Code or rule of the commission for 13814
which the permit holder has been disciplined by the commission 13815

more than twice during the preceding two years, the commission may 13816
suspend or revoke the permit issued for the premises at which the 13817
violation occurred, or the commission shall establish the amount 13818
of the forfeiture for each day of a suspension, but the amount 13819
shall not be less than five hundred dollars for each day of 13820
suspension. The commission, and not the permit holder, shall 13821
determine whether the permit holder shall pay the forfeiture so 13822
established for a suspension instead of having the permit holder's 13823
permit suspended or revoked. 13824

(e) If the permit holder has committed, at the premises for 13825
which the permit holder's permit was issued, a gambling offense as 13826
defined in section 2915.01, a drug abuse offense as defined in 13827
section 2925.01, or an offense described in section 2907.07, 13828
2907.21, 2907.22, 2907.23, 2907.24, or 2907.25, division (A) or 13829
(B) of section 4301.22, or section 4301.69 of the Revised Code or 13830
a municipal ordinance or township resolution substantially 13831
equivalent to any offense defined or described in a section or 13832
division listed in division (A)(2)(e) of this section for which 13833
the permit holder has been disciplined by the commission more than 13834
once, but not more than twice, during the preceding two years, the 13835
commission may suspend or revoke the permit issued for the 13836
premises at which the violation occurred. A person does not have 13837
to plead guilty to or be convicted of an offense defined or 13838
described in a section or division listed in division (A)(2)(e) of 13839
this section in order for this division to apply. 13840

(3) When the commission issues an order allowing a permit 13841
holder the option of paying a forfeiture rather than suspending 13842
operations under the permit holder's permit issued for the 13843
premises at which the violation occurred, the order shall notify 13844
the permit holder of the option of paying a forfeiture. The order 13845
shall state the number of days for which the permit may be 13846
suspended, that the permit holder has twenty-one days after the 13847

date on which the order is sent to pay the full amount of the 13848
forfeiture by bank check, certified check, or money order, and 13849
that, if the permit holder does not do so, the permit holder's 13850
permit issued for the premises at which the violation occurred 13851
shall be suspended for the period stated in the order. If the 13852
permit holder fails to pay the full amount of the forfeiture by 13853
bank check, certified check, or money order within twenty-one days 13854
after the date on which the order is sent, the commission shall 13855
issue an order suspending the permit holder's permit issued for 13856
the premises at which the violation occurred for the period stated 13857
in the order allowing payment of a forfeiture. The suspension 13858
shall be effective on the twenty-eighth day after the date on 13859
which the order allowing the payment of a forfeiture is sent. Even 13860
a permit holder who pays a forfeiture may file an appeal under 13861
section 119.12 of the Revised Code. A permit holder shall be 13862
considered to have paid a forfeiture when the permit holder's bank 13863
check, certified check, or money order is received by the 13864
commission in Columbus. Upon receipt of a permit holder's bank 13865
check, certified check, or money order under this division, the 13866
commission shall promptly notify the division of liquor control of 13867
its receipt. 13868

(B) No permit holder shall be permitted to pay a forfeiture 13869
instead of having the permit holder's permit issued for the 13870
premises at which the violation occurred suspended if the 13871
suspension is ordered for the reasons stated in division (A)(6) of 13872
section 4301.25 of the Revised Code. 13873

(C) When the evidence and the nature of any violation of 13874
Title XLIII of the Revised Code show that continued operation of 13875
the permit premises presents a clear and present danger to public 13876
health and safety, or if the commission finds, upon reliable, 13877
probative, and substantial evidence, that the statutory elements 13878
of a felony committed in connection with the operation of the 13879

permit premises are present in the action for which the permit 13880
holder is being disciplined, the commission may suspend the permit 13881
issued for the premises at which the violation occurred and shall 13882
not allow the permit holder to pay a forfeiture instead of 13883
suspending the permit holder's permit operations. 13884

(D) Except as provided in this division, when the commission 13885
determines that the permit of any permit holder is to be revoked 13886
under Title XLIII of the Revised Code or any rule of the 13887
commission, the commission may issue an order allowing a permit 13888
holder to elect to pay a forfeiture rather than to revoke the 13889
permit holder's permit issued for the premises at which the 13890
violation occurred. 13891

When the commission issues an order allowing a permit holder 13892
the option of paying a forfeiture rather than revoking the permit 13893
holder's permit, the order shall notify the permit holder of the 13894
option of paying a forfeiture. The order shall state the effective 13895
date of the revocation of the permit holder's permit as 13896
twenty-eight days after the date on which the order is sent, that 13897
the permit holder has twenty-one days after the date on which the 13898
order is sent to pay the full amount of the forfeiture by bank 13899
check, certified check, or money order, and that, if the permit 13900
holder does not do so, the permit holder's permit issued for the 13901
premises at which the violation occurred shall be revoked on the 13902
effective date stated in the order. If the permit holder fails to 13903
pay the full amount of the forfeiture by bank check, certified 13904
check, or money order within twenty-one days after the date on 13905
which the order is sent, the commission shall issue an order 13906
revoking the permit holder's permit issued for the premises at 13907
which the violation occurred. The revocation shall be effective on 13908
the twenty-eighth day after the date on which the order allowing 13909
the payment of a forfeiture is sent. A permit holder shall be 13910
considered to have paid a forfeiture when the permit holder's bank 13911

check, certified check, or money order is received by the 13912
commission in Columbus. Upon receipt of a permit holder's bank 13913
check, certified check, or money order, the commission shall 13914
promptly notify the division of liquor control of its receipt. 13915

When the evidence and the nature of any violation of Title 13916
XLIII of the Revised Code show that continued operation of the 13917
permit premises presents a clear and present danger to public 13918
health and safety, or if the commission finds, upon reliable, 13919
probative, and substantial evidence, that the statutory elements 13920
of a felony committed in connection with the operation of the 13921
permit premises are present in the action for which the permit 13922
holder is being disciplined, the commission may revoke the permit 13923
issued for the premises at which the violation occurred and shall 13924
not allow the permit holder to pay a forfeiture instead of 13925
revoking the permit holder's permit. 13926

No permit holder shall be permitted to pay a forfeiture 13927
instead of having the permit holder's permit issued for the 13928
premises at which the violation occurred revoked if the revocation 13929
is ordered for the reasons stated in division (A)(6) or (B) of 13930
section 4301.25 of the Revised Code. 13931

Sec. 4501.11. (A) There is hereby created in the state 13932
treasury the security, investigations, and policing fund. 13933
Notwithstanding section 5503.04 of the Revised Code, no fines 13934
collected from or money arising from bonds or bail forfeited by 13935
persons apprehended or arrested by state highway patrol troopers 13936
shall be credited to the general revenue fund until sufficient 13937
revenue to fund appropriations for the activities described under 13938
division (B) of this section are credited to the security, 13939
investigations, and policing fund. All investment earnings of the 13940
security, investigations, and policing fund shall be credited to 13941
that fund. 13942

This division does not apply to fines for violations of 13943
division (B) of section 4513.263 of the Revised Code, or to fines 13944
for violations of any municipal ordinance or township resolution 13945
that is substantively comparable to that division, which fines 13946
shall be delivered to the treasurer of state as provided in 13947
division (E) of section 4513.263 of the Revised Code. 13948

(B) The money credited to the security, investigations, and 13949
policing fund shall be used to pay the costs of: 13950

(1) Providing security for the governor, other officials and 13951
dignitaries, the capitol square, and other state property pursuant 13952
to division (E) of section 5503.02 of the Revised Code; 13953

(2) Undertaking major criminal investigations that involve 13954
state property interests; 13955

(3) Providing traffic control and security for the Ohio 13956
expositions commission on a full-time, year-round basis; 13957

(4) Performing nonhighway-related duties of the state highway 13958
patrol at the Ohio state fair; 13959

(5) Coordinating homeland security activities. 13960

Sec. 4503.13. (A) A municipal court, county court, or ~~mayer's~~ 13961
community court, at the court's discretion, may order the clerk of 13962
the court to send to the registrar of motor vehicles a report 13963
containing the name, address, and such other information as the 13964
registrar may require by rule, of any person for whom an arrest 13965
warrant has been issued by that court and is outstanding. 13966

Upon receipt of such a report, the registrar shall enter the 13967
information contained in the report into the records of the bureau 13968
of motor vehicles. Neither the registrar nor any deputy registrar 13969
shall issue a certificate of registration for a motor vehicle 13970
owner or lessee, when a lessee is determinable under procedures 13971
established by the registrar under division (E) of this section, 13972

who is named in the report until the registrar receives 13973
notification from the municipal court, county court, or ~~mayer's~~ 13974
community court that there are no outstanding arrest warrants in 13975
the name of the person. The registrar also shall send a notice to 13976
the person who is named in the report, via regular first class 13977
mail sent to the person's last known address as shown in the 13978
records of the bureau, informing the person that neither the 13979
registrar nor any deputy registrar is permitted to issue a 13980
certificate of registration for a motor vehicle in the name of the 13981
person until the registrar receives notification that there are no 13982
outstanding arrest warrants in the name of the person. 13983

(B) A clerk who reports an outstanding arrest warrant in 13984
accordance with division (A) of this section immediately shall 13985
notify the registrar when the warrant has been executed and 13986
returned to the issuing court or has been canceled. 13987

Upon receipt of such notification, the registrar shall charge 13988
and collect from the person named in the executed or canceled 13989
arrest warrant a processing fee of fifteen dollars to cover the 13990
costs of the bureau in administering this section. The registrar 13991
shall deposit all such processing fees into the state bureau of 13992
motor vehicles fund created by section 4501.25 of the Revised 13993
Code. 13994

Upon payment of the processing fee, the registrar shall cause 13995
the report of that outstanding arrest warrant to be removed from 13996
the records of the bureau and, if there are no other outstanding 13997
arrest warrants issued by a municipal court, county court, or 13998
~~mayer's~~ community court in the name of the person and the person 13999
otherwise is eligible to be issued a certificate of registration 14000
for a motor vehicle, the registrar or a deputy registrar may issue 14001
a certificate of registration for a motor vehicle in the name of 14002
the person named in the executed or canceled arrest warrant. 14003

(C) Neither the registrar, any employee of the bureau, a 14004

deputy registrar, nor any employee of a deputy registrar is 14005
personally liable for damages or injuries resulting from any error 14006
made by a clerk in entering information contained in a report 14007
submitted to the registrar under this section. 14008

(D) Any information submitted to the registrar by a clerk 14009
under this section shall be transmitted by means of an electronic 14010
data transfer system. 14011

(E) The registrar shall determine the procedures and 14012
information necessary to implement this section in regard to motor 14013
vehicle lessees. Division (A) of this section shall not apply to 14014
cases involving a motor vehicle lessee until such procedures are 14015
established. 14016

Sec. 4503.233. (A)(1) If a court orders the immobilization of 14017
a vehicle for a specified period of time pursuant to section 14018
4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, 14019
or 4511.203 of the Revised Code, the court shall issue the 14020
immobilization order in accordance with this division and for the 14021
period of time specified in the particular section, and the 14022
immobilization under the order shall be in accordance with this 14023
section. The court, at the time of sentencing the offender for the 14024
offense relative to which the immobilization order is issued or as 14025
soon thereafter as is practicable, shall give a copy of the order 14026
to the offender or the offender's counsel. The court promptly 14027
shall send a copy of the order to the registrar on a form 14028
prescribed by the registrar and to the person or agency it 14029
designates to execute the order. 14030

The order shall indicate the date on which it is issued, 14031
shall identify the vehicle that is subject to the order, and shall 14032
specify all of the following: 14033

(a) The period of the immobilization; 14034

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

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

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

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

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

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

(d) That neither the registrar nor a deputy registrar will be permitted to accept an application for the license plate registration of any motor vehicle in the name of the vehicle owner until the immobilization fee is paid.

(2) The person or agency the court designates to immobilize the vehicle shall seize or retain that vehicle's license plates

and forward them to the bureau of motor vehicles. 14066

(3) In all cases, the offender shall be assessed an 14067
immobilization fee of one hundred dollars, and the immobilization 14068
fee shall be paid to the registrar before the vehicle may be 14069
released to the offender. Neither the registrar nor a deputy 14070
registrar shall accept an application for the registration of any 14071
motor vehicle in the name of the offender until the immobilization 14072
fee is paid. 14073

(4) If the vehicle subject to the order is immobilized 14074
pursuant to the order and is found being operated upon any street 14075
or highway in this state during the immobilization period, it 14076
shall be seized, removed from the street or highway, and 14077
criminally forfeited and disposed of pursuant to section 4503.234 14078
of the Revised Code. 14079

(5) The registrar shall deposit the immobilization fee into 14080
the law enforcement reimbursement fund created by section 4501.19 14081
of the Revised Code. Money in the fund shall be expended only as 14082
provided in division (A)(5) of this section. If the court 14083
designated in the order a court bailiff or another appropriate 14084
person other than a law enforcement officer to immobilize the 14085
vehicle, the amount of the fee deposited into the law enforcement 14086
reimbursement fund shall be paid out to the county treasury if the 14087
court that issued the order is a county court, to the treasury of 14088
the municipal corporation served by the court if the court that 14089
issued the order is a ~~mayer's~~ community court, or to the city 14090
treasury of the legislative authority of the court, both as 14091
defined in section 1901.03 of the Revised Code, if the court that 14092
issued the order is a municipal court. If the court designated a 14093
law enforcement agency to immobilize the vehicle and if the law 14094
enforcement agency immobilizes the vehicle, the amount of the fee 14095
deposited into the law enforcement reimbursement fund shall be 14096
paid out to the law enforcement agency to reimburse the agency for 14097

the costs it incurs in obtaining immobilization equipment and, if 14098
required, in sending an officer or other person to search for and 14099
locate the vehicle specified in the immobilization order and to 14100
immobilize the vehicle. 14101

In addition to the immobilization fee required to be paid 14102
under division (A)(3) of this section, the offender may be charged 14103
expenses or charges incurred in the removal and storage of the 14104
immobilized vehicle. 14105

(B) If a court issues an immobilization order under division 14106
(A)(1) of this section, the person or agency designated by the 14107
court to execute the immobilization order promptly shall 14108
immobilize or continue the immobilization of the vehicle at the 14109
place specified by the court in the order. The registrar shall not 14110
authorize the release of the vehicle or authorize the issuance of 14111
new identification license plates for the vehicle at the end of 14112
the immobilization period until the immobilization fee has been 14113
paid. 14114

(C) Upon receipt of the license plates for a vehicle under 14115
this section, the registrar shall destroy the license plates. At 14116
the end of the immobilization period and upon the payment of the 14117
immobilization fee that must be paid under this section, the 14118
registrar shall authorize the release of the vehicle and authorize 14119
the issuance, upon the payment of the same fee as is required for 14120
the replacement of lost, mutilated, or destroyed license plates 14121
and certificates of registration, of new license plates and, if 14122
necessary, a new certificate of registration to the offender for 14123
the vehicle in question. 14124

(D)(1) If a court issues an immobilization order under 14125
division (A) of this section, the immobilization period commences 14126
on the day on which the vehicle in question is immobilized. If the 14127
vehicle in question had been seized under section 4510.41 or 14128
4511.195 of the Revised Code, the time between the seizure and the 14129

beginning of the immobilization period shall be credited against 14130
the immobilization period specified in the immobilization order 14131
issued under division (A) of this section. No vehicle that is 14132
immobilized under this section is eligible to have restricted 14133
license plates under section 4503.231 of the Revised Code issued 14134
for that vehicle. 14135

(2) If a court issues an immobilization order under division 14136
(A) of this section, if the vehicle subject to the order is 14137
immobilized under the order, and if the vehicle is found being 14138
operated upon any street or highway of this state during the 14139
immobilization period, it shall be seized, removed from the street 14140
or highway, and criminally forfeited, and disposed of pursuant to 14141
section 4503.234 of the Revised Code. No vehicle that is forfeited 14142
under this provision shall be considered contraband for purposes 14143
of Chapter 2981. of the Revised Code, but shall be held by the law 14144
enforcement agency that employs the officer who seized it for 14145
disposal in accordance with section 4503.234 of the Revised Code. 14146

(3) If a court issues an immobilization order under division 14147
(A) of this section, and if the vehicle is not claimed within 14148
seven days after the end of the period of immobilization or if the 14149
offender has not paid the immobilization fee, the person or agency 14150
that immobilized the vehicle shall send a written notice to the 14151
offender at the offender's last known address informing the 14152
offender of the date on which the period of immobilization ended, 14153
that the offender has twenty days after the date of the notice to 14154
pay the immobilization fee and obtain the release of the vehicle, 14155
and that if the offender does not pay the fee and obtain the 14156
release of the vehicle within that twenty-day period, the vehicle 14157
will be forfeited under section 4503.234 of the Revised Code to 14158
the entity that is entitled to the immobilization fee. 14159

(4) An offender whose motor vehicle is subject to an 14160
immobilization order issued under division (A) of this section 14161

shall not sell the motor vehicle without approval of the court 14162
that issued the order. If such an offender wishes to sell the 14163
motor vehicle during the immobilization period, the offender shall 14164
apply to the court that issued the immobilization order for 14165
permission to assign the title to the vehicle. If the court is 14166
satisfied that the sale will be in good faith and not for the 14167
purpose of circumventing the provisions of division (A)(1) of this 14168
section, it may certify its consent to the offender and to the 14169
registrar. Upon receipt of the court's consent, the registrar 14170
shall enter the court's notice in the offender's vehicle license 14171
plate registration record. 14172

If, during a period of immobilization under an immobilization 14173
order issued under division (A) of this section, the title to the 14174
immobilized motor vehicle is transferred by the foreclosure of a 14175
chattel mortgage, a sale upon execution, the cancellation of a 14176
conditional sales contract, or an order of a court, the involved 14177
court shall notify the registrar of the action, and the registrar 14178
shall enter the court's notice in the offender's vehicle license 14179
plate registration record. 14180

Nothing in this section shall be construed as requiring the 14181
registrar or the clerk of the court of common pleas to note upon 14182
the certificate of title records any prohibition regarding the 14183
sale of a motor vehicle. 14184

(5) If the title to a motor vehicle that is subject to an 14185
immobilization order under division (A) of this section is 14186
assigned or transferred without court approval between the time of 14187
arrest of the offender who committed the offense for which such an 14188
order is to be issued and the time of the actual immobilization of 14189
the vehicle, the court shall order that, for a period of two years 14190
from the date of the order, neither the registrar nor any deputy 14191
registrar shall accept an application for the registration of any 14192
motor vehicle in the name of the offender whose vehicle was 14193

assigned or transferred without court approval. The court shall 14194
notify the registrar of the order on a form prescribed by the 14195
registrar for that purpose. 14196

(6) If the title to a motor vehicle that is subject to an 14197
immobilization order under division (A) of this section is 14198
assigned or transferred without court approval in violation of 14199
division (D)(4) of this section, then, in addition to or 14200
independent of any other penalty established by law, the court may 14201
fine the offender the value of the vehicle as determined by 14202
publications of the national auto dealers association. The 14203
proceeds from any fine so imposed shall be distributed in the same 14204
manner as the proceeds of the sale of a forfeited vehicle are 14205
distributed pursuant to division (C)(2) of section 4503.234 of the 14206
Revised Code. 14207

(E)(1) The court with jurisdiction over the case, after 14208
notice to all interested parties including lienholders, and after 14209
an opportunity for them to be heard, if the offender fails to 14210
appear in person, without good cause, or if the court finds that 14211
the offender does not intend to seek release of the vehicle at the 14212
end of the period of immobilization or that the offender is not or 14213
will not be able to pay the expenses and charges incurred in its 14214
removal and storage, may order that title to the vehicle be 14215
transferred, in order of priority, first into the name of the 14216
entity entitled to the immobilization fee under division (A)(5) of 14217
this section, next into the name of a lienholder, or lastly, into 14218
the name of the owner of the place of storage. 14219

A lienholder that receives title under a court order shall do 14220
so on the condition that it pay any expenses or charges incurred 14221
in the vehicle's removal and storage. If the entity that receives 14222
title to the vehicle is the entity that is entitled to the 14223
immobilization fee under division (A)(5) of this section, it shall 14224
receive title on the condition that it pay any lien on the 14225

vehicle. The court shall not order that title be transferred to 14226
any person or entity other than the owner of the place of storage 14227
if the person or entity refuses to receive the title. Any person 14228
or entity that receives title may either keep title to the vehicle 14229
or may dispose of the vehicle in any legal manner that it 14230
considers appropriate, including assignment of the certificate of 14231
title to the motor vehicle to a salvage dealer or a scrap metal 14232
processing facility. The person or entity shall not transfer the 14233
vehicle to the person who is the vehicle's immediate previous 14234
owner. 14235

If the person or entity assigns the motor vehicle to a 14236
salvage dealer or scrap metal processing facility, the person or 14237
entity shall send the assigned certificate of title to the motor 14238
vehicle to the clerk of the court of common pleas of the county in 14239
which the salvage dealer or scrap metal processing facility is 14240
located. The person or entity shall mark the face of the 14241
certificate of title with the words "FOR DESTRUCTION" and shall 14242
deliver a photocopy of the certificate of title to the salvage 14243
dealer or scrap metal processing facility for its records. 14244

(2) Whenever a court issues an order under division (E)(1) of 14245
this section, the court also shall order removal of the license 14246
plates from the vehicle and cause them to be sent to the registrar 14247
if they have not already been sent to the registrar. Thereafter, 14248
no further proceedings shall take place under this section, but 14249
the offender remains liable for payment of the immobilization fee 14250
described in division (A)(3) of this section if an immobilization 14251
order previously had been issued by the court. 14252

(3) Prior to initiating a proceeding under division (E)(1) of 14253
this section, and upon payment of the fee under division (B) of 14254
section 4505.14 of the Revised Code, any interested party may 14255
cause a search to be made of the public records of the bureau of 14256
motor vehicles or the clerk of the court of common pleas, to 14257

ascertain the identity of any lienholder of the vehicle. The 14258
initiating party shall furnish this information to the clerk of 14259
the court with jurisdiction over the case, and the clerk shall 14260
provide notice to the vehicle owner, the defendant, any 14261
lienholder, and any other interested parties listed by the 14262
initiating party, at the last known address supplied by the 14263
initiating party, by certified mail or, at the option of the 14264
initiating party, by personal service or ordinary mail. 14265

As used in this section, "interested party" includes the 14266
offender, all lienholders, the owner of the place of storage, the 14267
person or entity that caused the vehicle to be removed, and the 14268
person or entity, if any, entitled to the immobilization fee under 14269
division (A)(5) of this section. 14270

Sec. 4503.234. (A) If a court orders the criminal forfeiture 14271
of a vehicle pursuant to section 4503.233, 4503.236, 4510.11, 14272
4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, or 14273
4511.203 of the Revised Code, the order shall be issued and 14274
enforced in accordance with this division, subject to division (B) 14275
of this section. An order of criminal forfeiture issued under this 14276
division shall authorize an appropriate law enforcement agency to 14277
seize the vehicle ordered criminally forfeited upon the terms and 14278
conditions that the court determines proper. No vehicle ordered 14279
criminally forfeited pursuant to this division shall be considered 14280
contraband for purposes of Chapter 2981. of the Revised Code, but 14281
the law enforcement agency that employs the officer who seized it 14282
shall hold the vehicle for disposal in accordance with this 14283
section. A forfeiture order may be issued only after the offender 14284
has been provided with an opportunity to be heard. The prosecuting 14285
attorney shall give the offender written notice of the possibility 14286
of forfeiture by sending a copy of the relevant uniform traffic 14287
ticket or other written notice to the offender not less than seven 14288
days prior to the date of issuance of the forfeiture order. A 14289

vehicle is subject to an order of criminal forfeiture pursuant to 14290
this division upon the conviction of the offender of or plea of 14291
guilty by the offender to a violation of division (A) of section 14292
4503.236, section 4510.11, 4510.14, 4510.16, or 4511.203, or 14293
division (A) of section 4511.19 of the Revised Code, or a 14294
municipal ordinance or township resolution that is substantially 14295
equivalent to any of those sections or divisions. 14296

(B)(1) Prior to the issuance of an order of criminal 14297
forfeiture pursuant to this section, the law enforcement agency 14298
that employs the law enforcement officer who seized the vehicle 14299
shall conduct or cause to be conducted a search of the appropriate 14300
public records that relate to the vehicle and shall make or cause 14301
to be made reasonably diligent inquiries to identify any 14302
lienholder or any person or entity with an ownership interest in 14303
the vehicle. The court that is to issue the forfeiture order also 14304
shall cause a notice of the potential order relative to the 14305
vehicle and of the expected manner of disposition of the vehicle 14306
after its forfeiture to be sent to any lienholder or person who is 14307
known to the court to have any right, title, or interest in the 14308
vehicle. The court shall give the notice by certified mail, return 14309
receipt requested, or by personal service. 14310

(2) No order of criminal forfeiture shall be issued pursuant 14311
to this section if a lienholder or other person with an ownership 14312
interest in the vehicle establishes to the court, by a 14313
preponderance of the evidence after filing a motion with the 14314
court, that the lienholder or other person neither knew nor should 14315
have known after a reasonable inquiry that the vehicle would be 14316
used or involved, or likely would be used or involved, in the 14317
violation resulting in the issuance of the order of criminal 14318
forfeiture or the violation of the order of immobilization issued 14319
under section 4503.233 of the Revised Code, that the lienholder or 14320
other person did not expressly or impliedly consent to the use or 14321

involvement of the vehicle in that violation, and that the lien or 14322
ownership interest was perfected pursuant to law prior to the 14323
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 14324
or 4511.203 of the Revised Code. If the lienholder or holder of 14325
the ownership interest satisfies the court that these criteria 14326
have been met, the court shall preserve the lienholder's or other 14327
person's lien or interest, and the court either shall return the 14328
vehicle to the holder, or shall order that the proceeds of any 14329
sale held pursuant to division (C)(2) of this section be paid to 14330
the lienholder or holder of the interest less the costs of 14331
seizure, storage, and maintenance of the vehicle. The court shall 14332
not return a vehicle to a lienholder or a holder of an ownership 14333
interest unless the lienholder or holder submits an affidavit to 14334
the court that states that the lienholder or holder will not 14335
return the vehicle to the person from whom the vehicle was seized 14336
pursuant to the order of criminal forfeiture or to any member of 14337
that person's family and will not otherwise knowingly permit that 14338
person or any member of that person's family to obtain possession 14339
of the vehicle. 14340

(3) No order of criminal forfeiture shall be issued pursuant 14341
to this section if a person with an interest in the vehicle 14342
establishes to the court, by a preponderance of the evidence after 14343
filing a motion with the court, that the person neither knew nor 14344
should have known after a reasonable inquiry that the vehicle had 14345
been used or was involved in the violation resulting in the 14346
issuance of the order of criminal forfeiture or the violation of 14347
the order of immobilization issued under section 4503.233 of the 14348
Revised Code, that the person did not expressly or impliedly 14349
consent to the use or involvement of the vehicle in that 14350
violation, that the interest was perfected in good faith and for 14351
value pursuant to law between the time of the arrest of the 14352
offender and the final disposition of the criminal charge in 14353
question, and that the vehicle was in the possession of the 14354

interest holder at the time of the perfection of the interest. If 14355
the court is satisfied that the interest holder has met these 14356
criteria, the court shall preserve the interest holder's interest, 14357
and the court either shall return the vehicle to the interest 14358
holder or order that the proceeds of any sale held pursuant to 14359
division (C) of this section be paid to the holder of the interest 14360
less the costs of seizure, storage, and maintenance of the 14361
vehicle. The court shall not return a vehicle to an interest 14362
holder unless the holder submits an affidavit to the court stating 14363
that the holder will not return the vehicle to the person from 14364
whom the holder acquired the holder's interest, nor to any member 14365
of that person's family, and the holder will not otherwise 14366
knowingly permit that person or any member of that person's family 14367
to obtain possession of the vehicle. 14368

(C) A vehicle ordered criminally forfeited to the state 14369
pursuant to this section shall be disposed of as follows: 14370

(1) It shall be given to the law enforcement agency that 14371
employs the law enforcement officer who seized the vehicle, if 14372
that agency desires to have it; 14373

(2) If a vehicle is not disposed of pursuant to division 14374
(C)(1) of this section, the vehicle shall be sold, without 14375
appraisal, if the value of the vehicle is two thousand dollars or 14376
more as determined by publications of the national auto dealer's 14377
association, at a public auction to the highest bidder for cash. 14378
Prior to the sale, the prosecuting attorney in the case shall 14379
cause a notice of the proposed sale to be given in accordance with 14380
law. The court shall cause notice of the sale of the vehicle to be 14381
published in a newspaper of general circulation in the county in 14382
which the court is located at least seven days prior to the date 14383
of the sale. The proceeds of a sale under this division or 14384
division (F) of this section shall be applied in the following 14385
order: 14386

(a) First, they shall be applied to the payment of the costs 14387
incurred in connection with the seizure, storage, and maintenance 14388
of, and provision of security for, the vehicle, any proceeding 14389
arising out of the forfeiture, and if any, the sale. 14390

(b) Second, the remaining proceeds after compliance with 14391
division (C)(2)(a) of this section, shall be applied to the 14392
payment of the value of any lien or ownership interest in the 14393
vehicle preserved under division (B) of this section. 14394

(c) Third, the remaining proceeds, after compliance with 14395
divisions (C)(2)(a) and (b) of this section, shall be applied to 14396
the appropriate funds in accordance with divisions (B) and (C) of 14397
section 2981.13 of the Revised Code, provided that the total of 14398
the amount so deposited under this division shall not exceed one 14399
thousand dollars. The remaining proceeds deposited under this 14400
division shall be used only for the purposes authorized by those 14401
divisions and division (D) of that section. 14402

(d) Fourth, the remaining proceeds after compliance with 14403
divisions (C)(2)(a) and (b) of this section and after deposit of a 14404
total amount of one thousand dollars under division (C)(2)(c) of 14405
this section shall be applied so that fifty per cent of those 14406
remaining proceeds is paid into the reparation fund established by 14407
section 2743.191 of the Revised Code, twenty-five per cent is paid 14408
into the drug abuse resistance education programs fund created by 14409
division (F)(2)(e) of section 4511.191 of the Revised Code and 14410
shall be used only for the purposes authorized by division 14411
(F)(2)(e) of that section, and twenty-five per cent is applied to 14412
the appropriate funds in accordance with divisions (B) and (C) of 14413
section 2981.13 of the Revised Code. The proceeds deposited into 14414
any fund described in section 2981.13 of the Revised Code shall be 14415
used only for the purposes authorized by divisions (B)(4)(c), (C), 14416
and (D) of that section. 14417

(D) Except as provided in division (E) of section 4511.203 of 14418

the Revised Code and notwithstanding any other provision of law, 14419
neither the registrar of motor vehicles nor any deputy registrar 14420
shall accept an application for the registration of any motor 14421
vehicle in the name of any person, or register any motor vehicle 14422
in the name of any person, if both of the following apply: 14423

(1) Any vehicle registered in the person's name was 14424
criminally forfeited under this section and section 4503.233, 14425
4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 14426
4511.193, or 4511.203 of the Revised Code; 14427

(2) Less than five years have expired since the issuance of 14428
the most recent order of criminal forfeiture issued in relation to 14429
a vehicle registered in the person's name. 14430

(E) If a court orders the criminal forfeiture to the state of 14431
a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 14432
4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, 14433
or 4511.203 of the Revised Code, the title to the motor vehicle is 14434
assigned or transferred, and division (B)(2) or (3) of this 14435
section applies, in addition to or independent of any other 14436
penalty established by law, the court may fine the offender the 14437
value of the vehicle as determined by publications of the national 14438
auto dealer's association. The proceeds from any fine imposed 14439
under this division shall be distributed in accordance with 14440
division (C)(2) of this section. 14441

(F) As used in this section and divisions (B)(4)(c), (C), and 14442
(D) of section 2981.13 of the Revised Code in relation to proceeds 14443
of the sale of a vehicle under division (C) of this section, 14444
"prosecuting attorney" includes the prosecuting attorney, village 14445
solicitor, city director of law, or similar chief legal officer of 14446
a municipal corporation who prosecutes the case resulting in the 14447
conviction or guilty plea in question. 14448

(G) If the vehicle to be forfeited has an average retail 14449

value of less than two thousand dollars as determined by 14450
publications of the national auto dealer's association, no public 14451
auction is required to be held. In such a case, the court may 14452
direct that the vehicle be disposed of in any manner that it 14453
considers appropriate, including assignment of the certificate of 14454
title to the motor vehicle to a salvage dealer or a scrap metal 14455
processing facility. The court shall not transfer the vehicle to 14456
the person who is the vehicle's immediate previous owner. 14457

If the court assigns the motor vehicle to a salvage dealer or 14458
scrap metal processing facility and the court is in possession of 14459
the certificate of title to the motor vehicle, it shall send the 14460
assigned certificate of title to the motor vehicle to the clerk of 14461
the court of common pleas of the county in which the salvage 14462
dealer or scrap metal processing facility is located. The court 14463
shall mark the face of the certificate of title with the words 14464
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 14465
of title to the salvage dealer or scrap metal processing facility 14466
for its records. 14467

If the court is not in possession of the certificate of title 14468
to the motor vehicle, the court shall issue an order transferring 14469
ownership of the motor vehicle to a salvage dealer or scrap metal 14470
processing facility, send the order to the clerk of the court of 14471
common pleas of the county in which the salvage dealer or scrap 14472
metal processing facility is located, and send a photocopy of the 14473
order to the salvage dealer or scrap metal processing facility for 14474
its records. The clerk shall make the proper notations or entries 14475
in the clerk's records concerning the disposition of the motor 14476
vehicle. 14477

Sec. 4506.07. (A) Every application for a commercial driver's 14478
license, restricted commercial driver's license, or a commercial 14479
driver's temporary instruction permit, or a duplicate of such a 14480

license, shall be made upon a form approved and furnished by the 14481
registrar of motor vehicles. Except as provided in section 4506.24 14482
of the Revised Code in regard to a restricted commercial driver's 14483
license, the application shall be signed by the applicant and 14484
shall contain the following information: 14485

(1) The applicant's name, date of birth, social security 14486
account number, sex, general description including height, weight, 14487
and color of hair and eyes, current residence, duration of 14488
residence in this state, country of citizenship, and occupation; 14489

(2) Whether the applicant previously has been licensed to 14490
operate a commercial motor vehicle or any other type of motor 14491
vehicle in another state or a foreign jurisdiction and, if so, 14492
when, by what state, and whether the license or driving privileges 14493
currently are suspended or revoked in any jurisdiction, or the 14494
applicant otherwise has been disqualified from operating a 14495
commercial motor vehicle, or is subject to an out-of-service order 14496
issued under this chapter or any similar law of another state or a 14497
foreign jurisdiction and, if so, the date of, locations involved, 14498
and reason for the suspension, revocation, disqualification, or 14499
out-of-service order; 14500

(3) Whether the applicant is afflicted with or suffering from 14501
any physical or mental disability or disease that prevents the 14502
applicant from exercising reasonable and ordinary control over a 14503
motor vehicle while operating it upon a highway or is or has been 14504
subject to any condition resulting in episodic impairment of 14505
consciousness or loss of muscular control and, if so, the nature 14506
and extent of the disability, disease, or condition, and the names 14507
and addresses of the physicians attending the applicant; 14508

(4) Whether the applicant has obtained a medical examiner's 14509
certificate as required by this chapter; 14510

(5) Whether the applicant has pending a citation for 14511

violation of any motor vehicle law ~~or~~, ordinance, or resolution 14512
except a parking violation and, if so, a description of the 14513
citation, the court having jurisdiction of the offense, and the 14514
date when the offense occurred; 14515

(6) Whether the applicant wishes to certify willingness to 14516
make an anatomical donation under section 2108.04 of the Revised 14517
Code, which shall be given no consideration in the issuance of a 14518
license; 14519

(7) On and after May 1, 1993, whether the applicant has 14520
executed a valid durable power of attorney for health care 14521
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 14522
executed a declaration governing the use or continuation, or the 14523
withholding or withdrawal, of life-sustaining treatment pursuant 14524
to sections 2133.01 to 2133.15 of the Revised Code and, if the 14525
applicant has executed either type of instrument, whether the 14526
applicant wishes the license issued to indicate that the applicant 14527
has executed the instrument. 14528

(B) Every applicant shall certify, on a form approved and 14529
furnished by the registrar, all of the following: 14530

(1) That the motor vehicle in which the applicant intends to 14531
take the driving skills test is representative of the type of 14532
motor vehicle that the applicant expects to operate as a driver; 14533

(2) That the applicant is not subject to any disqualification 14534
or out-of-service order, or license suspension, revocation, or 14535
cancellation, under the laws of this state, of another state, or 14536
of a foreign jurisdiction and does not have more than one driver's 14537
license issued by this or another state or a foreign jurisdiction; 14538

(3) Any additional information, certification, or evidence 14539
that the registrar requires by rule in order to ensure that the 14540
issuance of a commercial driver's license to the applicant is in 14541
compliance with the law of this state and with federal law. 14542

(C) Every applicant shall execute a form, approved and 14543
furnished by the registrar, under which the applicant consents to 14544
the release by the registrar of information from the applicant's 14545
driving record. 14546

(D) The registrar or a deputy registrar, in accordance with 14547
section 3503.11 of the Revised Code, shall register as an elector 14548
any applicant for a commercial driver's license or for a renewal 14549
or duplicate of such a license under this chapter, if the 14550
applicant is eligible and wishes to be registered as an elector. 14551
The decision of an applicant whether to register as an elector 14552
shall be given no consideration in the decision of whether to 14553
issue the applicant a license or a renewal or duplicate. 14554

(E) The registrar or a deputy registrar, in accordance with 14555
section 3503.11 of the Revised Code, shall offer the opportunity 14556
of completing a notice of change of residence or change of name to 14557
any applicant for a commercial driver's license or for a renewal 14558
or duplicate of such a license who is a resident of this state, if 14559
the applicant is a registered elector who has changed the 14560
applicant's residence or name and has not filed such a notice. 14561

(F) In considering any application submitted pursuant to this 14562
section, the bureau of motor vehicles may conduct any inquiries 14563
necessary to ensure that issuance or renewal of a commercial 14564
driver's license would not violate any provision of the Revised 14565
Code or federal law. 14566

Sec. 4506.15. (A) No person shall do any of the following: 14567

(1) Drive a commercial motor vehicle while having a 14568
measurable or detectable amount of alcohol or of a controlled 14569
substance in the person's blood, breath, or urine; 14570

(2) Drive a commercial motor vehicle while having an alcohol 14571
concentration of four-hundredths of one per cent or more by whole 14572

blood or breath;	14573
(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;	14574 14575 14576
(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;	14577 14578 14579
(5) Drive a motor vehicle while under the influence of a controlled substance;	14580 14581
(6) Use a motor vehicle in the commission of a felony;	14582
(7) Refuse to submit to a test under section 4506.17 of the Revised Code;	14583 14584
(8) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;	14585 14586 14587
(9) Cause a fatality through <u>through</u> the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;	14588 14589 14590 14591
(10) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance;	14592 14593 14594 14595 14596
(11) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or , <u>ordinance, or resolution</u> pertaining to railroad-highway grade crossings;	14597 14598 14599 14600
(12) Violate any prohibition described in divisions (A)(2) to (11) of this section while transporting hazardous materials.	14601 14602

(B) Whoever violates this section is guilty of a misdemeanor 14603
of the first degree. 14604

Sec. 4506.18. (A) Any driver who holds a commercial driver's 14605
license issued by this state and is convicted in another state or 14606
a foreign jurisdiction of violating any law ~~or~~, ordinance, or 14607
resolution relating to motor vehicle traffic control, other than a 14608
parking violation, shall provide written notice of that conviction 14609
within thirty days after the date of conviction to the bureau of 14610
motor vehicles and to the driver's employer in accordance with the 14611
provisions of 49 C.F.R. 383, subpart C, as amended. 14612

(B) Whoever violates this section is guilty of a misdemeanor 14613
of the first degree. 14614

Sec. 4507.02. (A)(1) No person shall permit the operation of 14615
a motor vehicle upon any public or private property used by the 14616
public for purposes of vehicular travel or parking knowing the 14617
operator does not have a valid driver's license issued to the 14618
operator by the registrar of motor vehicles under this chapter or 14619
a valid commercial driver's license issued under Chapter 4506. of 14620
the Revised Code. Whoever violates this division is guilty of a 14621
misdemeanor of the first degree. 14622

(2) No person shall receive a driver's license, or a 14623
motorcycle operator's endorsement of a driver's or commercial 14624
driver's license, unless and until the person surrenders to the 14625
registrar all valid licenses issued to the person by another 14626
jurisdiction recognized by this state. The registrar shall report 14627
the surrender of a license to the issuing authority, together with 14628
information that a license is now issued in this state. The 14629
registrar shall destroy any such license that is not returned to 14630
the issuing authority. No person shall be permitted to have more 14631
than one valid license at any time. 14632

(B)(1) If a person is convicted of a violation of section 14633
4510.11, 4510.14, 4510.16 when division (B)(3) of that section 14634
applies, or 4510.21 of the Revised Code or if division (F) of 14635
section 4507.164 of the Revised Code applies, the trial judge of 14636
any court, in addition to or independent of any other penalties 14637
provided by law ~~or~~, ordinance, or resolution, shall impound the 14638
identification license plates of any motor vehicle registered in 14639
the name of the person. If a person is convicted of a violation of 14640
section 4510.16 of the Revised Code and division (B)(2) of that 14641
section applies, the trial judge of any court, in addition to or 14642
independent of any other penalties provided by law ~~or~~, ordinance, 14643
or resolution, may impound the identification license plates of 14644
any motor vehicle registered in the name of the person. The court 14645
shall send the impounded license plates to the registrar, who may 14646
retain the license plates until the driver's or commercial 14647
driver's license of the owner has been reinstated or destroy them 14648
pursuant to section 4503.232 of the Revised Code. 14649

If the license plates of a person convicted of a violation of 14650
any provision of those sections have been impounded in accordance 14651
with the provisions of this division, the court shall notify the 14652
registrar of that action. The notice shall contain the name and 14653
address of the driver, the serial number of the driver's driver's 14654
or commercial driver's license, the serial numbers of the license 14655
plates of the motor vehicle, and the length of time for which the 14656
license plates have been impounded. The registrar shall record the 14657
data in the notice as part of the driver's permanent record. 14658

(2) Any motor vehicle owner who has had the license plates of 14659
a motor vehicle impounded pursuant to division (B)(1) of this 14660
section may apply to the registrar, or to a deputy registrar, for 14661
restricted license plates that shall conform to the requirements 14662
of section 4503.231 of the Revised Code. The registrar or deputy 14663
registrar forthwith shall notify the court of the application and, 14664

upon approval of the court, shall issue restricted license plates 14665
to the applicant. Until the driver's or commercial driver's 14666
license of the owner is reinstated, any new license plates issued 14667
to the owner also shall conform to the requirements of section 14668
4503.231 of the Revised Code. 14669

The registrar or deputy registrar shall charge the owner of a 14670
vehicle the fees provided in section 4503.19 of the Revised Code 14671
for restricted license plates that are issued in accordance with 14672
this division, except upon renewal as specified in section 4503.10 14673
of the Revised Code, when the regular fee as provided in section 14674
4503.04 of the Revised Code shall be charged. The registrar or 14675
deputy registrar shall charge the owner of a vehicle the fees 14676
provided in section 4503.19 of the Revised Code whenever 14677
restricted license plates are exchanged, by reason of the 14678
reinstatement of the driver's or commercial driver's license of 14679
the owner, for those ordinarily issued. 14680

(3) If an owner wishes to sell a motor vehicle during the 14681
time the restricted license plates provided under division (B)(2) 14682
of this section are in use, the owner may apply to the court that 14683
impounded the license plates of the motor vehicle for permission 14684
to transfer title to the motor vehicle. If the court is satisfied 14685
that the sale will be made in good faith and not for the purpose 14686
of circumventing the provisions of this section, it may certify 14687
its consent to the owner and to the registrar of motor vehicles 14688
who shall enter notice of the transfer of the title of the motor 14689
vehicle in the vehicle registration record. 14690

If, during the time the restricted license plates provided 14691
under division (B)(2) of this section are in use, the title to a 14692
motor vehicle is transferred by the foreclosure of a chattel 14693
mortgage, a sale upon execution, the cancellation of a conditional 14694
sales contract, or by order of a court, the court shall notify the 14695
registrar of the action and the registrar shall enter notice of 14696

the transfer of the title to the motor vehicle in the vehicle 14697
registration record. 14698

(C) This section is not intended to change or modify any 14699
provision of Chapter 4503. of the Revised Code with respect to the 14700
taxation of motor vehicles or the time within which the taxes on 14701
motor vehicles shall be paid. 14702

Sec. 4507.06. (A)(1) Every application for a driver's license 14703
or motorcycle operator's license or endorsement, or duplicate of 14704
any such license or endorsement, shall be made upon the approved 14705
form furnished by the registrar of motor vehicles and shall be 14706
signed by the applicant. 14707

Every application shall state the following: 14708

(a) The applicant's name, date of birth, social security 14709
number if such has been assigned, sex, general description, 14710
including height, weight, color of hair, and eyes, residence 14711
address, including county of residence, duration of residence in 14712
this state, and country of citizenship; 14713

(b) Whether the applicant previously has been licensed as an 14714
operator, chauffeur, driver, commercial driver, or motorcycle 14715
operator and, if so, when, by what state, and whether such license 14716
is suspended or canceled at the present time and, if so, the date 14717
of and reason for the suspension or cancellation; 14718

(c) Whether the applicant is now or ever has been afflicted 14719
with epilepsy, or whether the applicant now is suffering from any 14720
physical or mental disability or disease and, if so, the nature 14721
and extent of the disability or disease, giving the names and 14722
addresses of physicians then or previously in attendance upon the 14723
applicant; 14724

(d) Whether an applicant for a duplicate driver's license, or 14725
duplicate license containing a motorcycle operator endorsement has 14726

pending a citation for violation of any motor vehicle law ~~or~~,
ordinance, or resolution, a description of any such citation
pending, and the date of the citation;

(e) Whether the applicant wishes to certify willingness to
make an anatomical gift under section 2108.04 of the Revised Code,
which shall be given no consideration in the issuance of a license
or endorsement;

(f) Whether the applicant has executed a valid durable power
of attorney for health care pursuant to sections 1337.11 to
1337.17 of the Revised Code or has executed a declaration
governing the use or continuation, or the withholding or
withdrawal, of life-sustaining treatment pursuant to sections
2133.01 to 2133.15 of the Revised Code and, if the applicant has
executed either type of instrument, whether the applicant wishes
the applicant's license to indicate that the applicant has
executed the instrument.

(2) Every applicant for a driver's license shall be
photographed in color at the time the application for the license
is made. The application shall state any additional information
that the registrar requires.

(B) The registrar or a deputy registrar, in accordance with
section 3503.11 of the Revised Code, shall register as an elector
any person who applies for a driver's license or motorcycle
operator's license or endorsement under division (A) of this
section, or for a renewal or duplicate of the license or
endorsement, if the applicant is eligible and wishes to be
registered as an elector. The decision of an applicant whether to
register as an elector shall be given no consideration in the
decision of whether to issue the applicant a license or
endorsement, or a renewal or duplicate.

(C) The registrar or a deputy registrar, in accordance with

section 3503.11 of the Revised Code, shall offer the opportunity 14758
of completing a notice of change of residence or change of name to 14759
any applicant for a driver's license or endorsement under division 14760
(A) of this section, or for a renewal or duplicate of the license 14761
or endorsement, if the applicant is a registered elector who has 14762
changed the applicant's residence or name and has not filed such a 14763
notice. 14764

Sec. 4507.091. (A) A municipal court, county court, or 14765
~~mayor's~~ community court, at the court's discretion, may order the 14766
clerk of the court to send to the registrar of motor vehicles a 14767
report containing the name, address, and such other information as 14768
the registrar may require by rule, of any person for whom an 14769
arrest warrant has been issued by that court and is outstanding. 14770

Upon receipt of such a report, the registrar shall enter the 14771
information contained in the report into the records of the bureau 14772
of motor vehicles. Neither the registrar nor any deputy registrar 14773
shall issue a temporary instruction permit or driver's or 14774
commercial driver's license to the person named in the report, or 14775
renew the driver's or commercial driver's license of such person, 14776
until the registrar receives notification from the municipal 14777
court, county court, or mayor's court that there are no 14778
outstanding arrest warrants in the name of the person. The 14779
registrar also shall send a notice to the person who is named in 14780
the report, via regular first class mail sent to the person's last 14781
known address as shown in the records of the bureau, informing the 14782
person that neither the registrar nor any deputy registrar is 14783
permitted to issue a temporary instruction permit or driver's or 14784
commercial driver's license to the person, or renew the driver's 14785
or commercial driver's license of the person, until the registrar 14786
receives notification that there are no outstanding arrest 14787
warrants in the name of the person. 14788

(B) A clerk who reports an outstanding arrest warrant in accordance with division (A) of this section immediately shall notify the registrar when the warrant has been executed and returned to the issuing court or has been canceled. The clerk shall charge and collect from the person named in the executed or canceled arrest warrant a processing fee of fifteen dollars to cover the costs of the bureau in administering this section. The clerk shall transmit monthly all such processing fees to the registrar for deposit into the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

Upon receipt of such notification, the registrar shall cause the report of that outstanding arrest warrant to be removed from the records of the bureau and, if there are no other outstanding arrest warrants issued by a municipal court, county court, or ~~mayer's~~ community court in the name of the person and the person otherwise is eligible to be issued a driver's or commercial driver's license or to have such a license renewed, the registrar or a deputy registrar may issue a driver's license or commercial driver's license to the person named in the executed or canceled arrest warrant, or renew the driver's or commercial driver's license of such person.

(C) Neither the registrar, any employee of the bureau, a deputy registrar, nor any employee of a deputy registrar is personally liable for damages or injuries resulting from any error made by a clerk in entering information contained in a report submitted to the registrar under this section.

(D) Any information submitted to the registrar by a clerk under this section shall be transmitted by means of an electronic data transfer system.

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) of this section, when the license of any person is suspended

pursuant to any provision of the Revised Code other than division 14820
(G) of section 4511.19 of the Revised Code and other than section 14821
4510.07 of the Revised Code for a violation of a municipal OVI 14822
ordinance or township OVI resolution, the trial judge may impound 14823
the identification license plates of any motor vehicle registered 14824
in the name of the person. 14825

(B)(1) When the license of any person is suspended pursuant 14826
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 14827
pursuant to section 4510.07 of the Revised Code for a municipal 14828
OVI offense or township OVI offense when the suspension is 14829
equivalent in length to the suspension under division (G) of 14830
section 4511.19 of the Revised Code that is specified in this 14831
division, the trial judge of the court ~~of record~~ or the ~~mayer~~ 14832
magistrate of the ~~mayer's~~ community court that suspended the 14833
license may impound the identification license plates of any motor 14834
vehicle registered in the name of the person. 14835

(2) When the license of any person is suspended pursuant to 14836
division (G)(1)(b) of section 4511.19 of the Revised Code, or 14837
pursuant to section 4510.07 of the Revised Code for a municipal 14838
OVI offense or township OVI offense when the suspension is 14839
equivalent in length to the suspension under division (G) of 14840
section 4511.19 of the Revised Code that is specified in this 14841
division, the trial judge of the court of record that suspended 14842
the license shall order the impoundment of the identification 14843
license plates of the motor vehicle the offender was operating at 14844
the time of the offense and the immobilization of that vehicle in 14845
accordance with section 4503.233 and division (G)(1)(b) of section 14846
4511.19 or division (B)(2)(a) of section 4511.193 of the Revised 14847
Code and may impound the identification license plates of any 14848
other motor vehicle registered in the name of the person whose 14849
license is suspended. 14850

(3) When the license of any person is suspended pursuant to 14851

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

(C)(1) When a person is convicted of or pleads guilty to a violation of section 4510.14 of the Revised Code or a substantially equivalent municipal ordinance or township resolution and division (B)(1) or (2) of section 4510.14 or division (C)(1) or (2) of section 4510.161 of the Revised Code applies, the trial judge of the court ~~of record~~ or the ~~mayer~~ magistrate of the ~~mayer's~~ community court that imposes sentence shall order the immobilization of the vehicle the person was operating at the time of the offense and the impoundment of its identification license plates in accordance with section 4503.233 and division (B)(1) or (2) of section 4510.14 or division (C)(1) or (2) of section 4510.161 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(2) When a person is convicted of or pleads guilty to a violation of section 4510.14 of the Revised Code or a substantially equivalent municipal ordinance or township resolution and division (B)(3) of section 4510.14 or division (C)(3) of section 4510.161 of the Revised Code applies, the trial

judge of the court of record that imposes sentence shall order the 14884
criminal forfeiture to the state of the vehicle the person was 14885
operating at the time of the offense in accordance with section 14886
4503.234 and division (B)(3) of section 4510.14 or division (C)(3) 14887
of section 4510.161 of the Revised Code and may impound the 14888
identification license plates of any other vehicle registered in 14889
the name of that person. 14890

(D)~~(1)~~ When a person is convicted of or pleads guilty to a 14891
violation of division (A) of section 4510.16 of the Revised Code 14892
or a substantially equivalent municipal ordinance or township 14893
resolution, division (B) of section 4510.16 or division (B) of 14894
section 4510.161 of the Revised Code applies in determining 14895
whether the immobilization of the vehicle the person was operating 14896
at the time of the offense and the impoundment of its 14897
identification license plates or the criminal forfeiture to the 14898
state of the vehicle the person was operating at the time of the 14899
offense is authorized or required. The trial judge of the court ~~of~~ 14900
~~record~~ or the ~~mayer~~ magistrate of the ~~mayer's~~ community court that 14901
imposes sentence may impound the identification license plates of 14902
any other vehicle registered in the name of that person. 14903

(E)(1) When a person is convicted of or pleads guilty to a 14904
violation of section 4511.203 of the Revised Code and the person 14905
is sentenced pursuant to division (C)(1) or (2) of section 14906
4511.203 of the Revised Code, the trial judge of the court ~~of~~ 14907
~~record~~ or the ~~mayer~~ magistrate of the ~~mayer's~~ community court that 14908
imposes sentence shall order the immobilization of the vehicle 14909
that was involved in the commission of the offense and the 14910
impoundment of its identification license plates in accordance 14911
with division (C)(1) or (2) of section 4511.203 and section 14912
4503.233 of the Revised Code and may impound the identification 14913
license plates of any other vehicle registered in the name of that 14914
person. 14915

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

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

(G) As used in this section, "municipal OVI offense" ~~has~~ and "township OVI offense" ~~have~~ the same meanings as in section 4511.181 of the Revised Code.

Sec. 4509.33. If a nonresident by final order or judgment of a court of record ~~or mayor's court~~ is convicted of, or forfeits bail or collateral deposited to secure an appearance for trial for, any offense for which the suspension of a license is provided, the registrar of motor vehicles shall impose a suspension of the privilege of the nonresident to operate a motor vehicle for the same period for which suspension of a license by a court of record is authorized by the applicable section of the Revised Code. The suspension shall remain in effect until the expiration of the period so ordered and thereafter until the nonresident gives and thereafter maintains proof of financial responsibility in accordance with section 4509.45 of the Revised Code.

The registrar shall also suspend the privilege of the use in 14947
this state of every motor vehicle owned by the nonresident, except 14948
that the registrar shall not suspend the privilege if the owner 14949
has given or immediately gives and thereafter maintains proof of 14950
financial responsibility with respect to all motor vehicles owned 14951
by the nonresident. The registrar shall restore such privilege of 14952
a nonresident owner when the owner gives and thereafter maintains 14953
proof of financial responsibility in accordance with section 14954
4509.45 of the Revised Code. 14955

Sec. 4509.35. Whenever any person fails within thirty days to 14956
satisfy a judgment rendered within this state, upon the written 14957
request of the judgment creditor or the judgment creditor's 14958
attorney, the clerk of the court ~~which~~ that rendered the judgment, 14959
or the ~~judge of the~~ community court ~~or mayor of the mayor's court~~ 14960
magistrate if the judgment is rendered by a community court that 14961
has no clerk, immediately shall forward a certified copy of the 14962
judgment to the registrar of motor vehicles. 14963

Whenever any nonresident has been convicted of an offense for 14964
which the court is required to impose a license suspension under 14965
any provision of the Revised Code or has forfeited bail given to 14966
secure the nonresident's appearance for trial upon a charge of any 14967
offense for which the court is required to impose a license 14968
suspension under any provision of the Revised Code, the clerk of 14969
~~every~~ the court ~~of record and the mayor of every mayor's,~~ or the 14970
community court magistrate if the license suspension is imposed by 14971
a community court that has no clerk, immediately shall forward to 14972
the registrar a certified copy or transcript of the conviction or 14973
order forfeiture of bail. 14974

Sec. 4510.01. As used in this title and in Title XXIX of the 14975
Revised Code: 14976

(A) "Cancel" or "cancellation" means the annulment or 14977
termination by the bureau of motor vehicles of a driver's license, 14978
commercial driver's license, temporary instruction permit, 14979
probationary license, or nonresident operating privilege because 14980
it was obtained unlawfully, issued in error, altered, or willfully 14981
destroyed, or because the holder no longer is entitled to the 14982
license, permit, or privilege. 14983

(B) "Drug abuse offense," "cocaine," and "L.S.D." have the 14984
same meanings as in section 2925.01 of the Revised Code. 14985

(C) "Ignition interlock device" means a device approved by 14986
the director of public safety that connects a breath analyzer to a 14987
motor vehicle's ignition system, that is constantly available to 14988
monitor the concentration by weight of alcohol in the breath of 14989
any person attempting to start that motor vehicle by using its 14990
ignition system, and that deters starting the motor vehicle by use 14991
of its ignition system unless the person attempting to start the 14992
vehicle provides an appropriate breath sample for the device and 14993
the device determines that the concentration by weight of alcohol 14994
in the person's breath is below a preset level. 14995

(D) "Immobilizing or disabling device" means a device 14996
approved by the director of public safety that may be ordered by a 14997
court to be used by an offender as a condition of limited driving 14998
privileges. "Immobilizing or disabling device" includes an 14999
ignition interlock device, and any prototype device that is used 15000
according to protocols designed to ensure efficient and effective 15001
monitoring of limited driving privileges granted by a court to an 15002
offender. 15003

(E) "Moving violation" means any violation of any statute ~~or~~ 15004
ordinance, or township resolution that regulates the operation of 15005
vehicles, streetcars, or trackless trolleys on the highways or 15006
streets. "Moving violation" does not include a violation of 15007
section 4513.263 of the Revised Code or a substantially equivalent 15008

municipal ordinance or township resolution, a violation of any 15009
statute ~~or~~, ordinance, or township resolution regulating 15010
pedestrians or the parking of vehicles, vehicle size or load 15011
limitations, vehicle fitness requirements, or vehicle 15012
registration. 15013

(F) "Municipal OVI ordinance~~_~~" ~~and~~ "municipal OVI offense~~_~~" 15014
"township OVI resolution," and "township OVI offense" have the 15015
same meanings as in section 4511.181 of the Revised Code. 15016

(G) "Prototype device" means any testing device to monitor 15017
limited driving privileges that has not yet been approved or 15018
disapproved by the director of public safety. 15019

(H) "Suspend" or "suspension" means the permanent or 15020
temporary withdrawal, by action of a court or the bureau of motor 15021
vehicles, of a driver's license, commercial driver's license, 15022
temporary instruction permit, probationary license, or nonresident 15023
operating privilege for the period of the suspension or the 15024
permanent or temporary withdrawal of the privilege to obtain a 15025
license, permit, or privilege of that type for the period of the 15026
suspension. 15027

(I) "Controlled substance" and "marihuana" have the same 15028
meanings as in section 3719.01 of the Revised Code. 15029

Sec. 4510.03. (A) Every ~~county court judge, mayor of a~~ 15030
~~mayor's court, and~~ clerk of a court ~~of record, or judge or~~ 15031
community court magistrate if the court has no clerk, shall keep a 15032
full record of every case in which a person is charged with any 15033
violation of any provision of sections 4511.01 to 4511.771 or 15034
4513.01 to 4513.36 of the Revised Code or of any other law ~~or~~, 15035
ordinance, or resolution regulating the operation of vehicles, 15036
streetcars, and trackless trolleys on highways or streets. 15037

(B) If a person is convicted of or forfeits bail in relation 15038

to a violation of any section listed in division (A) of this 15039
section or a violation of any other law ~~or~~, ordinance, or 15040
resolution regulating the operation of vehicles, streetcars, and 15041
trackless trolleys on highways or streets, the ~~county court~~ judge, 15042
~~mayor of a mayor's court~~ community court magistrate, or clerk, 15043
within ten days after the conviction or bail forfeiture, shall 15044
prepare and immediately forward to the bureau of motor vehicles an 15045
abstract, certified by the preparer to be true and correct, of the 15046
court record covering the case in which the person was convicted 15047
or forfeited bail. Every court ~~of record~~ also shall forward to the 15048
bureau of motor vehicles an abstract of the court record as 15049
described in division (C) of this section upon the conviction of 15050
any person of aggravated vehicular homicide or vehicular homicide 15051
or of a felony in the commission of which a vehicle was used. 15052

(C) Each abstract required by this section shall be made upon 15053
a form approved and furnished by the bureau and shall include the 15054
name and address of the person charged, the number of the person's 15055
driver's or commercial driver's license, probationary driver's 15056
license, or temporary instruction permit, the registration number 15057
of the vehicle involved, the nature of the offense, the date of 15058
the offense, the date of hearing, the plea, the judgment, or 15059
whether bail was forfeited, and the amount of the fine or 15060
forfeiture. 15061

Sec. 4510.031. (A) A United States district court that has 15062
jurisdiction within this state may utilize the provisions of 15063
section 4510.03 of the Revised Code in regard to any case in which 15064
a person is charged with any violation of any provision of 15065
sections 4511.01 to 4511.771 or 4513.01 to 4513.36 of the Revised 15066
Code or of any other law ~~or~~, ordinance, or resolution regulating 15067
the operation of vehicles, streetcars, and trackless trolleys on 15068
highways or streets located on federal property within this state. 15069
The court also may forward to the bureau an abstract upon the 15070

conviction of any person of aggravated vehicular homicide or 15071
vehicular homicide or of a felony in the commission of which a 15072
vehicle was used. 15073

(B) If a United States district court acts under this 15074
section, it shall follow the procedures established in section 15075
4510.03 of the Revised Code. 15076

(C) The bureau of motor vehicles shall accept and process an 15077
abstract received from a United States district court under this 15078
section in the same manner as it accepts and processes an abstract 15079
received from a county court judge, ~~mayor of a mayor's~~ community 15080
court magistrate, or clerk of a court ~~of record~~. 15081

Sec. 4510.032. (A) If a person is charged with a violation of 15082
section 4511.19 of the Revised Code or a violation of any 15083
municipal OVI ordinance or township OVI resolution; if that charge 15084
is dismissed or reduced; if the person is convicted of or forfeits 15085
bail in relation to a violation of any other section of the 15086
Revised Code or of any ordinance that regulates the operation of 15087
vehicles, streetcars, and trackless trolleys on highways and 15088
streets but that does not relate to operating a vehicle while 15089
under the influence of alcohol, a drug of abuse, or a combination 15090
of them or to operating a vehicle with a prohibited concentration 15091
of alcohol, a controlled substance, or a metabolite of a 15092
controlled substance in the whole blood, blood serum or plasma, 15093
breath, or urine; and if the violation of which the person was 15094
convicted or in relation to which the person forfeited bail arose 15095
out of the same facts and circumstances and the same act as did 15096
the charge that was dismissed or reduced, the abstract prepared 15097
under section 4510.03 of the Revised Code also shall set forth the 15098
charge that was dismissed or reduced, indicate that it was 15099
dismissed or reduced, and indicate that the violation resulting in 15100
the conviction or bail forfeiture arose out of the same facts and 15101

circumstances and the same act as did the charge that was 15102
dismissed or reduced. 15103

(B) If a charge against a person of a violation of division 15104
(A) of section 4510.11, division (A) of section 4510.14, or 15105
division (A) of section 4510.16 of the Revised Code or any 15106
municipal ordinance or township resolution that is substantially 15107
equivalent to any of those divisions is dismissed or reduced and 15108
if the person is convicted of or forfeits bail in relation to a 15109
violation of any other section of the Revised Code or any other 15110
ordinance that regulates the operation of vehicles, streetcars, 15111
and trackless trolleys on highways and streets that arose out of 15112
the same facts and circumstances as did the charge that was 15113
dismissed or reduced, the abstract also shall set forth the charge 15114
that was dismissed or reduced, indicate that it was dismissed or 15115
reduced, and indicate that the violation resulting in the 15116
conviction or bail forfeiture arose out of the same facts and 15117
circumstances and the same act as did the charge that was 15118
dismissed or reduced. 15119

(C)(1) If a child has been adjudicated an unruly or 15120
delinquent child or a juvenile traffic offender for having 15121
committed any act that if committed by an adult would be a drug 15122
abuse offense or any violation of division (B) of section 2917.11 15123
or of section 4511.19 of the Revised Code, the court shall notify 15124
the bureau, by means of an abstract of the court record as 15125
described in divisions (B) and (C) of section 4510.03 of the 15126
Revised Code, within ten days after the adjudication. 15127

(2) If a court requires a child to attend a drug abuse or 15128
alcohol abuse education, intervention, or treatment program, the 15129
abstract required by division (C)(1) of this section and forwarded 15130
to the bureau also shall include the name and address of the 15131
operator of the program and the date that the child entered the 15132

program. If the child satisfactorily completes the program, the 15133
court, immediately upon receipt of the information, shall send to 15134
the bureau an updated abstract that also shall contain the date on 15135
which the child satisfactorily completed the program. 15136

Sec. 4510.034. (A) Division (B) of this section applies in 15137
relation to persons who are convicted of or plead guilty to any of 15138
the following: 15139

(1) A violation of division (A) of section 4510.11, division 15140
(A) of section 4510.14, or division (A) of section 4510.16 of the 15141
Revised Code; 15142

(2) A violation of a municipal ordinance or township 15143
resolution substantially equivalent to any division set forth in 15144
division (A)(1) of this section; 15145

(3) A violation of division (A) of section 4511.19 of the 15146
Revised Code or a violation of section 4511.203 of the Revised 15147
Code; 15148

(4) A violation of a municipal OVI ordinance or township OVI 15149
resolution. 15150

(B) If a person is convicted of or pleads guilty to any 15151
violation set forth in division (A) of this section and if 15152
division (D) of section 4503.234 of the Revised Code prohibits the 15153
registrar of motor vehicles and all deputy registrars from 15154
accepting an application for the registration of, or registering, 15155
any motor vehicle in the name of that person, the abstract 15156
prepared pursuant to section 4510.03, 4510.031, or 4510.032 of the 15157
Revised Code shall specifically set forth these facts and clearly 15158
indicate the date on which the order of criminal forfeiture was 15159
issued or would have been issued but for the operation of section 15160
4503.234 of the Revised Code. If the registrar receives an 15161
abstract containing this information relating to a person, the 15162

registrar, in accordance with sections 4503.12 and 4503.234 of the Revised Code, shall take all necessary measures to prevent the registrar's office or any deputy registrar from accepting from the person, for the period of time ending five years after the date on which the order was issued or would have been issued and as described in section 4503.234 of the Revised Code, any new application for the registration of any motor vehicle in the name of the person.

Sec. 4510.036. (A) The bureau of motor vehicles shall record within ten days, after receipt, and shall keep at its main office, all abstracts received under this section or section 4510.03, 4510.031, 4510.032, or 4510.034 of the Revised Code and shall maintain records of convictions and bond forfeitures for any violation of a state law ~~or a~~, municipal ordinance, or township resolution regulating the operation of vehicles, streetcars, and trackless trolleys on highways and streets, except a violation related to parking a motor vehicle.

(B) Every court of record ~~or mayor's court~~ before which a person is charged with a violation for which points are chargeable by this section shall assess and transcribe to the abstract of conviction that is furnished by the bureau to the court the number of points chargeable by this section in the correct space assigned on the reporting form. A United States district court that has jurisdiction within this state and before which a person is charged with a violation for which points are chargeable by this section may assess and transcribe to the abstract of conviction report that is furnished by the bureau the number of points chargeable by this section in the correct space assigned on the reporting form. If the federal court so assesses and transcribes the points chargeable for the offense and furnishes the report to the bureau, the bureau shall record the points in the same manner as those assessed and transcribed by a court of record ~~or mayor's~~

court.	15195
(C) A court shall assess the following points for an offense based on the following formula:	15196 15197
(1) Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault when the offense involves the operation of a vehicle, streetcar, or trackless trolley on a highway or street 6 points	15198 15199 15200 15201 15202
(2) A violation of section 2921.331 of the Revised Code or any ordinance <u>or resolution</u> prohibiting the willful fleeing or eluding of a law enforcement officer 6points	15203 15204 15205
(3) A violation of section 4549.02 or 4549.021 of the Revised Code or any ordinance <u>or resolution</u> requiring the driver of a vehicle to stop and disclose identity at the scene of an accident 6 points	15206 15207 15208 15209
(4) A violation of section 4511.251 of the Revised Code or any ordinance <u>or resolution</u> prohibiting street racing 6 points	15210 15211 15212
(5) A violation of section 4510.11, 4510.14, 4510.16, or 4510.21 of the Revised Code or any ordinance <u>or resolution</u> prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension 6 points	15213 15214 15215 15216 15217
(6) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance <u>or resolution</u> prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance <u>or resolution</u> substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole	15218 15219 15220 15221 15222 15223 15224 15225

blood, blood serum or plasma, breath, or urine	6 points	15226
(7) A violation of section 2913.03 of the Revised Code that		15227
does not involve an aircraft or motorboat or any ordinance <u>or</u>		15228
<u>resolution</u> prohibiting the operation of a vehicle without the		15229
consent of the owner	6 points	15230
(8) Any offense under the motor vehicle laws of this state		15231
that is a felony, or any other felony in the commission of which a		15232
motor vehicle was used	6 points	15233
(9) A violation of division (B) of section 4511.19 of the		15234
Revised Code or any ordinance <u>or resolution</u> substantially		15235
equivalent to that division prohibiting the operation of a vehicle		15236
with a prohibited concentration of alcohol in the whole blood,		15237
blood serum or plasma, breath, or urine	4 points	15238
(10) A violation of section 4511.20 of the Revised Code or		15239
any ordinance <u>or resolution</u> prohibiting the operation of a motor		15240
vehicle in willful or wanton disregard of the safety of persons or		15241
property	4 points	15242
(11) A violation of any law or , ordinance, <u>or resolution</u>		15243
pertaining to speed:		15244
(a) Notwithstanding divisions (C)(11)(b) and (c) of this		15245
section, when the speed exceeds the lawful speed limit by thirty		15246
miles per hour or more	4 points	15247
(b) When the speed exceeds the lawful speed limit of		15248
fifty-five miles per hour or more by more than ten miles per hour		15249
.....	2 points	15250
(c) When the speed exceeds the lawful speed limit of less		15251
than fifty-five miles per hour by more than five miles per hour		15252
.....	2 points	15253
(d) When the speed does not exceed the amounts set forth in		15254
divisions (C)(11)(a), (b), or (c) of this section	0	15255

points	15256
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar 2 points	15257 15258
(13) All other moving violations reported under this section 2 points	15259 15260
(D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for a bond forfeiture if the driver is acquitted of the offense for which bond was posted.	15261 15262 15263 15264 15265
(E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are chargeable for each of the offenses, points shall be charged for only the conviction or bond forfeiture for which the greater number of points is chargeable, and, if the number of points chargeable for each offense is equal, only one offense shall be recorded, and points shall be charged only for that offense.	15266 15267 15268 15269 15270 15271 15272
Sec. 4510.038. (A) Any person whose driver's or commercial driver's license or permit is suspended or who is granted limited driving privileges under section 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance <u>or township resolution</u> that is substantially equivalent to division (B) of section 4511.19 of the Revised Code is not eligible to retain the license, or to have the driving privileges reinstated, until each of the following has occurred:	15273 15274 15275 15276 15277 15278 15279 15280 15281
(1) The person successfully completes a course of remedial driving instruction approved by the director of public safety. A minimum of twenty-five per cent of the number of hours of instruction included in the course shall be devoted to instruction	15282 15283 15284 15285

on driver attitude. 15286

The course also shall devote a number of hours to instruction 15287
in the area of alcohol and drugs and the operation of vehicles. 15288
The instruction shall include, but not be limited to, a review of 15289
the laws governing the operation of a vehicle while under the 15290
influence of alcohol, drugs, or a combination of them, the dangers 15291
of operating a vehicle while under the influence of alcohol, 15292
drugs, or a combination of them, and other information relating to 15293
the operation of vehicles and the consumption of alcoholic 15294
beverages and use of drugs. The director, in consultation with the 15295
director of alcohol and drug addiction services, shall prescribe 15296
the content of the instruction. The number of hours devoted to the 15297
area of alcohol and drugs and the operation of vehicles shall 15298
comprise a minimum of twenty-five per cent of the number of hours 15299
of instruction included in the course. 15300

(2) The person is examined in the manner provided for in 15301
section 4507.20 of the Revised Code, and found by the registrar of 15302
motor vehicles to be qualified to operate a motor vehicle; 15303

(3) The person gives and maintains proof of financial 15304
responsibility, in accordance with section 4509.45 of the Revised 15305
Code. 15306

(B) Any course of remedial driving instruction the director 15307
of public safety approves under this section shall require its 15308
students to attend at least fifty per cent of the course in 15309
person. The director shall not approve any course of remedial 15310
driving instruction that permits its students to take more than 15311
fifty per cent of the course in any other manner, including via 15312
video teleconferencing or the internet. 15313

Sec. 4510.04. It is an affirmative defense to any prosecution 15314
brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the 15315
Revised Code or under any substantially equivalent municipal 15316

ordinance or township resolution that the alleged offender drove 15317
under suspension, without a valid permit or driver's or commercial 15318
driver's license, or in violation of a restriction because of a 15319
substantial emergency, and because no other person was reasonably 15320
available to drive in response to the emergency. 15321

15322

It is an affirmative defense to any prosecution brought under 15323
section 4510.16 of the Revised Code that the order of suspension 15324
resulted from the failure of the alleged offender to respond to a 15325
financial responsibility random verification request under 15326
division (A)(3)(c) of section 4509.101 of the Revised Code and 15327
that, at the time of the initial financial responsibility random 15328
verification request, the alleged offender was in compliance with 15329
division (A)(1) of section 4509.101 of the Revised Code as shown 15330
by proof of financial responsibility that was in effect at the 15331
time of that request. 15332

Sec. 4510.05. Except as otherwise provided in section 4510.07 15333
or in any other provision of the Revised Code, whenever an 15334
offender is convicted of or pleads guilty to a violation of a 15335
municipal ordinance or township resolution that is substantially 15336
similar to a provision of the Revised Code, and a court is 15337
permitted or required to suspend a person's driver's or commercial 15338
driver's license or permit for a violation of that provision, a 15339
court, in addition to any other penalties authorized by law, may 15340
suspend the offender's driver's or commercial driver's license or 15341
permit or nonresident operating privileges for the period of time 15342
the court determines appropriate, but the period of suspension 15343
imposed for the violation of the municipal ordinance or township 15344
resolution shall not exceed the period of suspension that is 15345
permitted or required to be imposed for the violation of the 15346
provision of the Revised Code to which the municipal ordinance or 15347

township resolution is substantially similar. 15348

Sec. 4510.07. The court imposing a sentence upon an offender 15349
for any violation of a municipal ordinance or township resolution 15350
that is substantially equivalent to a violation of section 2903.06 15351
or 2907.24 of the Revised Code or for any violation of a municipal 15352
OVI ordinance or township OVI resolution also shall impose a 15353
suspension of the offender's driver's license, commercial driver's 15354
license, temporary instruction permit, probationary license, or 15355
nonresident operating privilege from the range specified in 15356
division (B) of section 4510.02 of the Revised Code that is 15357
equivalent in length to the suspension required for a violation of 15358
section 2903.06 or 2907.24 or division (A) or (B) of section 15359
4511.19 of the Revised Code under similar circumstances. 15360

Sec. 4510.11. (A) No person whose driver's or commercial 15361
driver's license or permit or nonresident operating privilege has 15362
been suspended under any provision of the Revised Code, other than 15363
Chapter 4509. of the Revised Code, or under any applicable law in 15364
any other jurisdiction in which the person's license or permit was 15365
issued shall operate any motor vehicle upon the public roads and 15366
highways or upon any public or private property used by the public 15367
for purposes of vehicular travel or parking within this state 15368
during the period of suspension unless the person is granted 15369
limited driving privileges and is operating the vehicle in 15370
accordance with the terms of the limited driving privileges. 15371

(B) No person shall operate any motor vehicle upon a highway 15372
or any public or private property used by the public for purposes 15373
of vehicular travel or parking in this state in violation of any 15374
restriction of the person's driver's or commercial driver's 15375
license or permit imposed under division (D) of section 4506.10 or 15376
under section 4507.14 of the Revised Code. 15377

(C)(1) Whoever violates this section is guilty of driving 15378
under suspension or in violation of a license restriction, a 15379
misdemeanor of the first degree. The court shall impose upon the 15380
offender a class seven suspension of the offender's driver's 15381
license, commercial driver's license, temporary instruction 15382
permit, probationary license, or nonresident operating privilege 15383
from the range specified in division (A)(7) of section 4510.02 of 15384
the Revised Code. 15385

(2) Except as provided in division (C)(3) or (4) of this 15386
section, the court, in addition to any other penalty that it 15387
imposes on the offender and if the vehicle is registered in the 15388
offender's name, shall order the immobilization of the vehicle 15389
involved in the offense for thirty days in accordance with section 15390
4503.233 of the Revised Code and the impoundment of that vehicle's 15391
license plates for thirty days. 15392

(3) If the offender previously has been convicted of or 15393
pleaded guilty to one violation of this section or of a 15394
substantially similar municipal ordinance or township resolution, 15395
the court, in addition to any other sentence that it imposes on 15396
the offender and if the vehicle is registered in the offender's 15397
name, shall order the immobilization of the vehicle involved in 15398
the offense for sixty days in accordance with section 4503.233 of 15399
the Revised Code and the impoundment of that vehicle's license 15400
plates for sixty days. 15401

(4) If the offender previously has been convicted of or 15402
pleaded guilty to two or more violations of this section or of a 15403
substantially similar municipal ordinance or township resolution, 15404
the court, in addition to any other sentence that it imposes on 15405
the offender and if the vehicle is registered in the offender's 15406
name, shall order the criminal forfeiture of the vehicle involved 15407
in the offense to the state. 15408

(D) Any order for immobilization and impoundment under this 15409

section shall be issued and enforced under section 4503.233 of the Revised Code. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) Any order of criminal forfeiture under this section shall be issued and enforced under section 4503.234 of the Revised Code. Upon receipt of the copy of the order from the court, neither the registrar of motor vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

Sec. 4510.12. (A)(1) No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license issued under Chapter 4507. of the Revised Code or a commercial driver's license issued under Chapter 4506. of the Revised Code.

(2) No person, except a person expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid

license as a motorcycle operator that was issued upon application 15441
by the registrar of motor vehicles under Chapter 4507. of the 15442
Revised Code. The license shall be in the form of an endorsement, 15443
as determined by the registrar, upon a driver's or commercial 15444
driver's license, if the person has a valid license to operate a 15445
motor vehicle or commercial motor vehicle, or in the form of a 15446
restricted license as provided in section 4507.14 of the Revised 15447
Code, if the person does not have a valid license to operate a 15448
motor vehicle or commercial motor vehicle. 15449

(B) Whoever violates this section is guilty of operating a 15450
motor vehicle without a valid license and shall be punished as 15451
follows: 15452

(1) If the trier of fact finds that the offender never has 15453
held a valid driver's or commercial driver's license issued by 15454
this state or any other jurisdiction, the offense is a misdemeanor 15455
of the first degree. 15456

(2)(a) Subject to division (B)(2)(b) of this section, if the 15457
offender's driver's or commercial driver's license or permit was 15458
expired at the time of the offense for no more than six months, 15459
the offense is a minor misdemeanor and if the offender's driver's 15460
or commercial driver's license or permit was expired at the time 15461
of the offense for more than six months, the offense is a 15462
misdemeanor of the fourth degree. 15463

(b)(i) If the offender previously was convicted of or pleaded 15464
guilty to one violation of this section or a substantially 15465
equivalent municipal ordinance or township resolution within the 15466
past three years, the offense is a misdemeanor of the third 15467
degree. 15468

(ii) If the offender previously was convicted of or pleaded 15469
guilty to two violations of this section or a substantially 15470
equivalent municipal ordinance or township resolution within the 15471

past three years, the offense is a misdemeanor of the second 15472
degree. 15473

(iii) If the offender previously was convicted of or pleaded 15474
guilty to three or more violations of this section or a 15475
substantially equivalent municipal ordinance or township
resolution within the past three years, the offense is a 15476
misdemeanor of the first degree. 15477
15478

(C) The court shall not impose a license suspension for a 15479
first violation of this section or if more than three years have 15480
passed since the offender's last violation of this section or a 15481
substantially equivalent municipal ordinance or township
resolution. 15482
15483

(D) If the offender was convicted of or pleaded guilty to one 15484
or more violations of this section or a substantially equivalent 15485
municipal ordinance or township resolution within the past three 15486
years, and if the offender's license was expired for more than six 15487
months at the time of the offense, the court shall impose a class 15488
seven suspension of the offender's driver license, commercial 15489
driver's license, temporary instruction permit, probationary 15490
license, or nonresident operating privilege from the range 15491
specified in division (A)(7) of section 4510.02 of the Revised 15492
Code. 15493

Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 15494
apply to a judge or ~~mayor~~ a community court magistrate regarding 15495
the suspension of, or the grant of limited driving privileges 15496
during a suspension of, an offender's driver's or commercial 15497
driver's license or permit or nonresident operating privilege 15498
imposed under division (G) or (H) of section 4511.19 of the 15499
Revised Code, under division (B) or (C) of section 4511.191 of the 15500
Revised Code, or under section 4510.07 of the Revised Code for a 15501
conviction of a violation of a municipal OVI ordinance or township 15502

OVI resolution. 15503

(2) No judge ~~or mayor~~ and no community court magistrate shall 15504
suspend the following portions of the suspension of an offender's 15505
driver's or commercial driver's license or permit or nonresident 15506
operating privilege imposed under division (G) or (H) of section 15507
4511.19 of the Revised Code or under section 4510.07 of the 15508
Revised Code for a conviction of a violation of a municipal OVI 15509
ordinance or township OVI resolution, provided that division 15510
(A)(2) of this section does not limit a court ~~or mayor~~ in 15511
crediting any period of suspension imposed pursuant to division 15512
(B) or (C) of section 4511.191 of the Revised Code against any 15513
time of judicial suspension imposed pursuant to section 4511.19 or 15514
4510.07 of the Revised Code, as described in divisions (B)(2) and 15515
(C)(2) of section 4511.191 of the Revised Code: 15516

(a) The first six months of a suspension imposed under 15517
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 15518
comparable length suspension imposed under section 4510.07 of the 15519
Revised Code; 15520

(b) The first year of a suspension imposed under division 15521
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 15522
comparable length suspension imposed under section 4510.07 of the 15523
Revised Code; 15524

(c) The first three years of a suspension imposed under 15525
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 15526
or of a comparable length suspension imposed under section 4510.07 15527
of the Revised Code; 15528

(d) The first sixty days of a suspension imposed under 15529
division (H) of section 4511.19 of the Revised Code or of a 15530
comparable length suspension imposed under section 4510.07 of the 15531
Revised Code. 15532

(3) No judge ~~or mayor~~ and no community court magistrate shall 15533

grant limited driving privileges to an offender whose driver's or 15534
commercial driver's license or permit or nonresident operating 15535
privilege has been suspended under division (G) or (H) of section 15536
4511.19 of the Revised Code, under division (C) of section 15537
4511.191 of the Revised Code, or under section 4510.07 of the 15538
Revised Code for a municipal OVI conviction or township OVI 15539
conviction if the offender, within the preceding six years, has 15540
been convicted of or pleaded guilty to three or more violations of 15541
one or more of the Revised Code sections, municipal ordinances, 15542
township resolutions, statutes of the United States or another 15543
state, or municipal ordinances of a municipal corporation or 15544
township resolutions of a township of another state that are 15545
identified in divisions ~~(G)(2)(b) to (h)(A)(1) to (7)~~ of section 15546
~~2919.22~~ 4511.181 of the Revised Code. 15547

Additionally, no judge ~~or mayor~~ and no community court 15548
magistrate shall grant limited driving privileges to an offender 15549
whose driver's or commercial driver's license or permit or 15550
nonresident operating privilege has been suspended under division 15551
(B) of section 4511.191 of the Revised Code if the offender, 15552
within the preceding six years, has refused three previous 15553
requests to consent to a chemical test of the person's whole 15554
blood, blood serum or plasma, breath, or urine to determine its 15555
alcohol content. 15556

(4) No judge ~~or mayor~~ and no community court magistrate shall 15557
grant limited driving privileges for employment as a driver of 15558
commercial motor vehicles to an offender whose driver's or 15559
commercial driver's license or permit or nonresident operating 15560
privilege has been suspended under division (G) or (H) of section 15561
4511.19 of the Revised Code, under division (B) or (C) of section 15562
4511.191 of the Revised Code, or under section 4510.07 of the 15563
Revised Code for a municipal OVI conviction if the offender is 15564
disqualified from operating a commercial motor vehicle, or whose 15565

license or permit has been suspended, under section 3123.58 or 15566
4506.16 of the Revised Code. 15567

(5) No judge ~~or mayor~~ and no community court magistrate shall 15568
grant limited driving privileges to an offender whose driver's or 15569
commercial driver's license or permit or nonresident operating 15570
privilege has been suspended under division (G) or (H) of section 15571
4511.19 of the Revised Code, under division (C) of section 15572
4511.191 of the Revised Code, or under section 4510.07 of the 15573
Revised Code for a conviction of a violation of a municipal OVI 15574
ordinance or township OVI resolution during any of the following 15575
periods of time: 15576

(a) The first fifteen days of a suspension imposed under 15577
division (G)(1)(a) of section 4511.19 of the Revised Code or a 15578
comparable length suspension imposed under section 4510.07 of the 15579
Revised Code, or of a suspension imposed under division (C)(1)(a) 15580
of section 4511.191 of the Revised Code. On or after the sixteenth 15581
day of the suspension, the court may grant limited driving 15582
privileges, but the court may require that the offender shall not 15583
exercise the privileges unless the vehicles the offender operates 15584
are equipped with immobilizing or disabling devices that monitor 15585
the offender's alcohol consumption or any other type of 15586
immobilizing or disabling devices, except as provided in division 15587
(C) of section 4510.43 of the Revised Code. 15588

(b) The first thirty days of a suspension imposed under 15589
division (G)(1)(b) of section 4511.19 of the Revised Code or a 15590
comparable length suspension imposed under section 4510.07 of the 15591
Revised Code, or of a suspension imposed under division (C)(1)(b) 15592
of section 4511.191 of the Revised Code. On or after the 15593
thirty-first day of suspension, the court may grant limited 15594
driving privileges, but the court may require that the offender 15595
shall not exercise the privileges unless the vehicles the offender 15596
operates are equipped with immobilizing or disabling devices that 15597

monitor the offender's alcohol consumption or any other type of 15598
immobilizing or disabling devices, except as provided in division 15599
(C) of section 4510.43 of the Revised Code. 15600

(c) The first sixty days of a suspension imposed under 15601
division (H) of section 4511.19 of the Revised Code or a 15602
comparable length suspension imposed under section 4510.07 of the 15603
Revised Code. 15604

(d) The first one hundred eighty days of a suspension imposed 15605
under division (G)(1)(c) of section 4511.19 of the Revised Code or 15606
a comparable length suspension imposed under section 4510.07 of 15607
the Revised Code, or of a suspension imposed under division 15608
(C)(1)(c) of section 4511.191 of the Revised Code. The judge or 15609
magistrate may grant limited driving privileges on or after the 15610
one hundred eighty-first day of the suspension only if the judge, 15611
at the time of granting the privileges, also issues an order 15612
prohibiting the offender, while exercising the privileges during 15613
the period commencing with the one hundred eighty-first day of 15614
suspension and ending with the first year of suspension, from 15615
operating any motor vehicle unless it is equipped with an 15616
immobilizing or disabling device that monitors the offender's 15617
alcohol consumption. After the first year of the suspension, the 15618
court may authorize the offender to continue exercising the 15619
privileges in vehicles that are not equipped with immobilizing or 15620
disabling devices that monitor the offender's alcohol consumption, 15621
except as provided in division (C) of section 4510.43 of the 15622
Revised Code. If the offender does not petition for limited 15623
driving privileges until after the first year of suspension, the 15624
judge or magistrate may grant limited driving privileges without 15625
requiring the use of an immobilizing or disabling device that 15626
monitors the offender's alcohol consumption. 15627

(e) The first three years of a suspension imposed under 15628
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 15629

or a comparable length suspension imposed under section 4510.07 of 15630
the Revised Code, or of a suspension imposed under division 15631
(C)(1)(d) of section 4511.191 of the Revised Code. The judge or 15632
magistrate may grant limited driving privileges after the first 15633
three years of suspension only if the judge or magistrate, at the 15634
time of granting the privileges, also issues an order prohibiting 15635
the offender from operating any motor vehicle, for the period of 15636
suspension following the first three years of suspension, unless 15637
the motor vehicle is equipped with an immobilizing or disabling 15638
device that monitors the offender's alcohol consumption, except as 15639
provided in division (C) of section 4510.43 of the Revised Code. 15640

(6) No judge ~~or mayor~~ and no community court magistrate shall 15641
grant limited driving privileges to an offender whose driver's or 15642
commercial driver's license or permit or nonresident operating 15643
privilege has been suspended under division (B) of section 15644
4511.191 of the Revised Code during any of the following periods 15645
of time: 15646

(a) The first thirty days of suspension imposed under 15647
division (B)(1)(a) of section 4511.191 of the Revised Code; 15648

(b) The first ninety days of suspension imposed under 15649
division (B)(1)(b) of section 4511.191 of the Revised Code; 15650

(c) The first year of suspension imposed under division 15651
(B)(1)(c) of section 4511.191 of the Revised Code; 15652

(d) The first three years of suspension imposed under 15653
division (B)(1)(d) of section 4511.191 of the Revised Code. 15654

(7) In any case in which a judge or ~~mayor~~ a community court 15655
magistrate grants limited driving privileges to an offender whose 15656
driver's or commercial driver's license or permit or nonresident 15657
operating privilege has been suspended under division (G)(1)(b), 15658
(c), (d), or (e) of section 4511.19 of the Revised Code, under 15659
division (G)(1)(a) of section 4511.19 of the Revised Code for a 15660

violation of division (A)(1)(f), (g), (h), or (i) of that section, 15661
or under section 4510.07 of the Revised Code for a municipal OVI 15662
conviction for which sentence would have been imposed under 15663
division (G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 15664
4511.19 of the Revised Code had the offender been charged with and 15665
convicted of a violation of section 4511.19 of the Revised Code 15666
instead of a violation of the municipal OVI ordinance or township 15667
OVI resolution, the judge or ~~mayer~~ magistrate shall impose as a 15668
condition of the privileges that the offender must display on the 15669
vehicle that is driven subject to the privileges restricted 15670
license plates that are issued under section 4503.231 of the 15671
Revised Code, except as provided in division (B) of that section. 15672

(B) Any person whose driver's or commercial driver's license 15673
or permit or nonresident operating privilege has been suspended 15674
pursuant to section 4511.19 or 4511.191 of the Revised Code or 15675
under section 4510.07 of the Revised Code for a violation of a 15676
municipal OVI ordinance or township OVI resolution may file a 15677
petition for limited driving privileges during the suspension. The 15678
person shall file the petition in the court that has jurisdiction 15679
over the place of arrest. Subject to division (A) of this section, 15680
the court may grant the person limited driving privileges during 15681
the period during which the suspension otherwise would be imposed. 15682
However, the court shall not grant the privileges for employment 15683
as a driver of a commercial motor vehicle to any person who is 15684
disqualified from operating a commercial motor vehicle under 15685
section 4506.16 of the Revised Code or during any of the periods 15686
prescribed by division (A) of this section. 15687

(C)(1) After a driver's or commercial driver's license or 15688
permit or nonresident operating privilege has been suspended 15689
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 15690
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 15691
of the Revised Code, any provision of Chapter 2925. of the Revised 15692

Code, or section 4510.07 of the Revised Code for a violation of a 15693
municipal OVI ordinance or township OVI resolution, the judge of 15694
the court or ~~mayer~~ magistrate of the ~~mayer's~~ community court that 15695
suspended the license, permit, or privilege shall cause the 15696
offender to deliver to the court the license or permit. The judge, 15697
~~mayer~~ magistrate, or clerk of the court ~~or mayer's court~~ shall 15698
forward to the registrar the license or permit together with 15699
notice of the action of the court. 15700

(2) A suspension of a commercial driver's license under any 15701
section or chapter identified in division (C)(1) of this section 15702
shall be concurrent with any period of suspension or 15703
disqualification under section 3123.58 or 4506.16 of the Revised 15704
Code. No person who is disqualified for life from holding a 15705
commercial driver's license under section 4506.16 of the Revised 15706
Code shall be issued a driver's license under this chapter during 15707
the period for which the commercial driver's license was suspended 15708
under this section, and no person whose commercial driver's 15709
license is suspended under any section or chapter identified in 15710
division (C)(1) of this section shall be issued a driver's license 15711
under Chapter 4507. of the Revised Code during the period of the 15712
suspension. 15713

(3) No judge ~~or mayer~~ and no community court magistrate shall 15714
suspend any class one suspension, or any portion of any class one 15715
suspension, imposed under section 2903.04, 2903.06, 2903.08, or 15716
2921.331 of the Revised Code. No judge or mayor shall suspend the 15717
first thirty days of any class two, class three, class four, class 15718
five, or class six suspension imposed under section 2903.06, 15719
2903.08, 2903.11, 2923.02, or 2929.02 of the Revised Code. 15720

(D) The judge of the court or ~~mayer~~ magistrate of the ~~mayer's~~ 15721
community court shall credit any time during which an offender was 15722
subject to an administrative suspension of the offender's driver's 15723
or commercial driver's license or permit or nonresident operating 15724

privilege imposed pursuant to section 4511.191 or 4511.192 of the Revised Code or a suspension imposed by a judge, referee, or ~~mayer~~ magistrate pursuant to division (B)(1) or (2) of section 4511.196 of the Revised Code against the time to be served under a related suspension imposed pursuant to any section or chapter identified in division (C)(1) of this section.

(E) The judge or ~~mayer~~ magistrate shall notify the bureau of motor vehicles of any determinations made pursuant to this section and of any suspension imposed pursuant to any section or chapter identified in division (C)(1) of this section.

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

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

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

that it shall have printed on its face a statement that the 15757
offender is prohibited during the period specified in the court 15758
order from operating any motor vehicle that is not equipped with 15759
an immobilizing or disabling device. The date of commencement and 15760
the date of termination of the period of suspension shall be 15761
indicated conspicuously upon the face of the license. 15762

Sec. 4510.14. (A) No person whose driver's or commercial 15763
driver's license or permit or nonresident operating privilege has 15764
been suspended under section 4511.19, 4511.191, or 4511.196 of the 15765
Revised Code or under section 4510.07 of the Revised Code for a 15766
conviction of a violation of a municipal OVI ordinance or township 15767
OVI resolution shall operate any motor vehicle upon the public 15768
roads or highways within this state during the period of the 15769
suspension. 15770

(B) Whoever violates this section is guilty of driving under 15771
OVI suspension. The court shall sentence the offender under 15772
Chapter 2929. of the Revised Code, subject to the differences 15773
authorized or required by this section. 15774

(1) Except as otherwise provided in division (B)(2) or (3) of 15775
this section, driving under OVI suspension is a misdemeanor of the 15776
first degree. The court shall sentence the offender to all of the 15777
following: 15778

(a) A mandatory jail term of three consecutive days. The 15779
three-day term shall be imposed, unless, subject to division (C) 15780
of this section, the court instead imposes a sentence of not less 15781
than thirty consecutive days of house arrest with electronic 15782
monitoring. A period of house arrest with electronic monitoring 15783
imposed under this division shall not exceed six months. If the 15784
court imposes a mandatory three-day jail term under this division, 15785
the court may impose a jail term in addition to that term, 15786
provided that in no case shall the cumulative jail term imposed 15787

for the offense exceed six months. 15788

(b) A fine of not less than two hundred fifty and not more 15789
than one thousand dollars; 15790

(c) A license suspension under division (E) of this section; 15791

(d) If the vehicle the offender was operating at the time of 15792
the offense is registered in the offender's name, immobilization 15793
for thirty days of the offender's vehicle and impoundment for 15794
thirty days of the identification license plates of that vehicle. 15795
The order for immobilization and impoundment shall be issued and 15796
enforced in accordance with section 4503.233 of the Revised Code. 15797

(2) If, within six years of the offense, the offender 15798
previously has been convicted of or pleaded guilty to one 15799
violation of this section or one equivalent offense, driving under 15800
OVI suspension is a misdemeanor of the first degree. The court 15801
shall sentence the offender to all of the following: 15802

(a) A mandatory jail term of ten consecutive days. 15803
Notwithstanding the jail terms provided in sections 2929.21 to 15804
2929.28 of the Revised Code, the court may sentence the offender 15805
to a longer jail term of not more than one year. The ten-day 15806
mandatory jail term shall be imposed unless, subject to division 15807
(C) of this section, the court instead imposes a sentence of not 15808
less than ninety consecutive days of house arrest with electronic 15809
monitoring. The period of house arrest with electronic monitoring 15810
shall not exceed one year. 15811

(b) Notwithstanding the fines provided for in Chapter 2929. 15812
of the Revised Code, a fine of not less than five hundred and not 15813
more than two thousand five hundred dollars; 15814

(c) A license suspension under division (E) of this section; 15815

(d) If the vehicle the offender was operating at the time of 15816
the offense is registered in the offender's name, immobilization 15817

of the offender's vehicle for sixty days and the impoundment for 15818
sixty days of the identification license plates of that vehicle. 15819
The order for immobilization and impoundment shall be issued and 15820
enforced in accordance with section 4503.233 of the Revised Code. 15821

(3) If, within six years of the offense, the offender 15822
previously has been convicted of or pleaded guilty to two or more 15823
violations of this section or two or more equivalent offenses, 15824
driving under OVI suspension is a misdemeanor. The court shall 15825
sentence the offender to all of the following: 15826

(a) A mandatory jail term of thirty consecutive days. 15827
Notwithstanding the jail terms provided in sections 2929.21 to 15828
2929.28 of the Revised Code, the court may sentence the offender 15829
to a longer jail term of not more than one year. The court shall 15830
not sentence the offender to a term of house arrest with 15831
electronic monitoring in lieu of the mandatory portion of the jail 15832
term. 15833

(b) Notwithstanding the fines set forth in Chapter 2929. of 15834
the Revised Code, a fine of not less than five hundred and not 15835
more than two thousand five hundred dollars; 15836

(c) A license suspension under division (E) of this section; 15837

(d) If the vehicle the offender was operating at the time of 15838
the offense is registered in the offender's name, criminal 15839
forfeiture to the state of the offender's vehicle. The order of 15840
criminal forfeiture shall be issued and enforced in accordance 15841
with section 4503.234 of the Revised Code. If title to a motor 15842
vehicle that is subject to an order for criminal forfeiture under 15843
this division is assigned or transferred and division (B)(2) or 15844
(3) of section 4503.234 of the Revised Code applies, the court may 15845
fine the offender the value of the vehicle as determined by 15846
publications of the national auto dealer's association. The 15847
proceeds from any fine so imposed shall be distributed in 15848

accordance with division (C)(2) of section 4503.234 of the Revised Code. 15849
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(C) No court shall impose an alternative sentence of house arrest with electronic monitoring under division (B)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing. 15851
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An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period. 15859
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(D) Fifty per cent of any fine imposed by a court under division (B)(1), (2), or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of section 4511.191 of the Revised Code. 15862
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(E) In addition to or independent of all other penalties provided by law ~~or~~, ordinance, or resolution, the trial judge of any court ~~of record~~ or the ~~mayer~~ magistrate of a ~~mayer's~~ community court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. 15869
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When permitted as specified in section 4510.021 of the Revised Code, if the court grants limited driving privileges during a suspension imposed under this section, the privileges 15877
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shall be granted on the additional condition that the offender 15880
must display restricted license plates, issued under section 15881
4503.231 of the Revised Code, on the vehicle driven subject to the 15882
privileges, except as provided in division (B) of that section. 15883

A suspension of a commercial driver's license under this 15884
section shall be concurrent with any period of suspension or 15885
disqualification under section 3123.58 or 4506.16 of the Revised 15886
Code. No person who is disqualified for life from holding a 15887
commercial driver's license under section 4506.16 of the Revised 15888
Code shall be issued a driver's license under Chapter 4507. of the 15889
Revised Code during the period for which the commercial driver's 15890
license was suspended under this section, and no person whose 15891
commercial driver's license is suspended under this section shall 15892
be issued a driver's license under Chapter 4507. of the Revised 15893
Code during the period of the suspension. 15894

(F) As used in this section: 15895

(1) "Electronic monitoring" has the same meaning as in 15896
section 2929.01 of the Revised Code. 15897

(2) "Equivalent offense" means any of the following: 15898

(a) A violation of a municipal ordinance, township 15899
resolution, law of another state, or law of the United States that 15900
is substantially equivalent to division (A) of this section; 15901

(b) A violation of a former law of this state that was 15902
substantially equivalent to division (A) of this section. 15903

(3) "Jail" has the same meaning as in section 2929.01 of the 15904
Revised Code. 15905

(4) "Mandatory jail term" means the mandatory term in jail of 15906
three, ten, or thirty consecutive days that must be imposed under 15907
division (B)(1), (2), or (3) of this section upon an offender 15908
convicted of a violation of division (A) of this section and in 15909

relation to which all of the following apply: 15910

(a) Except as specifically authorized under this section, the 15911
term must be served in a jail. 15912

(b) Except as specifically authorized under this section, the 15913
term cannot be suspended, reduced, or otherwise modified pursuant 15914
to any provision of the Revised Code. 15915

Sec. 4510.15. Whenever a person is found guilty under the 15916
laws of this state, or under any ordinance or resolution of any 15917
political subdivision of this state, of operating a motor vehicle 15918
in violation of any such law ~~or~~, ordinance or resolution relating 15919
to reckless operation, the trial court of any court of record, in 15920
addition to or independent of all other penalties provided by law, 15921
may impose a class five suspension of the offender's driver's or 15922
commercial driver's license or permit or nonresident operating 15923
privilege from the range specified in division (A)(5) of section 15924
4510.02 of the Revised Code. 15925

Suspension of a commercial driver's license under this 15926
section shall be concurrent with any period of suspension 15927
disqualification under section 3123.58 or 4506.16 of the Revised 15928
Code. No person who is disqualified for life from holding a 15929
commercial driver's license under section 4506.16 of the Revised 15930
Code shall be issued a driver's license under Chapter 4507. of the 15931
Revised Code during the period for which the commercial driver's 15932
license was suspended under this section, and no person whose 15933
commercial driver's license is suspended under this section shall 15934
be issued a driver's license under Chapter 4507. of the Revised 15935
Code during the period of the suspension. 15936

Sec. 4510.16. (A) No person, whose driver's or commercial 15937
driver's license or temporary instruction permit or nonresident's 15938
operating privilege has been suspended or canceled pursuant to 15939

Chapter 4509. of the Revised Code, shall operate any motor vehicle 15940
within this state, or knowingly permit any motor vehicle owned by 15941
the person to be operated by another person in the state, during 15942
the period of the suspension or cancellation, except as 15943
specifically authorized by Chapter 4509. of the Revised Code. No 15944
person shall operate a motor vehicle within this state, or 15945
knowingly permit any motor vehicle owned by the person to be 15946
operated by another person in the state, during the period in 15947
which the person is required by section 4509.45 of the Revised 15948
Code to file and maintain proof of financial responsibility for a 15949
violation of section 4509.101 of the Revised Code, unless proof of 15950
financial responsibility is maintained with respect to that 15951
vehicle. 15952

(B)(1) Whoever violates this section is guilty of driving 15953
under financial responsibility law suspension or cancellation, a 15954
misdemeanor of the first degree. The court shall impose a class 15955
seven suspension of the offender's driver's or commercial driver's 15956
license or permit or nonresident operating privilege for the 15957
period of time specified in division (A)(7) of section 4510.02 of 15958
the Revised Code. 15959

(2) If the vehicle is registered in the offender's name and 15960
division (B)(3) of this section does not apply, the court, in 15961
addition to or independent of any other sentence that it imposes 15962
upon the offender, may order the immobilization for no more than 15963
thirty days of the vehicle involved in the offense and the 15964
impoundment for no more than thirty days of the license plates of 15965
that vehicle. 15966

(3) If the vehicle is registered in the offender's name and 15967
if, within five years of the offense, the offender has been 15968
convicted of or pleaded guilty to one violation of this section or 15969
a substantially similar municipal ordinance or township 15970

resolution, the court, in addition to or independent of any other 15971
sentence that it imposes on the offender, shall order the 15972
immobilization for sixty days of the vehicle involved in the 15973
offense and impoundment for sixty days of the license plates of 15974
that vehicle. 15975

If the vehicle is registered in the offender's name and if, 15976
within five years of the offense, the offender has been convicted 15977
of or pleaded guilty to two or more violations of this section or 15978
a substantially similar municipal ordinance or township 15979
resolution, the court, in addition to or independent of any other 15980
sentence that it imposes upon the offender, shall order the 15981
criminal forfeiture to the state of the vehicle involved in the 15982
offense. If title to a motor vehicle that is subject to an order 15983
for criminal forfeiture under this division is assigned or 15984
transferred and division (B)(2) or (3) of section 4503.234 of the 15985
Revised Code applies, in addition to or independent of any other 15986
penalty established by law, the court may fine the offender the 15987
value of the vehicle as determined by publications of the national 15988
auto dealers association. The proceeds from any fine so imposed 15989
shall be distributed in accordance with division (C)(2) of that 15990
section. 15991

(C) Any order for immobilization and impoundment under this 15992
section shall be issued and enforced in accordance with sections 15993
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 15994
of criminal forfeiture shall be issued and enforced in accordance 15995
with section 4503.234 of the Revised Code. The court shall not 15996
release a vehicle from immobilization orders under this section 15997
unless the court is presented with current proof of financial 15998
responsibility with respect to that vehicle. 15999

Sec. 4510.161. (A) The requirements and sanctions imposed by 16000
divisions (B) and (C) of this section are an adjunct to_and derive 16001

from the state's exclusive authority over the registration and 16002
titling of motor vehicles and do not comprise a part of the 16003
criminal sentence to be imposed upon a person who violates a 16004
municipal ordinance or township resolution that is substantially 16005
equivalent to section 4510.14 or to division (A) of section 16006
4510.16 of the Revised Code. 16007

(B)(1) If a person is convicted of or pleads guilty to a 16008
violation of a municipal ordinance or township resolution that is 16009
substantially equivalent to division (A) of section 4510.16 of the 16010
Revised Code, if the vehicle the offender was operating at the 16011
time of the offense is registered in the offender's name, and if 16012
division (B)(2) of this section does not apply, the court, in 16013
addition to or independent of any sentence that it imposes upon 16014
the offender for the offense, may order the immobilization for not 16015
more than thirty days of the vehicle the offender was operating at 16016
the time of the offense and the impoundment for not more than 16017
thirty days of the identification license plates of that vehicle. 16018

(2) If a person is convicted of or pleads guilty to a 16019
violation of a municipal ordinance or township resolution that is 16020
substantially equivalent to division (A) of section 4510.16 of the 16021
Revised Code and if, within five years of the current offense, the 16022
offender has been convicted of or pleaded guilty to one or more 16023
violations of division (A) of section 4510.16 or former division 16024
(B)(1) of section 4507.02 of the Revised Code or a municipal 16025
ordinance or township resolution that is substantially equivalent 16026
to either division, the court, in addition to or independent of 16027
any sentence that it imposes upon the offender for the offense, 16028
shall do whichever of the following is applicable: 16029

(a) If, within five years of the current offense, the 16030
offender has been convicted of or pleaded guilty to one such 16031
violation, the court shall order the immobilization for sixty days 16032

of the vehicle the offender was operating at the time of the 16033
offense and the impoundment for sixty days of the identification 16034
license plates of that vehicle. 16035

(b) If, within five years of the current offense, the 16036
offender has been convicted of or pleaded guilty to two or more 16037
such violations, the court shall order the criminal forfeiture to 16038
the state of the vehicle the offender was operating at the time of 16039
the offense. 16040

(C) If a person is convicted of or pleads guilty to a 16041
violation of a municipal ordinance or township resolution that is 16042
substantially equivalent to section 4510.14 of the Revised Code, 16043
the court, in addition to and independent of any sentence that it 16044
imposes upon the offender for the offense, if the vehicle the 16045
offender was operating at the time of the offense is registered in 16046
the offender's name, shall do whichever of the following is 16047
applicable: 16048

(1) If, within five years of the current offense, the 16049
offender has not been convicted of or pleaded guilty to a 16050
violation of section 4510.14 or former division (D)(2) of section 16051
4507.02 of the Revised Code or a municipal ordinance or township 16052
resolution that is substantially equivalent to that section or 16053
former division, the court shall order the immobilization for 16054
thirty days of the vehicle the offender was operating at the time 16055
of the offense and the impoundment for thirty days of the 16056
identification license plates of that vehicle. 16057

(2) If, within five years of the current offense, the 16058
offender has been convicted of or pleaded guilty to one violation 16059
of section 4510.14 or former division (D)(2) of section 4507.02 of 16060
the Revised Code or a municipal ordinance or township resolution 16061
that is substantially equivalent to that section or former 16062
division, the court shall order the immobilization for sixty days 16063
of the vehicle the offender was operating at the time of the 16064

offense and the impoundment for sixty days of the identification 16065
license plates of that vehicle. 16066

(3) If, within five years of the current offense, the 16067
offender has been convicted of or pleaded guilty to two or more 16068
violations of section 4510.14 or former division (D)(2) of section 16069
4507.02 of the Revised Code or a municipal ordinance or township 16070
resolution that is substantially equivalent to that section or 16071
former division, the court shall order the criminal forfeiture to 16072
the state of the vehicle the offender was operating at the time of 16073
the offense. 16074

(D) An order of criminal forfeiture issued pursuant to this 16075
section shall be issued and enforced in accordance with section 16076
4503.234 of the Revised Code. An order for the immobilization and 16077
impoundment of a vehicle issued pursuant to this section shall be 16078
issued and enforced in accordance with section 4503.233 of the 16079
Revised Code. 16080

Sec. 4510.17. (A) The registrar of motor vehicles shall 16081
impose a class D suspension of the person's driver's license, 16082
commercial driver's license, temporary instruction permit, 16083
probationary license, or nonresident operating privilege for the 16084
period of time specified in division (B)(4) of section 4510.02 of 16085
the Revised Code on any person who is a resident of this state and 16086
is convicted of or pleads guilty to a violation of a statute of 16087
any other state or any federal statute that is substantially 16088
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 16089
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 16090
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 16091
receipt of a report from a court, court clerk, or other official 16092
of any other state or from any federal authority that a resident 16093
of this state was convicted of or pleaded guilty to an offense 16094
described in this division, the registrar shall send a notice by 16095

regular first class mail to the person, at the person's last known 16096
address as shown in the records of the bureau of motor vehicles, 16097
informing the person of the suspension, that the suspension will 16098
take effect twenty-one days from the date of the notice, and that, 16099
if the person wishes to appeal the suspension or denial, the 16100
person must file a notice of appeal within twenty-one days of the 16101
date of the notice requesting a hearing on the matter. If the 16102
person requests a hearing, the registrar shall hold the hearing 16103
not more than forty days after receipt by the registrar of the 16104
notice of appeal. The filing of a notice of appeal does not stay 16105
the operation of the suspension that must be imposed pursuant to 16106
this division. The scope of the hearing shall be limited to 16107
whether the person actually was convicted of or pleaded guilty to 16108
the offense for which the suspension is to be imposed. 16109

The suspension the registrar is required to impose under this 16110
division shall end either on the last day of the class D 16111
suspension period or of the suspension of the person's nonresident 16112
operating privilege imposed by the state or federal court, 16113
whichever is earlier. 16114

The registrar shall subscribe to or otherwise participate in 16115
any information system or register, or enter into reciprocal and 16116
mutual agreements with other states and federal authorities, in 16117
order to facilitate the exchange of information with other states 16118
and the United States government regarding persons who plead 16119
guilty to or are convicted of offenses described in this division 16120
and therefore are subject to the suspension or denial described in 16121
this division. 16122

(B) The registrar shall impose a class D suspension of the 16123
person's driver's license, commercial driver's license, temporary 16124
instruction permit, probationary license, or nonresident operating 16125
privilege for the period of time specified in division (B)(4) of 16126
section 4510.02 of the Revised Code on any person who is a 16127

resident of this state and is convicted of or pleads guilty to a 16128
violation of a statute of any other state or a municipal ordinance 16129
of a municipal corporation or township resolution or similar local 16130
law of a township or similar political subdivision located in any 16131
other state that is substantially similar to section 4511.19 of 16132
the Revised Code. Upon receipt of a report from another state made 16133
pursuant to section 4510.61 of the Revised Code indicating that a 16134
resident of this state was convicted of or pleaded guilty to an 16135
offense described in this division, the registrar shall send a 16136
notice by regular first class mail to the person, at the person's 16137
last known address as shown in the records of the bureau of motor 16138
vehicles, informing the person of the suspension, that the 16139
suspension or denial will take effect twenty-one days from the 16140
date of the notice, and that, if the person wishes to appeal the 16141
suspension, the person must file a notice of appeal within 16142
twenty-one days of the date of the notice requesting a hearing on 16143
the matter. If the person requests a hearing, the registrar shall 16144
hold the hearing not more than forty days after receipt by the 16145
registrar of the notice of appeal. The filing of a notice of 16146
appeal does not stay the operation of the suspension that must be 16147
imposed pursuant to this division. The scope of the hearing shall 16148
be limited to whether the person actually was convicted of or 16149
pleaded guilty to the offense for which the suspension is to be 16150
imposed. 16151

The suspension the registrar is required to impose under this 16152
division shall end either on the last day of the class D 16153
suspension period or of the suspension of the person's nonresident 16154
operating privilege imposed by the state or federal court, 16155
whichever is earlier. 16156

(C) The registrar shall impose a class D suspension of the 16157
child's driver's license, commercial driver's license, temporary 16158
instruction permit, or nonresident operating privilege for the 16159

period of time specified in division (B)(4) of section 4510.02 of 16160
the Revised Code on any child who is a resident of this state and 16161
is convicted of or pleads guilty to a violation of a statute of 16162
any other state or any federal statute that is substantially 16163
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 16164
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 16165
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 16166
receipt of a report from a court, court clerk, or other official 16167
of any other state or from any federal authority that a child who 16168
is a resident of this state was convicted of or pleaded guilty to 16169
an offense described in this division, the registrar shall send a 16170
notice by regular first class mail to the child, at the child's 16171
last known address as shown in the records of the bureau of motor 16172
vehicles, informing the child of the suspension, that the 16173
suspension or denial will take effect twenty-one days from the 16174
date of the notice, and that, if the child wishes to appeal the 16175
suspension, the child must file a notice of appeal within 16176
twenty-one days of the date of the notice requesting a hearing on 16177
the matter. If the child requests a hearing, the registrar shall 16178
hold the hearing not more than forty days after receipt by the 16179
registrar of the notice of appeal. The filing of a notice of 16180
appeal does not stay the operation of the suspension that must be 16181
imposed pursuant to this division. The scope of the hearing shall 16182
be limited to whether the child actually was convicted of or 16183
pleaded guilty to the offense for which the suspension is to be 16184
imposed. 16185

The suspension the registrar is required to impose under this 16186
division shall end either on the last day of the class D 16187
suspension period or of the suspension of the child's nonresident 16188
operating privilege imposed by the state or federal court, 16189
whichever is earlier. If the child is a resident of this state who 16190
is sixteen years of age or older and does not have a current, 16191
valid Ohio driver's or commercial driver's license or permit, the 16192

notice shall inform the child that the child will be denied 16193
issuance of a driver's or commercial driver's license or permit 16194
for six months beginning on the date of the notice. If the child 16195
has not attained the age of sixteen years on the date of the 16196
notice, the notice shall inform the child that the period of 16197
denial of six months shall commence on the date the child attains 16198
the age of sixteen years. 16199

The registrar shall subscribe to or otherwise participate in 16200
any information system or register, or enter into reciprocal and 16201
mutual agreements with other states and federal authorities, in 16202
order to facilitate the exchange of information with other states 16203
and the United States government regarding children who are 16204
residents of this state and plead guilty to or are convicted of 16205
offenses described in this division and therefore are subject to 16206
the suspension or denial described in this division. 16207

(D) The registrar shall impose a class D suspension of the 16208
child's driver's license, commercial driver's license, temporary 16209
instruction permit, probationary license, or nonresident operating 16210
privilege for the period of time specified in division (B)(4) of 16211
section 4510.02 of the Revised Code on any child who is a resident 16212
of this state and is convicted of or pleads guilty to a violation 16213
of a statute of any other state or a municipal ordinance of a 16214
municipal corporation or township resolution or similar local law 16215
of a township or similar political subdivision located in any 16216
other state that is substantially similar to section 4511.19 of 16217
the Revised Code. Upon receipt of a report from another state made 16218
pursuant to section 4510.61 of the Revised Code indicating that a 16219
child who is a resident of this state was convicted of or pleaded 16220
guilty to an offense described in this division, the registrar 16221
shall send a notice by regular first class mail to the child, at 16222
the child's last known address as shown in the records of the 16223
bureau of motor vehicles, informing the child of the suspension, 16224

that the suspension will take effect twenty-one days from the date 16225
of the notice, and that, if the child wishes to appeal the 16226
suspension, the child must file a notice of appeal within 16227
twenty-one days of the date of the notice requesting a hearing on 16228
the matter. If the child requests a hearing, the registrar shall 16229
hold the hearing not more than forty days after receipt by the 16230
registrar of the notice of appeal. The filing of a notice of 16231
appeal does not stay the operation of the suspension that must be 16232
imposed pursuant to this division. The scope of the hearing shall 16233
be limited to whether the child actually was convicted of or 16234
pleaded guilty to the offense for which the suspension is to be 16235
imposed. 16236

The suspension the registrar is required to impose under this 16237
division shall end either on the last day of the class D 16238
suspension period or of the suspension of the child's nonresident 16239
operating privilege imposed by the state or federal court, 16240
whichever is earlier. If the child is a resident of this state who 16241
is sixteen years of age or older and does not have a current, 16242
valid Ohio driver's or commercial driver's license or permit, the 16243
notice shall inform the child that the child will be denied 16244
issuance of a driver's or commercial driver's license or permit 16245
for six months beginning on the date of the notice. If the child 16246
has not attained the age of sixteen years on the date of the 16247
notice, the notice shall inform the child that the period of 16248
denial of six months shall commence on the date the child attains 16249
the age of sixteen years. 16250

(E) Any person whose license or permit has been suspended 16251
pursuant to this section may file a petition in the municipal or 16252
county court, or in case the person is under eighteen years of 16253
age, the juvenile court, in whose jurisdiction the person resides, 16254
agreeing to pay the cost of the proceedings and alleging that the 16255
suspension would seriously affect the person's ability to continue 16256

the person's employment. Upon satisfactory proof that there is 16257
reasonable cause to believe that the suspension would seriously 16258
affect the person's ability to continue the person's employment, 16259
the judge may grant the person limited driving privileges during 16260
the period during which the suspension otherwise would be imposed, 16261
except that the judge shall not grant limited driving privileges 16262
for employment as a driver of a commercial motor vehicle to any 16263
person who would be disqualified from operating a commercial motor 16264
vehicle under section 4506.16 of the Revised Code if the violation 16265
had occurred in this state, or during any of the following periods 16266
of time: 16267

(1) The first fifteen days of a suspension under division (B) 16268
or (D) of this section, if the person has not been convicted 16269
within six years of the date of the offense giving rise to the 16270
suspension under this section of a violation of any of the 16271
following: 16272

(a) Section 4511.19 of the Revised Code, or a municipal 16273
ordinance relating to operating a vehicle while under the 16274
influence of alcohol, a drug of abuse, or alcohol and a drug of 16275
abuse; 16276

(b) A municipal ordinance relating to operating a motor 16277
vehicle with a prohibited concentration of alcohol, a controlled 16278
substance, or a metabolite of a controlled substance in the whole 16279
blood, blood serum or plasma, breath, or urine; 16280

(c) Section 2903.04 of the Revised Code in a case in which 16281
the person was subject to the sanctions described in division (D) 16282
of that section; 16283

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 16284
section 2903.08 of the Revised Code or a municipal ordinance or 16285
township resolution that is substantially similar to either of 16286
those divisions; 16287

(e) Division (A)(2), (3), or (4) of section 2903.06, division 16288
(A)(2) of section 2903.08, or as it existed prior to March 23, 16289
2000, section 2903.07 of the Revised Code, or a municipal 16290
ordinance or township resolution that is substantially similar to 16291
any of those divisions or that former section, in a case in which 16292
the jury or judge found that the person was under the influence of 16293
alcohol, a drug of abuse, or alcohol and a drug of abuse. 16294

(2) The first thirty days of a suspension under division (B) 16295
or (D) of this section, if the person has been convicted one time 16296
within six years of the date of the offense giving rise to the 16297
suspension under this section of any violation identified in 16298
division (E)(1) of this section. 16299

(3) The first one hundred eighty days of a suspension under 16300
division (B) or (D) of this section, if the person has been 16301
convicted two times within six years of the date of the offense 16302
giving rise to the suspension under this section of any violation 16303
identified in division (E)(1) of this section. 16304

(4) No limited driving privileges may be granted if the 16305
person has been convicted three or more times within five years of 16306
the date of the offense giving rise to a suspension under division 16307
(B) or (D) of this section of any violation identified in division 16308
(E)(1) of this section. 16309

If a person petitions for limited driving privileges under 16310
division (E) of this section, the registrar shall be represented 16311
by the county prosecutor of the county in which the person resides 16312
if the petition is filed in a juvenile court or county court, 16313
except that if the person resides within a city or village that is 16314
located within the jurisdiction of the county in which the 16315
petition is filed, the city director of law or village solicitor 16316
of that city or village shall represent the registrar. If the 16317
petition is filed in a municipal court, the registrar shall be 16318
represented as provided in section 1901.34 of the Revised Code. 16319

In granting limited driving privileges under division (E) of 16320
this section, the court may impose any condition it considers 16321
reasonable and necessary to limit the use of a vehicle by the 16322
person. The court shall deliver to the person a permit card, in a 16323
form to be prescribed by the court, setting forth the time, place, 16324
and other conditions limiting the person's use of a motor vehicle. 16325
The grant of limited driving privileges shall be conditioned upon 16326
the person's having the permit in the person's possession at all 16327
times during which the person is operating a vehicle. 16328

A person granted limited driving privileges who operates a 16329
vehicle for other than limited purposes, in violation of any 16330
condition imposed by the court or without having the permit in the 16331
person's possession, is guilty of a violation of section 4510.11 16332
of the Revised Code. 16333

(F) As used in divisions (C) and (D) of this section: 16334

(1) "Child" means a person who is under the age of eighteen 16335
years, except that any person who violates a statute or ordinance 16336
described in division (C) or (D) of this section prior to 16337
attaining eighteen years of age shall be deemed a "child" 16338
irrespective of the person's age at the time the complaint or 16339
other equivalent document is filed in the other state or a 16340
hearing, trial, or other proceeding is held in the other state on 16341
the complaint or other equivalent document, and irrespective of 16342
the person's age when the period of license suspension or denial 16343
prescribed in division (C) or (D) of this section is imposed. 16344

(2) "Is convicted of or pleads guilty to" means, as it 16345
relates to a child who is a resident of this state, that in a 16346
proceeding conducted in a state or federal court located in 16347
another state for a violation of a statute or ordinance described 16348
in division (C) or (D) of this section, the result of the 16349
proceeding is any of the following: 16350

(a) Under the laws that govern the proceedings of the court, 16351
the child is adjudicated to be or admits to being a delinquent 16352
child or a juvenile traffic offender for a violation described in 16353
division (C) or (D) of this section that would be a crime if 16354
committed by an adult; 16355

(b) Under the laws that govern the proceedings of the court, 16356
the child is convicted of or pleads guilty to a violation 16357
described in division (C) or (D) of this section; 16358

(c) Under the laws that govern the proceedings of the court, 16359
irrespective of the terminology utilized in those laws, the result 16360
of the court's proceedings is the functional equivalent of 16361
division (F)(2)(a) or (b) of this section. 16362

Sec. 4510.22. (A) If a person who has a current valid Ohio 16363
driver's, commercial driver's license, or temporary instruction 16364
permit is charged with a violation of any provision in sections 16365
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 16366
4549.65 of the Revised Code that is classified as a misdemeanor of 16367
the first, second, third, or fourth degree or with a violation of 16368
any substantially equivalent municipal ordinance or township 16369
resolution and if the person either fails to appear in court at 16370
the required time and place to answer the charge or pleads guilty 16371
to or is found guilty of the violation and fails within the time 16372
allowed by the court to pay the fine imposed by the court, the 16373
court shall declare the forfeiture of the person's license. Thirty 16374
days after the declaration of forfeiture, the court shall inform 16375
the registrar of motor vehicles of the forfeiture by entering 16376
information relative to the forfeiture on a form approved and 16377
furnished by the registrar and sending the form to the registrar. 16378
The court also shall forward the person's license, if it is in the 16379
possession of the court, to the registrar. 16380

The registrar shall impose a class F suspension of the 16381

person's driver's or commercial driver's license, or temporary 16382
instruction permit for the period of time specified in division 16383
(B)(6) of section 4510.02 of the Revised Code on any person who is 16384
named in a declaration received by the registrar under this 16385
section. The registrar shall send written notification of the 16386
suspension to the person at the person's last known address and, 16387
if the person is in possession of the license, order the person to 16388
surrender the person's license or permit to the registrar within 16389
forty-eight hours. 16390

No valid driver's or commercial driver's license shall be 16391
granted to the person after the suspension, unless the court 16392
having jurisdiction of the offense that led to the suspension 16393
orders that the forfeiture be terminated. The court shall order 16394
the termination of the forfeiture if the person thereafter appears 16395
to answer the charge and pays any fine imposed by the court or 16396
pays the fine originally imposed by the court. The court shall 16397
inform the registrar of the termination of the forfeiture by 16398
entering information relative to the termination on a form 16399
approved and furnished by the registrar and sending the form to 16400
the registrar. The person shall pay to the bureau of motor 16401
vehicles a fifteen-dollar reinstatement fee to cover the costs of 16402
the bureau in administering this section. The registrar shall 16403
deposit the fee into the state bureau of motor vehicles fund 16404
created by section 4501.25 of the Revised Code. 16405

(B) In addition to suspending the driver's or commercial 16406
driver's license or permit of the person named in a declaration of 16407
forfeiture, the registrar, upon receipt from the court of the copy 16408
of the declaration of forfeiture, shall take any measures that may 16409
be necessary to ensure that neither the registrar nor any deputy 16410
registrar accepts any application for the registration or transfer 16411
of registration of any motor vehicle owned or leased by the person 16412
named in the declaration of forfeiture. However, for a motor 16413

vehicle leased by a person named in a declaration of forfeiture, 16414
the registrar shall not implement the preceding sentence until the 16415
registrar adopts procedures for that implementation under section 16416
4503.39 of the Revised Code. The period of denial of registration 16417
or transfer shall continue until such time as the court having 16418
jurisdiction of the offense that led to the suspension orders the 16419
forfeiture be terminated. Upon receipt by the registrar of an 16420
order terminating the forfeiture, the registrar also shall take 16421
any measures that may be necessary to permit the person to 16422
register a motor vehicle owned or leased by the person or to 16423
transfer the registration of such a motor vehicle, if the person 16424
later makes application to take such action and otherwise is 16425
eligible to register the motor vehicle or to transfer its 16426
registration. 16427

The registrar shall not be required to give effect to any 16428
declaration of forfeiture or order terminating a forfeiture 16429
provided by a court under this section unless the information 16430
contained in the declaration or order is transmitted to the 16431
registrar by means of an electronic transfer system. The registrar 16432
shall not restore the person's driving or vehicle registration 16433
privileges until the person pays the reinstatement fee as provided 16434
in this section. 16435

The period of denial relating to the issuance or transfer of 16436
a certificate of registration for a motor vehicle imposed pursuant 16437
to this division remains in effect until the person pays any fine 16438
imposed by the court relative to the offense. 16439

Sec. 4510.31. (A)(1) Except as provided in division (C) of 16440
this section, the registrar of motor vehicles shall suspend the 16441
probationary driver's license, restricted license, or temporary 16442
instruction permit issued to any person when the person has been 16443
convicted of, pleaded guilty to, or been adjudicated in juvenile 16444

court of having committed, prior to the person's eighteenth birthday, any of the following:

(a) Three separate violations of section 2903.06, 2903.08, 2921.331, 4511.12, 4511.13, 4511.15, 4511.191, 4511.20, 4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised Code, section 4510.14 of the Revised Code involving a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, section 2903.04 of the Revised Code in a case in which the person would have been subject to the sanctions described in division (D) of that section had the person been convicted of the violation of that section, former section 2903.07 of the Revised Code, or any municipal ordinances similarly relating to the offenses referred to in those sections;

(b) One violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or township resolution;

(c) Two separate violations of any of the Revised Code sections referred to in division (A)(1)(a) of this section, or any municipal ordinance or township resolution that is substantially similar to any of those sections.

(2) Any person whose license or permit is suspended under division (A)(1)(a), (b), or (c) of this section shall mail or deliver the person's probationary driver's license, restricted license, or temporary instruction permit to the registrar within fourteen days of notification of the suspension. The registrar shall retain the license or permit during the period of the suspension. A suspension pursuant to division (A)(1)(a) of this section shall be a class C suspension, a suspension pursuant to division (A)(1)(b) of this section shall be a class D suspension, and a suspension pursuant to division (A)(1)(c) of this section shall be a class E suspension, all for the periods of time

specified in division (B) of section 4510.02 of the Revised Code. 16476
If the person's probationary driver's license, restricted license, 16477
or temporary instruction permit is under suspension on the date 16478
the court imposes sentence upon the person for a violation 16479
described in division (A)(1)(b) of this section, the suspension 16480
shall take effect on the next day immediately following the end of 16481
that period of suspension. If the person is sixteen years of age 16482
or older and pleads guilty to or is convicted of a violation 16483
described in division (A)(1)(b) of this section and the person 16484
does not have a current, valid probationary driver's license, 16485
restricted license, or temporary instruction permit, the registrar 16486
shall deny the issuance to the person of a probationary driver's 16487
license, restricted license, driver's license, commercial driver's 16488
license, or temporary instruction permit, as the case may be, for 16489
six months beginning on the date the court imposes sentence upon 16490
the person for the violation. If the person has not attained the 16491
age of sixteen years on the date the court imposes sentence upon 16492
the person for the violation, the period of denial shall commence 16493
on the date the person attains the age of sixteen years. 16494

(3) The registrar shall suspend the person's license or 16495
permit under division (A) of this section regardless of whether 16496
the disposition of the case in juvenile court occurred after the 16497
person's eighteenth birthday. 16498

(B) The registrar also shall impose a class D suspension for 16499
the period of time specified in division (B)(4) of section 4510.02 16500
of the Revised Code of the temporary instruction permit or 16501
probationary driver's license of any person under the age of 16502
eighteen who has been adjudicated an unruly child, delinquent 16503
child, or juvenile traffic offender for having committed any act 16504
that if committed by an adult would be a drug abuse offense or a 16505
violation of division (B) of section 2917.11 of the Revised Code. 16506
The registrar, in the registrar's discretion, may terminate the 16507

suspension if the child, at the discretion of the court, attends 16508
and satisfactorily completes a drug abuse or alcohol abuse 16509
education, intervention, or treatment program specified by the 16510
court. Any person whose temporary instruction permit or 16511
probationary driver's license is suspended under this division 16512
shall mail or deliver the person's permit or license to the 16513
registrar within fourteen days of notification of the suspension. 16514
The registrar shall retain the permit or license during the period 16515
of the suspension. 16516

(C)(1) Except as provided in division (C)(3) of this section, 16517
for any person who is convicted of, pleads guilty to, or is 16518
adjudicated in juvenile court of having committed a second or 16519
third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 16520
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 16521
4511.75 of the Revised Code or any similar municipal ordinances 16522
and whose license or permit is suspended under division (A)(1)(a) 16523
or (c) of this section, the court in which the second or third 16524
conviction, finding, plea, or adjudication resulting in the 16525
suspension was made, upon petition of the person, may grant the 16526
person limited driving privileges during the period during which 16527
the suspension otherwise would be imposed under division (A)(1)(a) 16528
or (c) of this section if the court finds reasonable cause to 16529
believe that the suspension will seriously affect the person's 16530
ability to continue in employment, educational training, 16531
vocational training, or treatment. In granting the limited driving 16532
privileges, the court shall specify the purposes, times, and 16533
places of the privileges and may impose any other conditions upon 16534
the person's driving a motor vehicle that the court considers 16535
reasonable and necessary. 16536

A court that grants limited driving privileges to a person 16537
under this division shall retain the person's probationary 16538
driver's license, restricted license, or temporary instruction 16539

permit during the period the license or permit is suspended and 16540
also during the period for which limited driving privileges are 16541
granted, and shall deliver to the person a permit card, in a form 16542
to be prescribed by the court, setting forth the date on which the 16543
limited driving privileges will become effective, the purposes for 16544
which the person may drive, the times and places at which the 16545
person may drive, and any other conditions imposed upon the 16546
person's use of a motor vehicle. 16547

The court immediately shall notify the registrar, in writing, 16548
of a grant of limited driving privileges under this division. The 16549
notification shall specify the date on which the limited driving 16550
privileges will become effective, the purposes for which the 16551
person may drive, the times and places at which the person may 16552
drive, and any other conditions imposed upon the person's use of a 16553
motor vehicle. The registrar shall not suspend the probationary 16554
driver's license, restricted license, or temporary instruction 16555
permit of any person pursuant to division (A) of this section 16556
during any period for which the person has been granted limited 16557
driving privileges as provided in this division, if the registrar 16558
has received the notification described in this division from the 16559
court. 16560

(2) Except as provided in division (C)(3) of this section, in 16561
any case in which the temporary instruction permit or probationary 16562
driver's license of a person under eighteen years of age has been 16563
suspended under division (A) or (B) of this section or any other 16564
provision of law, the court may grant the person limited driving 16565
privileges for the purpose of the person's practicing of driving 16566
with the person's parent, guardian, or other custodian during the 16567
period of the suspension. Any grant of limited driving privileges 16568
under this division shall comply with division (D) of section 16569
4510.021 of the Revised Code. 16570

(3) A court shall not grant limited driving privileges to a 16571

person identified in division (C)(1) or (2) of this section if the 16572
person, within the preceding six years, has been convicted of, 16573
pleaded guilty to, or adjudicated in juvenile court of having 16574
committed three or more violations of one or more of the divisions 16575
or sections set forth in divisions (G)(2)(b) to (g) of section 16576
2919.22 of the Revised Code. 16577

(D) If a person who has been granted limited driving 16578
privileges under division (C) of this section is convicted of, 16579
pleads guilty to, or is adjudicated in juvenile court of having 16580
committed, a violation of Chapter 4510. of the Revised Code, or a 16581
subsequent violation of any of the sections of the Revised Code 16582
listed in division (A)(1)(a) of this section or any similar 16583
municipal ordinance during the period for which the person was 16584
granted limited driving privileges, the court that granted the 16585
limited driving privileges shall suspend the person's permit card. 16586
The court or the clerk of the court immediately shall forward the 16587
person's probationary driver's license, restricted license, or 16588
temporary instruction permit together with written notification of 16589
the court's action to the registrar. Upon receipt of the license 16590
or permit and notification, the registrar shall impose a class C 16591
suspension of the person's probationary driver's license, 16592
restricted license, or temporary instruction permit for the period 16593
of time specified in division (B)(3) of section 4510.02 of the 16594
Revised Code. The registrar shall retain the license or permit 16595
during the period of suspension, and no further limited driving 16596
privileges shall be granted during that period. 16597

(E) No application for a driver's or commercial driver's 16598
license shall be received from any person whose probationary 16599
driver's license, restricted license, or temporary instruction 16600
permit has been suspended under this section until each of the 16601
following has occurred: 16602

(1) The suspension period has expired; 16603

(2) A temporary instruction permit or commercial driver's license temporary instruction permit has been issued;	16604 16605
(3) The person successfully completes a juvenile driver improvement program approved by the registrar under section 4510.311 of the Revised Code;	16606 16607 16608
(4) The applicant has submitted to the examination for a driver's license as provided for in section 4507.11 or a commercial driver's license as provided in Chapter 4506. of the Revised Code.	16609 16610 16611 16612
Sec. 4510.41. (A) As used in this section:	16613
(1) "Arrested person" means a person who is arrested for a violation of section 4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal ordinance <u>or township resolution</u> that is substantially equivalent to any of those sections, and whose arrest results in a vehicle being seized under division (B) of this section.	16614 16615 16616 16617 16618 16619
(2) "Vehicle owner" means either of the following:	16620
(a) The person in whose name is registered, at the time of the seizure, a vehicle that is seized under division (B) of this section;	16621 16622 16623
(b) A person to whom the certificate of title to a vehicle that is seized under division (B) of this section has been assigned and who has not obtained a certificate of title to the vehicle in that person's name, but who is deemed by the court as being the owner of the vehicle at the time the vehicle was seized under division (B) of this section.	16624 16625 16626 16627 16628 16629
(3) "Interested party" includes the owner of a vehicle seized under this section, all lienholders, the arrested person, the owner of the place of storage at which a vehicle seized under this section is stored, and the person or entity that caused the	16630 16631 16632 16633

vehicle to be removed. 16634

(B)(1) If a person is arrested for a violation of section 16635
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 16636
or township resolution that is substantially equivalent to either 16637
of those sections or if a person is arrested for a violation of 16638
section 4510.16 of the Revised Code or a municipal ordinance or 16639
township resolution that is substantially equivalent to that 16640
section and if division (B)(3) of section 4510.16 or division 16641
(B)(2) of section 4510.161 of the Revised Code applies, the 16642
arresting officer or another officer of the law enforcement agency 16643
that employs the arresting officer, in addition to any action that 16644
the arresting officer is required or authorized to take by any 16645
other provision of law, shall seize the vehicle that the person 16646
was operating at the time of, or that was involved in, the alleged 16647
offense if the vehicle is registered in the arrested person's name 16648
and its license plates. A law enforcement agency that employs a 16649
law enforcement officer who makes an arrest of a type that is 16650
described in this division and that involves a rented or leased 16651
vehicle that is being rented or leased for a period of thirty days 16652
or less shall notify, within twenty-four hours after the officer 16653
makes the arrest, the lessor or owner of the vehicle regarding the 16654
circumstances of the arrest and the location at which the vehicle 16655
may be picked up. At the time of the seizure of the vehicle, the 16656
law enforcement officer who made the arrest shall give the 16657
arrested person written notice that the vehicle and its license 16658
plates have been seized; that the vehicle either will be kept by 16659
the officer's law enforcement agency or will be immobilized at 16660
least until the person's initial appearance on the charge of the 16661
offense for which the arrest was made; that, at the initial 16662
appearance, the court in certain circumstances may order that the 16663
vehicle and license plates be released to the arrested person 16664
until the disposition of that charge; that, if the arrested person 16665
is convicted of that charge, the court generally must order the 16666

immobilization of the vehicle and the impoundment of its license 16667
plates or the forfeiture of the vehicle; and that the arrested 16668
person may be charged expenses or charges incurred under this 16669
section and section 4503.233 of the Revised Code for the removal 16670
and storage of the vehicle. 16671

(2) The arresting officer or a law enforcement officer of the 16672
agency that employs the arresting officer shall give written 16673
notice of the seizure under division (B)(1) of this section to the 16674
court that will conduct the initial appearance of the arrested 16675
person on the charges arising out of the arrest. Upon receipt of 16676
the notice, the court promptly shall determine whether the 16677
arrested person is the vehicle owner. If the court determines that 16678
the arrested person is not the vehicle owner, it promptly shall 16679
send by regular mail written notice of the seizure to the 16680
vehicle's registered owner. The written notice shall contain all 16681
of the information required by division (B)(1) of this section to 16682
be in a notice to be given to the arrested person and also shall 16683
specify the date, time, and place of the arrested person's initial 16684
appearance. The notice also shall inform the vehicle owner that if 16685
title to a motor vehicle that is subject to an order for criminal 16686
forfeiture under this section is assigned or transferred and 16687
division (B)(2) or (3) of section 4503.234 of the Revised Code 16688
applies, the court may fine the arrested person the value of the 16689
vehicle. The notice also shall state that if the vehicle is 16690
immobilized under division (A) of section 4503.233 of the Revised 16691
Code, seven days after the end of the period of immobilization a 16692
law enforcement agency will send the vehicle owner a notice, 16693
informing the owner that if the release of the vehicle is not 16694
obtained in accordance with division (D)(3) of section 4503.233 of 16695
the Revised Code, the vehicle shall be forfeited. The notice also 16696
shall inform the vehicle owner that the owner may be charged 16697
expenses or charges incurred under this section and section 16698
4503.233 of the Revised Code for the removal and storage of the 16699

vehicle. 16700

The written notice that is given to the arrested person also 16701
shall state that if the person is convicted of or pleads guilty to 16702
the offense and the court issues an immobilization and impoundment 16703
order relative to that vehicle, division (D)(4) of section 16704
4503.233 of the Revised Code prohibits the vehicle from being sold 16705
during the period of immobilization without the prior approval of 16706
the court. 16707

(3) At or before the initial appearance, the vehicle owner 16708
may file a motion requesting the court to order that the vehicle 16709
and its license plates be released to the vehicle owner. Except as 16710
provided in this division and subject to the payment of expenses 16711
or charges incurred in the removal and storage of the vehicle, the 16712
court, in its discretion, then may issue an order releasing the 16713
vehicle and its license plates to the vehicle owner. Such an order 16714
may be conditioned upon such terms as the court determines 16715
appropriate, including the posting of a bond in an amount 16716
determined by the court. If the arrested person is not the vehicle 16717
owner and if the vehicle owner is not present at the arrested 16718
person's initial appearance, and if the court believes that the 16719
vehicle owner was not provided with adequate notice of the initial 16720
appearance, the court, in its discretion, may allow the vehicle 16721
owner to file a motion within seven days of the initial 16722
appearance. If the court allows the vehicle owner to file such a 16723
motion after the initial appearance, the extension of time granted 16724
by the court does not extend the time within which the initial 16725
appearance is to be conducted. If the court issues an order for 16726
the release of the vehicle and its license plates, a copy of the 16727
order shall be made available to the vehicle owner. If the vehicle 16728
owner presents a copy of the order to the law enforcement agency 16729
that employs the law enforcement officer who arrested the arrested 16730
person, the law enforcement agency promptly shall release the 16731

vehicle and its license plates to the vehicle owner upon payment 16732
by the vehicle owner of any expenses or charges incurred in the 16733
removal or storage of the vehicle. 16734

(4) A vehicle seized under division (B)(1) of this section 16735
either shall be towed to a place specified by the law enforcement 16736
agency that employs the arresting officer to be safely kept by the 16737
agency at that place for the time and in the manner specified in 16738
this section or shall be otherwise immobilized for the time and in 16739
the manner specified in this section. A law enforcement officer of 16740
that agency shall remove the identification license plates of the 16741
vehicle, and they shall be safely kept by the agency for the time 16742
and in the manner specified in this section. No vehicle that is 16743
seized and either towed or immobilized pursuant to this division 16744
shall be considered contraband for purposes of Chapter 2981. of 16745
the Revised Code. The vehicle shall not be immobilized at any 16746
place other than a commercially operated private storage lot, a 16747
place owned by a law enforcement or other government agency, or a 16748
place to which one of the following applies: 16749

(a) The place is leased by or otherwise under the control of 16750
a law enforcement or other government agency. 16751

(b) The place is owned by the arrested person, the arrested 16752
person's spouse, or a parent or child of the arrested person. 16753

(c) The place is owned by a private person or entity, and, 16754
prior to the immobilization, the private entity or person that 16755
owns the place, or the authorized agent of that private entity or 16756
person, has given express written consent for the immobilization 16757
to be carried out at that place. 16758

(d) The place is a public street or highway on which the 16759
vehicle is parked in accordance with the law. 16760

(C)(1) A vehicle seized under division (B)(1) of this section 16761
shall be safely kept at the place to which it is towed or 16762

otherwise moved by the law enforcement agency that employs the 16763
arresting officer until the initial appearance of the arrested 16764
person relative to the charge in question. The license plates of 16765
the vehicle that are removed pursuant to division (B)(1) of this 16766
section shall be safely kept by the law enforcement agency that 16767
employs the arresting officer until at least the initial 16768
appearance of the arrested person relative to the charge in 16769
question. 16770

(2)(a) At the initial appearance or not less than seven days 16771
prior to the date of final disposition, the court shall notify the 16772
arrested person that, if title to a motor vehicle that is subject 16773
to an order for criminal forfeiture under this section is assigned 16774
or transferred and division (B)(2) or (3) of section 4503.234 of 16775
the Revised Code applies, the court may fine the arrested person 16776
the value of the vehicle. If, at the initial appearance, the 16777
arrested person pleads guilty to the violation of section 4510.14, 16778
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 16779
or township resolution that is substantially equivalent to any of 16780
those sections or pleads no contest to and is convicted of the 16781
violation, the following sentencing provisions apply: 16782

(i) If the person violated section 4510.14 or 4511.203 of the 16783
Revised Code or a municipal ordinance or township resolution that 16784
is substantially equivalent to either of those sections, or 16785
violated section 4510.16 of the Revised Code or a municipal 16786
ordinance or township resolution that is substantially equivalent 16787
to that section and division (B)(3) of section 4510.16 or division 16788
(B)(2) of section 4510.161 of the Revised Code applies, the court 16789
shall impose sentence upon the person as provided by law or 16790
ordinance; the court shall order the immobilization of the vehicle 16791
the arrested person was operating at the time of, or that was 16792
involved in, the offense if registered in the arrested person's 16793
name and the impoundment of its license plates under section 16794

4503.233 and section 4510.14, 4510.16, 4510.161, or 4511.203 of 16795
the Revised Code or the criminal forfeiture to the state of the 16796
vehicle if registered in the arrested person's name under section 16797
4503.234 and section 4510.14, 4510.16, 4510.161, or 4511.203 of 16798
the Revised Code, whichever is applicable; and the vehicle and its 16799
license plates shall not be returned or released to the arrested 16800
person. 16801

(ii) If the person violated section 4510.16 of the Revised 16802
Code or a municipal ordinance or township resolution that is 16803
substantially equivalent to that section and division (B)(2) of 16804
section 4510.16 or division (B)(1) of section 4510.161 applies, 16805
the court shall impose sentence upon the person as provided by law 16806
or ordinance and may order the immobilization of the vehicle the 16807
person was operating at the time of, or that was involved in, the 16808
offense if it is registered in the arrested person's name and the 16809
impoundment of its license plates under section 4503.233 and 16810
section 4510.16 or 4510.161 of the Revised Code, and the vehicle 16811
and its license plates shall not be returned or released to the 16812
arrested person. 16813

(b) If, at any time, the charge that the arrested person 16814
violated section 4510.14, 4510.16, or 4511.203 of the Revised 16815
Code, or a municipal ordinance or township resolution that is 16816
substantially equivalent to any of those sections is dismissed for 16817
any reason, the court shall order that the vehicle seized at the 16818
time of the arrest and its license plates immediately be released 16819
to the person. 16820

(D) If a vehicle and its license plates are seized under 16821
division (B)(1) of this section and are not returned or released 16822
to the arrested person pursuant to division (C) of this section, 16823
the vehicle and its license plates shall be retained until the 16824
final disposition of the charge in question. Upon the final 16825
disposition of that charge, the court shall do whichever of the 16826

following is applicable: 16827

(1) If the arrested person is convicted of or pleads guilty 16828
to the violation of section 4510.14 or 4511.203 of the Revised 16829
Code, or a municipal ordinance or township resolution that is 16830
substantially equivalent to either of those sections, or to the 16831
violation of section 4510.16 of the Revised Code or a municipal 16832
ordinance or township resolution that is substantially equivalent 16833
to that section and division (B)(3) of section 4510.16 or division 16834
(B)(2) of section 4510.161 of the Revised Code applies, the court 16835
shall impose sentence upon the person as provided by law or 16836
ordinance and shall order the immobilization of the vehicle the 16837
person was operating at the time of, or that was involved in, the 16838
offense if it is registered in the arrested person's name and the 16839
impoundment of its license plates under section 4503.233 and 16840
section 4510.14, 4510.16, 4510.161, or 4511.203 of the Revised 16841
Code or the criminal forfeiture of the vehicle if it is registered 16842
in the arrested person's name under section 4503.234 and section 16843
4510.14, 4510.16, 4510.161, or 4511.203 of the Revised Code, 16844
whichever is applicable. 16845

(2) If the person violated section 4510.16 of the Revised 16846
Code or a municipal ordinance or township resolution that is 16847
substantially equivalent to that section and division (B)(2) of 16848
section 4510.16 or division (B)(1) of section 4510.161 applies, 16849
the court shall impose sentence upon the person as provided by law 16850
or ordinance and may order the immobilization of the vehicle the 16851
person was operating at the time of, or that was involved in, the 16852
offense if it is registered in the person's name and the 16853
impoundment of its license plates under section 4503.233 and 16854
section 4510.16 or 4510.161 of the Revised Code. 16855

(3) If the arrested person is found not guilty of the 16856
violation of section 4510.14, 4510.16, or 4511.203 of the Revised 16857
Code, or a municipal ordinance or township resolution that is 16858

substantially equivalent to any of those sections, the court shall 16859
order that the vehicle and its license plates immediately be 16860
released to the arrested person. 16861

(4) If the charge that the arrested person violated section 16862
4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal 16863
ordinance or township resolution that is substantially equivalent 16864
to any of those sections is dismissed for any reason, the court 16865
shall order that the vehicle and its license plates immediately be 16866
released to the arrested person. 16867

(5) If the impoundment of the vehicle was not authorized 16868
under this section, the court shall order that the vehicle and its 16869
license plates be returned immediately to the arrested person or, 16870
if the arrested person is not the vehicle owner, to the vehicle 16871
owner and shall order that the state or political subdivision of 16872
the law enforcement agency served by the law enforcement officer 16873
who seized the vehicle pay all expenses and charges incurred in 16874
its removal and storage. 16875

(E) If a vehicle is seized under division (B)(2) of this 16876
section, the time between the seizure of the vehicle and either 16877
its release to the arrested person pursuant to division (C) of 16878
this section or the issuance of an order of immobilization of the 16879
vehicle under section 4503.233 of the Revised Code shall be 16880
credited against the period of immobilization ordered by the 16881
court. 16882

(F)(1) Except as provided in division (D)(4) of this section, 16883
the arrested person may be charged expenses or charges incurred in 16884
the removal and storage of the immobilized vehicle. The court with 16885
jurisdiction over the case, after notice to all interested 16886
parties, including lienholders, and after an opportunity for them 16887
to be heard, if the court finds that the arrested person does not 16888
intend to seek release of the vehicle at the end of the period of 16889
immobilization under section 4503.233 of the Revised Code or that 16890

the arrested person is not or will not be able to pay the expenses 16891
and charges incurred in its removal and storage, may order that 16892
title to the vehicle be transferred, in order of priority, first 16893
into the name of the person or entity that removed it, next into 16894
the name of a lienholder, or lastly into the name of the owner of 16895
the place of storage. 16896

Any lienholder that receives title under a court order shall 16897
do so on the condition that it pay any expenses or charges 16898
incurred in the vehicle's removal and storage. If the person or 16899
entity that receives title to the vehicle is the person or entity 16900
that removed it, the person or entity shall receive title on the 16901
condition that it pay any lien on the vehicle. The court shall not 16902
order that title be transferred to any person or entity other than 16903
the owner of the place of storage if the person or entity refuses 16904
to receive the title. Any person or entity that receives title 16905
either may keep title to the vehicle or may dispose of the vehicle 16906
in any legal manner that it considers appropriate, including 16907
assignment of the certificate of title to the motor vehicle to a 16908
salvage dealer or a scrap metal processing facility. The person or 16909
entity shall not transfer the vehicle to the person who is the 16910
vehicle's immediate previous owner. 16911

If the person or entity that receives title assigns the motor 16912
vehicle to a salvage dealer or scrap metal processing facility, 16913
the person or entity shall send the assigned certificate of title 16914
to the motor vehicle to the clerk of the court of common pleas of 16915
the county in which the salvage dealer or scrap metal processing 16916
facility is located. The person or entity shall mark the face of 16917
the certificate of title with the words "FOR DESTRUCTION" and 16918
shall deliver a photocopy of the certificate of title to the 16919
salvage dealer or scrap metal processing facility for its records. 16920

(2) Whenever a court issues an order under division (F)(1) of 16921
this section, the court also shall order removal of the license 16922

plates from the vehicle and cause them to be sent to the registrar 16923
if they have not already been sent to the registrar. Thereafter, 16924
no further proceedings shall take place under this section or 16925
under section 4503.233 of the Revised Code. 16926

(3) Prior to initiating a proceeding under division (F)(1) of 16927
this section, and upon payment of the fee under division (B) of 16928
section 4505.14, any interested party may cause a search to be 16929
made of the public records of the bureau of motor vehicles or the 16930
clerk of the court of common pleas, to ascertain the identity of 16931
any lienholder of the vehicle. The initiating party shall furnish 16932
this information to the clerk of the court with jurisdiction over 16933
the case, and the clerk shall provide notice to the arrested 16934
person, any lienholder, and any other interested parties listed by 16935
the initiating party, at the last known address supplied by the 16936
initiating party, by certified mail, or, at the option of the 16937
initiating party, by personal service or ordinary mail. 16938

Sec. 4510.43. (A)(1) The director of public safety, upon 16939
consultation with the director of health and in accordance with 16940
Chapter 119. of the Revised Code, shall certify immobilizing and 16941
disabling devices and shall publish and make available to the 16942
courts, without charge, a list of approved devices together with 16943
information about the manufacturers of the devices and where they 16944
may be obtained. The manufacturer of an immobilizing or disabling 16945
device shall pay the cost of obtaining the certification of the 16946
device to the director of public safety, and the director shall 16947
deposit the payment in the drivers' treatment and intervention 16948
fund established by sections 4511.19 and 4511.191 of the Revised 16949
Code. 16950

(2) The director of public safety, in accordance with Chapter 16951
119. of the Revised Code, shall adopt and publish rules setting 16952
forth the requirements for obtaining the certification of an 16953

immobilizing or disabling device. The director of public safety 16954
shall not certify an immobilizing or disabling device under this 16955
section unless it meets the requirements specified and published 16956
by the director in the rules adopted pursuant to this division. A 16957
certified device may consist of an ignition interlock device, an 16958
ignition blocking device initiated by time or magnetic or 16959
electronic encoding, an activity monitor, or any other device that 16960
reasonably assures compliance with an order granting limited 16961
driving privileges. 16962

The requirements for an immobilizing or disabling device that 16963
is an ignition interlock device shall include provisions for 16964
setting a minimum and maximum calibration range and shall include, 16965
but shall not be limited to, specifications that the device 16966
complies with all of the following: 16967

(a) It does not impede the safe operation of the vehicle. 16968

(b) It has features that make circumvention difficult and 16969
that do not interfere with the normal use of the vehicle. 16970

(c) It correlates well with established measures of alcohol 16971
impairment. 16972

(d) It works accurately and reliably in an unsupervised 16973
environment. 16974

(e) It is resistant to tampering and shows evidence of 16975
tampering if tampering is attempted. 16976

(f) It is difficult to circumvent and requires premeditation 16977
to do so. 16978

(g) It minimizes inconvenience to a sober user. 16979

(h) It requires a proper, deep-lung breath sample or other 16980
accurate measure of the concentration by weight of alcohol in the 16981
breath. 16982

(i) It operates reliably over the range of automobile 16983

environments. 16984

(j) It is made by a manufacturer who is covered by product liability insurance. 16985
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(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices. 16987
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(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability. 16992
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(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, a violation of a municipal OVI ordinance or township OVI resolution, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding the effectiveness of the prototype device and the program. 16999
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(C) If a person has been granted limited driving privileges with a condition of the privileges being that the motor vehicle 17013
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that is operated under the privileges must be equipped with an 17015
immobilizing or disabling device, the person may operate a motor 17016
vehicle that is owned by the person's employer only if the person 17017
is required to operate that motor vehicle in the course and scope 17018
of the offender's employment. Such a person may operate that 17019
vehicle without the installation of an immobilizing or disabling 17020
device, provided that the employer has been notified that the 17021
person has limited driving privileges and of the nature of the 17022
restriction and further provided that the person has proof of the 17023
employer's notification in the person's possession while operating 17024
the employer's vehicle for normal business duties. A motor vehicle 17025
owned by a business that is partly or entirely owned or controlled 17026
by a person with limited driving privileges is not a motor vehicle 17027
owned by an employer, for purposes of this division. 17028

Sec. 4510.53. (A) Upon receipt of any driver's or commercial 17029
driver's license or permit that has been suspended under section 17030
4511.19 or 4511.191 of the Revised Code, the registrar of motor 17031
vehicles, notwithstanding any other provision of law that purports 17032
to require the registrar to retain the license or permit, may 17033
destroy the license or permit. 17034

(B)(1) Subject to division (B)(2) of this section, if a 17035
driver's or commercial driver's license or permit that has been 17036
suspended under section 4511.19 or 4511.191 of the Revised Code is 17037
delivered to the registrar and if the registrar destroys the 17038
license or permit under authority of division (A) of this section, 17039
the registrar shall reissue or authorize the reissuance of a 17040
driver's or commercial driver's license to the person, free of 17041
payment of any type of fee or charge, if either of the following 17042
applies: 17043

(a) The person appeals the suspension of the license or 17044
permit at or within thirty days of the person's initial 17045

appearance, pursuant to section 4511.197 of the Revised Code, the 17046
judge of the court ~~of record~~ or the ~~mayor~~ magistrate of the 17047
~~mayor's~~ community court who conducts the initial appearance 17048
terminates the suspension, and the judge or ~~mayor~~ magistrate does 17049
not suspend the license or permit under section 4511.196 of the 17050
Revised Code; 17051

(b) The person appeals the suspension of the license or 17052
permit at or within thirty days of the person's initial 17053
appearance, pursuant to section 4511.197 of the Revised Code, the 17054
judge of the court of record or the ~~mayor~~ magistrate of the 17055
~~mayor's~~ community court who conducts the initial appearance does 17056
not terminate the suspension, the person appeals the judge's or 17057
mayor's decision not to terminate the suspension that is made at 17058
the initial appearance, and upon appeal of the decision, the 17059
suspension is terminated. 17060

(2) Division (B)(1) of this section applies only if the 17061
driver's or commercial driver's license that was destroyed would 17062
have been valid at the time in question, if it had not been 17063
destroyed as permitted by division (A) of this section. 17064

(C) A driver's or commercial driver's license or permit 17065
issued to a person pursuant to division (B)(1) of this section 17066
shall bear the same expiration date as the expiration date that 17067
appeared on the license it replaces. 17068

Sec. 4510.54. (A) Except as provided in division (F) of this 17069
section, a person whose driver's or commercial driver's license 17070
has been suspended for life under a class one suspension or as 17071
otherwise provided by law or has been suspended for a period in 17072
excess of fifteen years under a class two suspension may file a 17073
motion with the sentencing court for modification or termination 17074
of the suspension. The person filing the motion shall demonstrate 17075
all of the following: 17076

- (1) At least fifteen years have elapsed since the suspension began. 17077
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- (2) For the past fifteen years, the person has not been found guilty of any felony, any offense involving a moving violation under federal law, the law of this state, or the law of any of its political subdivisions, or any violation of a suspension under this chapter or a substantially equivalent municipal ordinance or township resolution. 17079
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- (3) The person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standard set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar of motor vehicles, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in that section. 17085
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- (4) If the suspension was imposed because the person was under the influence of alcohol, a drug of abuse, or combination of them at the time of the offense or because at the time of the offense the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the person also shall demonstrate all of the following: 17091
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- (a) The person successfully completed an alcohol, drug, or alcohol and drug treatment program. 17101
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- (b) The person has not abused alcohol or other drugs for a period satisfactory to the court. 17103
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- (c) For the past fifteen years, the person has not been found guilty of any alcohol-related or drug-related offense. 17105
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- (B) Upon receipt of a motion for modification or termination 17107

of the suspension under this section, the court may schedule a 17108
hearing on the motion. The court may deny the motion without a 17109
hearing but shall not grant the motion without a hearing. If the 17110
court denies a motion without a hearing, the court may consider a 17111
subsequent motion filed under this section by that person. If a 17112
court denies the motion after a hearing, the court shall not 17113
consider a subsequent motion for that person. The court shall hear 17114
only one motion filed by a person under this section. If 17115
scheduled, the hearing shall be conducted in open court within 17116
ninety days after the date on which the motion is filed. 17117

(C) The court shall notify the person whose license was 17118
suspended and the prosecuting attorney of the date, time, and 17119
location of the hearing. Upon receipt of the notice from the 17120
court, the prosecuting attorney shall notify the victim or the 17121
victim's representative of the date, time, and location of the 17122
hearing. 17123

(D) At any hearing under this section, the person who seeks 17124
modification or termination of the suspension has the burden to 17125
demonstrate, under oath, that the person meets the requirements of 17126
division (A) of this section. At the hearing, the court shall 17127
afford the offender or the offender's counsel an opportunity to 17128
present oral or written information relevant to the motion. The 17129
court shall afford a similar opportunity to provide relevant 17130
information to the prosecuting attorney and the victim or victim's 17131
representative. 17132

Before ruling on the motion, the court shall take into 17133
account the person's driving record, the nature of the offense 17134
that led to the suspension, and the impact of the offense on any 17135
victim. In addition, if the offender is eligible for modification 17136
or termination of the suspension under division (A)(2) of this 17137
section, the court shall consider whether the person committed any 17138
other offense while under suspension and determine whether the 17139

offense is relevant to a determination under this section. The 17140
court may modify or terminate the suspension subject to any 17141
considerations it considers proper if it finds that allowing the 17142
person to drive is not likely to present a danger to the public. 17143
After the court makes a ruling on a motion filed under this 17144
section, the prosecuting attorney shall notify the victim or the 17145
victim's representative of the court's ruling. 17146

(E) If a court modifies a person's license suspension under 17147
this section and the person subsequently is found guilty of any 17148
moving violation or of any substantially equivalent municipal 17149
ordinance or township resolution that carries as a possible 17150
penalty the suspension of a person's driver's or commercial 17151
driver's license, the court may reimpose the class one or other 17152
lifetime suspension, or the class two suspension, whichever is 17153
applicable. 17154

(F) This section does not apply to any person whose driver's 17155
or commercial driver's license or permit or nonresident operating 17156
privilege has been suspended for life under a class one suspension 17157
imposed under division (B)(3) of section 2903.06 or section 17158
2903.08 of the Revised Code or a class two suspension imposed 17159
under division (C) of section 2903.06 or section 2903.11, 2923.02, 17160
or 2929.02 of the Revised Code. 17161

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 17162
the Revised Code: 17163

(A) "Vehicle" means every device, including a motorized 17164
bicycle, in, upon, or by which any person or property may be 17165
transported or drawn upon a highway, except that "vehicle" does 17166
not include any motorized wheelchair, any electric personal 17167
assistive mobility device, any device that is moved by power 17168
collected from overhead electric trolley wires or that is used 17169
exclusively upon stationary rails or tracks, or any device, other 17170

than a bicycle, that is moved by human power. 17171

(B) "Motor vehicle" means every vehicle propelled or drawn by 17172
power other than muscular power or power collected from overhead 17173
electric trolley wires, except motorized bicycles, road rollers, 17174
traction engines, power shovels, power cranes, and other equipment 17175
used in construction work and not designed for or employed in 17176
general highway transportation, hole-digging machinery, 17177
well-drilling machinery, ditch-digging machinery, farm machinery, 17178
and trailers designed and used exclusively to transport a boat 17179
between a place of storage and a marina, or in and around a 17180
marina, when drawn or towed on a street or highway for a distance 17181
of no more than ten miles and at a speed of twenty-five miles per 17182
hour or less. 17183

(C) "Motorcycle" means every motor vehicle, other than a 17184
tractor, having a saddle for the use of the operator and designed 17185
to travel on not more than three wheels in contact with the 17186
ground, including, but not limited to, motor vehicles known as 17187
"motor-driven cycle," "motor scooter," or "motorcycle" without 17188
regard to weight or brake horsepower. 17189

(D) "Emergency vehicle" means emergency vehicles of 17190
municipal, township, or county departments or public utility 17191
corporations when identified as such as required by law, the 17192
director of public safety, or local authorities, and motor 17193
vehicles when commandeered by a police officer. 17194

(E) "Public safety vehicle" means any of the following: 17195

(1) Ambulances, including private ambulance companies under 17196
contract to a municipal corporation, township, or county, and 17197
private ambulances and nontransport vehicles bearing license 17198
plates issued under section 4503.49 of the Revised Code; 17199

(2) Motor vehicles used by public law enforcement officers or 17200
other persons sworn to enforce the criminal and traffic laws of 17201

the state; 17202

(3) Any motor vehicle when properly identified as required by 17203
the director of public safety, when used in response to fire 17204
emergency calls or to provide emergency medical service to ill or 17205
injured persons, and when operated by a duly qualified person who 17206
is a member of a volunteer rescue service or a volunteer fire 17207
department, and who is on duty pursuant to the rules or directives 17208
of that service. The state fire marshal shall be designated by the 17209
director of public safety as the certifying agency for all public 17210
safety vehicles described in division (E)(3) of this section. 17211

(4) Vehicles used by fire departments, including motor 17212
vehicles when used by volunteer fire fighters responding to 17213
emergency calls in the fire department service when identified as 17214
required by the director of public safety. 17215

Any vehicle used to transport or provide emergency medical 17216
service to an ill or injured person, when certified as a public 17217
safety vehicle, shall be considered a public safety vehicle when 17218
transporting an ill or injured person to a hospital regardless of 17219
whether such vehicle has already passed a hospital. 17220

(5) Vehicles used by the motor carrier enforcement unit for 17221
the enforcement of orders and rules of the public utilities 17222
commission as specified in section 5503.34 of the Revised Code. 17223

(F) "School bus" means every bus designed for carrying more 17224
than nine passengers that is owned by a public, private, or 17225
governmental agency or institution of learning and operated for 17226
the transportation of children to or from a school session or a 17227
school function, or owned by a private person and operated for 17228
compensation for the transportation of children to or from a 17229
school session or a school function, provided "school bus" does 17230
not include a bus operated by a municipally owned transportation 17231
system, a mass transit company operating exclusively within the 17232

territorial limits of a municipal corporation, or within such 17233
limits and the territorial limits of municipal corporations 17234
immediately contiguous to such municipal corporation, nor a common 17235
passenger carrier certified by the public utilities commission 17236
unless such bus is devoted exclusively to the transportation of 17237
children to and from a school session or a school function, and 17238
"school bus" does not include a van or bus used by a licensed 17239
child day-care center or type A family day-care home to transport 17240
children from the child day-care center or type A family day-care 17241
home to a school if the van or bus does not have more than fifteen 17242
children in the van or bus at any time. 17243

(G) "Bicycle" means every device, other than a tricycle 17244
designed solely for use as a play vehicle by a child, propelled 17245
solely by human power upon which any person may ride having either 17246
two tandem wheels, or one wheel in the front and two wheels in the 17247
rear, any of which is more than fourteen inches in diameter. 17248

(H) "Motorized bicycle" means any vehicle having either two 17249
tandem wheels or one wheel in the front and two wheels in the 17250
rear, that is capable of being pedaled and is equipped with a 17251
helper motor of not more than fifty cubic centimeters piston 17252
displacement that produces no more than one brake horsepower and 17253
is capable of propelling the vehicle at a speed of no greater than 17254
twenty miles per hour on a level surface. 17255

(I) "Commercial tractor" means every motor vehicle having 17256
motive power designed or used for drawing other vehicles and not 17257
so constructed as to carry any load thereon, or designed or used 17258
for drawing other vehicles while carrying a portion of such other 17259
vehicles, or load thereon, or both. 17260

(J) "Agricultural tractor" means every self-propelling 17261
vehicle designed or used for drawing other vehicles or wheeled 17262
machinery but having no provision for carrying loads independently 17263
of such other vehicles, and used principally for agricultural 17264

purposes. 17265

(K) "Truck" means every motor vehicle, except trailers and 17266
semitrailers, designed and used to carry property. 17267

(L) "Bus" means every motor vehicle designed for carrying 17268
more than nine passengers and used for the transportation of 17269
persons other than in a ridesharing arrangement, and every motor 17270
vehicle, automobile for hire, or funeral car, other than a taxicab 17271
or motor vehicle used in a ridesharing arrangement, designed and 17272
used for the transportation of persons for compensation. 17273

(M) "Trailer" means every vehicle designed or used for 17274
carrying persons or property wholly on its own structure and for 17275
being drawn by a motor vehicle, including any such vehicle when 17276
formed by or operated as a combination of a "semitrailer" and a 17277
vehicle of the dolly type, such as that commonly known as a 17278
"trailer dolly," a vehicle used to transport agricultural produce 17279
or agricultural production materials between a local place of 17280
storage or supply and the farm when drawn or towed on a street or 17281
highway at a speed greater than twenty-five miles per hour, and a 17282
vehicle designed and used exclusively to transport a boat between 17283
a place of storage and a marina, or in and around a marina, when 17284
drawn or towed on a street or highway for a distance of more than 17285
ten miles or at a speed of more than twenty-five miles per hour. 17286

(N) "Semitrailer" means every vehicle designed or used for 17287
carrying persons or property with another and separate motor 17288
vehicle so that in operation a part of its own weight or that of 17289
its load, or both, rests upon and is carried by another vehicle. 17290

(O) "Pole trailer" means every trailer or semitrailer 17291
attached to the towing vehicle by means of a reach, pole, or by 17292
being boomed or otherwise secured to the towing vehicle, and 17293
ordinarily used for transporting long or irregular shaped loads 17294
such as poles, pipes, or structural members capable, generally, of 17295

sustaining themselves as beams between the supporting connections.	17296
(P) "Railroad" means a carrier of persons or property	17297
operating upon rails placed principally on a private right-of-way.	17298
(Q) "Railroad train" means a steam engine or an electric or	17299
other motor, with or without cars coupled thereto, operated by a	17300
railroad.	17301
(R) "Streetcar" means a car, other than a railroad train, for	17302
transporting persons or property, operated upon rails principally	17303
within a street or highway.	17304
(S) "Trackless trolley" means every car that collects its	17305
power from overhead electric trolley wires and that is not	17306
operated upon rails or tracks.	17307
(T) "Explosives" means any chemical compound or mechanical	17308
mixture that is intended for the purpose of producing an explosion	17309
that contains any oxidizing and combustible units or other	17310
ingredients in such proportions, quantities, or packing that an	17311
ignition by fire, by friction, by concussion, by percussion, or by	17312
a detonator of any part of the compound or mixture may cause such	17313
a sudden generation of highly heated gases that the resultant	17314
gaseous pressures are capable of producing destructive effects on	17315
contiguous objects, or of destroying life or limb. Manufactured	17316
articles shall not be held to be explosives when the individual	17317
units contain explosives in such limited quantities, of such	17318
nature, or in such packing, that it is impossible to procure a	17319
simultaneous or a destructive explosion of such units, to the	17320
injury of life, limb, or property by fire, by friction, by	17321
concussion, by percussion, or by a detonator, such as fixed	17322
ammunition for small arms, firecrackers, or safety fuse matches.	17323
(U) "Flammable liquid" means any liquid that has a flash	17324
point of seventy degrees fahrenheit, or less, as determined by a	17325
tagliabue or equivalent closed cup test device.	17326

(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	17327 17328
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	17329 17330
(X) "Pedestrian" means any natural person afoot.	17331
(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.	17332 17333 17334
(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.	17335 17336 17337
(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.	17338 17339 17340
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	17341 17342 17343
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	17344 17345 17346 17347 17348 17349
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	17350 17351 17352 17353
(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways	17354 17355 17356

the term "roadway" means any such roadway separately but not all such roadways collectively. 17357
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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. 17359
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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. 17362
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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code. 17365
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(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code. 17367
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(JJ) "State route" means every highway that is designated with an official state route number and so marked. 17374
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(KK) "Intersection" means: 17376

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. 17377
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(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two 17383
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roadways thirty feet or more apart, then every crossing of two 17387
roadways of such highways shall be regarded as a separate 17388
intersection. 17389

(3) The junction of an alley with a street or highway, or 17390
with another alley, shall not constitute an intersection. 17391

(LL) "Crosswalk" means: 17392

(1) That part of a roadway at intersections ordinarily 17393
included within the real or projected prolongation of property 17394
lines and curb lines or, in the absence of curbs, the edges of the 17395
traversable roadway; 17396

(2) Any portion of a roadway at an intersection or elsewhere, 17397
distinctly indicated for pedestrian crossing by lines or other 17398
markings on the surface; 17399

(3) Notwithstanding divisions (LL)(1) and (2) of this 17400
section, there shall not be a crosswalk where local authorities 17401
have placed signs indicating no crossing. 17402

(MM) "Safety zone" means the area or space officially set 17403
apart within a roadway for the exclusive use of pedestrians and 17404
protected or marked or indicated by adequate signs as to be 17405
plainly visible at all times. 17406

(NN) "Business district" means the territory fronting upon a 17407
street or highway, including the street or highway, between 17408
successive intersections within municipal corporations where fifty 17409
per cent or more of the frontage between such successive 17410
intersections is occupied by buildings in use for business, or 17411
within or outside municipal corporations where fifty per cent or 17412
more of the frontage for a distance of three hundred feet or more 17413
is occupied by buildings in use for business, and the character of 17414
such territory is indicated by official traffic control devices. 17415

(OO) "Residence district" means the territory, not comprising 17416

a business district, fronting on a street or highway, including 17417
the street or highway, where, for a distance of three hundred feet 17418
or more, the frontage is improved with residences or residences 17419
and buildings in use for business. 17420

(PP) "Urban district" means the territory contiguous to and 17421
including any street or highway which is built up with structures 17422
devoted to business, industry, or dwelling houses situated at 17423
intervals of less than one hundred feet for a distance of a 17424
quarter of a mile or more, and the character of such territory is 17425
indicated by official traffic control devices. 17426

(QQ) "Traffic control devices" means all flaggers, signs, 17427
signals, markings, and devices placed or erected by authority of a 17428
public body or official having jurisdiction, for the purpose of 17429
regulating, warning, or guiding traffic, including signs denoting 17430
names of streets and highways. 17431

(RR) "Traffic control signal" means any device, whether 17432
manually, electrically, or mechanically operated, by which traffic 17433
is alternately directed to stop, to proceed, to change direction, 17434
or not to change direction. 17435

(SS) "Railroad sign or signal" means any sign, signal, or 17436
device erected by authority of a public body or official or by a 17437
railroad and intended to give notice of the presence of railroad 17438
tracks or the approach of a railroad train. 17439

(TT) "Traffic" means pedestrians, ridden or herded animals, 17440
vehicles, streetcars, trackless trolleys, and other devices, 17441
either singly or together, while using any highway for purposes of 17442
travel. 17443

(UU) "Right-of-way" means either of the following, as the 17444
context requires: 17445

(1) The right of a vehicle, streetcar, trackless trolley, or 17446
pedestrian to proceed uninterruptedly in a lawful manner in the 17447

direction in which it or the individual is moving in preference to 17448
another vehicle, streetcar, trackless trolley, or pedestrian 17449
approaching from a different direction into its or the 17450
individual's path; 17451

(2) A general term denoting land, property, or the interest 17452
therein, usually in the configuration of a strip, acquired for or 17453
devoted to transportation purposes. When used in this context, 17454
right-of-way includes the roadway, shoulders or berm, ditch, and 17455
slopes extending to the right-of-way limits under the control of 17456
the state or local authority. 17457

(VV) "Rural mail delivery vehicle" means every vehicle used 17458
to deliver United States mail on a rural mail delivery route. 17459

(WW) "Funeral escort vehicle" means any motor vehicle, 17460
including a funeral hearse, while used to facilitate the movement 17461
of a funeral procession. 17462

(XX) "Alley" means a street or highway intended to provide 17463
access to the rear or side of lots or buildings in urban districts 17464
and not intended for the purpose of through vehicular traffic, and 17465
includes any street or highway that has been declared an "alley" 17466
by the legislative authority of the municipal corporation in which 17467
such street or highway is located. 17468

(YY) "Freeway" means a divided multi-lane highway for through 17469
traffic with all crossroads separated in grade and with full 17470
control of access. 17471

(ZZ) "Expressway" means a divided arterial highway for 17472
through traffic with full or partial control of access with an 17473
excess of fifty per cent of all crossroads separated in grade. 17474

(AAA) "Thruway" means a through highway whose entire roadway 17475
is reserved for through traffic and on which roadway parking is 17476
prohibited. 17477

(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected. 17478
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(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. 17480
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(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools. 17485
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(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. 17489
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(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 17492
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(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes. 17495
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(HHH) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley. 17501
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(III) "Predicate motor vehicle or traffic offense" means any of the following: 17503
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(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 17505
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4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 17508
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 17509
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 17510
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 17511
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 17512
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 17513
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 17514
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 17515

(2) A violation of division (A)(2) of section 4511.17, 17516
divisions (A) to (D) of section 4511.51, or division (A) of 17517
section 4511.74 of the Revised Code; 17518

(3) A violation of any provision of sections 4511.01 to 17519
4511.76 of the Revised Code for which no penalty otherwise is 17520
provided in the section that contains the provision violated; 17521

(4) A violation of a municipal ordinance or township 17522
resolution that is substantially similar to any section or 17523
provision set forth or described in division (III)(1), (2), or (3) 17524
of this section. 17525

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 17526
the Revised Code: 17527

(A) "Equivalent offense" means any of the following: 17528

(1) A violation of division (A) or (B) of section 4511.19 of 17529
the Revised Code; 17530

(2) A violation of a municipal OVI ordinance or township OVI 17531
resolution; 17532

(3) A violation of section 2903.04 of the Revised Code in a 17533
case in which the offender was subject to the sanctions described 17534
in division (D) of that section; 17535

(4) A violation of division (A)(1) of section 2903.06 or 17536
2903.08 of the Revised Code or a municipal ordinance or township 17537

resolution that is substantially equivalent to either of those 17538
divisions; 17539

(5) A violation of division (A)(2), (3), or (4) of section 17540
2903.06, division (A)(2) of section 2903.08, or former section 17541
2903.07 of the Revised Code, or a municipal ordinance or township 17542
resolution that is substantially equivalent to any of those 17543
divisions or that former section, in a case in which a judge or 17544
jury as the trier of fact found that the offender was under the 17545
influence of alcohol, a drug of abuse, or a combination of them; 17546

(6) A violation of an existing or former municipal ordinance 17547
or township resolution, law of another state, or law of the United 17548
States that is substantially equivalent to division (A) or (B) of 17549
section 4511.19 of the Revised Code; 17550

(7) A violation of a former law of this state that was 17551
substantially equivalent to division (A) or (B) of section 4511.19 17552
of the Revised Code. 17553

(B) "Mandatory jail term" means the mandatory term in jail of 17554
three, six, ten, twenty, thirty, or sixty days that must be 17555
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 17556
of the Revised Code upon an offender convicted of a violation of 17557
division (A) of that section and in relation to which all of the 17558
following apply: 17559

(1) Except as specifically authorized under section 4511.19 17560
of the Revised Code, the term must be served in a jail. 17561

(2) Except as specifically authorized under section 4511.19 17562
of the Revised Code, the term cannot be suspended, reduced, or 17563
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 17564
other provision of the Revised Code. 17565

(C) "Municipal OVI ordinance" and "municipal OVI offense" 17566
mean any municipal ordinance prohibiting a person from operating a 17567
vehicle while under the influence of alcohol, a drug of abuse, or 17568

a combination of them or prohibiting a person from operating a 17569
vehicle with a prohibited concentration of alcohol, a controlled 17570
substance, or a metabolite of a controlled substance in the whole 17571
blood, blood serum or plasma, breath, or urine. 17572

(D) "Township OVI resolution" and "township OVI offense" mean 17573
any township resolution prohibiting a person from operating a 17574
vehicle while under the influence of alcohol, a drug of abuse, or 17575
a combination of them or prohibiting a person from operating a 17576
vehicle with a prohibited concentration of alcohol, a controlled 17577
substance, or a metabolite of a controlled substance in the whole 17578
blood, blood serum or plasma, breath, or urine. 17579

(E) "Community residential sanction," "jail," "mandatory 17580
prison term," "mandatory term of local incarceration," "sanction," 17581
and "prison term" have the same meanings as in section 2929.01 of 17582
the Revised Code. 17583

~~(E)~~(F) "Drug of abuse" has the same meaning as in section 17584
4506.01 of the Revised Code. 17585

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 17586
streetcar, or trackless trolley within this state, if, at the time 17587
of the operation, any of the following apply: 17588

(a) The person is under the influence of alcohol, a drug of 17589
abuse, or a combination of them. 17590

(b) The person has a concentration of eight-hundredths of one 17591
per cent or more but less than seventeen-hundredths of one per 17592
cent by weight per unit volume of alcohol in the person's whole 17593
blood. 17594

(c) The person has a concentration of ninety-six-thousandths 17595
of one per cent or more but less than two hundred four-thousandths 17596
of one per cent by weight per unit volume of alcohol in the 17597
person's blood serum or plasma. 17598

(d) The person has a concentration of eight-hundredths of one 17599
gram or more but less than seventeen-hundredths of one gram by 17600
weight of alcohol per two hundred ten liters of the person's 17601
breath. 17602

(e) The person has a concentration of eleven-hundredths of 17603
one gram or more but less than two hundred 17604
thirty-eight-thousandths of one gram by weight of alcohol per one 17605
hundred milliliters of the person's urine. 17606

(f) The person has a concentration of seventeen-hundredths of 17607
one per cent or more by weight per unit volume of alcohol in the 17608
person's whole blood. 17609

(g) The person has a concentration of two hundred 17610
four-thousandths of one per cent or more by weight per unit volume 17611
of alcohol in the person's blood serum or plasma. 17612

(h) The person has a concentration of seventeen-hundredths of 17613
one gram or more by weight of alcohol per two hundred ten liters 17614
of the person's breath. 17615

(i) The person has a concentration of two hundred 17616
thirty-eight-thousandths of one gram or more by weight of alcohol 17617
per one hundred milliliters of the person's urine. 17618

(j) Except as provided in division (K) of this section, the 17619
person has a concentration of any of the following controlled 17620
substances or metabolites of a controlled substance in the 17621
person's whole blood, blood serum or plasma, or urine that equals 17622
or exceeds any of the following: 17623

(i) The person has a concentration of amphetamine in the 17624
person's urine of at least five hundred nanograms of amphetamine 17625
per milliliter of the person's urine or has a concentration of 17626
amphetamine in the person's whole blood or blood serum or plasma 17627
of at least one hundred nanograms of amphetamine per milliliter of 17628
the person's whole blood or blood serum or plasma. 17629

(ii) The person has a concentration of cocaine in the 17630
person's urine of at least one hundred fifty nanograms of cocaine 17631
per milliliter of the person's urine or has a concentration of 17632
cocaine in the person's whole blood or blood serum or plasma of at 17633
least fifty nanograms of cocaine per milliliter of the person's 17634
whole blood or blood serum or plasma. 17635

(iii) The person has a concentration of cocaine metabolite in 17636
the person's urine of at least one hundred fifty nanograms of 17637
cocaine metabolite per milliliter of the person's urine or has a 17638
concentration of cocaine metabolite in the person's whole blood or 17639
blood serum or plasma of at least fifty nanograms of cocaine 17640
metabolite per milliliter of the person's whole blood or blood 17641
serum or plasma. 17642

(iv) The person has a concentration of heroin in the person's 17643
urine of at least two thousand nanograms of heroin per milliliter 17644
of the person's urine or has a concentration of heroin in the 17645
person's whole blood or blood serum or plasma of at least fifty 17646
nanograms of heroin per milliliter of the person's whole blood or 17647
blood serum or plasma. 17648

(v) The person has a concentration of heroin metabolite 17649
(6-monoacetyl morphine) in the person's urine of at least ten 17650
nanograms of heroin metabolite (6-monoacetyl morphine) per 17651
milliliter of the person's urine or has a concentration of heroin 17652
metabolite (6-monoacetyl morphine) in the person's whole blood or 17653
blood serum or plasma of at least ten nanograms of heroin 17654
metabolite (6-monoacetyl morphine) per milliliter of the person's 17655
whole blood or blood serum or plasma. 17656

(vi) The person has a concentration of L.S.D. in the person's 17657
urine of at least twenty-five nanograms of L.S.D. per milliliter 17658
of the person's urine or a concentration of L.S.D. in the person's 17659
whole blood or blood serum or plasma of at least ten nanograms of 17660
L.S.D. per milliliter of the person's whole blood or blood serum 17661

or plasma. 17662

(vii) The person has a concentration of marihuana in the 17663
person's urine of at least ten nanograms of marihuana per 17664
milliliter of the person's urine or has a concentration of 17665
marihuana in the person's whole blood or blood serum or plasma of 17666
at least two nanograms of marihuana per milliliter of the person's 17667
whole blood or blood serum or plasma. 17668

(viii) Either of the following applies: 17669

(I) The person is under the influence of alcohol, a drug of 17670
abuse, or a combination of them, and, as measured by gas 17671
chromatography mass spectrometry, the person has a concentration 17672
of marihuana metabolite in the person's urine of at least fifteen 17673
nanograms of marihuana metabolite per milliliter of the person's 17674
urine or has a concentration of marihuana metabolite in the 17675
person's whole blood or blood serum or plasma of at least five 17676
nanograms of marihuana metabolite per milliliter of the person's 17677
whole blood or blood serum or plasma. 17678

(II) As measured by gas chromatography mass spectrometry, the 17679
person has a concentration of marihuana metabolite in the person's 17680
urine of at least thirty-five nanograms of marihuana metabolite 17681
per milliliter of the person's urine or has a concentration of 17682
marihuana metabolite in the person's whole blood or blood serum or 17683
plasma of at least fifty nanograms of marihuana metabolite per 17684
milliliter of the person's whole blood or blood serum or plasma. 17685

(ix) The person has a concentration of methamphetamine in the 17686
person's urine of at least five hundred nanograms of 17687
methamphetamine per milliliter of the person's urine or has a 17688
concentration of methamphetamine in the person's whole blood or 17689
blood serum or plasma of at least one hundred nanograms of 17690
methamphetamine per milliliter of the person's whole blood or 17691
blood serum or plasma. 17692

(x) The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(2) No person who, within twenty years of the conduct described in division (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of this division, division (A)(1) or (B) of this section, or a municipal OVI offense shall do both of the following:

(a) Operate any vehicle, streetcar, or trackless trolley within this state while under the influence of alcohol, a drug of abuse, or a combination of them;

(b) Subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in division (A)(2)(a) of this section, being asked by a law enforcement officer to submit to a chemical test or tests under section 4511.191 of the Revised Code, and being advised by the officer in accordance with section 4511.192 of the Revised Code of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(B) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume

of alcohol in the person's blood serum or plasma. 17724

(3) The person has a concentration of at least two-hundredths 17725
of one gram but less than eight-hundredths of one gram by weight 17726
of alcohol per two hundred ten liters of the person's breath. 17727

(4) The person has a concentration of at least twenty-eight 17728
one-thousandths of one gram but less than eleven-hundredths of one 17729
gram by weight of alcohol per one hundred milliliters of the 17730
person's urine. 17731

(C) In any proceeding arising out of one incident, a person 17732
may be charged with a violation of division (A)(1)(a) or (A)(2) 17733
and a violation of division (B)(1), (2), or (3) of this section, 17734
but the person may not be convicted of more than one violation of 17735
these divisions. 17736

(D)(1)(a) In any criminal prosecution or juvenile court 17737
proceeding for a violation of division (A)(1)(a) of this section 17738
or for an equivalent offense, the result of any test of any blood 17739
or urine withdrawn and analyzed at any health care provider, as 17740
defined in section 2317.02 of the Revised Code, may be admitted 17741
with expert testimony to be considered with any other relevant and 17742
competent evidence in determining the guilt or innocence of the 17743
defendant. 17744

(b) In any criminal prosecution or juvenile court proceeding 17745
for a violation of division (A) or (B) of this section or for an 17746
equivalent offense, the court may admit evidence on the 17747
concentration of alcohol, drugs of abuse, controlled substances, 17748
metabolites of a controlled substance, or a combination of them in 17749
the defendant's whole blood, blood serum or plasma, breath, urine, 17750
or other bodily substance at the time of the alleged violation as 17751
shown by chemical analysis of the substance withdrawn within three 17752
hours of the time of the alleged violation. The three-hour time 17753
limit specified in this division regarding the admission of 17754

evidence does not extend or affect the two-hour time limit 17755
specified in division (A) of section 4511.192 of the Revised Code 17756
as the maximum period of time during which a person may consent to 17757
a chemical test or tests as described in that section. The court 17758
may admit evidence on the concentration of alcohol, drugs of 17759
abuse, or a combination of them as described in this division when 17760
a person submits to a blood, breath, urine, or other bodily 17761
substance test at the request of a law enforcement officer under 17762
section 4511.191 of the Revised Code or a blood or urine sample is 17763
obtained pursuant to a search warrant. Only a physician, a 17764
registered nurse, or a qualified technician, chemist, or 17765
phlebotomist shall withdraw a blood sample for the purpose of 17766
determining the alcohol, drug, controlled substance, metabolite of 17767
a controlled substance, or combination content of the whole blood, 17768
blood serum, or blood plasma. This limitation does not apply to 17769
the taking of breath or urine specimens. A person authorized to 17770
withdraw blood under this division may refuse to withdraw blood 17771
under this division, if in that person's opinion, the physical 17772
welfare of the person would be endangered by the withdrawing of 17773
blood. 17774

The bodily substance withdrawn under division (D)(1)(b) of 17775
this section shall be analyzed in accordance with methods approved 17776
by the director of health by an individual possessing a valid 17777
permit issued by the director pursuant to section 3701.143 of the 17778
Revised Code. 17779

(2) In a criminal prosecution or juvenile court proceeding 17780
for a violation of division (A) of this section or for an 17781
equivalent offense, if there was at the time the bodily substance 17782
was withdrawn a concentration of less than the applicable 17783
concentration of alcohol specified in divisions (A)(1)(b), (c), 17784
(d), and (e) of this section or less than the applicable 17785
concentration of a listed controlled substance or a listed 17786

metabolite of a controlled substance specified for a violation of 17787
division (A)(1)(j) of this section, that fact may be considered 17788
with other competent evidence in determining the guilt or 17789
innocence of the defendant. This division does not limit or affect 17790
a criminal prosecution or juvenile court proceeding for a 17791
violation of division (B) of this section or for an equivalent 17792
offense that is substantially equivalent to that division. 17793

(3) Upon the request of the person who was tested, the 17794
results of the chemical test shall be made available to the person 17795
or the person's attorney, immediately upon the completion of the 17796
chemical test analysis. 17797

If the chemical test was obtained pursuant to division 17798
(D)(1)(b) of this section, the person tested may have a physician, 17799
a registered nurse, or a qualified technician, chemist, or 17800
phlebotomist of the person's own choosing administer a chemical 17801
test or tests, at the person's expense, in addition to any 17802
administered at the request of a law enforcement officer. The form 17803
to be read to the person to be tested, as required under section 17804
4511.192 of the Revised Code, shall state that the person may have 17805
an independent test performed at the person's expense. The failure 17806
or inability to obtain an additional chemical test by a person 17807
shall not preclude the admission of evidence relating to the 17808
chemical test or tests taken at the request of a law enforcement 17809
officer. 17810

(4)(a) As used in divisions (D)(4)(b) and (c) of this 17811
section, "national highway traffic safety administration" means 17812
the national highway traffic safety administration established as 17813
an administration of the United States department of 17814
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 17815

(b) In any criminal prosecution or juvenile court proceeding 17816
for a violation of division (A) or (B) of this section, of a 17817
municipal ordinance or township resolution relating to operating a 17818

vehicle while under the influence of alcohol, a drug of abuse, or 17819
alcohol and a drug of abuse, or of a municipal ordinance or 17820
township resolution relating to operating a vehicle with a 17821
prohibited concentration of alcohol, a controlled substance, or a 17822
metabolite of a controlled substance in the blood, breath, or 17823
urine, if a law enforcement officer has administered a field 17824
sobriety test to the operator of the vehicle involved in the 17825
violation and if it is shown by clear and convincing evidence that 17826
the officer administered the test in substantial compliance with 17827
the testing standards for any reliable, credible, and generally 17828
accepted field sobriety tests that were in effect at the time the 17829
tests were administered, including, but not limited to, any 17830
testing standards then in effect that were set by the national 17831
highway traffic safety administration, all of the following apply: 17832

(i) The officer may testify concerning the results of the 17833
field sobriety test so administered. 17834

(ii) The prosecution may introduce the results of the field 17835
sobriety test so administered as evidence in any proceedings in 17836
the criminal prosecution or juvenile court proceeding. 17837

(iii) If testimony is presented or evidence is introduced 17838
under division (D)(4)(b)(i) or (ii) of this section and if the 17839
testimony or evidence is admissible under the Rules of Evidence, 17840
the court shall admit the testimony or evidence and the trier of 17841
fact shall give it whatever weight the trier of fact considers to 17842
be appropriate. 17843

(c) Division (D)(4)(b) of this section does not limit or 17844
preclude a court, in its determination of whether the arrest of a 17845
person was supported by probable cause or its determination of any 17846
other matter in a criminal prosecution or juvenile court 17847
proceeding of a type described in that division, from considering 17848
evidence or testimony that is not otherwise disallowed by division 17849
(D)(4)(b) of this section. 17850

(E)(1) Subject to division (E)(3) of this section, in any 17851
criminal prosecution or juvenile court proceeding for a violation 17852
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 17853
or (B)(1), (2), (3), or (4) of this section or for an equivalent 17854
offense that is substantially equivalent to any of those 17855
divisions, a laboratory report from any laboratory personnel 17856
issued a permit by the department of health authorizing an 17857
analysis as described in this division that contains an analysis 17858
of the whole blood, blood serum or plasma, breath, urine, or other 17859
bodily substance tested and that contains all of the information 17860
specified in this division shall be admitted as prima-facie 17861
evidence of the information and statements that the report 17862
contains. The laboratory report shall contain all of the 17863
following: 17864

(a) The signature, under oath, of any person who performed 17865
the analysis; 17866

(b) Any findings as to the identity and quantity of alcohol, 17867
a drug of abuse, a controlled substance, a metabolite of a 17868
controlled substance, or a combination of them that was found; 17869

(c) A copy of a notarized statement by the laboratory 17870
director or a designee of the director that contains the name of 17871
each certified analyst or test performer involved with the report, 17872
the analyst's or test performer's employment relationship with the 17873
laboratory that issued the report, and a notation that performing 17874
an analysis of the type involved is part of the analyst's or test 17875
performer's regular duties; 17876

(d) An outline of the analyst's or test performer's 17877
education, training, and experience in performing the type of 17878
analysis involved and a certification that the laboratory 17879
satisfies appropriate quality control standards in general and, in 17880
this particular analysis, under rules of the department of health. 17881

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(G)(1) Whoever violates any provision of divisions (A)(1)(a) to (i) or (A)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (A)(1)(j) of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled

substance. The court shall sentence the offender for either 17914
offense under Chapter 2929. of the Revised Code, except as 17915
otherwise authorized or required by divisions (G)(1)(a) to (e) of 17916
this section: 17917

(a) Except as otherwise provided in division (G)(1)(b), (c), 17918
(d), or (e) of this section, the offender is guilty of a 17919
misdemeanor of the first degree, and the court shall sentence the 17920
offender to all of the following: 17921

(i) If the sentence is being imposed for a violation of 17922
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 17923
mandatory jail term of three consecutive days. As used in this 17924
division, three consecutive days means seventy-two consecutive 17925
hours. The court may sentence an offender to both an intervention 17926
program and a jail term. The court may impose a jail term in 17927
addition to the three-day mandatory jail term or intervention 17928
program. However, in no case shall the cumulative jail term 17929
imposed for the offense exceed six months. 17930

The court may suspend the execution of the three-day jail 17931
term under this division if the court, in lieu of that suspended 17932
term, places the offender under a community control sanction 17933
pursuant to section 2929.25 of the Revised Code and requires the 17934
offender to attend, for three consecutive days, a drivers' 17935
intervention program certified under section 3793.10 of the 17936
Revised Code. The court also may suspend the execution of any part 17937
of the three-day jail term under this division if it places the 17938
offender under a community control sanction pursuant to section 17939
2929.25 of the Revised Code for part of the three days, requires 17940
the offender to attend for the suspended part of the term a 17941
drivers' intervention program so certified, and sentences the 17942
offender to a jail term equal to the remainder of the three 17943
consecutive days that the offender does not spend attending the 17944
program. The court may require the offender, as a condition of 17945

community control and in addition to the required attendance at a 17946
drivers' intervention program, to attend and satisfactorily 17947
complete any treatment or education programs that comply with the 17948
minimum standards adopted pursuant to Chapter 3793. of the Revised 17949
Code by the director of alcohol and drug addiction services that 17950
the operators of the drivers' intervention program determine that 17951
the offender should attend and to report periodically to the court 17952
on the offender's progress in the programs. The court also may 17953
impose on the offender any other conditions of community control 17954
that it considers necessary. 17955

(ii) If the sentence is being imposed for a violation of 17956
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 17957
section, except as otherwise provided in this division, a 17958
mandatory jail term of at least three consecutive days and a 17959
requirement that the offender attend, for three consecutive days, 17960
a drivers' intervention program that is certified pursuant to 17961
section 3793.10 of the Revised Code. As used in this division, 17962
three consecutive days means seventy-two consecutive hours. If the 17963
court determines that the offender is not conducive to treatment 17964
in a drivers' intervention program, if the offender refuses to 17965
attend a drivers' intervention program, or if the jail at which 17966
the offender is to serve the jail term imposed can provide a 17967
driver's intervention program, the court shall sentence the 17968
offender to a mandatory jail term of at least six consecutive 17969
days. 17970

The court may require the offender, under a community control 17971
sanction imposed under section 2929.25 of the Revised Code, to 17972
attend and satisfactorily complete any treatment or education 17973
programs that comply with the minimum standards adopted pursuant 17974
to Chapter 3793. of the Revised Code by the director of alcohol 17975
and drug addiction services, in addition to the required 17976
attendance at drivers' intervention program, that the operators of 17977

the drivers' intervention program determine that the offender 17978
should attend and to report periodically to the court on the 17979
offender's progress in the programs. The court also may impose any 17980
other conditions of community control on the offender that it 17981
considers necessary. 17982

(iii) In all cases, a fine of not less than two hundred fifty 17983
and not more than one thousand dollars; 17984

(iv) In all cases, a class five license suspension of the 17985
offender's driver's or commercial driver's license or permit or 17986
nonresident operating privilege from the range specified in 17987
division (A)(5) of section 4510.02 of the Revised Code. The court 17988
may grant limited driving privileges relative to the suspension 17989
under sections 4510.021 and 4510.13 of the Revised Code. 17990

(b) Except as otherwise provided in division (G)(1)(e) of 17991
this section, an offender who, within six years of the offense, 17992
previously has been convicted of or pleaded guilty to one 17993
violation of division (A) or (B) of this section or one other 17994
equivalent offense is guilty of a misdemeanor of the first degree. 17995
The court shall sentence the offender to all of the following: 17996

(i) If the sentence is being imposed for a violation of 17997
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 17998
mandatory jail term of ten consecutive days. The court shall 17999
impose the ten-day mandatory jail term under this division unless, 18000
subject to division (G)(3) of this section, it instead imposes a 18001
sentence under that division consisting of both a jail term and a 18002
term of house arrest with electronic monitoring, with continuous 18003
alcohol monitoring, or with both electronic monitoring and 18004
continuous alcohol monitoring. The court may impose a jail term in 18005
addition to the ten-day mandatory jail term. The cumulative jail 18006
term imposed for the offense shall not exceed six months. 18007

In addition to the jail term or the term of house arrest with 18008

electronic monitoring or continuous alcohol monitoring or both 18009
types of monitoring and jail term, the court may require the 18010
offender to attend a drivers' intervention program that is 18011
certified pursuant to section 3793.10 of the Revised Code. If the 18012
operator of the program determines that the offender is alcohol 18013
dependent, the program shall notify the court, and, subject to 18014
division (I) of this section, the court shall order the offender 18015
to obtain treatment through an alcohol and drug addiction program 18016
authorized by section 3793.02 of the Revised Code. 18017

(ii) If the sentence is being imposed for a violation of 18018
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 18019
section, except as otherwise provided in this division, a 18020
mandatory jail term of twenty consecutive days. The court shall 18021
impose the twenty-day mandatory jail term under this division 18022
unless, subject to division (G)(3) of this section, it instead 18023
imposes a sentence under that division consisting of both a jail 18024
term and a term of house arrest with electronic monitoring, with 18025
continuous alcohol monitoring, or with both electronic monitoring 18026
and continuous alcohol monitoring. The court may impose a jail 18027
term in addition to the twenty-day mandatory jail term. The 18028
cumulative jail term imposed for the offense shall not exceed six 18029
months. 18030

In addition to the jail term or the term of house arrest with 18031
electronic monitoring or continuous alcohol monitoring or both 18032
types of monitoring and jail term, the court may require the 18033
offender to attend a driver's intervention program that is 18034
certified pursuant to section 3793.10 of the Revised Code. If the 18035
operator of the program determines that the offender is alcohol 18036
dependent, the program shall notify the court, and, subject to 18037
division (I) of this section, the court shall order the offender 18038
to obtain treatment through an alcohol and drug addiction program 18039
authorized by section 3793.02 of the Revised Code. 18040

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than three hundred fifty and not more than one thousand five hundred dollars;

(iv) In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to

2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than five hundred fifty and not more than two thousand five hundred dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under

this division. 18105

(vi) In all cases, participation in an alcohol and drug 18106
addiction program authorized by section 3793.02 of the Revised 18107
Code, subject to division (I) of this section. 18108

(d) Except as otherwise provided in division (G)(1)(e) of 18109
this section, an offender who, within six years of the offense, 18110
previously has been convicted of or pleaded guilty to three or 18111
four violations of division (A) or (B) of this section or other 18112
equivalent offenses or an offender who, within twenty years of the 18113
offense, previously has been convicted of or pleaded guilty to 18114
five or more violations of that nature is guilty of a felony of 18115
the fourth degree. The court shall sentence the offender to all of 18116
the following: 18117

(i) If the sentence is being imposed for a violation of 18118
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 18119
mandatory prison term of one, two, three, four, or five years as 18120
required by and in accordance with division (G)(2) of section 18121
2929.13 of the Revised Code if the offender also is convicted of 18122
or also pleads guilty to a specification of the type described in 18123
section 2941.1413 of the Revised Code or, in the discretion of the 18124
court, either a mandatory term of local incarceration of sixty 18125
consecutive days in accordance with division (G)(1) of section 18126
2929.13 of the Revised Code or a mandatory prison term of sixty 18127
consecutive days in accordance with division (G)(2) of that 18128
section if the offender is not convicted of and does not plead 18129
guilty to a specification of that type. If the court imposes a 18130
mandatory term of local incarceration, it may impose a jail term 18131
in addition to the sixty-day mandatory term, the cumulative total 18132
of the mandatory term and the jail term for the offense shall not 18133
exceed one year, and, except as provided in division (A)(1) of 18134
section 2929.13 of the Revised Code, no prison term is authorized 18135
for the offense. If the court imposes a mandatory prison term, 18136

notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of one hundred twenty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term

that shall be not less than six months and not more than thirty 18170
months and the prison terms shall be imposed as described in 18171
division (G)(2) of section 2929.13 of the Revised Code. If the 18172
court imposes a mandatory prison term or mandatory prison term and 18173
additional prison term, in addition to the term or terms so 18174
imposed, the court also may sentence the offender to a community 18175
control sanction for the offense, but the offender shall serve all 18176
of the prison terms so imposed prior to serving the community 18177
control sanction. 18178

(iii) In all cases, notwithstanding section 2929.18 of the 18179
Revised Code, a fine of not less than eight hundred nor more than 18180
ten thousand dollars; 18181

(iv) In all cases, a class two license suspension of the 18182
offender's driver's license, commercial driver's license, 18183
temporary instruction permit, probationary license, or nonresident 18184
operating privilege from the range specified in division (A)(2) of 18185
section 4510.02 of the Revised Code. The court may grant limited 18186
driving privileges relative to the suspension under sections 18187
4510.021 and 4510.13 of the Revised Code. 18188

(v) In all cases, if the vehicle is registered in the 18189
offender's name, criminal forfeiture of the vehicle involved in 18190
the offense in accordance with section 4503.234 of the Revised 18191
Code. Division (G)(6) of this section applies regarding any 18192
vehicle that is subject to an order of criminal forfeiture under 18193
this division. 18194

(vi) In all cases, participation in an alcohol and drug 18195
addiction program authorized by section 3793.02 of the Revised 18196
Code, subject to division (I) of this section. 18197

(vii) In all cases, if the court sentences the offender to a 18198
mandatory term of local incarceration, in addition to the 18199
mandatory term, the court, pursuant to section 2929.17 of the 18200

Revised Code, may impose a term of house arrest with electronic 18201
monitoring. The term shall not commence until after the offender 18202
has served the mandatory term of local incarceration. 18203

(e) An offender who previously has been convicted of or 18204
pleaded guilty to a violation of division (A) of this section that 18205
was a felony, regardless of when the violation and the conviction 18206
or guilty plea occurred, is guilty of a felony of the third 18207
degree. The court shall sentence the offender to all of the 18208
following: 18209

(i) If the offender is being sentenced for a violation of 18210
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 18211
mandatory prison term of one, two, three, four, or five years as 18212
required by and in accordance with division (G)(2) of section 18213
2929.13 of the Revised Code if the offender also is convicted of 18214
or also pleads guilty to a specification of the type described in 18215
section 2941.1413 of the Revised Code or a mandatory prison term 18216
of sixty consecutive days in accordance with division (G)(2) of 18217
section 2929.13 of the Revised Code if the offender is not 18218
convicted of and does not plead guilty to a specification of that 18219
type. The court may impose a prison term in addition to the 18220
mandatory prison term. The cumulative total of a sixty-day 18221
mandatory prison term and the additional prison term for the 18222
offense shall not exceed five years. In addition to the mandatory 18223
prison term or mandatory prison term and additional prison term 18224
the court imposes, the court also may sentence the offender to a 18225
community control sanction for the offense, but the offender shall 18226
serve all of the prison terms so imposed prior to serving the 18227
community control sanction. 18228

(ii) If the sentence is being imposed for a violation of 18229
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 18230
section, a mandatory prison term of one, two, three, four, or five 18231
years as required by and in accordance with division (G)(2) of 18232

section 2929.13 of the Revised Code if the offender also is 18233
convicted of or also pleads guilty to a specification of the type 18234
described in section 2941.1413 of the Revised Code or a mandatory 18235
prison term of one hundred twenty consecutive days in accordance 18236
with division (G)(2) of section 2929.13 of the Revised Code if the 18237
offender is not convicted of and does not plead guilty to a 18238
specification of that type. The court may impose a prison term in 18239
addition to the mandatory prison term. The cumulative total of a 18240
one hundred twenty-day mandatory prison term and the additional 18241
prison term for the offense shall not exceed five years. In 18242
addition to the mandatory prison term or mandatory prison term and 18243
additional prison term the court imposes, the court also may 18244
sentence the offender to a community control sanction for the 18245
offense, but the offender shall serve all of the prison terms so 18246
imposed prior to serving the community control sanction. 18247

(iii) In all cases, notwithstanding section 2929.18 of the 18248
Revised Code, a fine of not less than eight hundred nor more than 18249
ten thousand dollars; 18250

(iv) In all cases, a class two license suspension of the 18251
offender's driver's license, commercial driver's license, 18252
temporary instruction permit, probationary license, or nonresident 18253
operating privilege from the range specified in division (A)(2) of 18254
section 4510.02 of the Revised Code. The court may grant limited 18255
driving privileges relative to the suspension under sections 18256
4510.021 and 4510.13 of the Revised Code. 18257

(v) In all cases, if the vehicle is registered in the 18258
offender's name, criminal forfeiture of the vehicle involved in 18259
the offense in accordance with section 4503.234 of the Revised 18260
Code. Division (G)(6) of this section applies regarding any 18261
vehicle that is subject to an order of criminal forfeiture under 18262
this division. 18263

(vi) In all cases, participation in an alcohol and drug 18264

addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section. 18265
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(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code. 18267
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(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. 18274
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As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. 18285
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As an alternative to the mandatory jail term of twenty 18297
consecutive days required by division (G)(1)(b)(ii) of this 18298
section, the court, under this division, may sentence the offender 18299
to ten consecutive days in jail and not less than thirty-six 18300
consecutive days of house arrest with electronic monitoring, with 18301
continuous alcohol monitoring, or with both electronic monitoring 18302
and continuous alcohol monitoring. The cumulative total of the ten 18303
consecutive days in jail and the period of house arrest with 18304
electronic monitoring, continuous alcohol monitoring, or both 18305
types of monitoring shall not exceed six months. The ten 18306
consecutive days in jail do not have to be served prior to or 18307
consecutively to the period of house arrest. 18308

As an alternative to a mandatory jail term of thirty 18309
consecutive days required by division (G)(1)(c)(i) of this 18310
section, the court, under this division, may sentence the offender 18311
to fifteen consecutive days in jail and not less than fifty-five 18312
consecutive days of house arrest with electronic monitoring, with 18313
continuous alcohol monitoring, or with both electronic monitoring 18314
and continuous alcohol monitoring. The cumulative total of the 18315
fifteen consecutive days in jail and the period of house arrest 18316
with electronic monitoring, continuous alcohol monitoring, or both 18317
types of monitoring shall not exceed one year. The fifteen 18318
consecutive days in jail do not have to be served prior to or 18319
consecutively to the period of house arrest. 18320

As an alternative to the mandatory jail term of sixty 18321
consecutive days required by division (G)(1)(c)(ii) of this 18322
section, the court, under this division, may sentence the offender 18323
to thirty consecutive days in jail and not less than one hundred 18324
ten consecutive days of house arrest with electronic monitoring, 18325
with continuous alcohol monitoring, or with both electronic 18326
monitoring and continuous alcohol monitoring. The cumulative total 18327
of the thirty consecutive days in jail and the period of house 18328

arrest with electronic monitoring, continuous alcohol monitoring, 18329
or both types of monitoring shall not exceed one year. The thirty 18330
consecutive days in jail do not have to be served prior to or 18331
consecutively to the period of house arrest. 18332

(4) If an offender's driver's or occupational driver's 18333
license or permit or nonresident operating privilege is suspended 18334
under division (G) of this section and if section 4510.13 of the 18335
Revised Code permits the court to grant limited driving 18336
privileges, the court may grant the limited driving privileges in 18337
accordance with that section. If division (A)(7) of that section 18338
requires that the court impose as a condition of the privileges 18339
that the offender must display on the vehicle that is driven 18340
subject to the privileges restricted license plates that are 18341
issued under section 4503.231 of the Revised Code, except as 18342
provided in division (B) of that section, the court shall impose 18343
that condition as one of the conditions of the limited driving 18344
privileges granted to the offender, except as provided in division 18345
(B) of section 4503.231 of the Revised Code. 18346

(5) Fines imposed under this section for a violation of 18347
division (A) of this section shall be distributed as follows: 18348

(a) Twenty-five dollars of the fine imposed under division 18349
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 18350
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 18351
fine imposed under division (G)(1)(c)(iii), and two hundred ten 18352
dollars of the fine imposed under division (G)(1)(d)(iii) or 18353
(e)(iii) of this section shall be paid to an enforcement and 18354
education fund established by the legislative authority of the law 18355
enforcement agency in this state that primarily was responsible 18356
for the arrest of the offender, as determined by the court that 18357
imposes the fine. The agency shall use this share to pay only 18358
those costs it incurs in enforcing this section or a municipal OVI 18359
ordinance or township OVI resolution and in informing the public 18360

of the laws governing the operation of a vehicle while under the 18361
influence of alcohol, the dangers of the operation of a vehicle 18362
under the influence of alcohol, and other information relating to 18363
the operation of a vehicle under the influence of alcohol and the 18364
consumption of alcoholic beverages. 18365

(b) Fifty dollars of the fine imposed under division 18366
(G)(1)(a)(iii) of this section shall be paid to the political 18367
subdivision that pays the cost of housing the offender during the 18368
offender's term of incarceration. If the offender is being 18369
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 18370
(e), or (j) of this section and was confined as a result of the 18371
offense prior to being sentenced for the offense but is not 18372
sentenced to a term of incarceration, the fifty dollars shall be 18373
paid to the political subdivision that paid the cost of housing 18374
the offender during that period of confinement. The political 18375
subdivision shall use the share under this division to pay or 18376
reimburse incarceration or treatment costs it incurs in housing or 18377
providing drug and alcohol treatment to persons who violate this 18378
section or a municipal OVI ordinance or township OVI resolution, 18379
costs of any immobilizing or disabling device used on the 18380
offender's vehicle, and costs of electronic house arrest equipment 18381
needed for persons who violate this section. 18382

(c) Twenty-five dollars of the fine imposed under division 18383
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 18384
division (G)(1)(b)(iii) of this section shall be deposited into 18385
the county or municipal indigent drivers' alcohol treatment fund 18386
under the control of that court, as created by the county or 18387
municipal corporation under division (N) of section 4511.191 of 18388
the Revised Code. 18389

(d) One hundred fifteen dollars of the fine imposed under 18390
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 18391
fine imposed under division (G)(1)(c)(iii), and four hundred forty 18392

dollars of the fine imposed under division (G)(1)(d)(iii) or 18393
(e)(iii) of this section shall be paid to the political 18394
subdivision that pays the cost of housing the offender during the 18395
offender's term of incarceration. The political subdivision shall 18396
use this share to pay or reimburse incarceration or treatment 18397
costs it incurs in housing or providing drug and alcohol treatment 18398
to persons who violate this section or a municipal OVI ordinance 18399
or township OVI resolution, costs for any immobilizing or 18400
disabling device used on the offender's vehicle, and costs of 18401
electronic house arrest equipment needed for persons who violate 18402
this section. 18403

(e) The balance of the fine imposed under division 18404
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 18405
section shall be disbursed as otherwise provided by law. 18406

(6) If title to a motor vehicle that is subject to an order 18407
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 18408
this section is assigned or transferred and division (B)(2) or (3) 18409
of section 4503.234 of the Revised Code applies, in addition to or 18410
independent of any other penalty established by law, the court may 18411
fine the offender the value of the vehicle as determined by 18412
publications of the national auto dealers association. The 18413
proceeds of any fine so imposed shall be distributed in accordance 18414
with division (C)(2) of that section. 18415

(7) As used in division (G) of this section, "electronic 18416
monitoring," "mandatory prison term," and "mandatory term of local 18417
incarceration" have the same meanings as in section 2929.01 of the 18418
Revised Code. 18419

(H) Whoever violates division (B) of this section is guilty 18420
of operating a vehicle after underage alcohol consumption and 18421
shall be punished as follows: 18422

(1) Except as otherwise provided in division (H)(2) of this 18423

section, the offender is guilty of a misdemeanor of the fourth 18424
degree. In addition to any other sanction imposed for the offense, 18425
the court shall impose a class six suspension of the offender's 18426
driver's license, commercial driver's license, temporary 18427
instruction permit, probationary license, or nonresident operating 18428
privilege from the range specified in division (A)(6) of section 18429
4510.02 of the Revised Code. 18430

(2) If, within one year of the offense, the offender 18431
previously has been convicted of or pleaded guilty to one or more 18432
violations of division (A) or (B) of this section or other 18433
equivalent offenses, the offender is guilty of a misdemeanor of 18434
the third degree. In addition to any other sanction imposed for 18435
the offense, the court shall impose a class four suspension of the 18436
offender's driver's license, commercial driver's license, 18437
temporary instruction permit, probationary license, or nonresident 18438
operating privilege from the range specified in division (A)(4) of 18439
section 4510.02 of the Revised Code. 18440

(3) If the offender also is convicted of or also pleads 18441
guilty to a specification of the type described in section 18442
2941.1416 of the Revised Code and if the court imposes a jail term 18443
for the violation of division (B) of this section, the court shall 18444
impose upon the offender an additional definite jail term pursuant 18445
to division (E) of section 2929.24 of the Revised Code. 18446

(I)(1) No court shall sentence an offender to an alcohol 18447
treatment program under this section unless the treatment program 18448
complies with the minimum standards for alcohol treatment programs 18449
adopted under Chapter 3793. of the Revised Code by the director of 18450
alcohol and drug addiction services. 18451

(2) An offender who stays in a drivers' intervention program 18452
or in an alcohol treatment program under an order issued under 18453
this section shall pay the cost of the stay in the program. 18454
However, if the court determines that an offender who stays in an 18455

alcohol treatment program under an order issued under this section 18456
is unable to pay the cost of the stay in the program, the court 18457
may order that the cost be paid from the court's indigent drivers' 18458
alcohol treatment fund. 18459

(J) If a person whose driver's or commercial driver's license 18460
or permit or nonresident operating privilege is suspended under 18461
this section files an appeal regarding any aspect of the person's 18462
trial or sentence, the appeal itself does not stay the operation 18463
of the suspension. 18464

(K) Division (A)(1)(j) of this section does not apply to a 18465
person who operates a vehicle, streetcar, or trackless trolley 18466
while the person has a concentration of a listed controlled 18467
substance or a listed metabolite of a controlled substance in the 18468
person's whole blood, blood serum or plasma, or urine that equals 18469
or exceeds the amount specified in that division, if both of the 18470
following apply: 18471

(1) The person obtained the controlled substance pursuant to 18472
a prescription issued by a licensed health professional authorized 18473
to prescribe drugs. 18474

(2) The person injected, ingested, or inhaled the controlled 18475
substance in accordance with the health professional's directions. 18476

(L) The prohibited concentrations of a controlled substance 18477
or a metabolite of a controlled substance listed in division 18478
(A)(1)(j) of this section also apply in a prosecution of a 18479
violation of division (D) of section 2923.16 of the Revised Code 18480
in the same manner as if the offender is being prosecuted for a 18481
prohibited concentration of alcohol. 18482

(M) All terms defined in section 4510.01 of the Revised Code 18483
apply to this section. If the meaning of a term defined in section 18484
4510.01 of the Revised Code conflicts with the meaning of the same 18485
term as defined in section 4501.01 or 4511.01 of the Revised Code, 18486

the term as defined in section 4510.01 of the Revised Code applies 18487
to this section. 18488

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 18489
as adopted by the supreme court under authority of section 2937.46 18490
of the Revised Code, do not apply to felony violations of this 18491
section. Subject to division (N)(2) of this section, the Rules of 18492
Criminal Procedure apply to felony violations of this section. 18493

(2) If, on or after January 1, 2004, the supreme court 18494
modifies the Ohio Traffic Rules to provide procedures to govern 18495
felony violations of this section, the modified rules shall apply 18496
to felony violations of this section. 18497

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 18498
as in section 4511.194 of the Revised Code. 18499

(2) Any person who operates a vehicle, streetcar, or 18500
trackless trolley upon a highway or any public or private property 18501
used by the public for vehicular travel or parking within this 18502
state or who is in physical control of a vehicle, streetcar, or 18503
trackless trolley shall be deemed to have given consent to a 18504
chemical test or tests of the person's whole blood, blood serum or 18505
plasma, breath, or urine to determine the alcohol, drug of abuse, 18506
controlled substance, metabolite of a controlled substance, or 18507
combination content of the person's whole blood, blood serum or 18508
plasma, breath, or urine if arrested for a violation of division 18509
(A) or (B) of section 4511.19 of the Revised Code, section 18510
4511.194 of the Revised Code or a substantially equivalent 18511
municipal ordinance or township resolution, or a municipal OVI 18512
ordinance or township OVI resolution. 18513

(3) The chemical test or tests under division (A)(2) of this 18514
section shall be administered at the request of a law enforcement 18515
officer having reasonable grounds to believe the person was 18516
operating or in physical control of a vehicle, streetcar, or 18517

trackless trolley in violation of a division, section, or 18518
ordinance identified in division (A)(2) of this section. The law 18519
enforcement agency by which the officer is employed shall 18520
designate which of the tests shall be administered. 18521

(4) Any person who is dead or unconscious, or who otherwise 18522
is in a condition rendering the person incapable of refusal, shall 18523
be deemed to have consented as provided in division (A)(2) of this 18524
section, and the test or tests may be administered, subject to 18525
sections 313.12 to 313.16 of the Revised Code. 18526

(B)(1) Upon receipt of the sworn report of a law enforcement 18527
officer who arrested a person for a violation of division (A) or 18528
(B) of section 4511.19 of the Revised Code, section 4511.194 of 18529
the Revised Code or a substantially equivalent municipal ordinance 18530
or township resolution, or a municipal OVI ordinance or township 18531
OVI resolution that was completed and sent to the registrar and a 18532
court pursuant to section 4511.192 of the Revised Code in regard 18533
to a person who refused to take the designated chemical test, the 18534
registrar shall enter into the registrar's records the fact that 18535
the person's driver's or commercial driver's license or permit or 18536
nonresident operating privilege was suspended by the arresting 18537
officer under this division and that section and the period of the 18538
suspension, as determined under this section. The suspension shall 18539
be subject to appeal as provided in section 4511.197 of the 18540
Revised Code. The suspension shall be for whichever of the 18541
following periods applies: 18542

(a) Except when division (B)(1)(b), (c), or (d) of this 18543
section applies and specifies a different class or length of 18544
suspension, the suspension shall be a class C suspension for the 18545
period of time specified in division (B)(3) of section 4510.02 of 18546
the Revised Code. 18547

(b) If the arrested person, within six years of the date on 18548
which the person refused the request to consent to the chemical 18549

test, had refused one previous request to consent to a chemical 18550
test, the suspension shall be a class B suspension imposed for the 18551
period of time specified in division (B)(2) of section 4510.02 of 18552
the Revised Code. 18553

(c) If the arrested person, within six years of the date on 18554
which the person refused the request to consent to the chemical 18555
test, had refused two previous requests to consent to a chemical 18556
test, the suspension shall be a class A suspension imposed for the 18557
period of time specified in division (B)(1) of section 4510.02 of 18558
the Revised Code. 18559

(d) If the arrested person, within six years of the date on 18560
which the person refused the request to consent to the chemical 18561
test, had refused three or more previous requests to consent to a 18562
chemical test, the suspension shall be for five years. 18563

(2) The registrar shall terminate a suspension of the 18564
driver's or commercial driver's license or permit of a resident or 18565
of the operating privilege of a nonresident, or a denial of a 18566
driver's or commercial driver's license or permit, imposed 18567
pursuant to division (B)(1) of this section upon receipt of notice 18568
that the person has entered a plea of guilty to, or that the 18569
person has been convicted after entering a plea of no contest to, 18570
operating a vehicle in violation of section 4511.19 of the Revised 18571
Code or in violation of a municipal OVI ordinance or township OVI 18572
resolution, if the offense for which the conviction is had or the 18573
plea is entered arose from the same incident that led to the 18574
suspension or denial. 18575

The registrar shall credit against any judicial suspension of 18576
a person's driver's or commercial driver's license or permit or 18577
nonresident operating privilege imposed pursuant to section 18578
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 18579
Revised Code for a violation of a municipal OVI ordinance or 18580
township OVI resolution, any time during which the person serves a 18581

related suspension imposed pursuant to division (B)(1) of this 18582
section. 18583

(C)(1) Upon receipt of the sworn report of the law 18584
enforcement officer who arrested a person for a violation of 18585
division (A) or (B) of section 4511.19 of the Revised Code or a 18586
municipal OVI ordinance or township OVI resolution that was 18587
completed and sent to the registrar and a court pursuant to 18588
section 4511.192 of the Revised Code in regard to a person whose 18589
test results indicate that the person's whole blood, blood serum 18590
or plasma, breath, or urine contained at least the concentration 18591
of alcohol specified in division (A)(1)(b), (c), (d), or (e) of 18592
section 4511.19 of the Revised Code or at least the concentration 18593
of a listed controlled substance or a listed metabolite of a 18594
controlled substance specified in division (A)(1)(j) of section 18595
4511.19 of the Revised Code, the registrar shall enter into the 18596
registrar's records the fact that the person's driver's or 18597
commercial driver's license or permit or nonresident operating 18598
privilege was suspended by the arresting officer under this 18599
division and section 4511.192 of the Revised Code and the period 18600
of the suspension, as determined under divisions (F)(1) to (4) of 18601
this section. The suspension shall be subject to appeal as 18602
provided in section 4511.197 of the Revised Code. The suspension 18603
described in this division does not apply to, and shall not be 18604
imposed upon, a person arrested for a violation of section 18605
4511.194 of the Revised Code or a substantially equivalent 18606
municipal ordinance or township resolution who submits to a 18607
designated chemical test. The suspension shall be for whichever of 18608
the following periods applies: 18609

(a) Except when division (C)(1)(b), (c), or (d) of this 18610
section applies and specifies a different period, the suspension 18611
shall be a class E suspension imposed for the period of time 18612
specified in division (B)(5) of section 4510.02 of the Revised 18613

Code. 18614

(b) The suspension shall be a class C suspension for the 18615
period of time specified in division (B)(3) of section 4510.02 of 18616
the Revised Code if the person has been convicted of or pleaded 18617
guilty to, within six years of the date the test was conducted, 18618
one violation of division (A) or (B) of section 4511.19 of the 18619
Revised Code or one other equivalent offense. 18620

(c) If, within six years of the date the test was conducted, 18621
the person has been convicted of or pleaded guilty to two 18622
violations of a statute or ordinance described in division 18623
(C)(1)(b) of this section, the suspension shall be a class B 18624
suspension imposed for the period of time specified in division 18625
(B)(2) of section 4510.02 of the Revised Code. 18626

(d) If, within six years of the date the test was conducted, 18627
the person has been convicted of or pleaded guilty to more than 18628
two violations of a statute or ordinance described in division 18629
(C)(1)(b) of this section, the suspension shall be a class A 18630
suspension imposed for the period of time specified in division 18631
(B)(1) of section 4510.02 of the Revised Code. 18632

(2) The registrar shall terminate a suspension of the 18633
driver's or commercial driver's license or permit of a resident or 18634
of the operating privilege of a nonresident, or a denial of a 18635
driver's or commercial driver's license or permit, imposed 18636
pursuant to division (C)(1) of this section upon receipt of notice 18637
that the person has entered a plea of guilty to, or that the 18638
person has been convicted after entering a plea of no contest to, 18639
operating a vehicle in violation of section 4511.19 of the Revised 18640
Code or in violation of a municipal OVI ordinance or township OVI 18641
resolution, if the offense for which the conviction is had or the 18642
plea is entered arose from the same incident that led to the 18643
suspension or denial. 18644

The registrar shall credit against any judicial suspension of 18645
a person's driver's or commercial driver's license or permit or 18646
nonresident operating privilege imposed pursuant to section 18647
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 18648
Revised Code for a violation of a municipal OVI ordinance or 18649
township OVI resolution, any time during which the person serves a 18650
related suspension imposed pursuant to division (C)(1) of this 18651
section. 18652

(D)(1) A suspension of a person's driver's or commercial 18653
driver's license or permit or nonresident operating privilege 18654
under this section for the time described in division (B) or (C) 18655
of this section is effective immediately from the time at which 18656
the arresting officer serves the notice of suspension upon the 18657
arrested person. Any subsequent finding that the person is not 18658
guilty of the charge that resulted in the person being requested 18659
to take the chemical test or tests under division (A) of this 18660
section does not affect the suspension. 18661

(2) If a person is arrested for operating a vehicle, 18662
streetcar, or trackless trolley in violation of division (A) or 18663
(B) of section 4511.19 of the Revised Code or a municipal OVI 18664
ordinance or township OVI resolution, or for being in physical 18665
control of a vehicle, streetcar, or trackless trolley in violation 18666
of section 4511.194 of the Revised Code or a substantially 18667
equivalent municipal ordinance or township resolution, regardless 18668
of whether the person's driver's or commercial driver's license or 18669
permit or nonresident operating privilege is or is not suspended 18670
under division (B) or (C) of this section or Chapter 4510. of the 18671
Revised Code, the person's initial appearance on the charge 18672
resulting from the arrest shall be held within five days of the 18673
person's arrest or the issuance of the citation to the person, 18674
subject to any continuance granted by the court pursuant to 18675
section 4511.197 of the Revised Code regarding the issues 18676

specified in that division. 18677

(E) When it finally has been determined under the procedures 18678
of this section and sections 4511.192 to 4511.197 of the Revised 18679
Code that a nonresident's privilege to operate a vehicle within 18680
this state has been suspended, the registrar shall give 18681
information in writing of the action taken to the motor vehicle 18682
administrator of the state of the person's residence and of any 18683
state in which the person has a license. 18684

(F) At the end of a suspension period under this section, 18685
under section 4511.194, section 4511.196, or division (G) of 18686
section 4511.19 of the Revised Code, or under section 4510.07 of 18687
the Revised Code for a violation of a municipal OVI ordinance or 18688
township OVI resolution and upon the request of the person whose 18689
driver's or commercial driver's license or permit was suspended 18690
and who is not otherwise subject to suspension, cancellation, or 18691
disqualification, the registrar shall return the driver's or 18692
commercial driver's license or permit to the person upon the 18693
occurrence of all of the conditions specified in divisions (F)(1) 18694
and (2) of this section: 18695

(1) A showing that the person has proof of financial 18696
responsibility, a policy of liability insurance in effect that 18697
meets the minimum standards set forth in section 4509.51 of the 18698
Revised Code, or proof, to the satisfaction of the registrar, that 18699
the person is able to respond in damages in an amount at least 18700
equal to the minimum amounts specified in section 4509.51 of the 18701
Revised Code. 18702

(2) Subject to the limitation contained in division (F)(3) of 18703
this section, payment by the person to the bureau of motor 18704
vehicles of a license reinstatement fee of four hundred 18705
twenty-five dollars, which fee shall be deposited in the state 18706
treasury and credited as follows: 18707

(a) One hundred twelve dollars and fifty cents shall be 18708
credited to the statewide treatment and prevention fund created by 18709
section 4301.30 of the Revised Code. The fund shall be used to pay 18710
the costs of driver treatment and intervention programs operated 18711
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 18712
director of alcohol and drug addiction services shall determine 18713
the share of the fund that is to be allocated to alcohol and drug 18714
addiction programs authorized by section 3793.02 of the Revised 18715
Code, and the share of the fund that is to be allocated to 18716
drivers' intervention programs authorized by section 3793.10 of 18717
the Revised Code. 18718

(b) Seventy-five dollars shall be credited to the reparations 18719
fund created by section 2743.191 of the Revised Code. 18720

(c) Thirty-seven dollars and fifty cents shall be credited to 18721
the indigent drivers alcohol treatment fund, which is hereby 18722
established. Except as otherwise provided in division (F)(2)(c) of 18723
this section, moneys in the fund shall be distributed by the 18724
department of alcohol and drug addiction services to the county 18725
indigent drivers alcohol treatment funds, the county juvenile 18726
indigent drivers alcohol treatment funds, and the municipal 18727
indigent drivers alcohol treatment funds that are required to be 18728
established by counties and municipal corporations pursuant to 18729
this section, and shall be used only to pay the cost of an alcohol 18730
and drug addiction treatment program attended by an offender or 18731
juvenile traffic offender who is ordered to attend an alcohol and 18732
drug addiction treatment program by a county, juvenile, or 18733
municipal court judge and who is determined by the county, 18734
juvenile, or municipal court judge not to have the means to pay 18735
for the person's attendance at the program or to pay the costs 18736
specified in division (H)(4) of this section in accordance with 18737
that division. In addition, a county, juvenile, or municipal court 18738
judge may use moneys in the county indigent drivers alcohol 18739

treatment fund, county juvenile indigent drivers alcohol treatment 18740
fund, or municipal indigent drivers alcohol treatment fund to pay 18741
for the cost of the continued use of an electronic continuous 18742
alcohol monitoring device as described in divisions (H)(3) and (4) 18743
of this section. Moneys in the fund that are not distributed to a 18744
county indigent drivers alcohol treatment fund, a county juvenile 18745
indigent drivers alcohol treatment fund, or a municipal indigent 18746
drivers alcohol treatment fund under division (H) of this section 18747
because the director of alcohol and drug addiction services does 18748
not have the information necessary to identify the county or 18749
municipal corporation where the offender or juvenile offender was 18750
arrested may be transferred by the director of budget and 18751
management to the statewide treatment and prevention fund created 18752
by section 4301.30 of the Revised Code, upon certification of the 18753
amount by the director of alcohol and drug addiction services. 18754

(d) Seventy-five dollars shall be credited to the Ohio 18755
rehabilitation services commission established by section 3304.12 18756
of the Revised Code, to the services for rehabilitation fund, 18757
which is hereby established. The fund shall be used to match 18758
available federal matching funds where appropriate, and for any 18759
other purpose or program of the commission to rehabilitate people 18760
with disabilities to help them become employed and independent. 18761

(e) Seventy-five dollars shall be deposited into the state 18762
treasury and credited to the drug abuse resistance education 18763
programs fund, which is hereby established, to be used by the 18764
attorney general for the purposes specified in division (F)(4) of 18765
this section. 18766

(f) Thirty dollars shall be credited to the state bureau of 18767
motor vehicles fund created by section 4501.25 of the Revised 18768
Code. 18769

(g) Twenty dollars shall be credited to the trauma and 18770
emergency medical services grants fund created by section 4513.263 18771

of the Revised Code. 18772

(3) If a person's driver's or commercial driver's license or 18773
permit is suspended under this section, under section 4511.196 or 18774
division (G) of section 4511.19 of the Revised Code, under section 18775
4510.07 of the Revised Code for a violation of a municipal OVI 18776
ordinance or township OVI resolution or under any combination of 18777
the suspensions described in division (F)(3) of this section, and 18778
if the suspensions arise from a single incident or a single set of 18779
facts and circumstances, the person is liable for payment of, and 18780
shall be required to pay to the bureau, only one reinstatement fee 18781
of four hundred twenty-five dollars. The reinstatement fee shall 18782
be distributed by the bureau in accordance with division (F)(2) of 18783
this section. 18784

(4) The attorney general shall use amounts in the drug abuse 18785
resistance education programs fund to award grants to law 18786
enforcement agencies to establish and implement drug abuse 18787
resistance education programs in public schools. Grants awarded to 18788
a law enforcement agency under this section shall be used by the 18789
agency to pay for not more than fifty per cent of the amount of 18790
the salaries of law enforcement officers who conduct drug abuse 18791
resistance education programs in public schools. The attorney 18792
general shall not use more than six per cent of the amounts the 18793
attorney general's office receives under division (F)(2)(e) of 18794
this section to pay the costs it incurs in administering the grant 18795
program established by division (F)(2)(e) of this section and in 18796
providing training and materials relating to drug abuse resistance 18797
education programs. 18798

The attorney general shall report to the governor and the 18799
general assembly each fiscal year on the progress made in 18800
establishing and implementing drug abuse resistance education 18801
programs. These reports shall include an evaluation of the 18802
effectiveness of these programs. 18803

(G) Suspension of a commercial driver's license under 18804
division (B) or (C) of this section shall be concurrent with any 18805
period of disqualification under section 3123.611 or 4506.16 of 18806
the Revised Code or any period of suspension under section 3123.58 18807
of the Revised Code. No person who is disqualified for life from 18808
holding a commercial driver's license under section 4506.16 of the 18809
Revised Code shall be issued a driver's license under Chapter 18810
4507. of the Revised Code during the period for which the 18811
commercial driver's license was suspended under division (B) or 18812
(C) of this section. No person whose commercial driver's license 18813
is suspended under division (B) or (C) of this section shall be 18814
issued a driver's license under Chapter 4507. of the Revised Code 18815
during the period of the suspension. 18816

(H)(1) Each county shall establish an indigent drivers 18817
alcohol treatment fund, each county shall establish a juvenile 18818
indigent drivers alcohol treatment fund, and each municipal 18819
corporation in which there is a municipal court shall establish an 18820
indigent drivers alcohol treatment fund. All revenue that the 18821
general assembly appropriates to the indigent drivers alcohol 18822
treatment fund for transfer to a county indigent drivers alcohol 18823
treatment fund, a county juvenile indigent drivers alcohol 18824
treatment fund, or a municipal indigent drivers alcohol treatment 18825
fund, all portions of fees that are paid under division (F) of 18826
this section and that are credited under that division to the 18827
indigent drivers alcohol treatment fund in the state treasury for 18828
a county indigent drivers alcohol treatment fund, a county 18829
juvenile indigent drivers alcohol treatment fund, or a municipal 18830
indigent drivers alcohol treatment fund, and all portions of fines 18831
that are specified for deposit into a county or municipal indigent 18832
drivers alcohol treatment fund by section 4511.193 of the Revised 18833
Code shall be deposited into that county indigent drivers alcohol 18834
treatment fund, county juvenile indigent drivers alcohol treatment 18835
fund, or municipal indigent drivers alcohol treatment fund in 18836

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

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that is credited under that division to the indigent drivers alcohol treatment fund shall be deposited into a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund as follows:

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

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

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

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

(b) If the suspension in question was imposed under section 18868
4511.19 of the Revised Code or under section 4510.07 of the 18869
Revised Code for a violation of a municipal OVI ordinance or 18870
township OVI resolution, that portion of the fee shall be 18871
deposited as follows: 18872

(i) If the fee is paid by a person whose license or permit 18873
was suspended by a county court, the portion shall be deposited 18874
into the county indigent drivers alcohol treatment fund under the 18875
control of that court; 18876

(ii) If the fee is paid by a person whose license or permit 18877
was suspended by a municipal court, the portion shall be deposited 18878
into the municipal indigent drivers alcohol treatment fund under 18879
the control of that court. 18880

(3) Expenditures from a county indigent drivers alcohol 18881
treatment fund, a county juvenile indigent drivers alcohol 18882
treatment fund, or a municipal indigent drivers alcohol treatment 18883
fund shall be made only upon the order of a county, juvenile, or 18884
municipal court judge and only for payment of the cost of the 18885
attendance at an alcohol and drug addiction treatment program of a 18886
person who is convicted of, or found to be a juvenile traffic 18887
offender by reason of, a violation of division (A) of section 18888
4511.19 of the Revised Code or a substantially similar municipal 18889
ordinance or township resolution, who is ordered by the court to 18890
attend the alcohol and drug addiction treatment program, and who 18891
is determined by the court to be unable to pay the cost of 18892
attendance at the treatment program or for payment of the costs 18893
specified in division (H)(4) of this section in accordance with 18894
that division. The alcohol and drug addiction services board or 18895
the board of alcohol, drug addiction, and mental health services 18896
established pursuant to section 340.02 or 340.021 of the Revised 18897
Code and serving the alcohol, drug addiction, and mental health 18898
service district in which the court is located shall administer 18899

the indigent drivers alcohol treatment program of the court. When 18900
a court orders an offender or juvenile traffic offender to attend 18901
an alcohol and drug addiction treatment program, the board shall 18902
determine which program is suitable to meet the needs of the 18903
offender or juvenile traffic offender, and when a suitable program 18904
is located and space is available at the program, the offender or 18905
juvenile traffic offender shall attend the program designated by 18906
the board. A reasonable amount not to exceed five per cent of the 18907
amounts credited to and deposited into the county indigent drivers 18908
alcohol treatment fund, the county juvenile indigent drivers 18909
alcohol treatment fund, or the municipal indigent drivers alcohol 18910
treatment fund serving every court whose program is administered 18911
by that board shall be paid to the board to cover the costs it 18912
incurs in administering those indigent drivers alcohol treatment 18913
programs. 18914

In addition, a county, juvenile, or municipal court judge may 18915
use moneys in the county indigent drivers alcohol treatment fund, 18916
county juvenile indigent drivers alcohol treatment fund, or 18917
municipal indigent drivers alcohol treatment fund to pay for the 18918
continued use of an electronic continuous alcohol monitoring 18919
device by an offender or juvenile traffic offender, in conjunction 18920
with a treatment program approved by the department of alcohol and 18921
drug addiction services, when such use is determined clinically 18922
necessary by the treatment program and when the court determines 18923
that the offender or juvenile traffic offender is unable to pay 18924
all or part of the daily monitoring of the device. 18925

(4) If a county, juvenile, or municipal court determines, in 18926
consultation with the alcohol and drug addiction services board or 18927
the board of alcohol, drug addiction, and mental health services 18928
established pursuant to section 340.02 or 340.021 of the Revised 18929
Code and serving the alcohol, drug addiction, and mental health 18930
district in which the court is located, that the funds in the 18931

county indigent drivers alcohol treatment fund, the county 18932
juvenile indigent drivers alcohol treatment fund, or the municipal 18933
indigent drivers alcohol treatment fund under the control of the 18934
court are more than sufficient to satisfy the purpose for which 18935
the fund was established, as specified in divisions (H)(1) to (3) 18936
of this section, the court may declare a surplus in the fund. If 18937
the court declares a surplus in the fund, the court may expend the 18938
amount of the surplus in the fund for: 18939

(a) Alcohol and drug abuse assessment and treatment of 18940
persons who are charged in the court with committing a criminal 18941
offense or with being a delinquent child or juvenile traffic 18942
offender and in relation to whom both of the following apply: 18943

(i) The court determines that substance abuse was a 18944
contributing factor leading to the criminal or delinquent activity 18945
or the juvenile traffic offense with which the person is charged. 18946

(ii) The court determines that the person is unable to pay 18947
the cost of the alcohol and drug abuse assessment and treatment 18948
for which the surplus money will be used. 18949

(b) All or part of the cost of purchasing electronic 18950
continuous alcohol monitoring devices to be used in conjunction 18951
with division (H)(3) of this section. 18952

Sec. 4511.192. (A) The arresting law enforcement officer 18953
shall give advice in accordance with this section to any person 18954
under arrest for a violation of division (A) or (B) of section 18955
4511.19 of the Revised Code, section 4511.194 of the Revised Code 18956
or a substantially equivalent municipal ordinance or township 18957
resolution, or a municipal OVI ordinance or township OVI 18958
resolution. The officer shall give that advice in a written form 18959
that contains the information described in division (B) of this 18960
section and shall read the advice to the person. The form shall 18961
contain a statement that the form was shown to the person under 18962

arrest and read to the person by the arresting officer. One or 18963
more persons shall witness the arresting officer's reading of the 18964
form, and the witnesses shall certify to this fact by signing the 18965
form. The person must submit to the chemical test or tests, 18966
subsequent to the request of the arresting officer, within two 18967
hours of the time of the alleged violation and, if the person does 18968
not submit to the test or tests within that two-hour time limit, 18969
the failure to submit automatically constitutes a refusal to 18970
submit to the test or tests. 18971

(B) If a person is under arrest as described in division (A) 18972
of this section, before the person may be requested to submit to a 18973
chemical test or tests to determine the alcohol, drug of abuse, 18974
controlled substance, metabolite of a controlled substance, or 18975
combination content of the person's whole blood, blood serum or 18976
plasma, breath, or urine, the arresting officer shall read the 18977
following form to the person: 18978

"You now are under arrest for (specifically state the offense 18979
under state law or a substantially equivalent municipal ordinance 18980
or township resolution for which the person was arrested - 18981
operating a vehicle under the influence of alcohol, a drug, or a 18982
combination of them; operating a vehicle while under the influence 18983
of a listed controlled substance or a listed metabolite of a 18984
controlled substance; operating a vehicle after underage alcohol 18985
consumption; or having physical control of a vehicle while under 18986
the influence). 18987

If you refuse to take any chemical test required by law, your 18988
Ohio driving privileges will be suspended immediately, and you 18989
will have to pay a fee to have the privileges reinstated. If you 18990
have a prior conviction of OVI, OVUAC, or operating a vehicle 18991
while under the influence of a listed controlled substance or a 18992
listed metabolite of a controlled substance under state or 18993

municipal law within the preceding twenty years, you now are under 18994
arrest for state OVI, and, if you refuse to take a chemical test, 18995
you will face increased penalties if you subsequently are 18996
convicted of the state OVI. 18997

(Read this part unless the person is under arrest for solely 18998
having physical control of a vehicle while under the influence.) 18999
If you take any chemical test required by law and are found to be 19000
at or over the prohibited amount of alcohol, a controlled 19001
substance, or a metabolite of a controlled substance in your whole 19002
blood, blood serum or plasma, breath, or urine as set by law, your 19003
Ohio driving privileges will be suspended immediately, and you 19004
will have to pay a fee to have the privileges reinstated. 19005

If you take a chemical test, you may have an independent 19006
chemical test taken at your own expense." 19007

(C) If the arresting law enforcement officer does not ask a 19008
person under arrest as described in division (A) of this section 19009
to submit to a chemical test or tests under section 4511.191 of 19010
the Revised Code, the arresting officer shall seize the Ohio or 19011
out-of-state driver's or commercial driver's license or permit of 19012
the person and immediately forward it to the court in which the 19013
arrested person is to appear on the charge. If the arrested person 19014
is not in possession of the person's license or permit or it is 19015
not in the person's vehicle, the officer shall order the person to 19016
surrender it to the law enforcement agency that employs the 19017
officer within twenty-four hours after the arrest, and, upon the 19018
surrender, the agency immediately shall forward the license or 19019
permit to the court in which the person is to appear on the 19020
charge. Upon receipt of the license or permit, the court shall 19021
retain it pending the arrested person's initial appearance and any 19022
action taken under section 4511.196 of the Revised Code. 19023

(D)(1) If a law enforcement officer asks a person under 19024
arrest as described in division (A) of this section to submit to a 19025

chemical test or tests under section 4511.191 of the Revised Code, 19026
if the officer advises the person in accordance with this section 19027
of the consequences of the person's refusal or submission, and if 19028
either the person refuses to submit to the test or tests or, 19029
unless the arrest was for a violation of section 4511.194 of the 19030
Revised Code or a substantially equivalent municipal ordinance or 19031
township resolution, the person submits to the test or tests and 19032
the test results indicate a prohibited concentration of alcohol, a 19033
controlled substance, or a metabolite of a controlled substance in 19034
the person's whole blood, blood serum or plasma, breath, or urine 19035
at the time of the alleged offense, the arresting officer shall do 19036
all of the following: 19037

(a) On behalf of the registrar of motor vehicles, notify the 19038
person that, independent of any penalties or sanctions imposed 19039
upon the person, the person's Ohio driver's or commercial driver's 19040
license or permit or nonresident operating privilege is suspended 19041
immediately, that the suspension will last at least until the 19042
person's initial appearance on the charge, which will be held 19043
within five days after the date of the person's arrest or the 19044
issuance of a citation to the person, and that the person may 19045
appeal the suspension at the initial appearance or during the 19046
period of time ending thirty days after that initial appearance; 19047

(b) Seize the driver's or commercial driver's license or 19048
permit of the person and immediately forward it to the registrar. 19049
If the arrested person is not in possession of the person's 19050
license or permit or it is not in the person's vehicle, the 19051
officer shall order the person to surrender it to the law 19052
enforcement agency that employs the officer within twenty-four 19053
hours after the person is given notice of the suspension, and, 19054
upon the surrender, the officer's employing agency immediately 19055
shall forward the license or permit to the registrar. 19056

(c) Verify the person's current residence and, if it differs 19057

from that on the person's driver's or commercial driver's license 19058
or permit, notify the registrar of the change; 19059

(d) Send to the registrar, within forty-eight hours after the 19060
arrest of the person, a sworn report that includes all of the 19061
following statements: 19062

(i) That the officer had reasonable grounds to believe that, 19063
at the time of the arrest, the arrested person was operating a 19064
vehicle, streetcar, or trackless trolley in violation of division 19065
(A) or (B) of section 4511.19 of the Revised Code or a municipal 19066
OVI ordinance or for being in physical control of a stationary 19067
vehicle, streetcar, or trackless trolley in violation of section 19068
4511.194 of the Revised Code or a substantially equivalent 19069
municipal ordinance or township resolution; 19070

(ii) That the person was arrested and charged with a 19071
violation of division (A) or (B) of section 4511.19 of the Revised 19072
Code, section 4511.194 of the Revised Code or a substantially 19073
equivalent municipal ordinance or township resolution, or a 19074
municipal OVI ordinance or township OVI resolution; 19075

(iii) That the officer asked the person to take the 19076
designated chemical test or tests, advised the person in 19077
accordance with this section of the consequences of submitting to, 19078
or refusing to take, the test or tests, and gave the person the 19079
form described in division (B) of this section; 19080

(iv) That either the person refused to submit to the chemical 19081
test or tests or, unless the arrest was for a violation of section 19082
4511.194 of the Revised Code or a substantially equivalent 19083
municipal ordinance or township resolution, the person submitted 19084
to the chemical test or tests and the test results indicate a 19085
prohibited concentration of alcohol, a controlled substance, or a 19086
metabolite of a controlled substance in the person's whole blood, 19087
blood serum or plasma, breath, or urine at the time of the alleged 19088

offense. 19089

(2) Division (D)(1) of this section does not apply to a 19090
person who is arrested for a violation of section 4511.194 of the 19091
Revised Code or a substantially equivalent municipal ordinance or 19092
township resolution, who is asked by a law enforcement officer to 19093
submit to a chemical test or tests under section 4511.191 of the 19094
Revised Code, and who submits to the test or tests, regardless of 19095
the amount of alcohol, a controlled substance, or a metabolite of 19096
a controlled substance that the test results indicate is present 19097
in the person's whole blood, blood serum or plasma, breath, or 19098
urine. 19099

(E) The arresting officer shall give the officer's sworn 19100
report that is completed under this section to the arrested person 19101
at the time of the arrest, or the registrar of motor vehicles 19102
shall send the report to the person by regular first class mail as 19103
soon as possible after receipt of the report, but not later than 19104
fourteen days after receipt of it. An arresting officer may give 19105
an unsworn report to the arrested person at the time of the arrest 19106
provided the report is complete when given to the arrested person 19107
and subsequently is sworn to by the arresting officer. As soon as 19108
possible, but not later than forty-eight hours after the arrest of 19109
the person, the arresting officer shall send a copy of the sworn 19110
report to the court in which the arrested person is to appear on 19111
the charge for which the person was arrested. 19112

(F) The sworn report of an arresting officer completed under 19113
this section is prima-facie proof of the information and 19114
statements that it contains. It shall be admitted and considered 19115
as prima-facie proof of the information and statements that it 19116
contains in any appeal under section 4511.197 of the Revised Code 19117
relative to any suspension of a person's driver's or commercial 19118
driver's license or permit or nonresident operating privilege that 19119
results from the arrest covered by the report. 19120

Sec. 4511.193. (A) ~~Twenty-five~~ Subject to division (F)(2) of 19121
section 1901.31 of the Revised Code, twenty-five dollars of any 19122
fine imposed for a violation of a municipal OVI ordinance or 19123
township OVI resolution shall be deposited into the municipal or 19124
county indigent drivers alcohol treatment fund created pursuant to 19125
division (H) of section 4511.191 of the Revised Code in accordance 19126
with this section and section 733.40, divisions (A) and (B) of 19127
section 1901.024, division (F) of section 1901.31, or division (C) 19128
of section 1907.20 of the Revised Code. Regardless of whether the 19129
fine is imposed by a municipal court, a ~~mayer's~~ community court, 19130
or a juvenile court, if the fine was imposed for a violation of an 19131
ordinance of a municipal corporation or resolution of a township 19132
that is within the jurisdiction of a municipal court, the 19133
twenty-five dollars that is subject to this section shall be 19134
deposited into the indigent drivers alcohol treatment fund of the 19135
municipal corporation in which is located the municipal court that 19136
has jurisdiction over that municipal corporation. Regardless of 19137
whether the fine is imposed by a county court, a ~~mayer's~~ community 19138
court, or a juvenile court, if the fine was imposed for a 19139
violation of an ordinance of a municipal corporation or resolution 19140
of a township that is within the jurisdiction of a county court, 19141
the twenty-five dollars that is subject to this section shall be 19142
deposited into the indigent drivers alcohol treatment fund of the 19143
county in which is located the county court that has jurisdiction 19144
over that municipal corporation. The deposit shall be made in 19145
accordance with section 733.40, divisions (A) and (B) of section 19146
1901.024, division (F) of section 1901.31, or division (C) of 19147
section 1907.20 of the Revised Code. 19148

(B)(1) The requirements and sanctions imposed by divisions 19150
(B)(1) and (2) of this section are an adjunct to and derive from 19151
the state's exclusive authority over the registration and titling 19152

of motor vehicles and do not comprise a part of the criminal 19153
sentence to be imposed upon a person who violates a municipal OVI 19154
ordinance or township OVI resolution. 19155

(2) If a person is convicted of or pleads guilty to a 19156
violation of a municipal OVI ordinance or township OVI resolution, 19157
if the vehicle the offender was operating at the time of the 19158
offense is registered in the offender's name, and if, within six 19159
years of the current offense, the offender has been convicted of 19160
or pleaded guilty to one or more violations of division (A) or (B) 19161
of section 4511.19 of the Revised Code or one or more other 19162
equivalent offenses, the court, in addition to and independent of 19163
any sentence that it imposes upon the offender for the offense, 19164
shall do whichever of the following is applicable: 19165

(a) Except as otherwise provided in division (B)(2)(b) of 19166
this section, if, within six years of the current offense, the 19167
offender has been convicted of or pleaded guilty to one violation 19168
described in division (B)(2) of this section, the court shall 19169
order the immobilization for ninety days of that vehicle and the 19170
impoundment for ninety days of the license plates of that vehicle. 19171
The order for the immobilization and impoundment shall be issued 19172
and enforced in accordance with section 4503.233 of the Revised 19173
Code. 19174

(b) If, within six years of the current offense, the offender 19175
has been convicted of or pleaded guilty to two or more violations 19176
described in division (B)(2) of this section, or if the offender 19177
previously has been convicted of or pleaded guilty to a violation 19178
of division (A) of section 4511.19 of the Revised Code under 19179
circumstances in which the violation was a felony and regardless 19180
of when the violation and the conviction or guilty plea occurred, 19181
the court shall order the criminal forfeiture to the state of that 19182
vehicle. The order of criminal forfeiture shall be issued and 19183
enforced in accordance with section 4503.234 of the Revised Code. 19184

Sec. 4511.194. (A) As used in this section: 19185

(1) "National highway traffic safety administration" has the 19186
same meaning as in section 4511.19 of the Revised Code. 19187

(2) "Physical control" means being in the driver's position 19188
of the front seat of a vehicle or in the driver's position of a 19189
streetcar or trackless trolley and having possession of the 19190
vehicle's, streetcar's, or trackless trolley's ignition key or 19191
other ignition device. 19192

(B) No person shall be in physical control of a vehicle, 19193
streetcar, or trackless trolley if, at the time of the physical 19194
control, any of the following apply: 19195

(1) The person is under the influence of alcohol, a drug of 19196
abuse, or a combination of them. 19197

(2) The person's whole blood, blood serum or plasma, breath, 19198
or urine contains at least the concentration of alcohol specified 19199
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 19200
Revised Code. 19201

(3) Except as provided in division (E) of this section, the 19202
person has a concentration of a listed controlled substance or a 19203
listed metabolite of a controlled substance in the person's whole 19204
blood, blood serum or plasma, or urine that equals or exceeds the 19205
concentration specified in division (A)(1)(j) of section 4511.19 19206
of the Revised Code. 19207

(C)(1) In any criminal prosecution or juvenile court 19208
proceeding for a violation of this section or a substantially 19209
equivalent municipal ordinance or township resolution, if a law 19210
enforcement officer has administered a field sobriety test to the 19211
person in physical control of the vehicle involved in the 19212
violation and if it is shown by clear and convincing evidence that 19213
the officer administered the test in substantial compliance with 19214

the testing standards for any reliable, credible, and generally 19215
accepted field sobriety tests that were in effect at the time the 19216
tests were administered, including, but not limited to, any 19217
testing standards then in effect that were set by the national 19218
highway traffic safety administration, all of the following apply: 19219

(a) The officer may testify concerning the results of the 19220
field sobriety test so administered. 19221

(b) The prosecution may introduce the results of the field 19222
sobriety test so administered as evidence in any proceedings in 19223
the criminal prosecution or juvenile court proceeding. 19224

(c) If testimony is presented or evidence is introduced under 19225
division (C)(1)(a) or (b) of this section and if the testimony or 19226
evidence is admissible under the Rules of Evidence, the court 19227
shall admit the testimony or evidence, and the trier of fact shall 19228
give it whatever weight the trier of fact considers to be 19229
appropriate. 19230

(2) Division (C)(1) of this section does not limit or 19231
preclude a court, in its determination of whether the arrest of a 19232
person was supported by probable cause or its determination of any 19233
other matter in a criminal prosecution or juvenile court 19234
proceeding of a type described in that division, from considering 19235
evidence or testimony that is not otherwise disallowed by division 19236
(C)(1) of this section. 19237

(D) Whoever violates this section is guilty of having 19238
physical control of a vehicle while under the influence, a 19239
misdemeanor of the first degree. In addition to other sanctions 19240
imposed, the court may impose on the offender a class seven 19241
suspension of the offender's driver's license, commercial driver's 19242
license, temporary instruction permit, probationary license, or 19243
nonresident operating privilege from the range specified in 19244
division (A)(7) of section 4510.02 of the Revised Code. 19245

(E) Division (B)(3) of this section does not apply to a person who is in physical control of a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in division (A)(1)(j) of section 4511.19 of the Revised Code, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

Sec. 4511.195. (A) As used in this section:

(1) "Arrested person" means a person who is arrested for a violation of division (A) of section 4511.19 of the Revised Code or a municipal OVI ordinance or township OVI resolution and whose arrest results in a vehicle being seized under division (B) of this section.

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

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

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

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

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

(B)(1) The arresting officer or another officer of the law enforcement agency that employs the arresting officer, in addition to any action that the arresting officer is required or authorized to take by section 4511.19 or 4511.191 of the Revised Code or by any other provision of law, shall seize the vehicle that a person was operating at the time of the alleged offense and its license plates if the vehicle is registered in the arrested person's name and if either of the following applies:

(a) The person is arrested for a violation of division (A) of section 4511.19 of the Revised Code or of a municipal OVI ordinance or township OVI resolution and, within six years of the alleged violation, the person previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of section 4511.19 of the Revised Code or one or more other equivalent offenses.

(b) The person is arrested for a violation of division (A) of section 4511.19 of the Revised Code or of a municipal OVI ordinance or township OVI resolution and the person previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances in which the violation was a felony, regardless of when the prior felony violation of division (A) of section 4511.19 of the Revised Code and the conviction or guilty plea occurred.

(2) A law enforcement agency that employs a law enforcement officer who makes an arrest of a type that is described in division (B)(1) of this section and that involves a rented or leased vehicle that is being rented or leased for a period of thirty days or less shall notify, within twenty-four hours after

the officer makes the arrest, the lessor or owner of the vehicle 19308
regarding the circumstances of the arrest and the location at 19309
which the vehicle may be picked up. At the time of the seizure of 19310
the vehicle, the law enforcement officer who made the arrest shall 19311
give the arrested person written notice that the vehicle and its 19312
license plates have been seized; that the vehicle either will be 19313
kept by the officer's law enforcement agency or will be 19314
immobilized at least until the operator's initial appearance on 19315
the charge of the offense for which the arrest was made; that, at 19316
the initial appearance, the court in certain circumstances may 19317
order that the vehicle and license plates be released to the 19318
arrested person until the disposition of that charge; and that, if 19319
the arrested person is convicted of that charge, the court 19320
generally must order the immobilization of the vehicle and the 19321
impoundment of its license plates, or the forfeiture of the 19322
vehicle. 19323

(3) The arresting officer or a law enforcement officer of the 19324
agency that employs the arresting officer shall give written 19325
notice of the seizure to the court that will conduct the initial 19326
appearance of the arrested person on the charges arising out of 19327
the arrest. Upon receipt of the notice, the court promptly shall 19328
determine whether the arrested person is the vehicle owner. If the 19329
court determines that the arrested person is not the vehicle 19330
owner, it promptly shall send by regular mail written notice of 19331
the seizure to the vehicle's registered owner. The written notice 19332
shall contain all of the information required by division (B)(2) 19333
of this section to be in a notice to be given to the arrested 19334
person and also shall specify the date, time, and place of the 19335
arrested person's initial appearance. The notice also shall inform 19336
the vehicle owner that if title to a motor vehicle that is subject 19337
to an order for criminal forfeiture under this section is assigned 19338
or transferred and division (B)(2) or (3) of section 4503.234 of 19339
the Revised Code applies, the court may fine the arrested person 19340

the value of the vehicle. The notice also shall state that if the
vehicle is immobilized under division (A) of section 4503.233 of
the Revised Code, seven days after the end of the period of
immobilization a law enforcement agency will send the vehicle
owner a notice, informing the owner that if the release of the
vehicle is not obtained in accordance with division (D)(3) of
section 4503.233 of the Revised Code, the vehicle shall be
forfeited. The notice also shall inform the vehicle owner that the
vehicle owner may be charged expenses or charges incurred under
this section and section 4503.233 of the Revised Code for the
removal and storage of the vehicle.

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

(4) At or before the initial appearance, the vehicle owner
may file a motion requesting the court to order that the vehicle
and its license plates be released to the vehicle owner. Except as
provided in this division and subject to the payment of expenses
or charges incurred in the removal and storage of the vehicle, the
court, in its discretion, then may issue an order releasing the
vehicle and its license plates to the vehicle owner. Such an order
may be conditioned upon such terms as the court determines
appropriate, including the posting of a bond in an amount
determined by the court. If the arrested person is not the vehicle
owner and if the vehicle owner is not present at the arrested
person's initial appearance, and if the court believes that the
vehicle owner was not provided with adequate notice of the initial
appearance, the court, in its discretion, may allow the vehicle

owner to file a motion within seven days of the initial 19373
appearance. If the court allows the vehicle owner to file such a 19374
motion after the initial appearance, the extension of time granted 19375
by the court does not extend the time within which the initial 19376
appearance is to be conducted. If the court issues an order for 19377
the release of the vehicle and its license plates, a copy of the 19378
order shall be made available to the vehicle owner. If the vehicle 19379
owner presents a copy of the order to the law enforcement agency 19380
that employs the law enforcement officer who arrested the arrested 19381
person, the law enforcement agency promptly shall release the 19382
vehicle and its license plates to the vehicle owner upon payment 19383
by the vehicle owner of any expenses or charges incurred in the 19384
removal and storage of the vehicle. 19385

(5) A vehicle seized under division (B)(1) of this section 19386
either shall be towed to a place specified by the law enforcement 19387
agency that employs the arresting officer to be safely kept by the 19388
agency at that place for the time and in the manner specified in 19389
this section or shall be otherwise immobilized for the time and in 19390
the manner specified in this section. A law enforcement officer of 19391
that agency shall remove the identification license plates of the 19392
vehicle, and they shall be safely kept by the agency for the time 19393
and in the manner specified in this section. No vehicle that is 19394
seized and either towed or immobilized pursuant to this division 19395
shall be considered contraband for purposes of Chapter 2981. of 19396
the Revised Code. The vehicle shall not be immobilized at any 19397
place other than a commercially operated private storage lot, a 19398
place owned by a law enforcement agency or other government 19399
agency, or a place to which one of the following applies: 19400

(a) The place is leased by or otherwise under the control of 19401
a law enforcement agency or other government agency. 19402

(b) The place is owned by the vehicle operator, the vehicle 19403
operator's spouse, or a parent or child of the vehicle operator. 19404

(c) The place is owned by a private person or entity, and, 19405
prior to the immobilization, the private entity or person that 19406
owns the place, or the authorized agent of that private entity or 19407
person, has given express written consent for the immobilization 19408
to be carried out at that place. 19409

(d) The place is a street or highway on which the vehicle is 19410
parked in accordance with the law. 19411

(C)(1) A vehicle seized under division (B) of this section 19412
shall be safely kept at the place to which it is towed or 19413
otherwise moved by the law enforcement agency that employs the 19414
arresting officer until the initial appearance of the arrested 19415
person relative to the charge in question. The license plates of 19416
the vehicle that are removed pursuant to division (B) of this 19417
section shall be safely kept by the law enforcement agency that 19418
employs the arresting officer until the initial appearance of the 19419
arrested person relative to the charge in question. 19420

(2)(a) At the initial appearance or not less than seven days 19421
prior to the date of final disposition, the court shall notify the 19422
arrested person that, if title to a motor vehicle that is subject 19423
to an order for criminal forfeiture under this section is assigned 19424
or transferred and division (B)(2) or (3) of section 4503.234 of 19425
the Revised Code applies, the court may fine the arrested person 19426
the value of the vehicle. If, at the initial appearance, the 19427
arrested person pleads guilty to the violation of division (A) of 19428
section 4511.19 of the Revised Code or of the municipal OVI 19429
ordinance or township OVI resolution or pleads no contest to and 19430
is convicted of the violation, the court shall impose sentence 19431
upon the person as provided by law or ordinance; the court shall 19432
order the immobilization of the vehicle the arrested person was 19433
operating at the time of the offense if registered in the arrested 19434
person's name and the impoundment of its license plates under 19435
section 4503.233 and section 4511.19 or 4511.193 of the Revised 19436

Code or the criminal forfeiture to the state of the vehicle if 19437
registered in the arrested person's name under section 4503.234 19438
and section 4511.19 or 4511.193 of the Revised Code, whichever is 19439
applicable; and the vehicle and its license plates shall not be 19440
returned or released to the arrested person. 19441

(b) If, at any time, the charge that the arrested person 19442
violated division (A) of section 4511.19 of the Revised Code or 19443
the municipal OVI ordinance or township OVI resolution is 19444
dismissed for any reason, the court shall order that the vehicle 19445
seized at the time of the arrest and its license plates 19446
immediately be released to the person. 19447

(D) If a vehicle and its license plates are seized under 19448
division (B) of this section and are not returned or released to 19449
the arrested person pursuant to division (C) of this section, the 19450
vehicle and its license plates shall be retained until the final 19451
disposition of the charge in question. Upon the final disposition 19452
of that charge, the court shall do whichever of the following is 19453
applicable: 19454

(1) If the arrested person is convicted of or pleads guilty 19455
to the violation of division (A) of section 4511.19 of the Revised 19456
Code or of the municipal OVI ordinance or township OVI resolution, 19457
the court shall impose sentence upon the person as provided by law 19458
~~or~~, ordinance, or resolution and shall order the immobilization of 19459
the vehicle the person was operating at the time of the offense if 19460
it is registered in the arrested person's name and the impoundment 19461
of its license plates under section 4503.233 and section 4511.19 19462
or 4511.193 of the Revised Code, or the criminal forfeiture of the 19463
vehicle if it is registered in the arrested person's name under 19464
section 4503.234 and section 4511.19 or 4511.193 of the Revised 19465
Code, whichever is applicable. 19466

(2) If the arrested person is found not guilty of the 19467
violation of division (A) of section 4511.19 of the Revised Code 19468

or of the municipal OVI ordinance or township OVI resolution, the 19469
court shall order that the vehicle and its license plates 19470
immediately be released to the arrested person. 19471

(3) If the charge that the arrested person violated division 19472
(A) of section 4511.19 of the Revised Code or the municipal OVI 19473
ordinance or township OVI resolution is dismissed for any reason, 19474
the court shall order that the vehicle and its license plates 19475
immediately be released to the arrested person. 19476

(4) If the impoundment of the vehicle was not authorized 19477
under this section, the court shall order that the vehicle and its 19478
license plates be returned immediately to the arrested person or, 19479
if the arrested person is not the vehicle owner, to the vehicle 19480
owner, and shall order that the state or political subdivision of 19481
the law enforcement agency served by the law enforcement officer 19482
who seized the vehicle pay all expenses and charges incurred in 19483
its removal and storage. 19484

(E) If a vehicle is seized under division (B) of this 19485
section, the time between the seizure of the vehicle and either 19486
its release to the arrested person under division (C) of this 19487
section or the issuance of an order of immobilization of the 19488
vehicle under section 4503.233 of the Revised Code shall be 19489
credited against the period of immobilization ordered by the 19490
court. 19491

(F)(1) Except as provided in division (D)(4) of this section, 19492
the arrested person may be charged expenses or charges incurred in 19493
the removal and storage of the immobilized vehicle. The court with 19494
jurisdiction over the case, after notice to all interested 19495
parties, including lienholders, and after an opportunity for them 19496
to be heard, if the court finds that the arrested person does not 19497
intend to seek release of the vehicle at the end of the period of 19498
immobilization under section 4503.233 of the Revised Code or that 19499
the arrested person is not or will not be able to pay the expenses 19500

and charges incurred in its removal and storage, may order that 19501
title to the vehicle be transferred, in order of priority, first 19502
into the name of the person or entity that removed it, next into 19503
the name of a lienholder, or lastly into the name of the owner of 19504
the place of storage. 19505

Any lienholder that receives title under a court order shall 19506
do so on the condition that it pay any expenses or charges 19507
incurred in the vehicle's removal and storage. If the person or 19508
entity that receives title to the vehicle is the person or entity 19509
that removed it, the person or entity shall receive title on the 19510
condition that it pay any lien on the vehicle. The court shall not 19511
order that title be transferred to any person or entity other than 19512
the owner of the place of storage if the person or entity refuses 19513
to receive the title. Any person or entity that receives title 19514
either may keep title to the vehicle or may dispose of the vehicle 19515
in any legal manner that it considers appropriate, including 19516
assignment of the certificate of title to the motor vehicle to a 19517
salvage dealer or a scrap metal processing facility. The person or 19518
entity shall not transfer the vehicle to the person who is the 19519
vehicle's immediate previous owner. 19520

If the person or entity that receives title assigns the motor 19521
vehicle to a salvage dealer or scrap metal processing facility, 19522
the person or entity shall send the assigned certificate of title 19523
to the motor vehicle to the clerk of the court of common pleas of 19524
the county in which the salvage dealer or scrap metal processing 19525
facility is located. The person or entity shall mark the face of 19526
the certificate of title with the words "FOR DESTRUCTION" and 19527
shall deliver a photocopy of the certificate of title to the 19528
salvage dealer or scrap metal processing facility for its records. 19529

(2) Whenever a court issues an order under division (F)(1) of 19530
this section, the court also shall order removal of the license 19531
plates from the vehicle and cause them to be sent to the registrar 19532

of motor vehicles if they have not already been sent to the 19533
registrar. Thereafter, no further proceedings shall take place 19534
under this section or under section 4503.233 of the Revised Code. 19535

(3) Prior to initiating a proceeding under division (F)(1) of 19536
this section, and upon payment of the fee under division (B) of 19537
section 4505.14 of the Revised Code, any interested party may 19538
cause a search to be made of the public records of the bureau of 19539
motor vehicles or the clerk of the court of common pleas, to 19540
ascertain the identity of any lienholder of the vehicle. The 19541
initiating party shall furnish this information to the clerk of 19542
the court with jurisdiction over the case, and the clerk shall 19543
provide notice to the arrested person, any lienholder, and any 19544
other interested parties listed by the initiating party, at the 19545
last known address supplied by the initiating party, by certified 19546
mail or, at the option of the initiating party, by personal 19547
service or ordinary mail. 19548

Sec. 4511.196. (A) If a person is arrested for being in 19549
physical control of a vehicle, streetcar, or trackless trolley in 19550
violation of section 4511.194 of the Revised Code or a 19551
substantially equivalent municipal ordinance or township 19552
resolution, or for operating a vehicle, streetcar, or trackless 19553
trolley in violation of division (A) or (B) of section 4511.19 of 19554
the Revised Code or a municipal OVI ordinance or township OVI 19555
resolution, regardless of whether the person's driver's or 19556
commercial driver's license or permit or nonresident operating 19557
privilege is or is not suspended under section 4511.191 of the 19558
Revised Code, the person's initial appearance on the charge 19559
resulting from the arrest shall be held within five days of the 19560
person's arrest or the issuance of the citation to the person. 19561

(B)(1) If a person is arrested as described in division (A) 19562
of this section, if the person's driver's or commercial driver's 19563

license or permit or nonresident operating privilege has been 19564
suspended under section 4511.191 of the Revised Code in relation 19565
to that arrest, if the person appeals the suspension in accordance 19566
with section 4511.197 of the Revised Code, and if the judge, 19567
magistrate, or mayor terminates the suspension in accordance with 19568
that section, the judge, magistrate, or mayor, at any time prior 19569
to adjudication on the merits of the charge resulting from the 19570
arrest, may impose a new suspension of the person's license, 19571
permit, or nonresident operating privilege, notwithstanding the 19572
termination, if the judge, magistrate, or mayor determines that 19573
the person's continued driving will be a threat to public safety. 19574

(2) If a person is arrested as described in division (A) of 19575
this section and if the person's driver's or commercial driver's 19576
license or permit or nonresident operating privilege has not been 19577
suspended under section 4511.191 of the Revised Code in relation 19578
to that arrest, the judge, magistrate, or mayor, at any time prior 19579
to the adjudication on the merits of the charge resulting from the 19580
arrest, may impose a suspension of the person's license, permit, 19581
or nonresident operating privilege if the judge, magistrate, or 19582
mayor determines that the person's continued driving will be a 19583
threat to public safety. 19584

(C) A suspension under division (B)(1) or (2) of this section 19585
shall continue until the complaint on the charge resulting from 19586
the arrest is adjudicated on the merits. A court that imposes a 19587
suspension under division (B)(2) of this section shall send the 19588
person's driver's license or permit to the registrar of motor 19589
vehicles. If the court possesses the license or permit of a person 19590
in the category described in division (B)(2) of this section and 19591
the court does not impose a suspension under that division, the 19592
court shall return the license or permit to the person if the 19593
license or permit has not otherwise been suspended or cancelled. 19594

Any time during which the person serves a suspension of the 19595

person's license, permit, or privilege that is imposed pursuant to 19596
division (B)(1) or (2) of this section shall be credited against 19597
any period of judicial suspension of the person's license, permit, 19598
or privilege that is imposed under division (G) of section 4511.19 19599
of the Revised Code or under section 4510.07 of the Revised Code 19600
for a violation of a municipal ordinance substantially equivalent 19601
to division (A) of section 4511.19 of the Revised Code. 19602

(D) If a person is arrested and charged with a violation of 19603
section 2903.08 of the Revised Code or a violation of section 19604
2903.06 of the Revised Code that is a felony offense, the judge at 19605
the person's initial appearance, preliminary hearing, or 19606
arraignment may suspend the person's driver's or commercial 19607
driver's license or permit or nonresident operating privilege if 19608
the judge determines at any of those proceedings that the person's 19609
continued driving will be a threat to public safety. 19610

A suspension imposed under this division shall continue until 19611
the indictment or information alleging the violation specified in 19612
this division is adjudicated on the merits. A court that imposes a 19613
suspension under this division shall send the person's driver's or 19614
commercial driver's license or permit to the registrar. 19615

Sec. 4511.197. (A) If a person is arrested for operating a 19616
vehicle, streetcar, or trackless trolley in violation of division 19617
(A) or (B) of section 4511.19 of the Revised Code or a municipal 19618
OVI ordinance or township OVI resolution or for being in physical 19619
control of a vehicle, streetcar, or trackless trolley in violation 19620
of section 4511.194 of the Revised Code or a substantially 19621
equivalent municipal ordinance or township resolution and if the 19622
person's driver's or commercial driver's license or permit or 19623
nonresident operating privilege is suspended under section 19624
4511.191 of the Revised Code, the person may appeal the suspension 19625
at the person's initial appearance on the charge resulting from 19626

the arrest or within the period ending thirty days after the 19627
person's initial appearance on that charge, in the court in which 19628
the person will appear on that charge. If the person appeals the 19629
suspension, the appeal itself does not stay the operation of the 19630
suspension. If the person appeals the suspension, either the 19631
person or the registrar of motor vehicles may request a 19632
continuance of the appeal, and the court may grant the 19633
continuance. The court also may continue the appeal on its own 19634
motion. Neither the request for, nor the granting of, a 19635
continuance stays the suspension that is the subject of the 19636
appeal, unless the court specifically grants a stay. 19637

(B) A person shall file an appeal under division (A) of this 19638
section in the municipal court, county court, juvenile court, 19639
~~mayer's~~ community court, or court of common pleas that has 19640
jurisdiction over the charge in relation to which the person was 19641
arrested. 19642

(C) If a person appeals a suspension under division (A) of 19643
this section, the scope of the appeal is limited to determining 19644
whether one or more of the following conditions have not been met: 19645

(1) Whether the arresting law enforcement officer had 19646
reasonable ground to believe the arrested person was operating a 19647
vehicle, streetcar, or trackless trolley in violation of division 19648
(A) or (B) of section 4511.19 of the Revised Code or a municipal 19649
OVI ordinance or township OVI resolution or was in physical 19650
control of a vehicle, streetcar, or trackless trolley in violation 19651
of section 4511.194 of the Revised Code or a substantially 19652
equivalent municipal ordinance or township resolution and whether 19653
the arrested person was in fact placed under arrest; 19654

(2) Whether the law enforcement officer requested the 19655
arrested person to submit to the chemical test or tests designated 19656
pursuant to division (A) of section 4511.191 of the Revised Code; 19657

(3) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test or tests;

(4) Whichever of the following is applicable:

(a) Whether the arrested person refused to submit to the chemical test or tests requested by the officer;

(b) Whether the arrest was for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or township OVI resolution and, if it was, whether the chemical test results indicate that the arrested person's whole blood contained a concentration of eight-hundredths of one per cent or more by weight of alcohol, the person's blood serum or plasma contained a concentration of ninety-six-thousandths of one per cent or more by weight of alcohol, the person's breath contained a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense.

(D) A person who appeals a suspension under division (A) of this section has the burden of proving, by a preponderance of the evidence, that one or more of the conditions specified in division (C) of this section has not been met. If, during the appeal, the judge or magistrate of the court ~~or the mayor of the mayor's court~~ determines that all of those conditions have been met, the judge, ~~or magistrate, or mayor~~ shall uphold the suspension, continue the suspension, and notify the registrar of motor vehicles of the decision on a form approved by the registrar.

Except as otherwise provided in this section, if a suspension imposed under section 4511.191 of the Revised Code is upheld on

appeal or if the subject person does not appeal the suspension 19689
under division (A) of this section, the suspension shall continue 19690
until the complaint alleging the violation for which the person 19691
was arrested and in relation to which the suspension was imposed 19692
is adjudicated on the merits or terminated pursuant to law. If the 19693
suspension was imposed under division (B)(1) of section 4511.191 19694
of the Revised Code and it is continued under this section, any 19695
subsequent finding that the person is not guilty of the charge 19696
that resulted in the person being requested to take the chemical 19697
test or tests under division (A) of section 4511.191 of the 19698
Revised Code does not terminate or otherwise affect the 19699
suspension. If the suspension was imposed under division (C) of 19700
section 4511.191 of the Revised Code in relation to an alleged 19701
misdemeanor violation of division (A) or (B) of section 4511.19 of 19702
the Revised Code or of a municipal OVI ordinance or township OVI 19703
resolution and it is continued under this section, the suspension 19704
shall terminate if, for any reason, the person subsequently is 19705
found not guilty of the charge that resulted in the person taking 19706
the chemical test or tests. 19707

If, during the appeal, the judge or magistrate of the trial 19708
court ~~or the mayor of the mayor's court~~ determines that one or 19709
more of the conditions specified in division (C) of this section 19710
have not been met, the judge, or magistrate, ~~or mayor~~ shall 19711
terminate the suspension, subject to the imposition of a new 19712
suspension under division (B) of section 4511.196 of the Revised 19713
Code; shall notify the registrar of motor vehicles of the decision 19714
on a form approved by the registrar; and, except as provided in 19715
division (B) of section 4511.196 of the Revised Code, shall order 19716
the registrar to return the driver's or commercial driver's 19717
license or permit to the person or to take any other measures that 19718
may be necessary, if the license or permit was destroyed under 19719
section 4510.53 of the Revised Code, to permit the person to 19720
obtain a replacement driver's or commercial driver's license or 19721

permit from the registrar or a deputy registrar in accordance with 19722
that section. The court also shall issue to the person a court 19723
order, valid for not more than ten days from the date of issuance, 19724
granting the person operating privileges for that period. 19725

(E) Any person whose driver's or commercial driver's license 19726
or permit or nonresident operating privilege has been suspended 19727
pursuant to section 4511.191 of the Revised Code may file a 19728
petition requesting limited driving privileges in the common pleas 19729
court, municipal court, county court, ~~mayer's~~ community court, or 19730
juvenile court with jurisdiction over the related criminal or 19731
delinquency case. The petition may be filed at any time subsequent 19732
to the date on which the arresting law enforcement officer serves 19733
the notice of suspension upon the arrested person but no later 19734
than thirty days after the arrested person's initial appearance or 19735
arraignment. Upon the making of the request, limited driving 19736
privileges may be granted under sections 4510.021 and 4510.13 of 19737
the Revised Code, regardless of whether the person appeals the 19738
suspension under this section or appeals the decision of the court 19739
on the appeal, and, if the person has so appealed the suspension 19740
or decision, regardless of whether the matter has been heard or 19741
decided by the court. The person shall pay the costs of the 19742
proceeding, notify the registrar of the filing of the petition, 19743
and send the registrar a copy of the petition. 19744

The court may not grant the person limited driving privileges 19745
when prohibited by section 4510.13 or 4511.191 of the Revised 19746
Code. 19747

(F) Any person whose driver's or commercial driver's license 19748
or permit has been suspended under section 4511.19 of the Revised 19749
Code or under section 4510.07 of the Revised Code for a conviction 19750
of a municipal OVI offense or township OVI resolution and who 19751
desires to retain the license or permit during the pendency of an 19752
appeal, at the time sentence is pronounced, shall notify the court 19753

~~of record or mayor's court~~ that suspended the license or permit of 19754
the person's intention to appeal. If the person so notifies the 19755
court, the court, ~~mayor,~~ or clerk of the court shall retain the 19756
license or permit until the appeal is perfected, and, if execution 19757
of sentence is stayed, the license or permit shall be returned to 19758
the person to be held by the person during the pendency of the 19759
appeal. If the appeal is not perfected or is dismissed or 19760
terminated in an affirmance of the conviction, then the license or 19761
permit shall be taken up by the court, ~~mayor,~~ or clerk, at the 19762
time of putting the sentence into execution, and the court shall 19763
proceed in the same manner as if no appeal was taken. 19764

(G) Except as otherwise provided in this division, if a 19765
person whose driver's or commercial driver's license or permit or 19766
nonresident operating privilege was suspended under section 19767
4511.191 of the Revised Code appeals the suspension under division 19768
(A) of this section, the prosecuting attorney of the county in 19769
which the arrest occurred shall represent the registrar of motor 19770
vehicles in the appeal. If the arrest occurred within a municipal 19771
corporation or urban township within the jurisdiction of the court 19772
in which the appeal is conducted, the ~~city director of law,~~ 19773
~~village solicitor, or other~~ chief legal officer of that municipal 19774
corporation or urban township shall represent the registrar. If 19775
the appeal is conducted in a municipal court, the registrar shall 19776
be represented as provided in section 1901.34 of the Revised Code. 19777
If the appeal is conducted in a ~~mayor's~~ community court, the city 19778
director of law, village solicitor, or other chief legal officer 19779
of the municipal corporation or urban township that operates that 19780
~~mayor's~~ community court shall represent the registrar. 19781

19782

(H) The court shall give information in writing of any action 19783
taken under this section to the registrar of motor vehicles. 19784

(I) When it finally has been determined under the procedures 19785

of this section that a nonresident's privilege to operate a 19786
vehicle within this state has been suspended, the registrar of 19787
motor vehicles shall give information in writing of the action 19788
taken to the motor vehicle administrator of the state of the 19789
nonresident's residence and of any state in which the nonresident 19790
has a license. 19791

Sec. 4511.203. (A) No person shall permit a motor vehicle 19792
owned by the person or under the person's control to be driven by 19793
another if any of the following apply: 19794

(1) The offender knows or has reasonable cause to believe 19795
that the other person does not have a valid driver's or commercial 19796
driver's license or permit or valid nonresident driving 19797
privileges. 19798

(2) The offender knows or has reasonable cause to believe 19799
that the other person's driver's or commercial driver's license or 19800
permit or nonresident operating privileges have been suspended or 19801
canceled under Chapter 4510. or any other provision of the Revised 19802
Code. 19803

(3) The offender knows or has reasonable cause to believe 19804
that the other person's act of driving the motor vehicle would 19805
violate any prohibition contained in Chapter 4509. of the Revised 19806
Code. 19807

(4) The offender knows or has reasonable cause to believe 19808
that the other person's act of driving would violate section 19809
4511.19 of the Revised Code or any substantially equivalent 19810
municipal ordinance or township resolution. 19811

(B) Without limiting or precluding the consideration of any 19812
other evidence in determining whether a violation of division 19813
(A)(1), (2), (3), or (4) of this section has occurred, it shall be 19814
prima-facie evidence that the offender knows or has reasonable 19815

cause to believe that the operator of the motor vehicle owned by 19816
the offender or under the offender's control is in a category 19817
described in division (A)(1), (2), (3), or (4) of this section if 19818
any of the following applies: 19819

(1) Regarding an operator allegedly in the category described 19820
in division (A)(1) or (3) of this section, the offender and the 19821
operator of the motor vehicle reside in the same household and are 19822
related by consanguinity or affinity. 19823

(2) Regarding an operator allegedly in the category described 19824
in division (A)(2) of this section, the offender and the operator 19825
of the motor vehicle reside in the same household, and the 19826
offender knows or has reasonable cause to believe that the 19827
operator has been charged with or convicted of any violation of 19828
law or ordinance, or has committed any other act or omission, that 19829
would or could result in the suspension or cancellation of the 19830
operator's license, permit, or privilege. 19831

(3) Regarding an operator allegedly in the category described 19832
in division (A)(4) of this section, the offender and the operator 19833
of the motor vehicle occupied the motor vehicle together at the 19834
time of the offense. 19835

(C) Whoever violates this section is guilty of wrongful 19836
entrustment of a motor vehicle, a misdemeanor of the first degree. 19837
In addition to the penalties imposed under Chapter 2929. of the 19838
Revised Code, the court shall impose a class seven suspension of 19839
the offender's driver's license, commercial driver's license, 19840
temporary instruction permit, probationary license, or nonresident 19841
operating privilege from the range specified in division (A)(7) of 19842
section 4510.02 of the Revised Code, and, if the vehicle involved 19843
in the offense is registered in the name of the offender, the 19844
court shall order one of the following: 19845

(1) Except as otherwise provided in division (C)(2) or (3) of 19846

this section, the court shall order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Revised Code.

(2) If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent municipal ordinance or township resolution, the court shall order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Revised Code.

(3) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance or township resolution, the court shall order the criminal forfeiture to the state of the vehicle involved in the offense. The order shall be issued and enforced under section 4503.234 of the Revised Code.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. The proceeds from any fine imposed under this division shall be distributed in accordance with division (C)(2) of section 4503.234 of the Revised Code.

(D) If a court orders the immobilization of a vehicle under division (C) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) If a court orders the criminal forfeiture of a vehicle 19879
under division (C) of this section, upon receipt of the order from 19880
the court, neither the registrar of motor vehicles nor any deputy 19881
registrar shall accept any application for the registration or 19882
transfer of registration of any motor vehicle owned or leased by 19883
the person named in the order. The period of denial shall be five 19884
years after the date the order is issued, unless, during that 19885
five-year period, the court with jurisdiction of the offense that 19886
resulted in the order terminates the forfeiture and notifies the 19887
registrar of the termination. If the court terminates the 19888
forfeiture and notifies the registrar, the registrar shall take 19889
all necessary measures to permit the person to register a vehicle 19890
owned or leased by the person or to transfer the registration of 19891
the vehicle. 19892

(F) This section does not apply to motor vehicle rental 19893
dealers or motor vehicle leasing dealers, as defined in section 19894
4549.65 of the Revised Code. 19895

(G) Evidence of a conviction of, plea of guilty to, or 19896
adjudication as a delinquent child for a violation of this section 19897
or a substantially similar municipal ordinance or township 19898
resolution shall not be admissible as evidence in any civil action 19899
that involves the offender or delinquent child who is the subject 19900
of the conviction, plea, or adjudication and that arises from the 19901
wrongful entrustment of a motor vehicle. 19902

(H) As used in this section, a vehicle is owned by a person 19903
if, at the time of a violation of this section, the vehicle is 19904
registered in the person's name. 19905

Sec. 4511.211. (A) The owner of a private road or driveway 19906
located in a private residential area containing twenty or more 19907
dwelling units may establish a speed limit on the road or driveway 19908
by complying with all of the following requirements: 19909

(1) The speed limit is not less than twenty-five miles per hour and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code;

(2) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, a speed limit has been established for the road or driveway, and the speed limit is enforceable by law enforcement officers under state law.

(B) No person shall operate a vehicle upon a private road or driveway as provided in division (A) of this section at a speed exceeding any speed limit established and posted pursuant to that division.

(C) When a speed limit is established and posted in accordance with division (A) of this section, any law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in section 4511.091 of the Revised Code or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(D) Points shall be assessed for violation of a speed limit established and posted in accordance with division (A) of this section in accordance with section 4510.036 of the Revised Code.

(E) As used in this section:

(1) "Owner" includes but is not limited to a person who holds title to the real property in fee simple, a condominium owners' association, a property owner's association, the board of directors or trustees of a private community, and a nonprofit

corporation governing a private community. 19941

(2) "Private residential area containing twenty or more 19942
dwelling units" does not include a Chautauqua assembly as defined 19943
in section 4511.90 of the Revised Code. 19944

(F) A violation of division (B) of this section is one of the 19945
following: 19946

(1) Except as otherwise provided in divisions (F)(2) and (3) 19947
of this section, a minor misdemeanor; 19948

(2) If, within one year of the offense, the offender 19949
previously has been convicted of or pleaded guilty to two 19950
violations of division (B) of this section or of any municipal 19951
ordinance or township resolution that is substantially similar to 19952
division (B) of this section, a misdemeanor of the fourth degree; 19953

(3) If, within one year of the offense, the offender 19954
previously has been convicted of or pleaded guilty to three or 19955
more violations of division (B) of this section or of any 19956
municipal ordinance or township resolution that is substantially 19957
similar to division (B) of this section, a misdemeanor of the 19958
third degree. 19959

Sec. 4511.512. (A)(1) Electric personal assistive mobility 19960
devices may be operated on the public streets, highways, 19961
sidewalks, and paths and portions of roadways set aside for the 19962
exclusive use of bicycles in accordance with this section. 19963

(2) Except as otherwise provided in this section, those 19964
sections of this chapter that by their nature are applicable to an 19965
electric personal assistive mobility device apply to the device 19966
and the person operating it whenever it is operated upon any 19967
public street, highway, sidewalk, or path or upon any portion of a 19968
roadway set aside for the exclusive use of bicycles. 19969

(3) A local authority may regulate or prohibit the operation 19970

of electric personal assistive mobility devices on public streets, 19971
highways, sidewalks, and paths, and portions of roadways set aside 19972
for the exclusive use of bicycles, under its jurisdiction. 19973

(B) No operator of an electric personal assistive mobility 19974
device shall do any of the following: 19975

(1) Fail to yield the right-of-way to all pedestrians and 19976
human-powered vehicles at all times; 19977

(2) Fail to give an audible signal before overtaking and 19978
passing a pedestrian; 19979

(3) Operate the device at night unless the device or its 19980
operator is equipped with or wearing both of the following: 19981

(a) A lamp pointing to the front that emits a white light 19982
visible from a distance of not less than five hundred feet; 19983

(b) A red reflector facing the rear that is visible from all 19984
distances from one hundred feet to six hundred feet when directly 19985
in front of lawful lower beams of head lamps on a motor vehicle. 19986

(4) Operate the device on any portion of a street or highway 19987
that has an established speed limit of fifty-five miles per hour 19988
or more; 19989

(5) Operate the device upon any path set aside for the 19990
exclusive use of pedestrians or other specialized use when an 19991
appropriate sign giving notice of the specialized use is posted on 19992
the path; 19993

(6) If under eighteen years of age, operate the device unless 19994
wearing a protective helmet on the person's head with the chin 19995
strap properly fastened; 19996

(7) If under sixteen years of age, operate the device unless, 19997
during the operation, the person is under the direct visual and 19998
audible supervision of another person who is eighteen years of age 19999
or older and is responsible for the immediate care of the person 20000

under sixteen years of age. 20001

(C) No person who is under fourteen years of age shall 20002
operate an electric personal assistive mobility device. 20003

(D) No person shall distribute or sell an electric personal 20004
assistive mobility device unless the device is accompanied by a 20005
written statement that is substantially equivalent to the 20006
following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE 20007
ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST 20008
GUARDS, ELBOW PADS, AND KNEE PADS." 20009

(E) Nothing in this section affects or shall be construed to 20010
affect any rule of the director of natural resources or a board of 20011
park district commissioners governing the operation of vehicles on 20012
lands under the control of the director or board, as applicable. 20013

(F)(1) Whoever violates division (B) or (C) of this section 20014
is guilty of a minor misdemeanor and shall be punished as follows: 20015

(a) The offender shall be fined ten dollars. 20016

(b) If the offender previously has been convicted of or 20017
pleaded guilty to a violation of division (B) or (C) of this 20018
section or a substantially similar municipal ordinance or township 20019
resolution, the court, in addition to imposing the fine required 20020
under division (F)(1) of this section, shall do one of the 20021
following: 20022

(i) Order the impoundment for not less than one day but not 20023
more than thirty days of the electric personal assistive mobility 20024
device that was involved in the current violation of that 20025
division. The court shall order the device to be impounded at a 20026
safe indoor location designated by the court and may assess 20027
storage fees of not more than five dollars per day, provided the 20028
total storage, processing, and release fees assessed against the 20029
offender or the device in connection with the device's impoundment 20030
or subsequent release shall not exceed fifty dollars. 20031

(ii) If the court does not issue an impoundment order 20032
pursuant to division (F)(1)(b)(i) of this section, issue an order 20033
prohibiting the offender from operating any electric personal 20034
assistive mobility device on the public streets, highways, 20035
sidewalks, and paths and portions of roadways set aside for the 20036
exclusive use of bicycles for not less than one day but not more 20037
than thirty days. 20038

(2) Whoever violates division (D) of this section is guilty 20039
of a minor misdemeanor. 20040

Sec. 4511.63. (A) Except as provided in division (B) of this 20041
section, the operator of any bus, any school vehicle, or any 20042
vehicle transporting a material or materials required to be 20043
placarded under 49 C.F.R. Parts 100-185, before crossing at grade 20044
any track of a railroad, shall stop the vehicle and, while so 20045
stopped, shall listen through an open door or open window and look 20046
in both directions along the track for any approaching train, and 20047
for signals indicating the approach of a train, and shall proceed 20048
only upon exercising due care after stopping, looking, and 20049
listening as required by this section. Upon proceeding, the 20050
operator of such a vehicle shall cross only in a gear that will 20051
ensure there will be no necessity for changing gears while 20052
traversing the crossing and shall not shift gears while crossing 20053
the tracks. 20054

(B) This section does not apply at grade crossings when the 20055
public utilities commission has authorized and approved an exempt 20056
crossing as provided in this division. 20057

(1) Any local authority may file an application with the 20058
commission requesting the approval of an exempt crossing. Upon 20059
receipt of such a request, the commission shall authorize a 20060
limited period for the filing of comments by any party regarding 20061
the application and then shall conduct a public hearing in the 20062

community seeking the exempt crossing designation. The commission 20063
shall provide appropriate prior public notice of the comment 20064
period and the public hearing. By registered mail, the commission 20065
shall notify each railroad operating over the crossing of the 20066
comment period. 20067

(2) After considering any comments or other information 20068
received, the commission may approve or reject the application. By 20069
order, the commission may establish conditions for the exempt 20070
crossing designation, including compliance with division (b) of 49 20071
C.F.R. Part 392.10, when applicable. An exempt crossing 20072
designation becomes effective only when appropriate signs giving 20073
notice of the exempt designation are erected at the crossing as 20074
ordered by the commission and any other conditions ordered by the 20075
commission are satisfied. 20076

(3) By order, the commission may rescind any exempt crossing 20077
designation made under this section if the commission finds that a 20078
condition at the exempt crossing has changed to such an extent 20079
that the continuation of the exempt crossing designation 20080
compromises public safety. The commission may conduct a public 20081
hearing to investigate and determine whether to rescind the exempt 20082
crossing designation. If the commission rescinds the designation, 20083
it shall order the removal of any exempt crossing signs and may 20084
make any other necessary order. 20085

(C) As used in this section: 20086

(1) "School vehicle" means any vehicle used for the 20087
transportation of pupils to and from a school or school-related 20088
function if the vehicle is owned or operated by, or operated under 20089
contract with, a public or nonpublic school. 20090

(2) "Bus" means any vehicle originally designed by its 20091
manufacturer to transport sixteen or more passengers, including 20092
the driver, or carries sixteen or more passengers, including the 20093

driver. 20094

(3) "Exempt crossing" means a highway rail grade crossing 20095
authorized and approved by the public utilities commission under 20096
division (B) of this section at which vehicles may cross without 20097
making the stop otherwise required by this section. 20098

(D) Except as otherwise provided in this division, whoever 20099
violates this section is guilty of a minor misdemeanor. If the 20100
offender previously has been convicted of or pleaded guilty to one 20101
or more violations of this section or section 4511.76, 4511.761, 20102
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 20103
municipal ordinance or township resolution that is substantially 20104
similar to any of those sections, whoever violates this section is 20105
guilty of a misdemeanor of the fourth degree. 20106

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 20107
roadway where there is an adjacent curb shall be stopped or parked 20108
with the right-hand wheels of the vehicle parallel with and not 20109
more than twelve inches from the right-hand curb, unless it is 20110
impossible to approach so close to the curb; in such case the stop 20111
shall be made as close to the curb as possible and only for the 20112
time necessary to discharge and receive passengers or to load or 20113
unload merchandise. Local authorities by ordinance may permit 20114
angle parking on any roadway under their jurisdiction, except that 20115
angle parking shall not be permitted on a state route within a 20116
municipal corporation unless an unoccupied roadway width of not 20117
less than twenty-five feet is available for free-moving traffic. 20118

(B) Local authorities by ordinance may permit parking of 20119
vehicles with the left-hand wheels adjacent to and within twelve 20120
inches of the left-hand curb of a one-way roadway. 20121

(C) No vehicle or trackless trolley shall be stopped or 20122
parked on a road or highway with the vehicle or trackless trolley 20123
facing in a direction other than the direction of travel on that 20124

side of the road or highway. 20125

(D) Notwithstanding any statute or any rule, resolution, or 20126
ordinance adopted by any local authority, air compressors, 20127
tractors, trucks, and other equipment, while being used in the 20128
construction, reconstruction, installation, repair, or removal of 20129
facilities near, on, over, or under a street or highway, may stop, 20130
stand, or park where necessary in order to perform such work, 20131
provided a flagperson is on duty or warning signs or lights are 20132
displayed as may be prescribed by the director of transportation. 20133

(E) Special parking locations and privileges for persons with 20134
disabilities that limit or impair the ability to walk, also known 20135
as handicapped parking spaces or disability parking spaces, shall 20136
be provided and designated by all political subdivisions and by 20137
the state and all agencies and instrumentalities thereof at all 20138
offices and facilities, where parking is provided, whether owned, 20139
rented, or leased, and at all publicly owned parking garages. The 20140
locations shall be designated through the posting of an elevated 20141
sign, whether permanently affixed or movable, imprinted with the 20142
international symbol of access and shall be reasonably close to 20143
exits, entrances, elevators, and ramps. All elevated signs posted 20144
in accordance with this division and division (C) of section 20145
3781.111 of the Revised Code shall be mounted on a fixed or 20146
movable post, and the distance from the ground to the top edge of 20147
the sign shall measure five feet. If a new sign or a replacement 20148
sign designating a special parking location is posted on or after 20149
October 14, 1999, there also shall be affixed upon the surface of 20150
that sign or affixed next to the designating sign a notice that 20151
states the fine applicable for the offense of parking a motor 20152
vehicle in the special designated parking location if the motor 20153
vehicle is not legally entitled to be parked in that location. 20154

(F)(1) No person shall stop, stand, or park any motor vehicle 20155
at special parking locations provided under division (E) of this 20156

section or at special clearly marked parking locations provided in 20157
or on privately owned parking lots, parking garages, or other 20158
parking areas and designated in accordance with that division, 20159
unless one of the following applies: 20160

(a) The motor vehicle is being operated by or for the 20161
transport of a person with a disability that limits or impairs the 20162
ability to walk and is displaying a valid removable windshield 20163
placard or special license plates; 20164

(b) The motor vehicle is being operated by or for the 20165
transport of a handicapped person and is displaying a parking card 20166
or special handicapped license plates. 20167

(2) Any motor vehicle that is parked in a special marked 20168
parking location in violation of division (F)(1)(a) or (b) of this 20169
section may be towed or otherwise removed from the parking 20170
location by the law enforcement agency of the political 20171
subdivision in which the parking location is located. A motor 20172
vehicle that is so towed or removed shall not be released to its 20173
owner until the owner presents proof of ownership of the motor 20174
vehicle and pays all towing and storage fees normally imposed by 20175
that political subdivision for towing and storing motor vehicles. 20176
If the motor vehicle is a leased vehicle, it shall not be released 20177
to the lessee until the lessee presents proof that that person is 20178
the lessee of the motor vehicle and pays all towing and storage 20179
fees normally imposed by that political subdivision for towing and 20180
storing motor vehicles. 20181

(3) If a person is charged with a violation of division 20182
(F)(1)(a) or (b) of this section, it is an affirmative defense to 20183
the charge that the person suffered an injury not more than 20184
seventy-two hours prior to the time the person was issued the 20185
ticket or citation and that, because of the injury, the person 20186
meets at least one of the criteria contained in division (A)(1) of 20187
section 4503.44 of the Revised Code. 20188

(G) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(H) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(I) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(J)(1) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor.

(2)(a) Whoever violates division (F)(1)(a) or (b) of this section is guilty of a misdemeanor and shall be punished as provided in division (J)(2)(a) and (b) of this section. Except as otherwise provided in division (J)(2)(a) of this section, an offender who violates division (F)(1)(a) or (b) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (F)(1)(a) or

(b) of this section shall be fined not more than one hundred 20221
dollars if the offender, prior to sentencing, proves either of the 20222
following to the satisfaction of the court: 20223

(i) At the time of the violation of division (F)(1)(a) of 20224
this section, the offender or the person for whose transport the 20225
motor vehicle was being operated had been issued a removable 20226
windshield placard that then was valid or special license plates 20227
that then were valid but the offender or the person neglected to 20228
display the placard or license plates as described in division 20229
(F)(1)(a) of this section. 20230

(ii) At the time of the violation of division (F)(1)(b) of 20231
this section, the offender or the person for whose transport the 20232
motor vehicle was being operated had been issued a parking card 20233
that then was valid or special handicapped license plates that 20234
then were valid but the offender or the person neglected to 20235
display the card or license plates as described in division 20236
(F)(1)(b) of this section. 20237

(b) In no case shall an offender who violates division 20238
(F)(1)(a) or (b) of this section be sentenced to any term of 20239
imprisonment. 20240

An arrest or conviction for a violation of division (F)(1)(a) 20241
or (b) of this section does not constitute a criminal record and 20242
need not be reported by the person so arrested or convicted in 20243
response to any inquiries contained in any application for 20244
employment, license, or other right or privilege, or made in 20245
connection with the person's appearance as a witness. 20246

The clerk of the court shall pay every fine collected under 20247
division (J)(2) of this section to the political subdivision in 20248
which the violation occurred. Except as provided in division 20249
(J)(2) of this section, the political subdivision shall use the 20250
fine moneys it receives under division (J)(2) of this section to 20251

pay the expenses it incurs in complying with the signage and 20252
notice requirements contained in division (E) of this section. The 20253
political subdivision may use up to fifty per cent of each fine it 20254
receives under division (J)(2) of this section to pay the costs of 20255
educational, advocacy, support, and assistive technology programs 20256
for persons with disabilities, and for public improvements within 20257
the political subdivision that benefit or assist persons with 20258
disabilities, if governmental agencies or nonprofit organizations 20259
offer the programs. 20260

(3) Whoever violates division (H) of this section shall be 20261
punished as follows: 20262

(a) Except as otherwise provided in division (J)(3) of this 20263
section, the offender shall be issued a warning. 20264

(b) If the offender previously has been convicted of or 20265
pleaded guilty to a violation of division (H) of this section or 20266
of a municipal ordinance or township resolution that is 20267
substantially similar to that division, the offender shall not be 20268
issued a warning but shall be fined not more than twenty-five 20269
dollars for each parking location that is not properly marked or 20270
whose markings are not properly maintained. 20271

(K) As used in this section: 20272

(1) "Handicapped person" means any person who has lost the 20273
use of one or both legs or one or both arms, who is blind, deaf, 20274
or so severely handicapped as to be unable to move without the aid 20275
of crutches or a wheelchair, or whose mobility is restricted by a 20276
permanent cardiovascular, pulmonary, or other handicapping 20277
condition. 20278

(2) "Person with a disability that limits or impairs the 20279
ability to walk" has the same meaning as in section 4503.44 of the 20280
Revised Code. 20281

(3) "Special license plates" and "removable windshield 20282

placard" mean any license plates or removable windshield placard 20283
or temporary removable windshield placard issued under section 20284
4503.41 or 4503.44 of the Revised Code, and also mean any 20285
substantially similar license plates or removable windshield 20286
placard or temporary removable windshield placard issued by a 20287
state, district, country, or sovereignty. 20288

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 20289
trackless trolley upon meeting or overtaking from either direction 20290
any school bus stopped for the purpose of receiving or discharging 20291
any school child, person attending programs offered by community 20292
boards of mental health and county boards of mental retardation 20293
and developmental disabilities, or child attending a program 20294
offered by a head start agency, shall stop at least ten feet from 20295
the front or rear of the school bus and shall not proceed until 20296
such school bus resumes motion, or until signaled by the school 20297
bus driver to proceed. 20298

It is no defense to a charge under this division that the 20299
school bus involved failed to display or be equipped with an 20300
automatically extended stop warning sign as required by division 20301
(B) of this section. 20302

(B) Every school bus shall be equipped with amber and red 20303
visual signals meeting the requirements of section 4511.771 of the 20304
Revised Code, and an automatically extended stop warning sign of a 20305
type approved by the state board of education, which shall be 20306
actuated by the driver of the bus whenever but only whenever the 20307
bus is stopped or stopping on the roadway for the purpose of 20308
receiving or discharging school children, persons attending 20309
programs offered by community boards of mental health and county 20310
boards of mental retardation and developmental disabilities, or 20311
children attending programs offered by head start agencies. A 20312
school bus driver shall not actuate the visual signals or the stop 20313

warning sign in designated school bus loading areas where the bus 20314
is entirely off the roadway or at school buildings when children 20315
or persons attending programs offered by community boards of 20316
mental health and county boards of mental retardation and 20317
developmental disabilities are loading or unloading at curbside or 20318
at buildings when children attending programs offered by head 20319
start agencies are loading or unloading at curbside. The visual 20320
signals and stop warning sign shall be synchronized or otherwise 20321
operated as required by rule of the board. 20322

(C) Where a highway has been divided into four or more 20323
traffic lanes, a driver of a vehicle, streetcar, or trackless 20324
trolley need not stop for a school bus approaching from the 20325
opposite direction which has stopped for the purpose of receiving 20326
or discharging any school child, persons attending programs 20327
offered by community boards of mental health and county boards of 20328
mental retardation and developmental disabilities, or children 20329
attending programs offered by head start agencies. The driver of 20330
any vehicle, streetcar, or trackless trolley overtaking the school 20331
bus shall comply with division (A) of this section. 20332

(D) School buses operating on divided highways or on highways 20333
with four or more traffic lanes shall receive and discharge all 20334
school children, persons attending programs offered by community 20335
boards of mental health and county boards of mental retardation 20336
and developmental disabilities, and children attending programs 20337
offered by head start agencies on their residence side of the 20338
highway. 20339

(E) No school bus driver shall start the driver's bus until 20340
after any child, person attending programs offered by community 20341
boards of mental health and county boards of mental retardation 20342
and developmental disabilities, or child attending a program 20343
offered by a head start agency who may have alighted therefrom has 20344
reached a place of safety on the child's or person's residence 20345

side of the road. 20346

(F)(1) Whoever violates division (A) of this section may be 20347
fined an amount not to exceed five hundred dollars. A person who 20348
is issued a citation for a violation of division (A) of this 20349
section is not permitted to enter a written plea of guilty and 20350
waive the person's right to contest the citation in a trial but 20351
instead must appear in person in the proper court to answer the 20352
charge. 20353

(2) In addition to and independent of any other penalty 20354
provided by law, the court ~~or mayor~~ may impose upon an offender 20355
who violates this section a class seven suspension of the 20356
offender's driver's license, commercial driver's license, 20357
temporary instruction permit, probationary license, or nonresident 20358
operating privilege from the range specified in division (A)(7) of 20359
section 4510.02 of the Revised Code. When a license is suspended 20360
under this section, the court ~~or mayor~~ shall cause the offender to 20361
deliver the license to the court, and the court or clerk of the 20362
court immediately shall forward the license to the registrar of 20363
motor vehicles, together with notice of the court's action. 20364

(G) As used in this section: 20365

(1) "Head start agency" has the same meaning as in section 20366
3301.32 of the Revised Code. 20367

(2) "School bus," as used in relation to children who attend 20368
a program offered by a head start agency, means a bus that is 20369
owned and operated by a head start agency, is equipped with an 20370
automatically extended stop warning sign of a type approved by the 20371
state board of education, is painted the color and displays the 20372
markings described in section 4511.77 of the Revised Code, and is 20373
equipped with amber and red visual signals meeting the 20374
requirements of section 4511.771 of the Revised Code, irrespective 20375
of whether or not the bus has fifteen or more children aboard at 20376

any time. "School bus" does not include a van owned and operated 20377
by a head start agency, irrespective of its color, lights, or 20378
markings. 20379

Sec. 4511.76. (A) The department of public safety, by and 20380
with the advice of the superintendent of public instruction, shall 20381
adopt and enforce rules relating to the construction, design, and 20382
equipment, including lighting equipment required by section 20383
4511.771 of the Revised Code, of all school buses both publicly 20384
and privately owned and operated in this state. 20385

(B) The department of education, by and with the advice of 20386
the director of public safety, shall adopt and enforce rules 20387
relating to the operation of all vehicles used for pupil 20388
transportation. 20389

(C) No person shall operate a vehicle used for pupil 20390
transportation within this state in violation of the rules of the 20391
department of education or the department of public safety. No 20392
person, being the owner thereof or having the supervisory 20393
responsibility therefor, shall permit the operation of a vehicle 20394
used for pupil transportation within this state in violation of 20395
the rules of the department of education or the department of 20396
public safety. 20397

(D) The department of public safety shall adopt and enforce 20398
rules relating to the issuance of a license under section 4511.763 20399
of the Revised Code. The rules may relate to the moral character 20400
of the applicant; the condition of the equipment to be operated; 20401
the liability and property damage insurance carried by the 20402
applicant; the posting of satisfactory and sufficient bond; and 20403
such other rules as the director of public safety determines 20404
reasonably necessary for the safety of the pupils to be 20405
transported. 20406

(E) As used in this section, "vehicle used for pupil 20407

transportation" means any vehicle that is identified as such by 20408
the department of education by rule and that is subject to Chapter 20409
3301-83 of the Administrative Code. 20410

(F) Except as otherwise provided in this division, whoever 20411
violates this section is guilty of a minor misdemeanor. If the 20412
offender previously has been convicted of or pleaded guilty to one 20413
or more violations of this section or section 4511.63, 4511.761, 20414
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 20415
municipal ordinance or township resolution that is substantially 20416
similar to any of those sections, whoever violates this section is 20417
guilty of a misdemeanor of the fourth degree. 20418

Sec. 4511.761. (A) The state highway patrol shall inspect 20419
every school bus to ascertain whether its construction, design, 20420
and equipment comply with the regulations adopted pursuant to 20421
section 4511.76 of the Revised Code and all other provisions of 20422
law. 20423

The superintendent of the state highway patrol shall adopt a 20424
distinctive inspection decal not less than twelve inches in size, 20425
and bearing the date of the inspection, which shall be affixed to 20426
the outside surface of each side of each school bus which upon 20427
such inspection is found to comply with the regulations adopted 20428
pursuant to section 4511.76 of the Revised Code. The appearance of 20429
said decal shall be changed from year to year as to shape and 20430
color in order to provide easy visual inspection. 20431

No person shall operate, nor shall any person being the owner 20432
thereof or having supervisory responsibility therefor permit the 20433
operation of, a school bus within this state unless there are 20434
displayed thereon the decals issued by the state highway patrol 20435
bearing the proper date of inspection for the calendar year for 20436
which the inspection decals were issued. 20437

(B) Except as otherwise provided in this division, whoever 20438

violates this section is guilty of a minor misdemeanor. If the 20439
offender previously has been convicted of or pleaded guilty to one 20440
or more violations of this section or section 4511.63, 4511.76, 20441
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 20442
municipal ordinance or township resolution that is substantially 20443
similar to any of those sections, whoever violates this section is 20444
guilty of a misdemeanor of the fourth degree. 20445

(C) Whenever a person is found guilty in a court of record of 20446
a violation of this section, the trial judge, in addition to or 20447
independent of all other penalties provided by law, may suspend 20448
for any period of time not exceeding three years, or cancel the 20449
license of any person, partnership, association, or corporation, 20450
issued under section 4511.763 of the Revised Code. 20451

Sec. 4511.762. (A) Except as provided in division (B) of this 20452
section, no person who is the owner of a bus that previously was 20453
registered as a school bus that is used or is to be used 20454
exclusively for purposes other than the transportation of 20455
children, shall operate the bus or permit it to be operated within 20456
this state unless the bus has been painted a color different from 20457
that prescribed for school buses by section 4511.77 of the Revised 20458
Code and painted in such a way that the words "stop" and "school 20459
bus" are obliterated. 20460

(B) Any church bus that previously was registered as a school 20461
bus and is registered under section 4503.07 of the Revised Code 20462
may retain the paint color prescribed for school buses by section 20463
4511.77 of the Revised Code if the bus complies with all of the 20464
following: 20465

(1) The words "school bus" required by section 4511.77 of the 20466
Revised Code are covered or obliterated and the bus is marked on 20467
the front and rear with the words "church bus" painted in black 20468
lettering not less than ten inches in height; 20469

(2) The automatically extended stop warning sign required by section 4511.75 of the Revised Code is removed and the word "stop" required by section 4511.77 of the Revised Code is covered or obliterated;

(3) The flashing red and amber lights required by section 4511.771 of the Revised Code are covered or removed;

(4) The inspection decal required by section 4511.761 of the Revised Code is covered or removed;

(5) The identification number assigned under section 4511.764 of the Revised Code and marked in black lettering on the front and rear of the bus is covered or obliterated.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance or township resolution that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(D) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under section 4511.763 of the Revised Code.

Sec. 4511.764. (A) The superintendent of the state highway patrol shall require school buses to be registered, in the name of the owner, with the state highway patrol on forms and in accordance with regulations as the superintendent may adopt.

When the superintendent is satisfied that the registration

has been completed, the superintendent shall assign an identifying number to each school bus registered in accordance with this section. The number so assigned shall be marked on the front and rear of the vehicle in black lettering not less than six inches in height and will remain unchanged as long as the ownership of that vehicle remains the same.

No person shall operate, nor shall any person, being the owner thereof or having supervisory responsibility therefor, permit the operation of a school bus within this state unless there is displayed thereon an identifying number in accordance with this section.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of section 4511.63, 4511.76, 4511.761, 4511.762, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance or township resolution that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.77. (A) No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this state unless it is painted national school bus yellow and is marked on both front and rear with the words "school bus" in black lettering not less than eight inches in height and on the rear of the bus with the word "stop" in black lettering not less than ten inches in height.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76,

4511.761, 4511.762, 4511.764, or 4511.79 of the Revised Code or a 20531
municipal ordinance or township resolution that is substantially 20532
similar to any of those sections, whoever violates this section is 20533
guilty of a misdemeanor of the fourth degree. 20534

(C) Whenever a person is found guilty in a court of record of 20535
a violation of this section, the trial judge, in addition to or 20536
independent of all other penalties provided by law, may suspend 20537
for any period of time not exceeding three years, or cancel the 20538
license of any person, partnership, association, or corporation, 20539
issued under section 4511.763 of the Revised Code. 20540

Sec. 4511.79. (A) No person shall drive a "commercial motor 20541
vehicle" as defined in section 4506.01 of the Revised Code, or a 20542
"commercial car" or "commercial tractor," as defined in section 20543
4501.01 of the Revised Code, while the person's ability or 20544
alertness is so impaired by fatigue, illness, or other causes that 20545
it is unsafe for the person to drive such vehicle. No driver shall 20546
use any drug which would adversely affect the driver's ability or 20547
alertness. 20548

(B) No owner, as defined in section 4501.01 of the Revised 20549
Code, of a "commercial motor vehicle," "commercial car," or 20550
"commercial tractor," or a person employing or otherwise directing 20551
the driver of such vehicle, shall require or knowingly permit a 20552
driver in any such condition described in division (A) of this 20553
section to drive such vehicle upon any street or highway. 20554

(C) Except as otherwise provided in this division, whoever 20555
violates this section is guilty of a minor misdemeanor. If the 20556
offender previously has been convicted of or pleaded guilty to one 20557
or more violations of this section or section 4511.63, 4511.76, 20558
4511.761, 4511.762, 4511.764, or 4511.77 of the Revised Code or a 20559
municipal ordinance or township resolution that is substantially 20560
similar to any of those sections, whoever violates this section is 20561

guilty of a misdemeanor of the fourth degree. 20562

Sec. 4511.81. (A) When any child who is in either or both of 20563
the following categories is being transported in a motor vehicle, 20564
other than a taxicab or public safety vehicle as defined in 20565
section 4511.01 of the Revised Code, that is required by the 20566
United States department of transportation to be equipped with 20567
seat belts at the time of manufacture or assembly, the operator of 20568
the motor vehicle shall have the child properly secured in 20569
accordance with the manufacturer's instructions in a child 20570
restraint system that meets federal motor vehicle safety 20571
standards: 20572

(1) A child who is less than four years of age; 20573

(2) A child who weighs less than forty pounds. 20574

(B) When any child who is in either or both of the following 20575
categories is being transported in a motor vehicle, other than a 20576
taxicab, that is owned, leased, or otherwise under the control of 20577
a nursery school, kindergarten, or day-care center, the operator 20578
of the motor vehicle shall have the child properly secured in 20579
accordance with the manufacturer's instructions in a child 20580
restraint system that meets federal motor vehicle safety 20581
standards: 20582

(1) A child who is less than four years of age; 20583

(2) A child who weighs less than forty pounds. 20584

(C) When any child who is at least four years of age but not 20585
older than fifteen years of age is being transported in a motor 20586
vehicle, other than a taxicab or public safety vehicle as defined 20587
in section 4511.01 of the Revised Code, that is required by the 20588
United States department of transportation to be equipped with 20589
seat belts at the time of manufacture or assembly, the operator of 20590
the motor vehicle shall have the child properly restrained either 20591

in accordance with the manufacturer's instructions in a child 20592
restraint system that meets federal motor vehicle safety standards 20593
or in an occupant restraining device as defined in section 20594
4513.263 of the Revised Code. 20595

(D) Notwithstanding any provision of law to the contrary, no 20596
law enforcement officer shall cause an operator of a motor vehicle 20597
being operated on any street or highway to stop the motor vehicle 20598
for the sole purpose of determining whether a violation of 20599
division (C) of this section has been or is being committed or for 20600
the sole purpose of issuing a ticket, citation, or summons for a 20601
violation of that nature or causing the arrest of or commencing a 20602
prosecution of a person for a violation of that nature, and no law 20603
enforcement officer shall view the interior or visually inspect 20604
any automobile being operated on any street or highway for the 20605
sole purpose of determining whether a violation of that nature has 20606
been or is being committed. 20607

(E) The director of public safety shall adopt such rules as 20608
are necessary to carry out this section. 20609

(F) The failure of an operator of a motor vehicle to secure a 20610
child in a child restraint system or in an occupant restraining 20611
device as required by this section is not negligence imputable to 20612
the child, is not admissible as evidence in any civil action 20613
involving the rights of the child against any other person 20614
allegedly liable for injuries to the child, is not to be used as a 20615
basis for a criminal prosecution of the operator of the motor 20616
vehicle other than a prosecution for a violation of this section, 20617
and is not admissible as evidence in any criminal action involving 20618
the operator of the motor vehicle other than a prosecution for a 20619
violation of this section. 20620

(G) This section does not apply when an emergency exists that 20621
threatens the life of any person operating a motor vehicle and to 20622
whom this section otherwise would apply or the life of any child 20623

who otherwise would be required to be restrained under this 20624
section. 20625

(H) There is hereby created in the state treasury the "child 20626
highway safety fund," consisting of fines imposed pursuant to 20627
division (J)(1) of this section for violations of divisions (A), 20628
(B), and (C) of this section. The money in the fund shall be used 20629
by the department of health only to defray the cost of designating 20630
hospitals as pediatric trauma centers under section 3727.081 of 20631
the Revised Code and to establish and administer a child highway 20632
safety program. The purpose of the program shall be to educate the 20633
public about child restraint systems generally and the importance 20634
of their proper use. The program also shall include a process for 20635
providing child restraint systems to persons who meet the 20636
eligibility criteria established by the department, and a 20637
toll-free telephone number the public may utilize to obtain 20638
information about child restraint systems and their proper use. 20639

(I) The director of health, in accordance with Chapter 119. 20640
of the Revised Code, shall adopt any rules necessary to carry out 20641
this section, including rules establishing the criteria a person 20642
must meet in order to receive a child restraint system under the 20643
department's child restraint system program; provided that rules 20644
relating to the verification of pediatric trauma centers shall not 20645
be adopted under this section. 20646

(J)(1) Whoever violates division (A), (B), or (C) of this 20647
section shall be punished as follows: 20648

(a) Except as otherwise provided in division (J)(1)(b) of 20649
this section, the offender is guilty of a minor misdemeanor and 20650
shall be fined not less than twenty-five dollars. 20651

(b) If the offender previously has been convicted of or 20652
pleaded guilty to a violation of division (A), (B), or (C) of this 20653
section or of a municipal ordinance or township resolution that is 20654

substantially similar to any of those divisions, the offender is 20655
guilty of a misdemeanor of the fourth degree. 20656

(2) All fines imposed pursuant to division (J)(1) of this 20657
section shall be forwarded to the treasurer of state for deposit 20658
in the "child highway safety fund" created by division (H) of this 20659
section. 20660

Sec. 4513.263. (A) As used in this section and in section 20661
4513.99 of the Revised Code: 20662

(1) "Automobile" means any commercial tractor, passenger car, 20663
commercial car, or truck that is required to be factory-equipped 20664
with an occupant restraining device for the operator or any 20665
passenger by regulations adopted by the United States secretary of 20666
transportation pursuant to the "National Traffic and Motor Vehicle 20667
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 20668

(2) "Occupant restraining device" means a seat safety belt, 20669
shoulder belt, harness, or other safety device for restraining a 20670
person who is an operator of or passenger in an automobile and 20671
that satisfies the minimum federal vehicle safety standards 20672
established by the United States department of transportation. 20673

(3) "Passenger" means any person in an automobile, other than 20674
its operator, who is occupying a seating position for which an 20675
occupant restraining device is provided. 20676

(4) "Commercial tractor," "passenger car," and "commercial 20677
car" have the same meanings as in section 4501.01 of the Revised 20678
Code. 20679

(5) "Vehicle" and "motor vehicle," as used in the definitions 20680
of the terms set forth in division (A)(4) of this section, have 20681
the same meanings as in section 4511.01 of the Revised Code. 20682

(6) "Tort action" means a civil action for damages for 20683
injury, death, or loss to person or property. "Tort action" 20684

includes a product liability claim, as defined in section 2307.71 20685
of the Revised Code, and an asbestos claim, as defined in section 20686
2307.91 of the Revised Code, but does not include a civil action 20687
for damages for breach of contract or another agreement between 20688
persons. 20689

(B) No person shall do any of the following: 20690

(1) Operate an automobile on any street or highway unless 20691
that person is wearing all of the available elements of a properly 20692
adjusted occupant restraining device, or operate a school bus that 20693
has an occupant restraining device installed for use in its 20694
operator's seat unless that person is wearing all of the available 20695
elements of the device, as properly adjusted; 20696

(2) Operate an automobile on any street or highway unless 20697
each passenger in the automobile who is subject to the requirement 20698
set forth in division (B)(3) of this section is wearing all of the 20699
available elements of a properly adjusted occupant restraining 20700
device; 20701

(3) Occupy, as a passenger, a seating position on the front 20702
seat of an automobile being operated on any street or highway 20703
unless that person is wearing all of the available elements of a 20704
properly adjusted occupant restraining device; 20705

(4) Operate a taxicab on any street or highway unless all 20706
factory-equipped occupant restraining devices in the taxicab are 20707
maintained in usable form. 20708

(C) Division (B)(3) of this section does not apply to a 20709
person who is required by section 4511.81 of the Revised Code to 20710
be secured in a child restraint device. Division (B)(1) of this 20711
section does not apply to a person who is an employee of the 20712
United States postal service or of a newspaper home delivery 20713
service, during any period in which the person is engaged in the 20714
operation of an automobile to deliver mail or newspapers to 20715

addressees. Divisions (B)(1) and (3) of this section do not apply 20716
to a person who has an affidavit signed by a physician licensed to 20717
practice in this state under Chapter 4731. of the Revised Code or 20718
a chiropractor licensed to practice in this state under Chapter 20719
4734. of the Revised Code that states that the person has a 20720
physical impairment that makes use of an occupant restraining 20721
device impossible or impractical. 20722

(D) Notwithstanding any provision of law to the contrary, no 20723
law enforcement officer shall cause an operator of an automobile 20724
being operated on any street or highway to stop the automobile for 20725
the sole purpose of determining whether a violation of division 20726
(B) of this section has been or is being committed or for the sole 20727
purpose of issuing a ticket, citation, or summons for a violation 20728
of that nature or causing the arrest of or commencing a 20729
prosecution of a person for a violation of that nature, and no law 20730
enforcement officer shall view the interior or visually inspect 20731
any automobile being operated on any street or highway for the 20732
sole purpose of determining whether a violation of that nature has 20733
been or is being committed. 20734

(E) All Subject to division (F)(2) of section 1901.31 of the 20735
Revised Code, all fines collected for violations of division (B) 20736
of this section, or for violations of any ordinance or resolution 20737
of a political subdivision that is substantively comparable to 20738
that division, shall be forwarded to the treasurer of state for 20739
deposit as follows: 20740

(1) Eight per cent shall be deposited into the seat belt 20741
education fund, which is hereby created in the state treasury, and 20742
shall be used by the department of public safety to establish a 20743
seat belt education program. 20744

(2) Eight per cent shall be deposited into the elementary 20745
school program fund, which is hereby created in the state 20746
treasury, and shall be used by the department of public safety to 20747

establish and administer elementary school programs that encourage 20748
seat safety belt use. 20749

(3) Two per cent shall be deposited into the Ohio medical 20750
transportation trust fund created by section 4766.05 of the 20751
Revised Code. 20752

(4) Twenty-eight per cent shall be deposited into the trauma 20753
and emergency medical services fund, which is hereby created in 20754
the state treasury, and shall be used by the department of public 20755
safety for the administration of the division of emergency medical 20756
services and the state board of emergency medical services. 20757

(5) Fifty-four per cent shall be deposited into the trauma 20758
and emergency medical services grants fund, which is hereby 20759
created in the state treasury, and shall be used by the state 20760
board of emergency medical services to make grants, in accordance 20761
with section 4765.07 of the Revised Code and rules the board 20762
adopts under section 4765.11 of the Revised Code. 20763

(F)(1) Subject to division (F)(2) of this section, the 20764
failure of a person to wear all of the available elements of a 20765
properly adjusted occupant restraining device in violation of 20766
division (B)(1) or (3) of this section or the failure of a person 20767
to ensure that each minor who is a passenger of an automobile 20768
being operated by that person is wearing all of the available 20769
elements of a properly adjusted occupant restraining device in 20770
violation of division (B)(2) of this section shall not be 20771
considered or used by the trier of fact in a tort action as 20772
evidence of negligence or contributory negligence. But, the trier 20773
of fact may determine based on evidence admitted consistent with 20774
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 20775
contributed to the harm alleged in the tort action and may 20776
diminish a recovery of compensatory damages that represents 20777
noneconomic loss, as defined in section 2307.011 of the Revised 20778
Code, in a tort action that could have been recovered but for the 20779

plaintiff's failure to wear all of the available elements of a 20780
properly adjusted occupant restraining device. Evidence of that 20781
failure shall not be used as a basis for a criminal prosecution of 20782
the person other than a prosecution for a violation of this 20783
section; and shall not be admissible as evidence in a criminal 20784
action involving the person other than a prosecution for a 20785
violation of this section. 20786

(2) If, at the time of an accident involving a passenger car 20787
equipped with occupant restraining devices, any occupant of the 20788
passenger car who sustained injury or death was not wearing an 20789
available occupant restraining device, was not wearing all of the 20790
available elements of such a device, or was not wearing such a 20791
device as properly adjusted, then, consistent with the Rules of 20792
Evidence, the fact that the occupant was not wearing the available 20793
occupant restraining device, was not wearing all of the available 20794
elements of such a device, or was not wearing such a device as 20795
properly adjusted is admissible in evidence in relation to any 20796
claim for relief in a tort action to the extent that the claim for 20797
relief satisfies all of the following: 20798

(a) It seeks to recover damages for injury or death to the 20799
occupant. 20800

(b) The defendant in question is the manufacturer, designer, 20801
distributor, or seller of the passenger car. 20802

(c) The claim for relief against the defendant in question is 20803
that the injury or death sustained by the occupant was enhanced or 20804
aggravated by some design defect in the passenger car or that the 20805
passenger car was not crashworthy. 20806

(G)(1) Whoever violates division (B)(1) of this section shall 20807
be fined thirty dollars. 20808

(2) Whoever violates division (B)(3) of this section shall be 20809
fined twenty dollars. 20810

(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree.

Sec. 4513.35. (A) All fines collected under sections 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code shall be paid into the county treasury and, with the exception of that portion distributed under section 3375.53 of the Revised Code, shall be placed to the credit of the fund for the maintenance and repair of the highways within that county, except that:

(1) All fines for violations of division (B) of section 4513.263 shall be delivered to the treasurer of state as provided in division (E) of section 4513.263 of the Revised Code.

(2) All fines collected from, or moneys arising from bonds forfeited by, persons apprehended or arrested by state highway patrolmen shall be distributed as provided in section 5503.04 of the Revised Code.

(3)(a) Subject to division (E) of section 4513.263 of the Revised Code and except as otherwise provided in division (A)(3)(b) of this section, one-half of all fines collected from, and one-half of all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer shall be paid to the township treasury to be placed to the credit of the general fund.

(b) All fines collected from, and all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer pursuant to division (B)(2) of section 4513.39 of the Revised Code for a violation of

section 4511.21 of the Revised Code or any other law, ordinance, 20842
or regulation pertaining to speed that occurred on a highway 20843
included as part of the interstate system, as defined in section 20844
5516.01 of the Revised Code, shall be paid into the county 20845
treasury and be credited as provided in the first paragraph of 20846
this section. 20847

(B) Notwithstanding any other provision of this section or of 20848
any other section of the Revised Code: 20849

(1) All fines collected from, and all moneys arising from 20850
bonds forfeited by, persons arrested under division (E)(1) or (2) 20851
of section 2935.03 of the Revised Code are deemed to be collected, 20852
and to arise, from arrests made within the jurisdiction in which 20853
the arresting officer is appointed, elected, or employed, for 20854
violations of one of the sections or chapters of the Revised Code 20855
listed in division (E)(1) of that section and shall be distributed 20856
accordingly. 20857

(2) All fines collected from, and all moneys arising from 20858
bonds forfeited by, persons arrested under division (E)(3) of 20859
section 2935.03 of the Revised Code are deemed to be collected, 20860
and to arise, from arrests made within the jurisdiction in which 20861
the arresting officer is appointed, elected, or employed, for 20862
violations of municipal ordinances or township resolutions that 20863
are substantially equivalent to one of the sections or one of the 20864
provisions of one of the chapters of the Revised Code listed in 20865
division (E)(1) of that section and for violations of one of the 20866
sections or one of the provisions of one of the chapters of the 20867
Revised Code listed in division (E)(1) of that section, and shall 20868
be distributed accordingly. 20869

Sec. 4513.37. Every ~~county~~ court judge, ~~mayer,~~ and clerk of a 20870
~~court of record~~ shall keep a full record of every case in which a 20871
person is charged with any violation of sections 4511.01 to 20872

4511.78, section 4511.99, and sections 4513.01 to 4513.37 of the Revised Code, or of any other law ~~or~~, ordinance, or resolution regulating the operation of vehicles, streetcars, and trackless trolleys on highways.

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any of such sections or other law ~~or~~, ordinance, or resolution regulating the operation of vehicles, streetcars, and trackless trolleys on highways, ~~said judge, mayor, or the~~ clerk shall prepare and immediately forward to the department of public safety an abstract of the court record covering the case in which ~~said the~~ person was convicted for forfeited bail, which abstract must be certified by the person required to prepare the same to be true and correct.

~~Said The~~ abstract shall be made upon a form approved and furnished by the department and shall include the name and address of the party charged, the number of ~~his~~ the party's driver's or commercial driver's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited, and the amount of the fine or forfeiture.

Every court ~~of record~~ clerk shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure, refusal, or neglect of ~~such officer~~ a court clerk to comply with this section constitutes misconduct in office and is ground for removal therefrom.

The department shall keep all abstracts received under this section at its main office.

Sec. 4521.01. As used in this chapter:

(A) "Parking infraction" means a violation of any ordinance, resolution, or regulation enacted by a local authority that regulates the standing or parking of vehicles and that is authorized pursuant to section 505.17 or 4511.07 of the Revised Code, or a violation of any ordinance, resolution, or regulation enacted by a local authority as authorized by this chapter, if the local authority in either of these cases also has enacted an ordinance, resolution, or regulation of the type described in division (A) of section 4521.02 of the Revised Code in relation to the particular regulatory ordinance, resolution, or regulation.

(B) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code.

(C) "Court" means a municipal court, county court, juvenile court, or ~~mayer's~~ community court, unless specifically identified as one of these courts, in which case it means the specifically identified court.

(D) "Local authority" means every county, municipal corporation, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this state.

(E) "Disability parking space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under section 4503.44 of the Revised Code.

(F) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

Sec. 4549.17. (A) No law enforcement officer employed by a

law enforcement agency of a municipal corporation, township, or 20933
joint township police district shall issue any citation, summons, 20934
or ticket for a violation of section 4511.21 of the Revised Code 20935
or a substantially similar municipal ordinance or township 20936
resolution or for a violation of section 5577.04 of the Revised 20937
Code or a substantially similar municipal ordinance, if all of the 20938
following apply: 20939

(1) The citation, summons, or ticket would be issued for a 20940
violation described in division (A) of this section that occurs on 20941
a freeway that is part of the interstate system; 20942

(2) The municipal corporation, township, or joint township 20943
police district that employs the law enforcement officer has less 20944
than eight hundred eighty yards of the freeway that is part of the 20945
interstate system within its jurisdiction; 20946

(3) The law enforcement officer must travel outside the 20947
boundaries of the municipal corporation, township, or joint 20948
township police district that employs ~~him~~ the officer in order to 20949
enter onto the freeway; 20950

(4) The law enforcement officer travels onto the freeway for 20951
the primary purpose of issuing citations, summonses, or tickets 20952
for violations of section 4511.21 of the Revised Code or a 20953
substantially similar municipal ordinance or township resolution 20954
or for violations of section 5577.04 of the Revised Code or a 20955
substantially similar municipal ordinance or township resolution. 20956

(B) As used in this section, "interstate system" has the same 20957
meaning as in section 5516.01 of the Revised Code. 20958

Sec. 4730.31. (A) As used in this section, "prosecutor" has 20959
the same meaning as in section 2935.01 of the Revised Code. 20960

(B) Whenever any person holding a valid certificate issued 20961
pursuant to this chapter pleads guilty to, is subject to a 20962

judicial finding of guilt of, or is subject to a judicial finding 20963
of eligibility for intervention in lieu of conviction for a 20964
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 20965
of any substantively comparable ordinance of a municipal 20966
corporation or resolution of a township in connection with 20967
practicing as a physician assistant, the prosecutor in the case 20968
shall, on forms prescribed and provided by the state medical 20969
board, promptly notify the board of the conviction. Within thirty 20970
days of receipt of such information, the board shall initiate 20971
action in accordance with Chapter 119. of the Revised Code to 20972
determine whether to suspend or revoke the certificate under 20973
section 4730.25 of the Revised Code. 20974

(C) The prosecutor in any case against any person holding a 20975
valid certificate issued pursuant to this chapter shall, on forms 20976
prescribed and provided by the state medical board, notify the 20977
board of any of the following: 20978

(1) A plea of guilty to, a judicial finding of guilt of, or 20979
judicial finding of eligibility for intervention in lieu of 20980
conviction for a felony, or a case where the trial court issues an 20981
order of dismissal upon technical or procedural grounds of a 20982
felony charge; 20983

(2) A plea of guilty to, a judicial finding of guilt of, or 20984
judicial finding or eligibility for intervention in lieu of 20985
conviction for a misdemeanor committed in the course of practice, 20986
or a case where the trial court issues an order of dismissal upon 20987
technical or procedural grounds of a charge of a misdemeanor, if 20988
the alleged act was committed in the course of practice; 20989

(3) A plea of guilty to, a judicial finding of guilt of, or 20990
judicial finding of eligibility for intervention in lieu of 20991
conviction for a misdemeanor involving moral turpitude, or a case 20992
where the trial court issues an order of dismissal upon technical 20993
or procedural grounds of a charge of a misdemeanor involving moral 20994

turpitude. 20995

The report shall include the name and address of the 20996
certificate holder, the nature of the offense for which the action 20997
was taken, and the certified court documents recording the action. 20998

Sec. 4731.223. (A) As used in this section, "prosecutor" has 20999
the same meaning as in section 2935.01 of the Revised Code. 21000

(B) Whenever any person holding a valid certificate issued 21001
pursuant to this chapter pleads guilty to, is subject to a 21002
judicial finding of guilt of, or is subject to a judicial finding 21003
of eligibility for intervention in lieu of conviction for a 21004
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 21005
of any substantively comparable ordinance of a municipal 21006
corporation or resolution of a township in connection with the 21007
person's practice, or for a second or subsequent time pleads 21008
guilty to, or is subject to a judicial finding of guilt of, a 21009
violation of section 2919.123 of the Revised Code, the prosecutor 21010
in the case, on forms prescribed and provided by the state medical 21011
board, shall promptly notify the board of the conviction or guilty 21012
plea. Within thirty days of receipt of that information, the board 21013
shall initiate action in accordance with Chapter 119. of the 21014
Revised Code to determine whether to suspend or revoke the 21015
certificate under section 4731.22 of the Revised Code. 21016

(C) The prosecutor in any case against any person holding a 21017
valid certificate issued pursuant to this chapter, on forms 21018
prescribed and provided by the state medical board, shall notify 21019
the board of any of the following: 21020

(1) A plea of guilty to, a finding of guilt by a jury or 21021
court of, or judicial finding of eligibility for intervention in 21022
lieu of conviction for a felony, or a case in which the trial 21023
court issues an order of dismissal upon technical or procedural 21024
grounds of a felony charge; 21025

(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

The report shall include the name and address of the certificate holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

Sec. 4760.15. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation or resolution of a township in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the certificate under section 4760.13 of the Revised

Code. 21057

(C) The prosecutor in any case against any person holding a 21058
valid certificate of registration issued pursuant to this chapter, 21059
on forms prescribed and provided by the state medical board, shall 21060
notify the board of any of the following: 21061

(1) A plea of guilty to, a finding of guilt by a jury or 21062
court of, or judicial finding of eligibility for intervention in 21063
lieu of conviction for a felony, or a case in which the trial 21064
court issues an order of dismissal upon technical or procedural 21065
grounds of a felony charge; 21066

(2) A plea of guilty to, a finding of guilt by a jury or 21067
court of, or judicial finding of eligibility for intervention in 21068
lieu of conviction for a misdemeanor committed in the course of 21069
practice, or a case in which the trial court issues an order of 21070
dismissal upon technical or procedural grounds of a charge of a 21071
misdemeanor, if the alleged act was committed in the course of 21072
practice; 21073

(3) A plea of guilty to, a finding of guilt by a jury or 21074
court of, or judicial finding of eligibility for intervention in 21075
lieu of conviction for a misdemeanor involving moral turpitude, or 21076
a case in which the trial court issues an order of dismissal upon 21077
technical or procedural grounds of a charge of a misdemeanor 21078
involving moral turpitude. 21079

The report shall include the name and address of the 21080
certificate holder, the nature of the offense for which the action 21081
was taken, and the certified court documents recording the action. 21082

Sec. 4762.15. (A) As used in this section, "prosecutor" has 21083
the same meaning as in section 2935.01 of the Revised Code. 21084

(B) Whenever any person holding a valid certificate issued 21085
pursuant to this chapter pleads guilty to, is subject to a 21086

judicial finding of guilt of, or is subject to a judicial finding 21087
of eligibility for intervention in lieu of conviction for a 21088
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 21089
of any substantively comparable ordinance of a municipal 21090
corporation or resolution of a township in connection with the 21091
person's practice, the prosecutor in the case, on forms prescribed 21092
and provided by the state medical board, shall promptly notify the 21093
board of the conviction. Within thirty days of receipt of that 21094
information, the board shall initiate action in accordance with 21095
Chapter 119. of the Revised Code to determine whether to suspend 21096
or revoke the certificate under section 4762.13 of the Revised 21097
Code. 21098

(C) The prosecutor in any case against any person holding a 21099
valid certificate issued pursuant to this chapter, on forms 21100
prescribed and provided by the state medical board, shall notify 21101
the board of any of the following: 21102

(1) A plea of guilty to, a finding of guilt by a jury or 21103
court of, or judicial finding of eligibility for intervention in 21104
lieu of conviction for a felony, or a case in which the trial 21105
court issues an order of dismissal upon technical or procedural 21106
grounds of a felony charge; 21107

(2) A plea of guilty to, a finding of guilt by a jury or 21108
court of, or judicial finding of eligibility for intervention in 21109
lieu of conviction for a misdemeanor committed in the course of 21110
practice, or a case in which the trial court issues an order of 21111
dismissal upon technical or procedural grounds of a charge of a 21112
misdemeanor, if the alleged act was committed in the course of 21113
practice; 21114

(3) A plea of guilty to, a finding of guilt by a jury or 21115
court of, or judicial finding of eligibility for intervention in 21116
lieu of conviction for a misdemeanor involving moral turpitude, or 21117
a case in which the trial court issues an order of dismissal upon 21118

technical or procedural grounds of a charge of a misdemeanor 21119
involving moral turpitude. 21120

The report shall include the name and address of the 21121
certificate holder, the nature of the offense for which the action 21122
was taken, and the certified court documents recording the action. 21123

Sec. 4999.06. No superintendent, trainmaster, or other 21124
employee of a railroad shall send or cause to be sent outside of 21125
yard limits, a passenger train of ~~not more than~~ five or fewer 21126
cars, any one of which carries passengers, with a crew consisting 21127
of less than one engineer, one ~~fireman~~ firefighter, one conductor, 21128
and one ~~brakeman~~ brakeperson. If four of ~~said the~~ cars are day 21129
coaches carrying passengers, or if in a train of more than five 21130
cars, three or more cars are day coaches carrying passengers, ~~ef~~ 21131
or if in a train of more than six cars, four cars carrying 21132
passengers, or if in a train of more than seven cars, two or more 21133
cars are carrying passengers, ~~ef~~ or if in any train, six or more 21134
cars are carrying passengers, ~~such the~~ crew shall consist of at 21135
least one additional ~~brakeman~~ brakeperson, regularly employed as 21136
such. When ~~such the~~ train consists of more than two cars, either 21137
of which carries passengers, no such superintendent, trainmaster, 21138
or other employee shall require a ~~brakeman~~ brakeperson to perform 21139
the duties of baggage master or express agent. Whoever violates 21140
this section shall be fined not less than twenty-five dollars for 21141
each offense. 21142

For the purpose of this section, a combination mail or 21143
baggage and passenger car is a day coach, but straight dining cars 21144
and private cars are not cars carrying passengers. 21145

This section does not apply to trains picking up a car 21146
between terminals in this state, or to cars propelled by 21147
electricity. 21148

~~Mayors~~ Community court magistrates and county court judges 21149

have jurisdiction under this section. The public utilities 21150
commission shall enforce this section. 21151

Sec. 5104.09. (A)(1) Except as provided in rules adopted 21152
pursuant to division (D) of this section: 21153

(a) No individual who has been convicted of or pleaded guilty 21154
to a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 21155
2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 21156
2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2907.02, 2907.03, 21157
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 21158
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 21159
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 21160
2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 21161
2919.24, 2919.25, 2921.03, 2921.34, 2921.35, 2923.12, 2923.13, 21162
2923.161, 2919.22, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 21163
3716.11 of the Revised Code, a violation of section 2925.11 of the 21164
Revised Code that is not a minor drug possession offense, as 21165
defined in section 2925.01 of the Revised Code, felonious sexual 21166
penetration in violation of former section 2907.12 of the Revised 21167
Code, or a violation of an existing or former law ~~or~~ ordinance of 21168
any municipal corporation, resolution of any township, this state, 21169
any other state, or the United States that is substantially 21170
equivalent to any of those violations shall be certified as an 21171
in-home aide or be employed in any capacity in or own or operate a 21172
child day-care center, type A family day-care home, type B family 21173
day-care home, or certified type B family day-care home. 21174

(b) No individual who has been convicted of or pleaded guilty 21175
to a violation of section 2913.02, 2913.03, 2913.04, 2913.041, 21176
2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 21177
2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 21178
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 21179
2923.01 of the Revised Code, a violation of section 2923.02 or 21180

2923.03 of the Revised Code that relates to a crime specified in 21181
this division or division (A)(1)(a) of this section, a second 21182
violation of section 4511.19 of the Revised Code within five years 21183
of the date of operation of the child day-care center or family 21184
day-care home, or two violations of section 4511.19 of the Revised 21185
Code during operation of the center or home, or a violation of an 21186
existing or former law of this state, any other state, or the 21187
United States that is substantially equivalent to any of those 21188
violations shall own or operate a child day-care center, type A 21189
family day-care home, type B family day-care home, or certified 21190
type B family day-care home. 21191

(2) Each employee of a child day-care center and type A home 21192
and every person eighteen years of age or older residing in a type 21193
A home shall sign a statement on forms prescribed by the director 21194
of job and family services attesting to the fact that the employee 21195
or resident person has not been convicted of or pleaded guilty to 21196
any offense set forth in division (A)(1)(a) of this section and 21197
that no child has been removed from the employee's or resident 21198
person's home pursuant to section 2151.353 of the Revised Code. 21199
Each licensee of a type A home shall sign a statement on a form 21200
prescribed by the director attesting to the fact that no person 21201
who resides at the type A home and who is under the age of 21202
eighteen has been adjudicated a delinquent child for committing a 21203
violation of any section listed in division (A)(1)(a) of this 21204
section. The statements shall be kept on file at the center or 21205
type A home. 21206

(3) Each in-home aide and every person eighteen years of age 21207
or older residing in a certified type B home shall sign a 21208
statement on forms prescribed by the director of job and family 21209
services attesting that the aide or resident person has not been 21210
convicted of or pleaded guilty to any offense set forth in 21211
division (A)(1)(a) of this section and that no child has been 21212

removed from the aide's or resident person's home pursuant to 21213
section 2151.353 of the Revised Code. Each authorized provider 21214
shall sign a statement on forms prescribed by the director 21215
attesting that the provider has not been convicted of or pleaded 21216
guilty to any offense set forth in division (A)(1)(a) or (b) of 21217
this section and that no child has been removed from the 21218
provider's home pursuant to section 2151.353 of the Revised Code. 21219
Each authorized provider shall sign a statement on a form 21220
prescribed by the director attesting to the fact that no person 21221
who resides at the certified type B home and who is under the age 21222
of eighteen has been adjudicated a delinquent child for committing 21223
a violation of any section listed in division (A)(1)(a) of this 21224
section. The statements shall be kept on file at the county 21225
department of job and family services. 21226

(4) Each administrator and licensee of a center or type A 21227
home shall sign a statement on a form prescribed by the director 21228
of job and family services attesting that the administrator or 21229
licensee has not been convicted of or pleaded guilty to any 21230
offense set forth in division (A)(1)(a) or (b) of this section and 21231
that no child has been removed from the administrator's or 21232
licensee's home pursuant to section 2151.353 of the Revised Code. 21233
The statement shall be kept on file at the center or type A home. 21234

(B) No in-home aide, no administrator, licensee, authorized 21235
provider, or employee of a center, type A home, or certified type 21236
B home, and no person eighteen years of age or older residing in a 21237
type A home or certified type B home shall withhold information 21238
from, or falsify information on, any statement required pursuant 21239
to division (A)(2), (3), or (4) of this section. 21240

(C) No administrator, licensee, or child-care staff member 21241
shall discriminate in the enrollment of children in a child 21242
day-care center upon the basis of race, color, religion, sex, or 21243
national origin. 21244

(D) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (A)(1) of this section for persons who have been convicted of an offense listed in that division but meet rehabilitation standards set by the department.

Sec. 5123.081. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment to or employment with the department of mental retardation and developmental disabilities, including, but not limited to, a person who is being transferred to the department and an employee who is being recalled or reemployed after a layoff.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

(B) The director of mental retardation and developmental disabilities shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to each applicant, except that the director is not required to request a criminal records check for an employee of the department who is being considered for a different position or is returning after a leave of absence or seasonal break in employment, as long as the director has no reason to believe that the employee has committed any of the offenses listed or described in division (E) of this section.

If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records

check is requested, the director shall request that the 21275
superintendent of the bureau obtain information from the federal 21276
bureau of investigation as a part of the criminal records check 21277
for the applicant. If the applicant presents proof that the 21278
applicant has been a resident of this state for that five-year 21279
period, the director may request that the superintendent of the 21280
bureau include information from the federal bureau of 21281
investigation in the criminal records check. For purposes of this 21282
division, an applicant may provide proof of residency in this 21283
state by presenting, with a notarized statement asserting that the 21284
applicant has been a resident of this state for that five-year 21285
period, a valid driver's license, notification of registration as 21286
an elector, a copy of an officially filed federal or state tax 21287
form identifying the applicant's permanent residence, or any other 21288
document the director considers acceptable. 21289

(C) The director shall provide to each applicant a copy of 21290
the form prescribed pursuant to division (C)(1) of section 109.572 21291
of the Revised Code, provide to each applicant a standard 21292
impression sheet to obtain fingerprint impressions prescribed 21293
pursuant to division (C)(2) of section 109.572 of the Revised 21294
Code, obtain the completed form and impression sheet from each 21295
applicant, and forward the completed form and impression sheet to 21296
the superintendent of the bureau of criminal identification and 21297
investigation at the time the criminal records check is requested. 21298

Any applicant who receives pursuant to this division a copy 21299
of the form prescribed pursuant to division (C)(1) of section 21300
109.572 of the Revised Code and a copy of an impression sheet 21301
prescribed pursuant to division (C)(2) of that section and who is 21302
requested to complete the form and provide a set of fingerprint 21303
impressions shall complete the form or provide all the information 21304
necessary to complete the form and shall provide the material with 21305
the impressions of the applicant's fingerprints. If an applicant, 21306

upon request, fails to provide the information necessary to 21307
complete the form or fails to provide impressions of the 21308
applicant's fingerprints, the director shall not employ the 21309
applicant. 21310

(D) The director may request any other state or federal 21311
agency to supply the director with a written report regarding the 21312
criminal record of each applicant. With regard to an applicant who 21313
becomes a department employee, if the employee holds an 21314
occupational or professional license or other credentials, the 21315
director may request that the state or federal agency that 21316
regulates the employee's occupation or profession supply the 21317
director with a written report of any information pertaining to 21318
the employee's criminal record that the agency obtains in the 21319
course of conducting an investigation or in the process of 21320
renewing the employee's license or other credentials. 21321

(E) Except as provided in division (K)(2) of this section and 21322
in rules adopted by the director in accordance with division (M) 21323
of this section, the director shall not employ a person to fill a 21324
position with the department who has been convicted of or pleaded 21325
guilty to any of the following: 21326

(1) A violation of section 2903.01, 2903.02, 2903.03, 21327
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 21328
2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 21329
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 21330
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 21331
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 21332
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 21333
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 21334
section 2905.04 of the Revised Code as it existed prior to July 1, 21335
1996, a violation of section 2919.23 of the Revised Code that 21336
would have been a violation of section 2905.04 of the Revised Code 21337
as it existed prior to July 1, 1996, had the violation occurred 21338

prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code; 21339
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(2) A felony contained in the Revised Code that is not listed in this division, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled; 21343
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(3) Any offense contained in the Revised Code constituting a misdemeanor of the first degree on the first offense and a felony on a subsequent offense, if the offense bears a direct and substantial relationship to the position being filled and the nature of the services being provided by the department; 21347
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(4) A violation of an existing or former municipal ordinance, township resolution, or law of this state, any other state, or the United States, if the offense is substantially equivalent to any of the offenses listed or described in division (E)(1), (2), or (3) of this section. 21352
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(F) Prior to employing an applicant, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of this section. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while employed with the department, the applicant is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed or described in division (E) of this section. The agreement shall inform the applicant that failure to report formal charges, a conviction, or a guilty plea may result in being dismissed from employment. 21357
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(G) The director shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section.

(H)(1) Any report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the applicant who is the subject of the records check or criminal records check or the applicant's representative, the department or its representative, a county board of mental retardation and developmental disabilities, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant or the denial, suspension, or revocation of a certificate or evidence of registration under section 5123.082 of the Revised Code.

(2) An individual for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any state agency, entity of local government, or private entity. The individual shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the agencies or entities specified.

The director may request that a state agency, entity of local government, or private entity send copies to the director of any report regarding a records check or criminal records check that the agency or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.

(I) The director shall request the registrar of motor vehicles to supply the director with a certified abstract regarding the record of convictions for violations of motor

vehicle laws of each applicant who will be required by the 21402
applicant's employment to transport individuals with mental 21403
retardation or a developmental disability or to operate the 21404
department's vehicles for any other purpose. For each abstract 21405
provided under this section, the director shall pay the amount 21406
specified in section 4509.05 of the Revised Code. 21407

(J) The director shall provide each applicant with a copy of 21408
any report or abstract obtained about the applicant under this 21409
section. 21410

(K)(1) The director shall inform each person, at the time of 21411
the person's initial application for employment, that the person 21412
is required to provide a set of impressions of the person's 21413
fingerprints and that a criminal records check is required to be 21414
conducted and satisfactorily completed in accordance with section 21415
109.572 of the Revised Code if the person comes under final 21416
consideration for employment as a precondition to employment in a 21417
position. 21418

(2) The director may employ an applicant pending receipt of 21419
reports requested under this section. The director shall terminate 21420
employment of any such applicant if it is determined from the 21421
reports that the applicant failed to inform the director that the 21422
applicant had been convicted of or pleaded guilty to any of the 21423
offenses listed or described in division (E) of this section. 21424

(L) The director may charge an applicant a fee for costs the 21425
director incurs in obtaining reports, abstracts, or fingerprint 21426
impressions under this section. A fee charged under this division 21427
shall not exceed the amount of the fees the director pays under 21428
divisions (G) and (I) of this section. If a fee is charged under 21429
this division, the director shall notify the applicant of the 21430
amount of the fee at the time of the applicant's initial 21431
application for employment and that, unless the fee is paid, the 21432
director will not consider the applicant for employment. 21433

(M) The director shall adopt rules in accordance with Chapter 21434
119. of the Revised Code to implement this section, including 21435
rules specifying circumstances under which the director may employ 21436
a person who has been convicted of or pleaded guilty to an offense 21437
listed or described in division (E) of this section but who meets 21438
standards in regard to rehabilitation set by the director. 21439

Sec. 5126.28. (A) As used in this section: 21440

(1) "Applicant" means a person who is under final 21441
consideration for appointment to or employment in a position with 21442
a county board of mental retardation and developmental 21443
disabilities, including, but not limited to, a person who is being 21444
transferred to the county board and an employee who is being 21445
recalled or reemployed after a layoff. 21446

(2) "Criminal records check" has the same meaning as in 21447
section 109.572 of the Revised Code. 21448

(3) "Minor drug possession offense" has the same meaning as 21449
in section 2925.01 of the Revised Code. 21450

(B) The superintendent of a county board of mental 21451
retardation and developmental disabilities shall request the 21452
superintendent of the bureau of criminal identification and 21453
investigation to conduct a criminal records check with respect to 21454
any applicant who has applied to the board for employment in any 21455
position, except that a county board superintendent is not 21456
required to request a criminal records check for an employee of 21457
the board who is being considered for a different position or is 21458
returning after a leave of absence or seasonal break in 21459
employment, as long as the superintendent has no reason to believe 21460
that the employee has committed any of the offenses listed or 21461
described in division (E) of this section. 21462

If the applicant does not present proof that the applicant 21463

has been a resident of this state for the five-year period 21464
immediately prior to the date upon which the criminal records 21465
check is requested, the county board superintendent shall request 21466
that the superintendent of the bureau obtain information from the 21467
federal bureau of investigation as a part of the criminal records 21468
check for the applicant. If the applicant presents proof that the 21469
applicant has been a resident of this state for that five-year 21470
period, the county board superintendent may request that the 21471
superintendent of the bureau include information from the federal 21472
bureau of investigation in the criminal records check. For 21473
purposes of this division, an applicant may provide proof of 21474
residency in this state by presenting, with a notarized statement 21475
asserting that the applicant has been a resident of this state for 21476
that five-year period, a valid driver's license, notification of 21477
registration as an elector, a copy of an officially filed federal 21478
or state tax form identifying the applicant's permanent residence, 21479
or any other document the superintendent considers acceptable. 21480

(C) The county board superintendent shall provide to each 21481
applicant a copy of the form prescribed pursuant to division 21482
(C)(1) of section 109.572 of the Revised Code, provide to each 21483
applicant a standard impression sheet to obtain fingerprint 21484
impressions prescribed pursuant to division (C)(2) of section 21485
109.572 of the Revised Code, obtain the completed form and 21486
impression sheet from each applicant, and forward the completed 21487
form and impression sheet to the superintendent of the bureau of 21488
criminal identification and investigation at the time the criminal 21489
records check is requested. 21490

Any applicant who receives pursuant to this division a copy 21491
of the form prescribed pursuant to division (C)(1) of section 21492
109.572 of the Revised Code and a copy of an impression sheet 21493
prescribed pursuant to division (C)(2) of that section and who is 21494
requested to complete the form and provide a set of fingerprint 21495

impressions shall complete the form or provide all the information 21496
necessary to complete the form and shall provide the impression 21497
sheet with the impressions of the applicant's fingerprints. If an 21498
applicant, upon request, fails to provide the information 21499
necessary to complete the form or fails to provide impressions of 21500
the applicant's fingerprints, the county board superintendent 21501
shall not employ that applicant. 21502

(D) A county board superintendent may request any other state 21503
or federal agency to supply the board with a written report 21504
regarding the criminal record of each applicant. With regard to an 21505
applicant who becomes a board employee, if the employee holds an 21506
occupational or professional license or other credentials, the 21507
superintendent may request that the state or federal agency that 21508
regulates the employee's occupation or profession supply the board 21509
with a written report of any information pertaining to the 21510
employee's criminal record that the agency obtains in the course 21511
of conducting an investigation or in the process of renewing the 21512
employee's license or other credentials. 21513

(E) Except as provided in division (K)(2) of this section and 21514
in rules adopted by the department of mental retardation and 21515
developmental disabilities in accordance with division (M) of this 21516
section, no county board of mental retardation and developmental 21517
disabilities shall employ a person to fill a position with the 21518
board who has been convicted of or pleaded guilty to any of the 21519
following: 21520

(1) A violation of section 2903.01, 2903.02, 2903.03, 21521
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 21522
2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 21523
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 21524
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 21525
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 21526
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 21527

2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 21528
section 2905.04 of the Revised Code as it existed prior to July 1, 21529
1996, a violation of section 2919.23 of the Revised Code that 21530
would have been a violation of section 2905.04 of the Revised Code 21531
as it existed prior to July 1, 1996, had the violation occurred 21532
prior to that date, a violation of section 2925.11 of the Revised 21533
Code that is not a minor drug possession offense, or felonious 21534
sexual penetration in violation of former section 2907.12 of the 21535
Revised Code; 21536

(2) A felony contained in the Revised Code that is not listed 21537
in this division, if the felony bears a direct and substantial 21538
relationship to the duties and responsibilities of the position 21539
being filled; 21540

(3) Any offense contained in the Revised Code constituting a 21541
misdemeanor of the first degree on the first offense and a felony 21542
on a subsequent offense, if the offense bears a direct and 21543
substantial relationship to the position being filled and the 21544
nature of the services being provided by the county board; 21545

(4) A violation of an existing or former municipal ordinance, 21546
township resolution, or law of this state, any other state, or the 21547
United States, if the offense is substantially equivalent to any 21548
of the offenses listed or described in division (E)(1), (2), or 21549
(3) of this section. 21550

(F) Prior to employing an applicant, the county board 21551
superintendent shall require the applicant to submit a statement 21552
with the applicant's signature attesting that the applicant has 21553
not been convicted of or pleaded guilty to any of the offenses 21554
listed or described in division (E) of this section. The 21555
superintendent also shall require the applicant to sign an 21556
agreement under which the applicant agrees to notify the 21557
superintendent within fourteen calendar days if, while employed by 21558
the board, the applicant is ever formally charged with, convicted 21559

of, or pleads guilty to any of the offenses listed or described in 21560
division (E) of this section. The agreement shall inform the 21561
applicant that failure to report formal charges, a conviction, or 21562
a guilty plea may result in being dismissed from employment. 21563

(G) A county board of mental retardation and developmental 21564
disabilities shall pay to the bureau of criminal identification 21565
and investigation the fee prescribed pursuant to division (C)(3) 21566
of section 109.572 of the Revised Code for each criminal records 21567
check requested and conducted pursuant to this section. 21568

(H)(1) Any report obtained pursuant to this section is not a 21569
public record for purposes of section 149.43 of the Revised Code 21570
and shall not be made available to any person, other than the 21571
applicant who is the subject of the records check or criminal 21572
records check or the applicant's representative, the board 21573
requesting the records check or criminal records check or its 21574
representative, the department of mental retardation and 21575
developmental disabilities, and any court, hearing officer, or 21576
other necessary individual involved in a case dealing with the 21577
denial of employment to the applicant or the denial, suspension, 21578
or revocation of a certificate or evidence of registration under 21579
section 5126.25 of the Revised Code. 21580

(2) An individual for whom a county board superintendent has 21581
obtained reports under this section may submit a written request 21582
to the county board to have copies of the reports sent to any 21583
state agency, entity of local government, or private entity. The 21584
individual shall specify in the request the agencies or entities 21585
to which the copies are to be sent. On receiving the request, the 21586
county board shall send copies of the reports to the agencies or 21587
entities specified. 21588

A county board may request that a state agency, entity of 21589
local government, or private entity send copies to the board of 21590
any report regarding a records check or criminal records check 21591

that the agency or entity possesses, if the county board obtains 21592
the written consent of the individual who is the subject of the 21593
report. 21594

(I) Each county board superintendent shall request the 21595
registrar of motor vehicles to supply the superintendent with a 21596
certified abstract regarding the record of convictions for 21597
violations of motor vehicle laws of each applicant who will be 21598
required by the applicant's employment to transport individuals 21599
with mental retardation or developmental disabilities or to 21600
operate the board's vehicles for any other purpose. For each 21601
abstract provided under this section, the board shall pay the 21602
amount specified in section 4509.05 of the Revised Code. 21603

(J) The county board superintendent shall provide each 21604
applicant with a copy of any report or abstract obtained about the 21605
applicant under this section. At the request of the director of 21606
mental retardation and developmental disabilities, the 21607
superintendent also shall provide the director with a copy of a 21608
report or abstract obtained under this section. 21609

(K)(1) The county board superintendent shall inform each 21610
person, at the time of the person's initial application for 21611
employment, that the person is required to provide a set of 21612
impressions of the person's fingerprints and that a criminal 21613
records check is required to be conducted and satisfactorily 21614
completed in accordance with section 109.572 of the Revised Code 21615
if the person comes under final consideration for appointment or 21616
employment as a precondition to employment in a position. 21617

(2) A board may employ an applicant pending receipt of 21618
reports requested under this section. The board shall terminate 21619
employment of any such applicant if it is determined from the 21620
reports that the applicant failed to inform the county board that 21621
the applicant had been convicted of or pleaded guilty to any of 21622
the offenses listed or described in division (E) of this section. 21623

(L) The board may charge an applicant a fee for costs it 21624
incurs in obtaining reports, abstracts, or fingerprint impressions 21625
under this section. A fee charged under this division shall not 21626
exceed the amount of the fees the board pays under divisions (G) 21627
and (I) of this section. If a fee is charged under this division, 21628
the board shall notify the applicant of the amount of the fee at 21629
the time of the applicant's initial application for employment and 21630
that, unless the fee is paid, the board will not consider the 21631
applicant for employment. 21632

(M) The department of mental retardation and developmental 21633
disabilities shall adopt rules pursuant to Chapter 119. of the 21634
Revised Code to implement this section and section 5126.281 of the 21635
Revised Code, including rules specifying circumstances under which 21636
a county board or contracting entity may hire a person who has 21637
been convicted of or pleaded guilty to an offense listed or 21638
described in division (E) of this section but who meets standards 21639
in regard to rehabilitation set by the department. The rules may 21640
not authorize a county board or contracting entity to hire an 21641
individual who is included in the registry established under 21642
section 5123.52 of the Revised Code. 21643

Sec. 5309.54. Whenever any transcript from the docket of a 21644
judge of a county court ~~or mayor~~, magistrate of a community court, 21645
or other officer or tribunal ~~which~~ that may render judgments, is 21646
filed in the office of the clerk of the court of common pleas for 21647
a lien, the party, or ~~his~~ the party's agent or attorney, filing 21648
~~such~~ the transcript shall notify the clerk whether the land upon 21649
which the lien is sought is registered. If ~~such~~ the land is 21650
registered, in addition to the fee required for such filing, ~~such~~ 21651
the party shall pay ~~such~~ the clerk's fee for a certificate ~~which~~ 21652
that the clerk shall thereupon issue to ~~such~~ the party under ~~such~~ 21653
the clerk's hand and the seal of the court of common pleas stating 21654
the number of the case, parties, date of the judgment, amount of 21655

judgment, and costs, and the exact time when filed in ~~his~~ the 21656
clerk's office, and the volume and page where entered. The party 21657
receiving ~~such~~ the certificate shall file it with the county 21658
recorder, who shall make notation of the filing and enter a 21659
memorial thereof on the last registered certificate of title for 21660
~~such~~ the land. No lien shall attach to any registered land under 21661
~~such~~ the transcript until ~~such~~ the certificate is filed with the 21662
recorder and noted by ~~him~~ the recorder. 21663

Sec. 5321.05. (A) A tenant who is a party to a rental 21664
agreement shall do all of the following: 21665

(1) Keep that part of the premises that ~~he~~ the tenant 21666
occupies and uses safe and sanitary; 21667

(2) Dispose of all rubbish, garbage, and other waste in a 21668
clean, safe, and sanitary manner; 21669

(3) Keep all plumbing fixtures in the dwelling unit or used 21670
by ~~him~~ the tenant as clean as their condition permits; 21671

(4) Use and operate all electrical and plumbing fixtures 21672
properly; 21673

(5) Comply with the requirements imposed on tenants by all 21674
applicable state and local housing, health, and safety codes; 21675

(6) Personally refrain and forbid any other person who is on 21676
the premises with ~~his~~ the tenant's permission from intentionally 21677
or negligently destroying, defacing, damaging, or removing any 21678
fixture, appliance, or other part of the premises; 21679

(7) Maintain in good working order and condition any range, 21680
~~refrigerator~~ refrigerator, washer, dryer, dishwasher, or other 21681
appliances supplied by the landlord and required to be maintained 21682
by the tenant under the terms and conditions of a written rental 21683
agreement; 21684

(8) Conduct ~~himself~~ self and require other persons on the 21685

premises with ~~his~~ the tenant's consent to conduct themselves in a 21686
manner that will not disturb ~~his~~ the tenant's neighbors' peaceful 21687
enjoyment of the premises; 21688

(9) Conduct ~~himself~~ self, and require persons in ~~his~~ the 21689
tenant's household and persons on the premises with ~~his~~ the 21690
tenant's consent to conduct themselves, in connection with the 21691
premises so as not to violate the prohibitions contained in 21692
Chapters 2925. and 3719. of the Revised Code, or in municipal 21693
ordinances or township resolutions that are substantially similar 21694
to any section in either of those chapters, which relate to 21695
controlled substances. 21696

(B) The tenant shall not unreasonably withhold consent for 21697
the landlord to enter into the dwelling unit in order to inspect 21698
the premises, make ordinary, necessary, or agreed repairs, 21699
decorations, alterations, or improvements, deliver parcels that 21700
are too large for the tenant's mail facilities, supply necessary 21701
or agreed services, or exhibit the dwelling unit to prospective or 21702
actual purchasers, mortgagees, tenants, ~~workmen~~ workers, or 21703
contractors. 21704

(C)(1) If the tenant violates any provision of this section, 21705
other than division (A)(9) of this section, the landlord may 21706
recover any actual damages that result from the violation together 21707
with reasonable attorney's fees. This remedy is in addition to any 21708
right of the landlord to terminate the rental agreement, to 21709
maintain an action for the possession of the premises, or to 21710
obtain injunctive relief to compel access under division (B) of 21711
this section. 21712

(2) If the tenant violates division (A)(9) of this section 21713
and if the landlord has actual knowledge of or has reasonable 21714
cause to believe that the tenant, any person in the tenant's 21715
household, or any person on the premises with the consent of the 21716
tenant previously has or presently is engaged in a violation as 21717

described in division (A)(6)(a)(i) of section 1923.02 of the Revised Code, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in that division, then the landlord promptly shall give the notice required by division (C) of section 5321.17 of the Revised Code. If the tenant fails to vacate the premises within three days after the giving of that notice, then the landlord promptly shall comply with division (A)(9) of section 5321.04 of the Revised Code. For purposes of this division, actual knowledge or reasonable cause to believe as described in this division shall be determined in accordance with division (A)(6)(a)(i) of section 1923.02 of the Revised Code.

Sec. 5502.61. As used in sections 5502.61 to 5502.66 of the Revised Code:

(A) "Federal criminal justice acts" means any federal law that authorizes financial assistance and other forms of assistance to be given by the federal government to the states to be used for the improvement of the criminal and juvenile justice systems of the states.

(B)(1) "Criminal justice system" includes all of the functions of the following:

(a) The state highway patrol, county sheriff offices, municipal and township police departments, and all other law enforcement agencies;

(b) The courts of appeals, courts of common pleas, municipal courts, county courts, and ~~mayer's~~ community courts, when dealing with criminal cases;

(c) The prosecuting attorneys, city directors of law, village

solicitors, and other prosecuting authorities when prosecuting or 21748
otherwise handling criminal cases, and the county and joint county 21749
public defenders and other public defender agencies or offices; 21750

(d) The department of rehabilitation and correction, 21751
probation departments, county and municipal jails and workhouses, 21752
and any other department, agency, or facility that is concerned 21753
with the rehabilitation or correction of criminal offenders; 21754

(e) Any public or private agency whose purposes include the 21755
prevention of crime or the diversion, adjudication, detention, or 21756
rehabilitation of criminal offenders; 21757

(f) Any public or private agency, the purposes of which 21758
include assistance to crime victims or witnesses. 21759

(2) The inclusion of any public or private agency, the 21760
purposes of which include assistance to crime victims or 21761
witnesses, as part of the criminal justice system pursuant to 21762
division (B)(1) of this section does not limit, and shall not be 21763
construed as limiting, the discretion or authority of the attorney 21764
general with respect to crime victim assistance and criminal 21765
justice programs. 21766

(C) "Juvenile justice system" includes all of the functions 21767
of the juvenile courts, the department of youth services, any 21768
public or private agency whose purposes include the prevention of 21769
delinquency or the diversion, adjudication, detention, or 21770
rehabilitation of delinquent children, and any of the functions of 21771
the criminal justice system that are applicable to children. 21772

(D) "Comprehensive plan" means a document that coordinates, 21773
evaluates, and otherwise assists, on an annual or multi-year 21774
basis, any of the functions of the criminal and juvenile justice 21775
systems of the state or a specified area of the state, that 21776
conforms to the priorities of the state with respect to criminal 21777
and juvenile justice systems, and that conforms with the 21778

requirements of all federal criminal justice acts. These functions	21779
may include, but are not limited to, any of the following:	21780
(1) Crime and delinquency prevention;	21781
(2) Identification, detection, apprehension, and detention of	21782
persons charged with criminal offenses or delinquent acts;	21783
(3) Assistance to crime victims or witnesses, except that the	21784
comprehensive plan does not include the functions of the attorney	21785
general pursuant to sections 109.91 and 109.92 of the Revised	21786
Code;	21787
(4) Adjudication or diversion of persons charged with	21788
criminal offenses or delinquent acts;	21789
(5) Custodial treatment of criminal offenders, delinquent	21790
children, or both;	21791
(6) Institutional and noninstitutional rehabilitation of	21792
criminal offenders, delinquent children, or both.	21793
(E) "Metropolitan county criminal justice services agency"	21794
means an agency that is established pursuant to division (A) of	21795
section 5502.64 of the Revised Code.	21796
(F) "Administrative planning district" means a district that	21797
is established pursuant to division (A) or (B) of section 5502.66	21798
of the Revised Code.	21799
(G) "Criminal justice coordinating council" means a criminal	21800
justice services agency that is established pursuant to division	21801
(D) of section 5502.66 of the Revised Code.	21802
(H) "Local elected official" means any person who is a member	21803
of a board of county commissioners or township trustees or of a	21804
city or village council, judge of the court of common pleas, a	21805
municipal court, or a county court, sheriff, county coroner,	21806
prosecuting attorney, city director of law, village solicitor, or	21807
mayor.	21808

(I) "Juvenile justice coordinating council" means a juvenile justice services agency that is established pursuant to division (D) of section 5502.66 of the Revised Code.

(J) "Mcgruff house program" means a program in which individuals or families volunteer to have their homes or other buildings serve as places of temporary refuge for children and to display the mcgruff house symbol identifying the home or building as that type of place.

(K) "Mcgruff house symbol" means the symbol that is characterized by the image of "mcgruff," the crime dog, and the slogan "take a bite out of crime," and that has been adopted by the national crime prevention council as the symbol of its national citizens' crime prevention campaign.

(L) "Sponsoring agency" means any of the following:

(1) The board of education of any city, local, or exempted village school district;

(2) The governing board of any educational service center;

(3) The governing authority of any chartered nonpublic school;

(4) The police department of any municipal corporation, township, township police district, or joint township police district;

(5) The office of any township constable or county sheriff.

Sec. 5503.04. ~~Forty-five~~ Subject to division (F)(2) of section 1901.31 of the Revised Code, forty-five per cent of the fines collected from or moneys arising from bail forfeited by persons apprehended or arrested by state highway patrol troopers shall be paid into the state treasury to be credited to the general revenue fund, five per cent shall be paid into the state treasury to be credited to the trauma and emergency medical

services grants fund created by division (E) of section 4513.263 21839
of the Revised Code, and fifty per cent shall be paid into the 21840
treasury of the municipal corporation where the case is 21841
prosecuted, if in a ~~mayer's~~ community court. If the prosecution is 21842
in a trial court outside a municipal corporation, or outside the 21843
territorial jurisdiction of a municipal court, the fifty per cent 21844
of the fines and moneys that is not paid into the state treasury 21845
shall be paid into the treasury of the county where the case is 21846
prosecuted. The fines and moneys paid into a county treasury and 21847
the fines and moneys paid into the treasury of a municipal 21848
corporation shall be deposited one-half to the same fund and 21849
expended in the same manner as is the revenue received from the 21850
registration of motor vehicles, and one-half to the general fund 21851
of such county or municipal corporation. 21852

If the prosecution is in a municipal court, forty-five per 21853
cent of the fines and moneys shall be paid into the state treasury 21854
to be credited to the general revenue fund, five per cent shall be 21855
paid into the state treasury to be credited to the trauma and 21856
emergency medical services grants fund created by division (E) of 21857
section 4513.263 of the Revised Code, ten per cent shall be paid 21858
into the county treasury to be credited to the general fund of the 21859
county, and forty per cent shall be paid into the municipal 21860
treasury to be credited to the general fund of the municipal 21861
corporation. In the Auglaize county, Clermont county, Crawford 21862
county, Hocking county, Jackson county, Lawrence county, Madison 21863
county, Miami county, Ottawa county, Portage county, and Wayne 21864
county municipal courts, that portion of money otherwise paid into 21865
the municipal treasury shall be paid into the county treasury. 21866

The trial court shall make remittance of the fines and moneys 21867
as prescribed in this section, and at the same time as the 21868
remittance is made of the state's portion to the state treasury, 21869
the trial court shall notify the superintendent of the state 21870

highway patrol of the case and the amount covered by the 21871
remittance. 21872

This section does not apply to fines for violations of 21873
division (B) of section 4513.263 of the Revised Code, or for 21874
violations of any municipal ordinance or township resolution that 21875
is substantively comparable to that division, all of which, 21876
subject to division (F)(2) of section 1901.31 of the Revised Code, 21877
shall be delivered to the treasurer of state as provided in 21878
division (E) of section 4513.263 of the Revised Code. 21879

Section 2. That existing sections 109.42, 109.572, 109.60, 21880
120.03, 120.14, 120.15, 120.16, 120.18, 120.24, 120.25, 120.26, 21881
120.28, 120.33, 120.36, 309.08, 341.23, 341.33, 503.44, 503.46, 21882
504.04, 504.05, 504.06, 504.08, 504.15, 705.14, 705.55, 733.40, 21883
733.44, 733.51, 733.52, 743.14, 753.02, 753.021, 753.04, 753.08, 21884
925.31, 955.99, 1901.021, 1901.024, 1901.026, 1901.04, 1901.08, 21885
1901.11, 1901.181, 1901.31, 1905.29, 1907.012, 1923.01, 1923.02, 21886
1923.10, 2152.021, 2152.03, 2152.16, 2152.18, 2152.21, 2152.41, 21887
2325.15, 2335.06, 2335.08, 2335.09, 2743.51, 2743.60, 2743.70, 21888
2901.01, 2903.04, 2903.06, 2903.08, 2903.212, 2903.213, 2903.214, 21889
2907.24, 2907.27, 2907.28, 2907.41, 2913.01, 2915.01, 2917.11, 21890
2917.41, 2919.25, 2919.251, 2919.26, 2919.271, 2921.25, 2921.51, 21891
2921.52, 2929.142, 2929.21, 2930.01, 2931.01, 2933.02, 2933.03, 21892
2933.04, 2933.05, 2933.06, 2933.10, 2935.01, 2935.03, 2935.13, 21893
2935.14, 2935.17, 2935.27, 2935.33, 2935.36, 2937.08, 2937.221, 21894
2937.23, 2937.46, 2937.99, 2938.02, 2938.04, 2941.51, 2945.17, 21895
2947.23, 2949.02, 2950.01, 2951.041, 2953.02, 2953.03, 2953.07, 21896
2953.09, 2953.31, 2953.36, 3113.31, 3301.88, 3313.662, 3319.20, 21897
3319.31, 3327.10, 3345.23, 3375.50, 3375.51, 3397.41, 3397.43, 21898
4112.02, 4113.52, 4301.252, 4501.11, 4503.13, 4503.233, 4503.234, 21899
4506.07, 4506.15, 4506.18, 4507.02, 4507.06, 4507.091, 4507.164, 21900
4509.33, 4509.35, 4510.01, 4510.03, 4510.031, 4510.032, 4510.034, 21901
4510.036, 4510.038, 4510.04, 4510.05, 4510.07, 4510.11, 4510.12, 21902

4510.13, 4510.14, 4510.15, 4510.16, 4510.161, 4510.17, 4510.22, 21903
4510.31, 4510.41, 4510.43, 4510.53, 4510.54, 4511.01, 4511.181, 21904
4511.19, 4511.191, 4511.192, 4511.193, 4511.194, 4511.195, 21905
4511.196, 4511.197, 4511.203, 4511.211, 4511.512, 4511.63, 21906
4511.69, 4511.75, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, 21907
4511.79, 4511.81, 4513.263, 4513.35, 4513.37, 4521.01, 4549.17, 21908
4730.31, 4731.223, 4760.15, 4762.15, 4999.06, 5104.09, 5123.081, 21909
5126.28, 5309.54, 5321.05, 5502.61, and 5503.04 and sections 21910
1905.01, 1905.02, 1905.03, 1905.031, 1905.032, 1905.033, 1905.04, 21911
1905.05, 1905.08, 1905.17, 1905.20, 1905.201, 1905.21, 1905.22, 21912
1905.23, 1905.24, 1905.25, 1905.26, 1905.28, 1905.30, 1905.31, 21913
1905.32, 1905.34, 1905.35, 1905.36, 1905.37, 2933.07, 2933.08, and 21914
2933.09 of the Revised Code are hereby repealed. 21915

Section 3. Sections 1 and 2 of this act, except for sections 21916
1905.41 and 1905.42 of the Revised Code, shall take effect on 21917
January 1, 2009. 21918

Section 4. (A) Effective January 1, 2009, all mayor's courts 21919
are abolished. 21920

(B) All causes, executions, and other proceedings pending in 21921
a mayor's court at the close of business on December 31, 2008, 21922
shall be transferred to and proceed in the appropriate municipal 21923
court, county court, or community court pursuant to sections 21924
1905.41 and 1905.42 of the Revised Code on January 1, 2009, as if 21925
originally instituted in that court. Parties to those causes, 21926
executions, and proceedings may make any amendments to their 21927
pleadings that are required to conform them to the rules of 21928
transferee court. The clerk or other custodian of each mayor's 21929
court shall transfer to the appropriate municipal, county, or 21930
community court all pleadings, orders, entries, dockets, bonds, 21931
papers, records, books, exhibits, files, moneys, property, and 21932
persons that belong to, are in the possession of, or are subject 21933

to the jurisdiction of the mayor's court, or any officer of that court, at the close of business on December 31, 2008, and that pertain to those causes, executions, and proceedings.

Section 5. Section 1923.01 of the Revised Code as amended by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.

Section 1923.02 of the Revised Code as amended by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.

Section 2921.51 of the Revised Code as amended by both Sub. H.B. 259 and Sub. S.B. 281 of the 126th General Assembly.

Section 2935.01 of the Revised Code as amended by both Sub. H.B. 545 and H.B. 675 of the 124th General Assembly.

Section 2935.36 of the Revised Code as amended by both Am. Sub. H.B. 95 and Am. Sub. S.B. 5 of the 125th General Assembly.

Section 2937.23 of the Revised Code as amended by both Sub. H.B. 202 and Am. S.B. 142 of the 123rd General Assembly.

Section 2953.07 of the Revised Code as amended by both Am. Sub. S.B. 2 and Am. Sub. S.B. 4 of the 121st General Assembly.

Section 4503.13 of the Revised Code as amended by Am. Sub. H.B. 490 of the 124th General Assembly and Am. Sub. H.B. 230 of the 125th General Assembly.

Sections 4503.233, 4503.234, and 4510.41 of the Revised Code as amended by both Sub. H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composites are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act.