

**As Introduced**

**128th General Assembly  
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**H. B. No. 191**

**Representative Celeste**

**Cosponsors: Representatives Murray, Hagan, Fende, Harris, Boyd, Okey,  
Chandler, Domenick, Heard, Brown**

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**A B I L L**

To amend sections 2743.51, 2903.06, 2929.01, 2935.03, 1  
4503.234, 4510.17, 4510.41, 4511.181, and 4511.251 2  
and to enact section 4511.253 of the Revised Code 3  
to increase the penalties for street racing and to 4  
create the offense of "street racing 5  
manslaughter." 6

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

**Section 1.** That sections 2743.51, 2903.06, 2929.01, 2935.03, 7  
4503.234, 4510.17, 4510.41, 4511.181, and 4511.251 be amended and 8  
section 4511.253 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of the 11  
Revised Code: 12

(A) "Claimant" means both of the following categories of 13  
persons: 14

(1) Any of the following persons who claim an award of 15  
reparations under sections 2743.51 to 2743.72 of the Revised Code: 16

(a) A victim who was one of the following at the time of the 17

criminally injurious conduct:	18
(i) A resident of the United States;	19
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.	20 21 22
(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;	23 24
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	25 26 27 28 29 30 31
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	32 33 34
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	35 36
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	37 38
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	39 40 41 42
(i) Had a permanent place of employment in this state;	43
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	44 45 46 47

(iii) Was retired and receiving social security or any other retirement income;	48 49
(iv) Was sixty years of age or older;	50
(v) Was temporarily in another state for the purpose of receiving medical treatment;	51 52
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	53 54 55 56
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	57 58 59 60
(viii) Was a full-time student at an academic institution, college, or university located in another state;	61 62
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	63 64 65 66
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	67 68
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	69 70 71 72 73 74 75
(d) A person who is authorized to act on behalf of any person who is described in division (A)(2)(a), (b), or (c) of this	76 77

section;	78
(e) The estate of a deceased victim who is described in division (A)(2)(a) of this section.	79 80
(B) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources:	81 82 83 84
(1) The offender;	85
(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;	86 87 88 89 90
(3) Social security, medicare, and medicaid;	91
(4) State-required, temporary, nonoccupational disability insurance;	92 93
(5) Workers' compensation;	94
(6) Wage continuation programs of any employer;	95
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	96 97 98
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	99 100
(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;	101 102 103
(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,	104 105 106

district, territory, or country. 107

"Collateral source" does not include any money, or the 108  
monetary value of any property, that is subject to sections 109  
2969.01 to 2969.06 of the Revised Code or that is received as a 110  
benefit from the Ohio public safety officers death benefit fund 111  
created by section 742.62 of the Revised Code. 112

(C) "Criminally injurious conduct" means one of the 113  
following: 114

(1) For the purposes of any person described in division 115  
(A)(1) of this section, any conduct that occurs or is attempted in 116  
this state; poses a substantial threat of personal injury or 117  
death; and is punishable by fine, imprisonment, or death, or would 118  
be so punishable but for the fact that the person engaging in the 119  
conduct lacked capacity to commit the crime under the laws of this 120  
state. Criminally injurious conduct does not include conduct 121  
arising out of the ownership, maintenance, or use of a motor 122  
vehicle, except when any of the following applies: 123

(a) The person engaging in the conduct intended to cause 124  
personal injury or death; 125

(b) The person engaging in the conduct was using the vehicle 126  
to flee immediately after committing a felony or an act that would 127  
constitute a felony but for the fact that the person engaging in 128  
the conduct lacked the capacity to commit the felony under the 129  
laws of this state; 130

(c) The person engaging in the conduct was using the vehicle 131  
in a manner that constitutes an OVI violation; 132

(d) The conduct occurred on or after July 25, 1990, and the 133  
person engaging in the conduct was using the vehicle in a manner 134  
that constitutes a violation of section 2903.08 of the Revised 135  
Code; 136

(e) The person engaging in the conduct acted in a manner that 137  
caused serious physical harm to a person and that constituted a 138  
violation of section 4549.02 or 4549.021 of the Revised Code. 139

(2) For the purposes of any person described in division 140  
(A)(2) of this section, any conduct that occurs or is attempted in 141  
another state, district, territory, or foreign country; poses a 142  
substantial threat of personal injury or death; and is punishable 143  
by fine, imprisonment, or death, or would be so punishable but for 144  
the fact that the person engaging in the conduct lacked capacity 145  
to commit the crime under the laws of the state, district, 146  
territory, or foreign country in which the conduct occurred or was 147  
attempted. Criminally injurious conduct does not include conduct 148  
arising out of the ownership, maintenance, or use of a motor 149  
vehicle, except when any of the following applies: 150

(a) The person engaging in the conduct intended to cause 151  
personal injury or death; 152

(b) The person engaging in the conduct was using the vehicle 153  
to flee immediately after committing a felony or an act that would 154  
constitute a felony but for the fact that the person engaging in 155  
the conduct lacked the capacity to commit the felony under the 156  
laws of the state, district, territory, or foreign country in 157  
which the conduct occurred or was attempted; 158

(c) The person engaging in the conduct was using the vehicle 159  
in a manner that constitutes an OVI violation; 160

(d) The conduct occurred on or after July 25, 1990, the 161  
person engaging in the conduct was using the vehicle in a manner 162  
that constitutes a violation of any law of the state, district, 163  
territory, or foreign country in which the conduct occurred, and 164  
that law is substantially similar to a violation of section 165  
2903.08 of the Revised Code; 166

(e) The person engaging in the conduct acted in a manner that 167

caused serious physical harm to a person and that constituted a 168  
violation of any law of the state, district, territory, or foreign 169  
country in which the conduct occurred, and that law is 170  
substantially similar to section 4549.02 or 4549.021 of the 171  
Revised Code. 172

(3) For the purposes of any person described in division 173  
(A)(1) or (2) of this section, terrorism that occurs within or 174  
outside the territorial jurisdiction of the United States. 175

(D) "Dependent" means an individual wholly or partially 176  
dependent upon the victim for care and support, and includes a 177  
child of the victim born after the victim's death. 178

(E) "Economic loss" means economic detriment consisting only 179  
of allowable expense, work loss, funeral expense, unemployment 180  
benefits loss, replacement services loss, cost of crime scene 181  
cleanup, and cost of evidence replacement. If criminally injurious 182  
conduct causes death, economic loss includes a dependent's 183  
economic loss and a dependent's replacement services loss. 184  
Noneconomic detriment is not economic loss; however, economic loss 185  
may be caused by pain and suffering or physical impairment. 186

(F)(1) "Allowable expense" means reasonable charges incurred 187  
for reasonably needed products, services, and accommodations, 188  
including those for medical care, rehabilitation, rehabilitative 189  
occupational training, and other remedial treatment and care and 190  
including replacement costs for eyeglasses and other corrective 191  
lenses. It does not include that portion of a charge for a room in 192  
a hospital, clinic, convalescent home, nursing home, or any other 193  
institution engaged in providing nursing care and related services 194  
in excess of a reasonable and customary charge for semiprivate 195  
accommodations, unless accommodations other than semiprivate 196  
accommodations are medically required. 197

(2) An immediate family member of a victim of criminally 198

injurious conduct that consists of a homicide, a sexual assault, 199  
domestic violence, or a severe and permanent incapacitating injury 200  
resulting in paraplegia or a similar life-altering condition, who 201  
requires psychiatric care or counseling as a result of the 202  
criminally injurious conduct, may be reimbursed for that care or 203  
counseling as an allowable expense through the victim's 204  
application. The cumulative allowable expense for care or 205  
counseling of that nature shall not exceed two thousand five 206  
hundred dollars for each immediate family member of a victim of 207  
that type and seven thousand five hundred dollars in the aggregate 208  
for all immediate family members of a victim of that type. 209

(3) A family member of a victim who died as a proximate 210  
result of criminally injurious conduct may be reimbursed as an 211  
allowable expense through the victim's application for wages lost 212  
and travel expenses incurred in order to attend criminal justice 213  
proceedings arising from the criminally injurious conduct. The 214  
cumulative allowable expense for wages lost and travel expenses 215  
incurred by a family member to attend criminal justice proceedings 216  
shall not exceed five hundred dollars for each family member of 217  
the victim and two thousand dollars in the aggregate for all 218  
family members of the victim. 219

(4) "Allowable expense" includes attorney's fees not 220  
exceeding two thousand five hundred dollars, at a rate not 221  
exceeding one hundred fifty dollars per hour, incurred to 222  
successfully obtain a restraining order, custody order, or other 223  
order to physically separate a victim from an offender, if the 224  
attorney has not received payment under section 2743.65 of the 225  
Revised Code for assisting a claimant with an application for an 226  
award of reparations under sections 2743.51 to 2743.72 of the 227  
Revised Code. 228

(G) "Work loss" means loss of income from work that the 229  
injured person would have performed if the person had not been 230

injured and expenses reasonably incurred by the person to obtain 231  
services in lieu of those the person would have performed for 232  
income, reduced by any income from substitute work actually 233  
performed by the person, or by income the person would have earned 234  
in available appropriate substitute work that the person was 235  
capable of performing but unreasonably failed to undertake. 236

(H) "Replacement services loss" means expenses reasonably 237  
incurred in obtaining ordinary and necessary services in lieu of 238  
those the injured person would have performed, not for income, but 239  
for the benefit of the person's self or family, if the person had 240  
not been injured. 241

(I) "Dependent's economic loss" means loss after a victim's 242  
death of contributions of things of economic value to the victim's 243  
dependents, not including services they would have received from 244  
the victim if the victim had not suffered the fatal injury, less 245  
expenses of the dependents avoided by reason of the victim's 246  
death. If a minor child of a victim is adopted after the victim's 247  
death, the minor child continues after the adoption to incur a 248  
dependent's economic loss as a result of the victim's death. If 249  
the surviving spouse of a victim remarries, the surviving spouse 250  
continues after the remarriage to incur a dependent's economic 251  
loss as a result of the victim's death. 252

(J) "Dependent's replacement services loss" means loss 253  
reasonably incurred by dependents after a victim's death in 254  
obtaining ordinary and necessary services in lieu of those the 255  
victim would have performed for their benefit if the victim had 256  
not suffered the fatal injury, less expenses of the dependents 257  
avoided by reason of the victim's death and not subtracted in 258  
calculating the dependent's economic loss. If a minor child of a 259  
victim is adopted after the victim's death, the minor child 260  
continues after the adoption to incur a dependent's replacement 261  
services loss as a result of the victim's death. If the surviving 262

spouse of a victim remarries, the surviving spouse continues after 263  
the remarriage to incur a dependent's replacement services loss as 264  
a result of the victim's death. 265

(K) "Noneconomic detriment" means pain, suffering, 266  
inconvenience, physical impairment, or other nonpecuniary damage. 267

(L) "Victim" means a person who suffers personal injury or 268  
death as a result of any of the following: 269

(1) Criminally injurious conduct; 270

(2) The good faith effort of any person to prevent criminally 271  
injurious conduct; 272

(3) The good faith effort of any person to apprehend a person 273  
suspected of engaging in criminally injurious conduct. 274

(M) "Contributory misconduct" means any conduct of the 275  
claimant or of the victim through whom the claimant claims an 276  
award of reparations that is unlawful or intentionally tortious 277  
and that, without regard to the conduct's proximity in time or 278  
space to the criminally injurious conduct, has a causal 279  
relationship to the criminally injurious conduct that is the basis 280  
of the claim. 281

(N)(1) "Funeral expense" means any reasonable charges that 282  
are not in excess of seven thousand five hundred dollars per 283  
funeral and that are incurred for expenses directly related to a 284  
victim's funeral, cremation, or burial and any wages lost or 285  
travel expenses incurred by a family member of a victim in order 286  
to attend the victim's funeral, cremation, or burial. 287

(2) An award for funeral expenses shall be applied first to 288  
expenses directly related to the victim's funeral, cremation, or 289  
burial. An award for wages lost or travel expenses incurred by a 290  
family member of the victim shall not exceed five hundred dollars 291  
for each family member and shall not exceed in the aggregate the 292

difference between seven thousand five hundred dollars and 293  
expenses that are reimbursed by the program and that are directly 294  
related to the victim's funeral, cremation, or burial. 295

(O) "Unemployment benefits loss" means a loss of unemployment 296  
benefits pursuant to Chapter 4141. of the Revised Code when the 297  
loss arises solely from the inability of a victim to meet the able 298  
to work, available for suitable work, or the actively seeking 299  
suitable work requirements of division (A)(4)(a) of section 300  
4141.29 of the Revised Code. 301

(P) "OVI violation" means any of the following: 302

(1) A violation of section 4511.19 of the Revised Code, of 303  
any municipal ordinance prohibiting the operation of a vehicle 304  
while under the influence of alcohol, a drug of abuse, or a 305  
combination of them, or of any municipal ordinance prohibiting the 306  
operation of a vehicle with a prohibited concentration of alcohol, 307  
a controlled substance, or a metabolite of a controlled substance 308  
in the whole blood, blood serum or plasma, breath, or urine; 309

(2) A violation of division (A)(1) of section 2903.06 of the 310  
Revised Code; 311

(3) A violation of division (A)(2), (3), ~~or~~ (4), or (5) of 312  
section 2903.06 of the Revised Code or of a municipal ordinance 313  
substantially similar to any of those divisions, if the offender 314  
was under the influence of alcohol, a drug of abuse, or a 315  
combination of them, at the time of the commission of the offense; 316

(4) For purposes of any person described in division (A)(2) 317  
of this section, a violation of any law of the state, district, 318  
territory, or foreign country in which the criminally injurious 319  
conduct occurred, if that law is substantially similar to a 320  
violation described in division (P)(1) or (2) of this section or 321  
if that law is substantially similar to a violation described in 322  
division (P)(3) of this section and the offender was under the 323

influence of alcohol, a drug of abuse, or a combination of them, 324  
at the time of the commission of the offense. 325

(Q) "Pendency of the claim" for an original reparations 326  
application or supplemental reparations application means the 327  
period of time from the date the criminally injurious conduct upon 328  
which the application is based occurred until the date a final 329  
decision, order, or judgment concerning that original reparations 330  
application or supplemental reparations application is issued. 331

(R) "Terrorism" means any activity to which all of the 332  
following apply: 333

(1) The activity involves a violent act or an act that is 334  
dangerous to human life. 335

(2) The act described in division (R)(1) of this section is 336  
committed within the territorial jurisdiction of the United States 337  
and is a violation of the criminal laws of the United States, this 338  
state, or any other state or the act described in division (R)(1) 339  
of this section is committed outside the territorial jurisdiction 340  
of the United States and would be a violation of the criminal laws 341  
of the United States, this state, or any other state if committed 342  
within the territorial jurisdiction of the United States. 343

(3) The activity appears to be intended to do any of the 344  
following: 345

(a) Intimidate or coerce a civilian population; 346

(b) Influence the policy of any government by intimidation or 347  
coercion; 348

(c) Affect the conduct of any government by assassination or 349  
kidnapping. 350

(4) The activity occurs primarily outside the territorial 351  
jurisdiction of the United States or transcends the national 352  
boundaries of the United States in terms of the means by which the 353

activity is accomplished, the person or persons that the activity  
appears intended to intimidate or coerce, or the area or locale in  
which the perpetrator or perpetrators of the activity operate or  
seek asylum.

(S) "Transcends the national boundaries of the United States"  
means occurring outside the territorial jurisdiction of the United  
States in addition to occurring within the territorial  
jurisdiction of the United States.

(T) "Cost of crime scene cleanup" means reasonable and  
necessary costs of cleaning the scene and repairing, for the  
purpose of personal security, property damaged at the scene where  
the criminally injurious conduct occurred, not to exceed seven  
hundred fifty dollars in the aggregate per claim.

(U) "Cost of evidence replacement" means costs for  
replacement of property confiscated for evidentiary purposes  
related to the criminally injurious conduct, not to exceed seven  
hundred fifty dollars in the aggregate per claim.

(V) "Provider" means any person who provides a victim or  
claimant with a product, service, or accommodations that are an  
allowable expense or a funeral expense.

(W) "Immediate family member" means an individual who resided  
in the same permanent household as a victim at the time of the  
criminally injurious conduct and who is related to the victim by  
affinity or consanguinity.

(X) "Family member" means an individual who is related to a  
victim by affinity or consanguinity.

**Sec. 2903.06.** (A) No person, while operating or participating  
in the operation of a motor vehicle, motorcycle, snowmobile,  
locomotive, watercraft, or aircraft, shall cause the death of  
another or the unlawful termination of another's pregnancy in any

of the following ways: 384

(1)(a) As the proximate result of committing a violation of 385  
division (A) of section 4511.19 of the Revised Code or of a 386  
substantially equivalent municipal ordinance; 387

(b) As the proximate result of committing a violation of 388  
division (A) of section 1547.11 of the Revised Code or of a 389  
substantially equivalent municipal ordinance; 390

(c) As the proximate result of committing a violation of 391  
division (A)(3) of section 4561.15 of the Revised Code or of a 392  
substantially equivalent municipal ordinance. 393

(2) In one of the following ways: 394

(a) Recklessly; 395

(b) As the proximate result of committing, while operating or 396  
participating in the operation of a motor vehicle or motorcycle in 397  
a construction zone, a reckless operation offense, provided that 398  
this division applies only if the person whose death is caused or 399  
whose pregnancy is unlawfully terminated is in the construction 400  
zone at the time of the offender's commission of the reckless 401  
operation offense in the construction zone and does not apply as 402  
described in division ~~(F)~~(G) of this section. 403

(3) In one of the following ways: 404

(a) Negligently; 405

(b) As the proximate result of committing, while operating or 406  
participating in the operation of a motor vehicle or motorcycle in 407  
a construction zone, a speeding offense, provided that this 408  
division applies only if the person whose death is caused or whose 409  
pregnancy is unlawfully terminated is in the construction zone at 410  
the time of the offender's commission of the speeding offense in 411  
the construction zone and does not apply as described in division 412  
(F) of this section. 413

(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor;

(5) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle upon a public road, street, or highway in this state, a violation of division (B) of section 4511.251 of the Revised Code or of a substantially equivalent municipal ordinance. Every operator of every motor vehicle and motorcycle involved in the street race is criminally culpable under division (A)(5) of this section, irrespective of whether or not such an operator's motor vehicle or motorcycle made contact with any other motor vehicle or motorcycle.

(B)(1) Whoever violates division (A)(1) or (2) of this section is guilty of aggravated vehicular homicide and shall be punished as provided in divisions (B)(2) and (3) of this section.

(2)(a) Except as otherwise provided in division (B)(2)(b) or (c) of this section, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the second degree and the court shall impose a mandatory prison term on the offender as described in division ~~(E)~~(F) of this section.

(b) Except as otherwise provided in division (B)(2)(c) of this section, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the first degree, and the court shall impose a mandatory prison term on the offender as described in division ~~(E)~~(F) of this section, if any of the following apply:

(i) At the time of the offense, the offender was driving

under a suspension or cancellation imposed under Chapter 4510. or 445  
any other provision of the Revised Code or was operating a motor 446  
vehicle or motorcycle, did not have a valid driver's license, 447  
commercial driver's license, temporary instruction permit, 448  
probationary license, or nonresident operating privilege, and was 449  
not eligible for renewal of the offender's driver's license or 450  
commercial driver's license without examination under section 451  
4507.10 of the Revised Code. 452

(ii) The offender previously has been convicted of or pleaded 453  
guilty to a violation of this section. 454

(iii) The offender previously has been convicted of or 455  
pleaded guilty to any traffic-related homicide, manslaughter, or 456  
assault offense. 457

(c) Aggravated vehicular homicide committed in violation of 458  
division (A)(1) of this section is a felony of the first degree, 459  
and the court shall sentence the offender to a mandatory prison 460  
term as provided in section 2929.142 of the Revised Code and 461  
described in division ~~(E)~~(F) of this section if any of the 462  
following apply: 463

(i) The offender previously has been convicted of or pleaded 464  
guilty to three or more prior violations of section 4511.19 of the 465  
Revised Code or of a substantially equivalent municipal ordinance 466  
within the previous six years. 467

(ii) The offender previously has been convicted of or pleaded 468  
guilty to three or more prior violations of division (A) of 469  
section 1547.11 of the Revised Code or of a substantially 470  
equivalent municipal ordinance within the previous six years. 471

(iii) The offender previously has been convicted of or 472  
pleaded guilty to three or more prior violations of division 473  
(A)(3) of section 4561.15 of the Revised Code or of a 474  
substantially equivalent municipal ordinance within the previous 475

six years. 476

(iv) The offender previously has been convicted of or pleaded 477  
guilty to three or more prior violations of division (A)(1) of 478  
this section within the previous six years. 479

(v) The offender previously has been convicted of or pleaded 480  
guilty to three or more prior violations of division (A)(1) of 481  
section 2903.08 of the Revised Code within the previous six years. 482

(vi) The offender previously has been convicted of or pleaded 483  
guilty to three or more prior violations of section 2903.04 of the 484  
Revised Code within the previous six years in circumstances in 485  
which division (D) of that section applied regarding the 486  
violations. 487

(vii) The offender previously has been convicted of or 488  
pleaded guilty to three or more violations of any combination of 489  
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 490  
(v), or (vi) of this section within the previous six years. 491

(viii) The offender previously has been convicted of or 492  
pleaded guilty to a second or subsequent felony violation of 493  
division (A) of section 4511.19 of the Revised Code. 494

(ix) The offender is convicted of, or pleads guilty to, a 495  
violation described in division (A)(1)(a), (b), or (c) of this 496  
section, and the offender's committing of the violation was the 497  
proximate cause of the death of the other person or the unlawful 498  
termination of the other person's pregnancy, as prohibited by 499  
division (A) of this section. 500

(d) In addition to any other sanctions imposed pursuant to 501  
division (B)(2)(a), (b), or (c) of this section for aggravated 502  
vehicular homicide committed in violation of division (A)(1) of 503  
this section, the court shall impose upon the offender a class one 504  
suspension of the offender's driver's license, commercial driver's 505  
license, temporary instruction permit, probationary license, or 506

nonresident operating privilege as specified in division (A)(1) of 507  
section 4510.02 of the Revised Code. 508

(3) Except as otherwise provided in this division, aggravated 509  
vehicular homicide committed in violation of division (A)(2) of 510  
this section is a felony of the third degree. Aggravated vehicular 511  
homicide committed in violation of division (A)(2) of this section 512  
is a felony of the second degree if, at the time of the offense, 513  
the offender was driving under a suspension or cancellation 514  
imposed under Chapter 4510. or any other provision of the Revised 515  
Code or was operating a motor vehicle or motorcycle, did not have 516  
a valid driver's license, commercial driver's license, temporary 517  
instruction permit, probationary license, or nonresident operating 518  
privilege, and was not eligible for renewal of the offender's 519  
driver's license or commercial driver's license without 520  
examination under section 4507.10 of the Revised Code or if the 521  
offender previously has been convicted of or pleaded guilty to a 522  
violation of this section or any traffic-related homicide, 523  
manslaughter, or assault offense. The court shall impose a 524  
mandatory prison term on the offender when required by division 525  
~~(E)~~(F) of this section. 526

In addition to any other sanctions imposed pursuant to this 527  
division for a violation of division (A)(2) of this section, the 528  
court shall impose upon the offender a class two suspension of the 529  
offender's driver's license, commercial driver's license, 530  
temporary instruction permit, probationary license, or nonresident 531  
operating privilege from the range specified in division (A)(2) of 532  
section 4510.02 of the Revised Code or, if the offender previously 533  
has been convicted of or pleaded guilty to a traffic-related 534  
murder, felonious assault, or attempted murder offense, a class 535  
one suspension of the offender's driver's license, commercial 536  
driver's license, temporary instruction permit, probationary 537  
license, or nonresident operating privilege as specified in 538

division (A)(1) of that section. 539

(C) Whoever violates division (A)(3) of this section is 540  
guilty of vehicular homicide. Except as otherwise provided in this 541  
division, vehicular homicide is a misdemeanor of the first degree. 542  
Vehicular homicide committed in violation of division (A)(3) of 543  
this section is a felony of the fourth degree if, at the time of 544  
the offense, the offender was driving under a suspension or 545  
cancellation imposed under Chapter 4510. or any other provision of 546  
the Revised Code or was operating a motor vehicle or motorcycle, 547  
did not have a valid driver's license, commercial driver's 548  
license, temporary instruction permit, probationary license, or 549  
nonresident operating privilege, and was not eligible for renewal 550  
of the offender's driver's license or commercial driver's license 551  
without examination under section 4507.10 of the Revised Code or 552  
if the offender previously has been convicted of or pleaded guilty 553  
to a violation of this section or any traffic-related homicide, 554  
manslaughter, or assault offense. The court shall impose a 555  
mandatory jail term or a mandatory prison term on the offender 556  
when required by division ~~(E)~~(F) of this section. 557

558

In addition to any other sanctions imposed pursuant to this 559  
division, the court shall impose upon the offender a class four 560  
suspension of the offender's driver's license, commercial driver's 561  
license, temporary instruction permit, probationary license, or 562  
nonresident operating privilege from the range specified in 563  
division (A)(4) of section 4510.02 of the Revised Code, or, if the 564  
offender previously has been convicted of or pleaded guilty to a 565  
violation of this section or any traffic-related homicide, 566  
manslaughter, or assault offense, a class three suspension of the 567  
offender's driver's license, commercial driver's license, 568  
temporary instruction permit, probationary license, or nonresident 569  
operating privilege from the range specified in division (A)(3) of 570

that section, or, if the offender previously has been convicted of 571  
or pleaded guilty to a traffic-related murder, felonious assault, 572  
or attempted murder offense, a class two suspension of the 573  
offender's driver's license, commercial driver's license, 574  
temporary instruction permit, probationary license, or nonresident 575  
operating privilege as specified in division (A)(2) of that 576  
section. 577

(D) Whoever violates division (A)(4) of this section is 578  
guilty of vehicular manslaughter. Except as otherwise provided in 579  
this division, vehicular manslaughter is a misdemeanor of the 580  
second degree. Vehicular manslaughter is a misdemeanor of the 581  
first degree if, at the time of the offense, the offender was 582  
driving under a suspension or cancellation imposed under Chapter 583  
4510. or any other provision of the Revised Code or was operating 584  
a motor vehicle or motorcycle, did not have a valid driver's 585  
license, commercial driver's license, temporary instruction 586  
permit, probationary license, or nonresident operating privilege, 587  
and was not eligible for renewal of the offender's driver's 588  
license or commercial driver's license without examination under 589  
section 4507.10 of the Revised Code or if the offender previously 590  
has been convicted of or pleaded guilty to a violation of this 591  
section or any traffic-related homicide, manslaughter, or assault 592  
offense. 593

In addition to any other sanctions imposed pursuant to this 594  
division, the court shall impose upon the offender a class six 595  
suspension of the offender's driver's license, commercial driver's 596  
license, temporary instruction permit, probationary license, or 597  
nonresident operating privilege from the range specified in 598  
division (A)(6) of section 4510.02 of the Revised Code or, if the 599  
offender previously has been convicted of or pleaded guilty to a 600  
violation of this section, any traffic-related homicide, 601  
manslaughter, or assault offense, or a traffic-related murder, 602

felonious assault, or attempted murder offense, a class four 603  
suspension of the offender's driver's license, commercial driver's 604  
license, temporary instruction permit, probationary license, or 605  
nonresident operating privilege from the range specified in 606  
division (A)(4) of that section. 607

(E)(1) Whoever violates division (A)(5) of this section is 608  
guilty of street racing manslaughter, a felony of the second 609  
degree. In addition to any other sanctions, the court shall impose 610  
upon the offender a class two suspension of the offender's 611  
driver's license, commercial driver's license, temporary 612  
instruction permit, probationary license, or nonresident operating 613  
privilege for a period prescribed in division (A)(2) of section 614  
4510.02 of the Revised Code, which period shall be not less than 615  
five years. 616

(2) In addition to any other sanctions, the court shall order 617  
the criminal forfeiture of the motor vehicle the offender was 618  
operating at the time the offender violated division (A)(5) of 619  
this section if either of the following applies: 620

(a) The motor vehicle the offender was operating at the time 621  
of such violation is registered in the offender's name. 622

(b) The motor vehicle the offender was operating at the time 623  
of such violation is not registered in the offender's name but is 624  
registered in the name of another person, and the person in whose 625  
name the motor vehicle is registered or the person in control of 626  
the motor vehicle permitted the offender to operate the motor 627  
vehicle and that person knew or had reasonable cause to believe 628  
that the offender would operate the motor vehicle in violation of 629  
section 4511.251 of the Revised Code or a substantially equivalent 630  
municipal ordinance. 631

(3) Any forfeiture of a motor vehicle under division (E)(2) 632  
of this section shall be in accordance with section 4503.234 of 633

the Revised Code. If title to a motor vehicle that is subject to 634  
an order of criminal forfeiture under this section is assigned or 635  
transferred and division (B)(2) or (3) of section 4503.234 of the 636  
Revised Code applies, the court, in addition to any other 637  
sanctions, may fine the offender the value of the vehicle as 638  
determined by publications of the national auto dealers 639  
association. The proceeds of any fine so imposed shall be 640  
distributed in accordance with division (C)(2) of that section. 641

(F) The court shall impose a mandatory prison term on an 642  
offender who is convicted of or pleads guilty to a violation of 643  
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 644  
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 645  
to an offender who is convicted of or pleads guilty to the 646  
violation of division (A)(1) of this section, the court shall 647  
impose the mandatory prison term pursuant to section 2929.142 of 648  
the Revised Code. The court shall impose a mandatory jail term of 649  
at least fifteen days on an offender who is convicted of or pleads 650  
guilty to a misdemeanor violation of division (A)(3)(b) of this 651  
section and may impose upon the offender a longer jail term as 652  
authorized pursuant to section 2929.24 of the Revised Code. The 653  
court shall impose a mandatory prison term on an offender who is 654  
convicted of or pleads guilty to a violation of division (A)(2) or 655  
(3)(a) of this section or a felony violation of division (A)(3)(b) 656  
of this section if either of the following applies: 657

(1) The offender previously has been convicted of or pleaded 658  
guilty to a violation of this section or section 2903.08 of the 659  
Revised Code. 660

(2) At the time of the offense, the offender was driving 661  
under suspension or cancellation under Chapter 4510. or any other 662  
provision of the Revised Code or was operating a motor vehicle or 663  
motorcycle, did not have a valid driver's license, commercial 664  
driver's license, temporary instruction permit, probationary 665

license, or nonresident operating privilege, and was not eligible 666  
for renewal of the offender's driver's license or commercial 667  
driver's license without examination under section 4507.10 of the 668  
Revised Code. 669

~~(F)~~(G) Divisions (A)(2)(b) and (3)(b) of this section do not 670  
apply in a particular construction zone unless signs of the type 671  
described in section 2903.081 of the Revised Code are erected in 672  
that construction zone in accordance with the guidelines and 673  
design specifications established by the director of 674  
transportation under section 5501.27 of the Revised Code. The 675  
failure to erect signs of the type described in section 2903.081 676  
of the Revised Code in a particular construction zone in 677  
accordance with those guidelines and design specifications does 678  
not limit or affect the application of division (A)(1), (A)(2)(a), 679  
(A)(3)(a), or (A)(4) of this section in that construction zone or 680  
the prosecution of any person who violates any of those divisions 681  
in that construction zone. 682

~~(G)~~(H)(1) As used in this section: 683

(a) "Mandatory prison term" and "mandatory jail term" have 684  
the same meanings as in section 2929.01 of the Revised Code. 685

(b) "Traffic-related homicide, manslaughter, or assault 686  
offense" means a violation of section 2903.04 of the Revised Code 687  
in circumstances in which division (D) of that section applies, a 688  
violation of section 2903.06 or 2903.08 of the Revised Code, or a 689  
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 690  
Code as they existed prior to March 23, 2000. 691

(c) "Construction zone" has the same meaning as in section 692  
5501.27 of the Revised Code. 693

(d) "Reckless operation offense" means a violation of section 694  
4511.20 of the Revised Code or a municipal ordinance substantially 695  
equivalent to section 4511.20 of the Revised Code. 696

(e) "Speeding offense" means a violation of section 4511.21 697  
of the Revised Code or a municipal ordinance pertaining to speed. 698

(f) "Traffic-related murder, felonious assault, or attempted 699  
murder offense" means a violation of section 2903.01 or 2903.02 of 700  
the Revised Code in circumstances in which the offender used a 701  
motor vehicle as the means to commit the violation, a violation of 702  
division (A)(2) of section 2903.11 of the Revised Code in 703  
circumstances in which the deadly weapon used in the commission of 704  
the violation is a motor vehicle, or an attempt to commit 705  
aggravated murder or murder in violation of section 2923.02 of the 706  
Revised Code in circumstances in which the offender used a motor 707  
vehicle as the means to attempt to commit the aggravated murder or 708  
murder. 709

(g) "Motor vehicle" has the same meaning as in section 710  
4501.01 of the Revised Code. 711

(2) For the purposes of this section, when a penalty or 712  
suspension is enhanced because of a prior or current violation of 713  
a specified law or a prior or current specified offense, the 714  
reference to the violation of the specified law or the specified 715  
offense includes any violation of any substantially equivalent 716  
municipal ordinance, former law of this state, or current or 717  
former law of another state or the United States. 718

**Sec. 2929.01.** As used in this chapter: 719

(A)(1) "Alternative residential facility" means, subject to 720  
division (A)(2) of this section, any facility other than an 721  
offender's home or residence in which an offender is assigned to 722  
live and that satisfies all of the following criteria: 723

(a) It provides programs through which the offender may seek 724  
or maintain employment or may receive education, training, 725  
treatment, or habilitation. 726

(b) It has received the appropriate license or certificate 727  
for any specialized education, training, treatment, habilitation, 728  
or other service that it provides from the government agency that 729  
is responsible for licensing or certifying that type of education, 730  
training, treatment, habilitation, or service. 731

(2) "Alternative residential facility" does not include a 732  
community-based correctional facility, jail, halfway house, or 733  
prison. 734

(B) "Basic probation supervision" means a requirement that 735  
the offender maintain contact with a person appointed to supervise 736  
the offender in accordance with sanctions imposed by the court or 737  
imposed by the parole board pursuant to section 2967.28 of the 738  
Revised Code. "Basic probation supervision" includes basic parole 739  
supervision and basic post-release control supervision. 740

(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 741  
"unit dose" have the same meanings as in section 2925.01 of the 742  
Revised Code. 743

(D) "Community-based correctional facility" means a 744  
community-based correctional facility and program or district 745  
community-based correctional facility and program developed 746  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 747

(E) "Community control sanction" means a sanction that is not 748  
a prison term and that is described in section 2929.15, 2929.16, 749  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 750  
a jail term and that is described in section 2929.26, 2929.27, or 751  
2929.28 of the Revised Code. "Community control sanction" includes 752  
probation if the sentence involved was imposed for a felony that 753  
was committed prior to July 1, 1996, or if the sentence involved 754  
was imposed for a misdemeanor that was committed prior to January 755  
1, 2004. 756

(F) "Controlled substance," "marihuana," "schedule I," and 757

"schedule II" have the same meanings as in section 3719.01 of the Revised Code. 758  
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(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place. 760  
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(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center. 762  
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(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 767  
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(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs. 769  
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(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment. 773  
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(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages. 781  
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(M) "Education or training" includes study at, or in 788

conjunction with a program offered by, a university, college, or 789  
technical college or vocational study and also includes the 790  
completion of primary school, secondary school, and literacy 791  
curricula or their equivalent. 792

(N) "Firearm" has the same meaning as in section 2923.11 of 793  
the Revised Code. 794

(O) "Halfway house" means a facility licensed by the division 795  
of parole and community services of the department of 796  
rehabilitation and correction pursuant to section 2967.14 of the 797  
Revised Code as a suitable facility for the care and treatment of 798  
adult offenders. 799

(P) "House arrest" means a period of confinement of an 800  
offender that is in the offender's home or in other premises 801  
specified by the sentencing court or by the parole board pursuant 802  
to section 2967.28 of the Revised Code and during which all of the 803  
following apply: 804

(1) The offender is required to remain in the offender's home 805  
or other specified premises for the specified period of 806  
confinement, except for periods of time during which the offender 807  
is at the offender's place of employment or at other premises as 808  
authorized by the sentencing court or by the parole board. 809

(2) The offender is required to report periodically to a 810  
person designated by the court or parole board. 811

(3) The offender is subject to any other restrictions and 812  
requirements that may be imposed by the sentencing court or by the 813  
parole board. 814

(Q) "Intensive probation supervision" means a requirement 815  
that an offender maintain frequent contact with a person appointed 816  
by the court, or by the parole board pursuant to section 2967.28 817  
of the Revised Code, to supervise the offender while the offender 818  
is seeking or maintaining necessary employment and participating 819

in training, education, and treatment programs as required in the 820  
court's or parole board's order. "Intensive probation supervision" 821  
includes intensive parole supervision and intensive post-release 822  
control supervision. 823

(R) "Jail" means a jail, workhouse, minimum security jail, or 824  
other residential facility used for the confinement of alleged or 825  
convicted offenders that is operated by a political subdivision or 826  
a combination of political subdivisions of this state. 827

(S) "Jail term" means the term in a jail that a sentencing 828  
court imposes or is authorized to impose pursuant to section 829  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 830  
provision of the Revised Code that authorizes a term in a jail for 831  
a misdemeanor conviction. 832

(T) "Mandatory jail term" means the term in a jail that a 833  
sentencing court is required to impose pursuant to division (G) of 834  
section 1547.99 of the Revised Code, division ~~(E)~~(F) of section 835  
2903.06 or division (D) of section 2903.08 of the Revised Code, 836  
division (E) or (G) of section 2929.24 of the Revised Code, 837  
division (B) of section 4510.14 of the Revised Code, or division 838  
(G) of section 4511.19 of the Revised Code or pursuant to any 839  
other provision of the Revised Code that requires a term in a jail 840  
for a misdemeanor conviction. 841

(U) "Delinquent child" has the same meaning as in section 842  
2152.02 of the Revised Code. 843

(V) "License violation report" means a report that is made by 844  
a sentencing court, or by the parole board pursuant to section 845  
2967.28 of the Revised Code, to the regulatory or licensing board 846  
or agency that issued an offender a professional license or a 847  
license or permit to do business in this state and that specifies 848  
that the offender has been convicted of or pleaded guilty to an 849  
offense that may violate the conditions under which the offender's 850

professional license or license or permit to do business in this 851  
state was granted or an offense for which the offender's 852  
professional license or license or permit to do business in this 853  
state may be revoked or suspended. 854

(W) "Major drug offender" means an offender who is convicted 855  
of or pleads guilty to the possession of, sale of, or offer to 856  
sell any drug, compound, mixture, preparation, or substance that 857  
consists of or contains at least one thousand grams of hashish; at 858  
least one hundred grams of crack cocaine; at least one thousand 859  
grams of cocaine that is not crack cocaine; at least two thousand 860  
five hundred unit doses or two hundred fifty grams of heroin; at 861  
least five thousand unit doses of L.S.D. or five hundred grams of 862  
L.S.D. in a liquid concentrate, liquid extract, or liquid 863  
distillate form; or at least one hundred times the amount of any 864  
other schedule I or II controlled substance other than marihuana 865  
that is necessary to commit a felony of the third degree pursuant 866  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 867  
Code that is based on the possession of, sale of, or offer to sell 868  
the controlled substance. 869

(X) "Mandatory prison term" means any of the following: 870

(1) Subject to division (X)(2) of this section, the term in 871  
prison that must be imposed for the offenses or circumstances set 872  
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 873  
2929.13 and division (D) of section 2929.14 of the Revised Code. 874  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 875  
and 2925.11 of the Revised Code, unless the maximum or another 876  
specific term is required under section 2929.14 or 2929.142 of the 877  
Revised Code, a mandatory prison term described in this division 878  
may be any prison term authorized for the level of offense. 879

(2) The term of sixty or one hundred twenty days in prison 880  
that a sentencing court is required to impose for a third or 881  
fourth degree felony OVI offense pursuant to division (G)(2) of 882

section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 883  
of the Revised Code or the term of one, two, three, four, or five 884  
years in prison that a sentencing court is required to impose 885  
pursuant to division (G)(2) of section 2929.13 of the Revised 886  
Code. 887

(3) The term in prison imposed pursuant to division (A) of 888  
section 2971.03 of the Revised Code for the offenses and in the 889  
circumstances described in division (F)(11) of section 2929.13 of 890  
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 891  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 892  
2971.03 of the Revised Code and that term as modified or 893  
terminated pursuant to section 2971.05 of the Revised Code. 894

(Y) "Monitored time" means a period of time during which an 895  
offender continues to be under the control of the sentencing court 896  
or parole board, subject to no conditions other than leading a 897  
law-abiding life. 898

(Z) "Offender" means a person who, in this state, is 899  
convicted of or pleads guilty to a felony or a misdemeanor. 900

(AA) "Prison" means a residential facility used for the 901  
confinement of convicted felony offenders that is under the 902  
control of the department of rehabilitation and correction but 903  
does not include a violation sanction center operated under 904  
authority of section 2967.141 of the Revised Code. 905

(BB) "Prison term" includes either of the following sanctions 906  
for an offender: 907

(1) A stated prison term; 908

(2) A term in a prison shortened by, or with the approval of, 909  
the sentencing court pursuant to section 2929.20, 2967.26, 910  
5120.031, 5120.032, or 5120.073 of the Revised Code. 911

(CC) "Repeat violent offender" means a person about whom both 912

of the following apply:	913
(1) The person is being sentenced for committing or for	914
complicity in committing any of the following:	915
(a) Aggravated murder, murder, any felony of the first or	916
second degree that is an offense of violence, or an attempt to	917
commit any of these offenses if the attempt is a felony of the	918
first or second degree;	919
(b) An offense under an existing or former law of this state,	920
another state, or the United States that is or was substantially	921
equivalent to an offense described in division (CC)(1)(a) of this	922
section.	923
(2) The person previously was convicted of or pleaded guilty	924
to an offense described in division (CC)(1)(a) or (b) of this	925
section.	926
(DD) "Sanction" means any penalty imposed upon an offender	927
who is convicted of or pleads guilty to an offense, as punishment	928
for the offense. "Sanction" includes any sanction imposed pursuant	929
to any provision of sections 2929.14 to 2929.18 or 2929.24 to	930
2929.28 of the Revised Code.	931
(EE) "Sentence" means the sanction or combination of	932
sanctions imposed by the sentencing court on an offender who is	933
convicted of or pleads guilty to an offense.	934
(FF) "Stated prison term" means the prison term, mandatory	935
prison term, or combination of all prison terms and mandatory	936
prison terms imposed by the sentencing court pursuant to section	937
2929.14, 2929.142, or 2971.03 of the Revised Code or under section	938
2919.25 of the Revised Code. "Stated prison term" includes any	939
credit received by the offender for time spent in jail awaiting	940
trial, sentencing, or transfer to prison for the offense and any	941
time spent under house arrest or house arrest with electronic	942
monitoring imposed after earning credits pursuant to section	943

2967.193 of the Revised Code.	944
(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense.	945 946 947 948 949
(HH) "Fourth degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree.	950 951 952
(II) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility that a sentencing court may impose upon a person who is convicted of or pleads guilty to a fourth degree felony OVI offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code.	953 954 955 956 957 958 959 960
(JJ) "Designated homicide, assault, or kidnapping offense," "violent sex offense," "sexual motivation specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.	961 962 963 964 965
(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender," have the same meanings as in section 2950.01 of the Revised Code.	966 967 968
(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the	969 970 971 972 973 974

child and regardless of whether the child actually views the	975
commission of the offense.	976
(MM) "Family or household member" has the same meaning as in	977
section 2919.25 of the Revised Code.	978
(NN) "Motor vehicle" and "manufactured home" have the same	979
meanings as in section 4501.01 of the Revised Code.	980
(OO) "Detention" and "detention facility" have the same	981
meanings as in section 2921.01 of the Revised Code.	982
(PP) "Third degree felony OVI offense" means a violation of	983
division (A) of section 4511.19 of the Revised Code that, under	984
division (G) of that section, is a felony of the third degree.	985
(QQ) "Random drug testing" has the same meaning as in section	986
5120.63 of the Revised Code.	987
(RR) "Felony sex offense" has the same meaning as in section	988
2967.28 of the Revised Code.	989
(SS) "Body armor" has the same meaning as in section	990
2941.1411 of the Revised Code.	991
(TT) "Electronic monitoring" means monitoring through the use	992
of an electronic monitoring device.	993
(UU) "Electronic monitoring device" means any of the	994
following:	995
(1) Any device that can be operated by electrical or battery	996
power and that conforms with all of the following:	997
(a) The device has a transmitter that can be attached to a	998
person, that will transmit a specified signal to a receiver of the	999
type described in division (UU)(1)(b) of this section if the	1000
transmitter is removed from the person, turned off, or altered in	1001
any manner without prior court approval in relation to electronic	1002
monitoring or without prior approval of the department of	1003
rehabilitation and correction in relation to the use of an	1004

electronic monitoring device for an inmate on transitional control 1005  
or otherwise is tampered with, that can transmit continuously and 1006  
periodically a signal to that receiver when the person is within a 1007  
specified distance from the receiver, and that can transmit an 1008  
appropriate signal to that receiver if the person to whom it is 1009  
attached travels a specified distance from that receiver. 1010

(b) The device has a receiver that can receive continuously 1011  
the signals transmitted by a transmitter of the type described in 1012  
division (UU)(1)(a) of this section, can transmit continuously 1013  
those signals by telephone to a central monitoring computer of the 1014  
type described in division (UU)(1)(c) of this section, and can 1015  
transmit continuously an appropriate signal to that central 1016  
monitoring computer if the receiver is turned off or altered 1017  
without prior court approval or otherwise tampered with. 1018

(c) The device has a central monitoring computer that can 1019  
receive continuously the signals transmitted by telephone by a 1020  
receiver of the type described in division (UU)(1)(b) of this 1021  
section and can monitor continuously the person to whom an 1022  
electronic monitoring device of the type described in division 1023  
(UU)(1)(a) of this section is attached. 1024

(2) Any device that is not a device of the type described in 1025  
division (UU)(1) of this section and that conforms with all of the 1026  
following: 1027

(a) The device includes a transmitter and receiver that can 1028  
monitor and determine the location of a subject person at any 1029  
time, or at a designated point in time, through the use of a 1030  
central monitoring computer or through other electronic means. 1031

(b) The device includes a transmitter and receiver that can 1032  
determine at any time, or at a designated point in time, through 1033  
the use of a central monitoring computer or other electronic means 1034  
the fact that the transmitter is turned off or altered in any 1035

manner without prior approval of the court in relation to the 1036  
electronic monitoring or without prior approval of the department 1037  
of rehabilitation and correction in relation to the use of an 1038  
electronic monitoring device for an inmate on transitional control 1039  
or otherwise is tampered with. 1040

(3) Any type of technology that can adequately track or 1041  
determine the location of a subject person at any time and that is 1042  
approved by the director of rehabilitation and correction, 1043  
including, but not limited to, any satellite technology, voice 1044  
tracking system, or retinal scanning system that is so approved. 1045

(VV) "Non-economic loss" means nonpecuniary harm suffered by 1046  
a victim of an offense as a result of or related to the commission 1047  
of the offense, including, but not limited to, pain and suffering; 1048  
loss of society, consortium, companionship, care, assistance, 1049  
attention, protection, advice, guidance, counsel, instruction, 1050  
training, or education; mental anguish; and any other intangible 1051  
loss. 1052

(WW) "Prosecutor" has the same meaning as in section 2935.01 1053  
of the Revised Code. 1054

(XX) "Continuous alcohol monitoring" means the ability to 1055  
automatically test and periodically transmit alcohol consumption 1056  
levels and tamper attempts at least every hour, regardless of the 1057  
location of the person who is being monitored. 1058

(YY) A person is "adjudicated a sexually violent predator" if 1059  
the person is convicted of or pleads guilty to a violent sex 1060  
offense and also is convicted of or pleads guilty to a sexually 1061  
violent predator specification that was included in the 1062  
indictment, count in the indictment, or information charging that 1063  
violent sex offense or if the person is convicted of or pleads 1064  
guilty to a designated homicide, assault, or kidnapping offense 1065  
and also is convicted of or pleads guilty to both a sexual 1066

motivation specification and a sexually violent predator 1067  
specification that were included in the indictment, count in the 1068  
indictment, or information charging that designated homicide, 1069  
assault, or kidnapping offense. 1070

(ZZ) An offense is "committed in proximity to a school" if 1071  
the offender commits the offense in a school safety zone or within 1072  
five hundred feet of any school building or the boundaries of any 1073  
school premises, regardless of whether the offender knows the 1074  
offense is being committed in a school safety zone or within five 1075  
hundred feet of any school building or the boundaries of any 1076  
school premises. 1077

(AAA) "Human trafficking" means a scheme or plan to which all 1078  
of the following apply: 1079

(1) Its object is to compel a victim or victims to engage in 1080  
sexual activity for hire, to engage in a performance that is 1081  
obscene, sexually oriented, or nudity oriented, or to be a model 1082  
or participant in the production of material that is obscene, 1083  
sexually oriented, or nudity oriented. 1084

(2) It involves at least two felony offenses, whether or not 1085  
there has been a prior conviction for any of the felony offenses, 1086  
to which all of the following apply: 1087

(a) Each of the felony offenses is a violation of section 1088  
2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or 1089  
(2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) 1090  
of section 2919.22 of the Revised Code or is a violation of a law 1091  
of any state other than this state that is substantially similar 1092  
to any of the sections or divisions of the Revised Code identified 1093  
in this division. 1094

(b) At least one of the felony offenses was committed in this 1095  
state. 1096

(c) The felony offenses are related to the same scheme or 1097

plan, are not isolated instances, and are not so closely related 1098  
to each other and connected in time and place that they constitute 1099  
a single event or transaction. 1100

(BBB) "Material," "nudity," "obscene," "performance," and 1101  
"sexual activity" have the same meanings as in section 2907.01 of 1102  
the Revised Code. 1103

(CCC) "Material that is obscene, sexually oriented, or nudity 1104  
oriented" means any material that is obscene, that shows a person 1105  
participating or engaging in sexual activity, masturbation, or 1106  
bestiality, or that shows a person in a state of nudity. 1107

(DDD) "Performance that is obscene, sexually oriented, or 1108  
nudity oriented" means any performance that is obscene, that shows 1109  
a person participating or engaging in sexual activity, 1110  
masturbation, or bestiality, or that shows a person in a state of 1111  
nudity. 1112

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 1113  
deputy marshal, municipal police officer, township constable, 1114  
police officer of a township or joint township police district, 1115  
member of a police force employed by a metropolitan housing 1116  
authority under division (D) of section 3735.31 of the Revised 1117  
Code, member of a police force employed by a regional transit 1118  
authority under division (Y) of section 306.35 of the Revised 1119  
Code, state university law enforcement officer appointed under 1120  
section 3345.04 of the Revised Code, veterans' home police officer 1121  
appointed under section 5907.02 of the Revised Code, special 1122  
police officer employed by a port authority under section 4582.04 1123  
or 4582.28 of the Revised Code, or a special police officer 1124  
employed by a municipal corporation at a municipal airport, or 1125  
other municipal air navigation facility, that has scheduled 1126  
operations, as defined in section 119.3 of Title 14 of the Code of 1127  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 1128

required to be under a security program and is governed by 1129  
aviation security rules of the transportation security 1130  
administration of the United States department of transportation 1131  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 1132  
Federal Regulations, as amended, shall arrest and detain, until a 1133  
warrant can be obtained, a person found violating, within the 1134  
limits of the political subdivision, metropolitan housing 1135  
authority housing project, regional transit authority facilities 1136  
or areas of a municipal corporation that have been agreed to by a 1137  
regional transit authority and a municipal corporation located 1138  
within its territorial jurisdiction, college, university, 1139  
veterans' home operated under Chapter 5907. of the Revised Code, 1140  
port authority, or municipal airport or other municipal air 1141  
navigation facility, in which the peace officer is appointed, 1142  
employed, or elected, a law of this state, an ordinance of a 1143  
municipal corporation, or a resolution of a township. 1144

(2) A peace officer of the department of natural resources, a 1145  
state fire marshal law enforcement officer described in division 1146  
(A)(23) of section 109.71 of the Revised Code, or an individual 1147  
designated to perform law enforcement duties under section 1148  
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 1149  
detain, until a warrant can be obtained, a person found violating, 1150  
within the limits of the peace officer's, state fire marshal law 1151  
enforcement officer's, or individual's territorial jurisdiction, a 1152  
law of this state. 1153

(3) The house sergeant at arms if the house sergeant at arms 1154  
has arrest authority pursuant to division (E)(1) of section 1155  
101.311 of the Revised Code and an assistant house sergeant at 1156  
arms shall arrest and detain, until a warrant can be obtained, a 1157  
person found violating, within the limits of the sergeant at 1158  
arms's or assistant sergeant at arms's territorial jurisdiction 1159  
specified in division (D)(1)(a) of section 101.311 of the Revised 1160

Code or while providing security pursuant to division (D)(1)(f) of 1161  
section 101.311 of the Revised Code, a law of this state, an 1162  
ordinance of a municipal corporation, or a resolution of a 1163  
township. 1164

(B)(1) When there is reasonable ground to believe that an 1165  
offense of violence, the offense of criminal child enticement as 1166  
defined in section 2905.05 of the Revised Code, the offense of 1167  
public indecency as defined in section 2907.09 of the Revised 1168  
Code, the offense of domestic violence as defined in section 1169  
2919.25 of the Revised Code, the offense of violating a protection 1170  
order as defined in section 2919.27 of the Revised Code, the 1171  
offense of menacing by stalking as defined in section 2903.211 of 1172  
the Revised Code, the offense of aggravated trespass as defined in 1173  
section 2911.211 of the Revised Code, a theft offense as defined 1174  
in section 2913.01 of the Revised Code, or a felony drug abuse 1175  
offense as defined in section 2925.01 of the Revised Code, has 1176  
been committed within the limits of the political subdivision, 1177  
metropolitan housing authority housing project, regional transit 1178  
authority facilities or those areas of a municipal corporation 1179  
that have been agreed to by a regional transit authority and a 1180  
municipal corporation located within its territorial jurisdiction, 1181  
college, university, veterans' home operated under Chapter 5907. 1182  
of the Revised Code, port authority, or municipal airport or other 1183  
municipal air navigation facility, in which the peace officer is 1184  
appointed, employed, or elected or within the limits of the 1185  
territorial jurisdiction of the peace officer, a peace officer 1186  
described in division (A) of this section may arrest and detain 1187  
until a warrant can be obtained any person who the peace officer 1188  
has reasonable cause to believe is guilty of the violation. 1189

(2) For purposes of division (B)(1) of this section, the 1190  
execution of any of the following constitutes reasonable ground to 1191  
believe that the offense alleged in the statement was committed 1192

and reasonable cause to believe that the person alleged in the 1193  
statement to have committed the offense is guilty of the 1194  
violation: 1195

(a) A written statement by a person alleging that an alleged 1196  
offender has committed the offense of menacing by stalking or 1197  
aggravated trespass; 1198

(b) A written statement by the administrator of the 1199  
interstate compact on mental health appointed under section 1200  
5119.51 of the Revised Code alleging that a person who had been 1201  
hospitalized, institutionalized, or confined in any facility under 1202  
an order made pursuant to or under authority of section 2945.37, 1203  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1204  
Revised Code has escaped from the facility, from confinement in a 1205  
vehicle for transportation to or from the facility, or from 1206  
supervision by an employee of the facility that is incidental to 1207  
hospitalization, institutionalization, or confinement in the 1208  
facility and that occurs outside of the facility, in violation of 1209  
section 2921.34 of the Revised Code; 1210

(c) A written statement by the administrator of any facility 1211  
in which a person has been hospitalized, institutionalized, or 1212  
confined under an order made pursuant to or under authority of 1213  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1214  
2945.402 of the Revised Code alleging that the person has escaped 1215  
from the facility, from confinement in a vehicle for 1216  
transportation to or from the facility, or from supervision by an 1217  
employee of the facility that is incidental to hospitalization, 1218  
institutionalization, or confinement in the facility and that 1219  
occurs outside of the facility, in violation of section 2921.34 of 1220  
the Revised Code. 1221

(3)(a) For purposes of division (B)(1) of this section, a 1222  
peace officer described in division (A) of this section has 1223  
reasonable grounds to believe that the offense of domestic 1224

violence or the offense of violating a protection order has been 1225  
committed and reasonable cause to believe that a particular person 1226  
is guilty of committing the offense if any of the following 1227  
occurs: 1228

(i) A person executes a written statement alleging that the 1229  
person in question has committed the offense of domestic violence 1230  
or the offense of violating a protection order against the person 1231  
who executes the statement or against a child of the person who 1232  
executes the statement. 1233

(ii) No written statement of the type described in division 1234  
(B)(3)(a)(i) of this section is executed, but the peace officer, 1235  
based upon the peace officer's own knowledge and observation of 1236  
the facts and circumstances of the alleged incident of the offense 1237  
of domestic violence or the alleged incident of the offense of 1238  
violating a protection order or based upon any other information, 1239  
including, but not limited to, any reasonably trustworthy 1240  
information given to the peace officer by the alleged victim of 1241  
the alleged incident of the offense or any witness of the alleged 1242  
incident of the offense, concludes that there are reasonable 1243  
grounds to believe that the offense of domestic violence or the 1244  
offense of violating a protection order has been committed and 1245  
reasonable cause to believe that the person in question is guilty 1246  
of committing the offense. 1247

(iii) No written statement of the type described in division 1248  
(B)(3)(a)(i) of this section is executed, but the peace officer 1249  
witnessed the person in question commit the offense of domestic 1250  
violence or the offense of violating a protection order. 1251

(b) If pursuant to division (B)(3)(a) of this section a peace 1252  
officer has reasonable grounds to believe that the offense of 1253  
domestic violence or the offense of violating a protection order 1254  
has been committed and reasonable cause to believe that a 1255  
particular person is guilty of committing the offense, it is the 1256

preferred course of action in this state that the officer arrest 1257  
and detain that person pursuant to division (B)(1) of this section 1258  
until a warrant can be obtained. 1259

If pursuant to division (B)(3)(a) of this section a peace 1260  
officer has reasonable grounds to believe that the offense of 1261  
domestic violence or the offense of violating a protection order 1262  
has been committed and reasonable cause to believe that family or 1263  
household members have committed the offense against each other, 1264  
it is the preferred course of action in this state that the 1265  
officer, pursuant to division (B)(1) of this section, arrest and 1266  
detain until a warrant can be obtained the family or household 1267  
member who committed the offense and whom the officer has 1268  
reasonable cause to believe is the primary physical aggressor. 1269  
There is no preferred course of action in this state regarding any 1270  
other family or household member who committed the offense and 1271  
whom the officer does not have reasonable cause to believe is the 1272  
primary physical aggressor, but, pursuant to division (B)(1) of 1273  
this section, the peace officer may arrest and detain until a 1274  
warrant can be obtained any other family or household member who 1275  
committed the offense and whom the officer does not have 1276  
reasonable cause to believe is the primary physical aggressor. 1277

(c) If a peace officer described in division (A) of this 1278  
section does not arrest and detain a person whom the officer has 1279  
reasonable cause to believe committed the offense of domestic 1280  
violence or the offense of violating a protection order when it is 1281  
the preferred course of action in this state pursuant to division 1282  
(B)(3)(b) of this section that the officer arrest that person, the 1283  
officer shall articulate in the written report of the incident 1284  
required by section 2935.032 of the Revised Code a clear statement 1285  
of the officer's reasons for not arresting and detaining that 1286  
person until a warrant can be obtained. 1287

(d) In determining for purposes of division (B)(3)(b) of this 1288

section which family or household member is the primary physical 1289  
aggressor in a situation in which family or household members have 1290  
committed the offense of domestic violence or the offense of 1291  
violating a protection order against each other, a peace officer 1292  
described in division (A) of this section, in addition to any 1293  
other relevant circumstances, should consider all of the 1294  
following: 1295

(i) Any history of domestic violence or of any other violent 1296  
acts by either person involved in the alleged offense that the 1297  
officer reasonably can ascertain; 1298

(ii) If violence is alleged, whether the alleged violence was 1299  
caused by a person acting in self-defense; 1300

(iii) Each person's fear of physical harm, if any, resulting 1301  
from the other person's threatened use of force against any person 1302  
or resulting from the other person's use or history of the use of 1303  
force against any person, and the reasonableness of that fear; 1304

(iv) The comparative severity of any injuries suffered by the 1305  
persons involved in the alleged offense. 1306

(e)(i) A peace officer described in division (A) of this 1307  
section shall not require, as a prerequisite to arresting or 1308  
charging a person who has committed the offense of domestic 1309  
violence or the offense of violating a protection order, that the 1310  
victim of the offense specifically consent to the filing of 1311  
charges against the person who has committed the offense or sign a 1312  
complaint against the person who has committed the offense. 1313

(ii) If a person is arrested for or charged with committing 1314  
the offense of domestic violence or the offense of violating a 1315  
protection order and if the victim of the offense does not 1316  
cooperate with the involved law enforcement or prosecuting 1317  
authorities in the prosecution of the offense or, subsequent to 1318  
the arrest or the filing of the charges, informs the involved law 1319

enforcement or prosecuting authorities that the victim does not 1320  
wish the prosecution of the offense to continue or wishes to drop 1321  
charges against the alleged offender relative to the offense, the 1322  
involved prosecuting authorities, in determining whether to 1323  
continue with the prosecution of the offense or whether to dismiss 1324  
charges against the alleged offender relative to the offense and 1325  
notwithstanding the victim's failure to cooperate or the victim's 1326  
wishes, shall consider all facts and circumstances that are 1327  
relevant to the offense, including, but not limited to, the 1328  
statements and observations of the peace officers who responded to 1329  
the incident that resulted in the arrest or filing of the charges 1330  
and of all witnesses to that incident. 1331

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 1332  
this section whether to arrest a person pursuant to division 1333  
(B)(1) of this section, a peace officer described in division (A) 1334  
of this section shall not consider as a factor any possible 1335  
shortage of cell space at the detention facility to which the 1336  
person will be taken subsequent to the person's arrest or any 1337  
possibility that the person's arrest might cause, contribute to, 1338  
or exacerbate overcrowding at that detention facility or at any 1339  
other detention facility. 1340

(g) If a peace officer described in division (A) of this 1341  
section intends pursuant to divisions (B)(3)(a) to (g) of this 1342  
section to arrest a person pursuant to division (B)(1) of this 1343  
section and if the officer is unable to do so because the person 1344  
is not present, the officer promptly shall seek a warrant for the 1345  
arrest of the person. 1346

(h) If a peace officer described in division (A) of this 1347  
section responds to a report of an alleged incident of the offense 1348  
of domestic violence or an alleged incident of the offense of 1349  
violating a protection order and if the circumstances of the 1350  
incident involved the use or threatened use of a deadly weapon or 1351

any person involved in the incident brandished a deadly weapon 1352  
during or in relation to the incident, the deadly weapon that was 1353  
used, threatened to be used, or brandished constitutes contraband, 1354  
and, to the extent possible, the officer shall seize the deadly 1355  
weapon as contraband pursuant to Chapter 2981. of the Revised 1356  
Code. Upon the seizure of a deadly weapon pursuant to division 1357  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 1358  
shall apply regarding the treatment and disposition of the deadly 1359  
weapon. For purposes of that section, the "underlying criminal 1360  
offense" that was the basis of the seizure of a deadly weapon 1361  
under division (B)(3)(h) of this section and to which the deadly 1362  
weapon had a relationship is any of the following that is 1363  
applicable: 1364

(i) The alleged incident of the offense of domestic violence 1365  
or the alleged incident of the offense of violating a protection 1366  
order to which the officer who seized the deadly weapon responded; 1367

(ii) Any offense that arose out of the same facts and 1368  
circumstances as the report of the alleged incident of the offense 1369  
of domestic violence or the alleged incident of the offense of 1370  
violating a protection order to which the officer who seized the 1371  
deadly weapon responded. 1372

(4) If, in the circumstances described in divisions (B)(3)(a) 1373  
to (g) of this section, a peace officer described in division (A) 1374  
of this section arrests and detains a person pursuant to division 1375  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 1376  
this section, a peace officer described in division (A) of this 1377  
section seizes a deadly weapon, the officer, to the extent 1378  
described in and in accordance with section 9.86 or 2744.03 of the 1379  
Revised Code, is immune in any civil action for damages for 1380  
injury, death, or loss to person or property that arises from or 1381  
is related to the arrest and detention or the seizure. 1382

(C) When there is reasonable ground to believe that a 1383

violation of division (A)(1), (2), (3), (4), or (5) of section 1384  
4506.15 or a violation of section 4511.19 of the Revised Code has 1385  
been committed by a person operating a motor vehicle subject to 1386  
regulation by the public utilities commission of Ohio under Title 1387  
XLIX of the Revised Code, a peace officer with authority to 1388  
enforce that provision of law may stop or detain the person whom 1389  
the officer has reasonable cause to believe was operating the 1390  
motor vehicle in violation of the division or section and, after 1391  
investigating the circumstances surrounding the operation of the 1392  
vehicle, may arrest and detain the person. 1393

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 1394  
municipal police officer, member of a police force employed by a 1395  
metropolitan housing authority under division (D) of section 1396  
3735.31 of the Revised Code, member of a police force employed by 1397  
a regional transit authority under division (Y) of section 306.35 1398  
of the Revised Code, special police officer employed by a port 1399  
authority under section 4582.04 or 4582.28 of the Revised Code, 1400  
special police officer employed by a municipal corporation at a 1401  
municipal airport or other municipal air navigation facility 1402  
described in division (A) of this section, township constable, 1403  
police officer of a township or joint township police district, 1404  
state university law enforcement officer appointed under section 1405  
3345.04 of the Revised Code, peace officer of the department of 1406  
natural resources, individual designated to perform law 1407  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 1408  
the Revised Code, the house sergeant at arms if the house sergeant 1409  
at arms has arrest authority pursuant to division (E)(1) of 1410  
section 101.311 of the Revised Code, or an assistant house 1411  
sergeant at arms is authorized by division (A) or (B) of this 1412  
section to arrest and detain, within the limits of the political 1413  
subdivision, metropolitan housing authority housing project, 1414  
regional transit authority facilities or those areas of a 1415  
municipal corporation that have been agreed to by a regional 1416

transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a person until a warrant can be obtained, the peace officer, outside the limits of that territory, may pursue, arrest, and detain that person until a warrant can be obtained if all of the following apply:

(1) The pursuit takes place without unreasonable delay after the offense is committed;

(2) The pursuit is initiated within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer;

(3) The offense involved is a felony, a misdemeanor of the first degree or a substantially equivalent municipal ordinance, a misdemeanor of the second degree or a substantially equivalent municipal ordinance, or any offense for which points are chargeable pursuant to section 4510.036 of the Revised Code.

(E) In addition to the authority granted under division (A) or (B) of this section:

(1) A sheriff or deputy sheriff may arrest and detain, until a warrant can be obtained, any person found violating section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section

4549.62, or Chapter 4511. or 4513. of the Revised Code on the 1448  
portion of any street or highway that is located immediately 1449  
adjacent to the boundaries of the county in which the sheriff or 1450  
deputy sheriff is elected or appointed. 1451

(2) A member of the police force of a township police 1452  
district created under section 505.48 of the Revised Code, a 1453  
member of the police force of a joint township police district 1454  
created under section 505.481 of the Revised Code, or a township 1455  
constable appointed in accordance with section 509.01 of the 1456  
Revised Code, who has received a certificate from the Ohio peace 1457  
officer training commission under section 109.75 of the Revised 1458  
Code, may arrest and detain, until a warrant can be obtained, any 1459  
person found violating any section or chapter of the Revised Code 1460  
listed in division (E)(1) of this section, other than sections 1461  
4513.33 and 4513.34 of the Revised Code, on the portion of any 1462  
street or highway that is located immediately adjacent to the 1463  
boundaries of the township police district or joint township 1464  
police district, in the case of a member of a township police 1465  
district or joint township police district police force, or the 1466  
unincorporated territory of the township, in the case of a 1467  
township constable. However, if the population of the township 1468  
that created the township police district served by the member's 1469  
police force, or the townships that created the joint township 1470  
police district served by the member's police force, or the 1471  
township that is served by the township constable, is sixty 1472  
thousand or less, the member of the township police district or 1473  
joint police district police force or the township constable may 1474  
not make an arrest under division (E)(2) of this section on a 1475  
state highway that is included as part of the interstate system. 1476

(3) A police officer or village marshal appointed, elected, 1477  
or employed by a municipal corporation may arrest and detain, 1478  
until a warrant can be obtained, any person found violating any 1479

section or chapter of the Revised Code listed in division (E)(1) 1480  
of this section on the portion of any street or highway that is 1481  
located immediately adjacent to the boundaries of the municipal 1482  
corporation in which the police officer or village marshal is 1483  
appointed, elected, or employed. 1484

(4) A peace officer of the department of natural resources, a 1485  
state fire marshal law enforcement officer described in division 1486  
(A)(23) of section 109.71 of the Revised Code, or an individual 1487  
designated to perform law enforcement duties under section 1488  
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 1489  
detain, until a warrant can be obtained, any person found 1490  
violating any section or chapter of the Revised Code listed in 1491  
division (E)(1) of this section, other than sections 4513.33 and 1492  
4513.34 of the Revised Code, on the portion of any street or 1493  
highway that is located immediately adjacent to the boundaries of 1494  
the lands and waters that constitute the territorial jurisdiction 1495  
of the peace officer or state fire marshal law enforcement 1496  
officer. 1497

(F)(1) A department of mental health special police officer 1498  
or a department of mental retardation and developmental 1499  
disabilities special police officer may arrest without a warrant 1500  
and detain until a warrant can be obtained any person found 1501  
committing on the premises of any institution under the 1502  
jurisdiction of the particular department a misdemeanor under a 1503  
law of the state. 1504

A department of mental health special police officer or a 1505  
department of mental retardation and developmental disabilities 1506  
special police officer may arrest without a warrant and detain 1507  
until a warrant can be obtained any person who has been 1508  
hospitalized, institutionalized, or confined in an institution 1509  
under the jurisdiction of the particular department pursuant to or 1510  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1511

2945.40, 2945.401, or 2945.402 of the Revised Code and who is 1512  
found committing on the premises of any institution under the 1513  
jurisdiction of the particular department a violation of section 1514  
2921.34 of the Revised Code that involves an escape from the 1515  
premises of the institution. 1516

(2)(a) If a department of mental health special police 1517  
officer or a department of mental retardation and developmental 1518  
disabilities special police officer finds any person who has been 1519  
hospitalized, institutionalized, or confined in an institution 1520  
under the jurisdiction of the particular department pursuant to or 1521  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1522  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 1523  
violation of section 2921.34 of the Revised Code that involves an 1524  
escape from the premises of the institution, or if there is 1525  
reasonable ground to believe that a violation of section 2921.34 1526  
of the Revised Code has been committed that involves an escape 1527  
from the premises of an institution under the jurisdiction of the 1528  
department of mental health or the department of mental 1529  
retardation and developmental disabilities and if a department of 1530  
mental health special police officer or a department of mental 1531  
retardation and developmental disabilities special police officer 1532  
has reasonable cause to believe that a particular person who has 1533  
been hospitalized, institutionalized, or confined in the 1534  
institution pursuant to or under authority of section 2945.37, 1535  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1536  
Revised Code is guilty of the violation, the special police 1537  
officer, outside of the premises of the institution, may pursue, 1538  
arrest, and detain that person for that violation of section 1539  
2921.34 of the Revised Code, until a warrant can be obtained, if 1540  
both of the following apply: 1541

(i) The pursuit takes place without unreasonable delay after 1542  
the offense is committed; 1543

(ii) The pursuit is initiated within the premises of the 1544  
institution from which the violation of section 2921.34 of the 1545  
Revised Code occurred. 1546

(b) For purposes of division (F)(2)(a) of this section, the 1547  
execution of a written statement by the administrator of the 1548  
institution in which a person had been hospitalized, 1549  
institutionalized, or confined pursuant to or under authority of 1550  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1551  
2945.402 of the Revised Code alleging that the person has escaped 1552  
from the premises of the institution in violation of section 1553  
2921.34 of the Revised Code constitutes reasonable ground to 1554  
believe that the violation was committed and reasonable cause to 1555  
believe that the person alleged in the statement to have committed 1556  
the offense is guilty of the violation. 1557

(G) When there is reasonable ground to believe that a 1558  
violation of division (B) of section 4511.251 of the Revised Code 1559  
or a substantially equivalent municipal ordinance has been 1560  
committed by a person operating a motor vehicle on a public road, 1561  
street, or highway in this state, a peace officer with authority 1562  
to enforce division (B) of section 4511.251 of the Revised Code or 1563  
the substantially equivalent municipal ordinance may stop or 1564  
detain the person whom the officer has reasonable cause to believe 1565  
was operating the motor vehicle in violation of division (B) of 1566  
section 4511.251 of the Revised Code or the substantially 1567  
equivalent municipal ordinance and, after investigating the 1568  
circumstances surrounding the operation of the vehicle, may arrest 1569  
and detain the person. 1570

(H) As used in this section: 1571

(1) A "department of mental health special police officer" 1572  
means a special police officer of the department of mental health 1573  
designated under section 5119.14 of the Revised Code who is 1574  
certified by the Ohio peace officer training commission under 1575

section 109.77 of the Revised Code as having successfully	1576
completed an approved peace officer basic training program.	1577
(2) A "department of mental retardation and developmental	1578
disabilities special police officer" means a special police	1579
officer of the department of mental retardation and developmental	1580
disabilities designated under section 5123.13 of the Revised Code	1581
who is certified by the Ohio peace officer training council under	1582
section 109.77 of the Revised Code as having successfully	1583
completed an approved peace officer basic training program.	1584
(3) "Deadly weapon" has the same meaning as in section	1585
2923.11 of the Revised Code.	1586
(4) "Family or household member" has the same meaning as in	1587
section 2919.25 of the Revised Code.	1588
(5) "Street" or "highway" has the same meaning as in section	1589
4511.01 of the Revised Code.	1590
(6) "Interstate system" has the same meaning as in section	1591
5516.01 of the Revised Code.	1592
(7) "Peace officer of the department of natural resources"	1593
means an employee of the department of natural resources who is a	1594
natural resources law enforcement staff officer designated	1595
pursuant to section 1501.013 of the Revised Code, a forest officer	1596
designated pursuant to section 1503.29 of the Revised Code, a	1597
preserve officer designated pursuant to section 1517.10 of the	1598
Revised Code, a wildlife officer designated pursuant to section	1599
1531.13 of the Revised Code, a park officer designated pursuant to	1600
section 1541.10 of the Revised Code, or a state watercraft officer	1601
designated pursuant to section 1547.521 of the Revised Code.	1602
(8) "Portion of any street or highway" means all lanes of the	1603
street or highway irrespective of direction of travel, including	1604
designated turn lanes, and any berm, median, or shoulder.	1605

**Sec. 4503.234.** (A) If a court orders the criminal forfeiture 1606  
of a vehicle pursuant to section 2903.06, 4503.233, 4503.236, 1607  
4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, 1608  
~~or~~ 4511.203, or 4511.251 of the Revised Code, the order shall be 1609  
issued and enforced in accordance with this division, subject to 1610  
division (B) of this section. An order of criminal forfeiture 1611  
issued under this division shall authorize an appropriate law 1612  
enforcement agency to seize the vehicle ordered criminally 1613  
forfeited upon the terms and conditions that the court determines 1614  
proper. No vehicle ordered criminally forfeited pursuant to this 1615  
division shall be considered contraband for purposes of Chapter 1616  
2981. of the Revised Code, but the law enforcement agency that 1617  
employs the officer who seized it shall hold the vehicle for 1618  
disposal in accordance with this section. A forfeiture order may 1619  
be issued only after the offender has been provided with an 1620  
opportunity to be heard. The prosecuting attorney shall give the 1621  
offender written notice of the possibility of forfeiture by 1622  
sending a copy of the relevant uniform traffic ticket or other 1623  
written notice to the offender not less than seven days prior to 1624  
the date of issuance of the forfeiture order. A vehicle is subject 1625  
to an order of criminal forfeiture pursuant to this division upon 1626  
the conviction of the offender of or plea of guilty by the 1627  
offender to a violation of section 2903.06, division (A) of 1628  
section 4503.236, section 4510.11, 4510.14, 4510.16, ~~or~~ 4511.203, 1629  
or 4511.251, or division (A) of section 4511.19 of the Revised 1630  
Code, or a municipal ordinance that is substantially equivalent to 1631  
any of those sections or divisions. 1632

(B)(1) Prior to the issuance of an order of criminal 1633  
forfeiture pursuant to this section, the law enforcement agency 1634  
that employs the law enforcement officer who seized the vehicle 1635  
shall conduct or cause to be conducted a search of the appropriate 1636  
public records that relate to the vehicle and shall make or cause 1637

to be made reasonably diligent inquiries to identify any 1638  
lienholder or any person or entity with an ownership interest in 1639  
the vehicle. The court that is to issue the forfeiture order also 1640  
shall cause a notice of the potential order relative to the 1641  
vehicle and of the expected manner of disposition of the vehicle 1642  
after its forfeiture to be sent to any lienholder or person who is 1643  
known to the court to have any right, title, or interest in the 1644  
vehicle. The court shall give the notice by certified mail, return 1645  
receipt requested, or by personal service. 1646

(2) No order of criminal forfeiture shall be issued pursuant 1647  
to this section if a lienholder or other person with an ownership 1648  
interest in the vehicle establishes to the court, by a 1649  
preponderance of the evidence after filing a motion with the 1650  
court, that the lienholder or other person neither knew nor should 1651  
have known after a reasonable inquiry that the vehicle would be 1652  
used or involved, or likely would be used or involved, in the 1653  
violation resulting in the issuance of the order of criminal 1654  
forfeiture or the violation of the order of immobilization issued 1655  
under section 4503.233 of the Revised Code, that the lienholder or 1656  
other person did not expressly or impliedly consent to the use or 1657  
involvement of the vehicle in that violation, and that the lien or 1658  
ownership interest was perfected pursuant to law prior to the 1659  
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 1660  
or 4511.203 of the Revised Code. If the lienholder or holder of 1661  
the ownership interest satisfies the court that these criteria 1662  
have been met, the court shall preserve the lienholder's or other 1663  
person's lien or interest, and the court either shall return the 1664  
vehicle to the holder, or shall order that the proceeds of any 1665  
sale held pursuant to division (C)(2) of this section be paid to 1666  
the lienholder or holder of the interest less the costs of 1667  
seizure, storage, and maintenance of the vehicle. The court shall 1668  
not return a vehicle to a lienholder or a holder of an ownership 1669  
interest unless the lienholder or holder submits an affidavit to 1670

the court that states that the lienholder or holder will not 1671  
return the vehicle to the person from whom the vehicle was seized 1672  
pursuant to the order of criminal forfeiture or to any member of 1673  
that person's family and will not otherwise knowingly permit that 1674  
person or any member of that person's family to obtain possession 1675  
of the vehicle. 1676

(3) No order of criminal forfeiture shall be issued pursuant 1677  
to this section if a person with an interest in the vehicle 1678  
establishes to the court, by a preponderance of the evidence after 1679  
filing a motion with the court, that the person neither knew nor 1680  
should have known after a reasonable inquiry that the vehicle had 1681  
been used or was involved in the violation resulting in the 1682  
issuance of the order of criminal forfeiture or the violation of 1683  
the order of immobilization issued under section 4503.233 of the 1684  
Revised Code, that the person did not expressly or impliedly 1685  
consent to the use or involvement of the vehicle in that 1686  
violation, that the interest was perfected in good faith and for 1687  
value pursuant to law between the time of the arrest of the 1688  
offender and the final disposition of the criminal charge in 1689  
question, and that the vehicle was in the possession of the 1690  
interest holder at the time of the perfection of the interest. If 1691  
the court is satisfied that the interest holder has met these 1692  
criteria, the court shall preserve the interest holder's interest, 1693  
and the court either shall return the vehicle to the interest 1694  
holder or order that the proceeds of any sale held pursuant to 1695  
division (C) of this section be paid to the holder of the interest 1696  
less the costs of seizure, storage, and maintenance of the 1697  
vehicle. The court shall not return a vehicle to an interest 1698  
holder unless the holder submits an affidavit to the court stating 1699  
that the holder will not return the vehicle to the person from 1700  
whom the holder acquired the holder's interest, nor to any member 1701  
of that person's family, and the holder will not otherwise 1702  
knowingly permit that person or any member of that person's family 1703

to obtain possession of the vehicle. 1704

(C) A vehicle ordered criminally forfeited to the state 1705  
pursuant to this section shall be disposed of as follows: 1706

(1) It shall be given to the law enforcement agency that 1707  
employs the law enforcement officer who seized the vehicle, if 1708  
that agency desires to have it; 1709

(2) If a vehicle is not disposed of pursuant to division 1710  
(C)(1) of this section, the vehicle shall be sold, without 1711  
appraisal, if the value of the vehicle is two thousand dollars or 1712  
more as determined by publications of the national auto dealer's 1713  
association, at a public auction to the highest bidder for cash. 1714  
Prior to the sale, the prosecuting attorney in the case shall 1715  
cause a notice of the proposed sale to be given in accordance with 1716  
law. The court shall cause notice of the sale of the vehicle to be 1717  
published in a newspaper of general circulation in the county in 1718  
which the court is located at least seven days prior to the date 1719  
of the sale. The proceeds of a sale under this division or 1720  
division (F) of this section shall be applied in the following 1721  
order: 1722

(a) First, they shall be applied to the payment of the costs 1723  
incurred in connection with the seizure, storage, and maintenance 1724  
of, and provision of security for, the vehicle, any proceeding 1725  
arising out of the forfeiture, and if any, the sale. 1726

(b) Second, the remaining proceeds after compliance with 1727  
division (C)(2)(a) of this section, shall be applied to the 1728  
payment of the value of any lien or ownership interest in the 1729  
vehicle preserved under division (B) of this section. 1730

(c) Third, the remaining proceeds, after compliance with 1731  
divisions (C)(2)(a) and (b) of this section, shall be applied to 1732  
the appropriate funds in accordance with divisions (B) and (C) of 1733  
section 2981.13 of the Revised Code, provided that the total of 1734

the amount so deposited under this division shall not exceed one 1735  
thousand dollars. The remaining proceeds deposited under this 1736  
division shall be used only for the purposes authorized by those 1737  
divisions and division (D) of that section. 1738

(d) Fourth, the remaining proceeds after compliance with 1739  
divisions (C)(2)(a) and (b) of this section and after deposit of a 1740  
total amount of one thousand dollars under division (C)(2)(c) of 1741  
this section shall be applied so that fifty per cent of those 1742  
remaining proceeds is paid into the reparation fund established by 1743  
section 2743.191 of the Revised Code, twenty-five per cent is paid 1744  
into the drug abuse resistance education programs fund created by 1745  
division (F)(2)(e) of section 4511.191 of the Revised Code and 1746  
shall be used only for the purposes authorized by division 1747  
(F)(2)(e) of that section, and twenty-five per cent is applied to 1748  
the appropriate funds in accordance with divisions (B) and (C) of 1749  
section 2981.13 of the Revised Code. The proceeds deposited into 1750  
any fund described in section 2981.13 of the Revised Code shall be 1751  
used only for the purposes authorized by divisions (B)(4)(c), (C), 1752  
and (D) of that section. 1753

(D) Except as provided in division (E) of section 4511.203 of 1754  
the Revised Code and notwithstanding any other provision of law, 1755  
neither the registrar of motor vehicles nor any deputy registrar 1756  
shall accept an application for the registration of any motor 1757  
vehicle in the name of any person, or register any motor vehicle 1758  
in the name of any person, if both of the following apply: 1759

(1) Any vehicle registered in the person's name was 1760  
criminally forfeited under this section and section 2903.06, 1761  
4503.233, 4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.41, 1762  
4511.19, 4511.193, ~~or~~ 4511.203, or 4511.251 of the Revised Code; 1763

(2) Less than five years have expired since the issuance of 1764  
the most recent order of criminal forfeiture issued in relation to 1765  
a vehicle registered in the person's name. 1766

(E) If a court orders the criminal forfeiture to the state of a vehicle pursuant to section 2903.06, 4503.233, 4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, ~~or~~ 4511.203, or 4511.251 of the Revised Code, the title to the motor vehicle is assigned or transferred, and division (B)(2) or (3) of this section 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 this section.

(F) As used in this section and divisions (B)(4)(c), (C), and (D) of section 2981.13 of the Revised Code in relation to proceeds of the sale of a vehicle under division (C) of this section, "prosecuting attorney" includes the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer of a municipal corporation who prosecutes the case resulting in the conviction or guilty plea in question.

(G) If the vehicle to be forfeited has an average retail value of less than two thousand dollars as determined by publications of the national auto dealer's association, no public auction is required to be held. In such a case, the court may direct that the vehicle be disposed of in any manner that it considers appropriate, including assignment of the certificate of title to the motor vehicle to a salvage dealer or a scrap metal processing facility. The court shall not transfer the vehicle to the person who is the vehicle's immediate previous owner.

If the court assigns the motor vehicle to a salvage dealer or scrap metal processing facility and the court is in possession of the certificate of title to the motor vehicle, it shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage

dealer or scrap metal processing facility is located. The court 1799  
shall mark the face of the certificate of title with the words 1800  
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 1801  
of title to the salvage dealer or scrap metal processing facility 1802  
for its records. 1803

If the court is not in possession of the certificate of title 1804  
to the motor vehicle, the court shall issue an order transferring 1805  
ownership of the motor vehicle to a salvage dealer or scrap metal 1806  
processing facility, send the order to the clerk of the court of 1807  
common pleas of the county in which the salvage dealer or scrap 1808  
metal processing facility is located, and send a photocopy of the 1809  
order to the salvage dealer or scrap metal processing facility for 1810  
its records. The clerk shall make the proper notations or entries 1811  
in the clerk's records concerning the disposition of the motor 1812  
vehicle. 1813

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 1814  
impose a class D suspension of the person's driver's license, 1815  
commercial driver's license, temporary instruction permit, 1816  
probationary license, or nonresident operating privilege for the 1817  
period of time specified in division (B)(4) of section 4510.02 of 1818  
the Revised Code on any person who is a resident of this state and 1819  
is convicted of or pleads guilty to a violation of a statute of 1820  
any other state or any federal statute that is substantially 1821  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1822  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 1823  
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 1824  
receipt of a report from a court, court clerk, or other official 1825  
of any other state or from any federal authority that a resident 1826  
of this state was convicted of or pleaded guilty to an offense 1827  
described in this division, the registrar shall send a notice by 1828  
regular first class mail to the person, at the person's last known 1829  
address as shown in the records of the bureau of motor vehicles, 1830

informing the person of the suspension, that the suspension will 1831  
take effect twenty-one days from the date of the notice, and that, 1832  
if the person wishes to appeal the suspension or denial, the 1833  
person must file a notice of appeal within twenty-one days of the 1834  
date of the notice requesting a hearing on the matter. If the 1835  
person requests a hearing, the registrar shall hold the hearing 1836  
not more than forty days after receipt by the registrar of the 1837  
notice of appeal. The filing of a notice of appeal does not stay 1838  
the operation of the suspension that must be imposed pursuant to 1839  
this division. The scope of the hearing shall be limited to 1840  
whether the person actually was convicted of or pleaded guilty to 1841  
the offense for which the suspension is to be imposed. 1842

The suspension the registrar is required to impose under this 1843  
division shall end either on the last day of the class D 1844  
suspension period or of the suspension of the person's nonresident 1845  
operating privilege imposed by the state or federal court, 1846  
whichever is earlier. 1847

The registrar shall subscribe to or otherwise participate in 1848  
any information system or register, or enter into reciprocal and 1849  
mutual agreements with other states and federal authorities, in 1850  
order to facilitate the exchange of information with other states 1851  
and the United States government regarding persons who plead 1852  
guilty to or are convicted of offenses described in this division 1853  
and therefore are subject to the suspension or denial described in 1854  
this division. 1855

(B) The registrar shall impose a class D suspension of the 1856  
person's driver's license, commercial driver's license, temporary 1857  
instruction permit, probationary license, or nonresident operating 1858  
privilege for the period of time specified in division (B)(4) of 1859  
section 4510.02 of the Revised Code on any person who is a 1860  
resident of this state and is convicted of or pleads guilty to a 1861  
violation of a statute of any other state or a municipal ordinance 1862

of a municipal corporation located in any other state that is 1863  
substantially similar to section 4511.19 of the Revised Code. Upon 1864  
receipt of a report from another state made pursuant to section 1865  
4510.61 of the Revised Code indicating that a resident of this 1866  
state was convicted of or pleaded guilty to an offense described 1867  
in this division, the registrar shall send a notice by regular 1868  
first class mail to the person, at the person's last known address 1869  
as shown in the records of the bureau of motor vehicles, informing 1870  
the person of the suspension, that the suspension or denial will 1871  
take effect twenty-one days from the date of the notice, and that, 1872  
if the person wishes to appeal the suspension, the person must 1873  
file a notice of appeal within twenty-one days of the date of the 1874  
notice requesting a hearing on the matter. If the person requests 1875  
a hearing, the registrar shall hold the hearing not more than 1876  
forty days after receipt by the registrar of the notice of appeal. 1877  
The filing of a notice of appeal does not stay the operation of 1878  
the suspension that must be imposed pursuant to this division. The 1879  
scope of the hearing shall be limited to whether the person 1880  
actually was convicted of or pleaded guilty to the offense for 1881  
which the suspension is to be imposed. 1882

The suspension the registrar is required to impose under this 1883  
division shall end either on the last day of the class D 1884  
suspension period or of the suspension of the person's nonresident 1885  
operating privilege imposed by the state or federal court, 1886  
whichever is earlier. 1887

(C) The registrar shall impose a class D suspension of the 1888  
child's driver's license, commercial driver's license, temporary 1889  
instruction permit, or nonresident operating privilege for the 1890  
period of time specified in division (B)(4) of section 4510.02 of 1891  
the Revised Code on any child who is a resident of this state and 1892  
is convicted of or pleads guilty to a violation of a statute of 1893  
any other state or any federal statute that is substantially 1894

similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1895  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 1896  
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 1897  
receipt of a report from a court, court clerk, or other official 1898  
of any other state or from any federal authority that a child who 1899  
is a resident of this state was convicted of or pleaded guilty to 1900  
an offense described in this division, the registrar shall send a 1901  
notice by regular first class mail to the child, at the child's 1902  
last known address as shown in the records of the bureau of motor 1903  
vehicles, informing the child of the suspension, that the 1904  
suspension or denial will take effect twenty-one days from the 1905  
date of the notice, and that, if the child wishes to appeal the 1906  
suspension, the child must file a notice of appeal within 1907  
twenty-one days of the date of the notice requesting a hearing on 1908  
the matter. If the child requests a hearing, the registrar shall 1909  
hold the hearing not more than forty days after receipt by the 1910  
registrar of the notice of appeal. The filing of a notice of 1911  
appeal does not stay the operation of the suspension that must be 1912  
imposed pursuant to this division. The scope of the hearing shall 1913  
be limited to whether the child actually was convicted of or 1914  
pleaded guilty to the offense for which the suspension is to be 1915  
imposed. 1916

The suspension the registrar is required to impose under this 1917  
division shall end either on the last day of the class D 1918  
suspension period or of the suspension of the child's nonresident 1919  
operating privilege imposed by the state or federal court, 1920  
whichever is earlier. If the child is a resident of this state who 1921  
is sixteen years of age or older and does not have a current, 1922  
valid Ohio driver's or commercial driver's license or permit, the 1923  
notice shall inform the child that the child will be denied 1924  
issuance of a driver's or commercial driver's license or permit 1925  
for six months beginning on the date of the notice. If the child 1926  
has not attained the age of sixteen years on the date of the 1927

notice, the notice shall inform the child that the period of 1928  
denial of six months shall commence on the date the child attains 1929  
the age of sixteen years. 1930

The registrar shall subscribe to or otherwise participate in 1931  
any information system or register, or enter into reciprocal and 1932  
mutual agreements with other states and federal authorities, in 1933  
order to facilitate the exchange of information with other states 1934  
and the United States government regarding children who are 1935  
residents of this state and plead guilty to or are convicted of 1936  
offenses described in this division and therefore are subject to 1937  
the suspension or denial described in this division. 1938

(D) The registrar shall impose a class D suspension of the 1939  
child's driver's license, commercial driver's license, temporary 1940  
instruction permit, probationary license, or nonresident operating 1941  
privilege for the period of time specified in division (B)(4) of 1942  
section 4510.02 of the Revised Code on any child who is a resident 1943  
of this state and is convicted of or pleads guilty to a violation 1944  
of a statute of any other state or a municipal ordinance of a 1945  
municipal corporation located in any other state that is 1946  
substantially similar to section 4511.19 of the Revised Code. Upon 1947  
receipt of a report from another state made pursuant to section 1948  
4510.61 of the Revised Code indicating that a child who is a 1949  
resident of this state was convicted of or pleaded guilty to an 1950  
offense described in this division, the registrar shall send a 1951  
notice by regular first class mail to the child, at the child's 1952  
last known address as shown in the records of the bureau of motor 1953  
vehicles, informing the child of the suspension, that the 1954  
suspension will take effect twenty-one days from the date of the 1955  
notice, and that, if the child wishes to appeal the suspension, 1956  
the child must file a notice of appeal within twenty-one days of 1957  
the date of the notice requesting a hearing on the matter. If the 1958  
child requests a hearing, the registrar shall hold the hearing not 1959

more than forty days after receipt by the registrar of the notice 1960  
of appeal. The filing of a notice of appeal does not stay the 1961  
operation of the suspension that must be imposed pursuant to this 1962  
division. The scope of the hearing shall be limited to whether the 1963  
child actually was convicted of or pleaded guilty to the offense 1964  
for which the suspension is to be imposed. 1965

The suspension the registrar is required to impose under this 1966  
division shall end either on the last day of the class D 1967  
suspension period or of the suspension of the child's nonresident 1968  
operating privilege imposed by the state or federal court, 1969  
whichever is earlier. If the child is a resident of this state who 1970  
is sixteen years of age or older and does not have a current, 1971  
valid Ohio driver's or commercial driver's license or permit, the 1972  
notice shall inform the child that the child will be denied 1973  
issuance of a driver's or commercial driver's license or permit 1974  
for six months beginning on the date of the notice. If the child 1975  
has not attained the age of sixteen years on the date of the 1976  
notice, the notice shall inform the child that the period of 1977  
denial of six months shall commence on the date the child attains 1978  
the age of sixteen years. 1979

(E) Any person whose license or permit has been suspended 1980  
pursuant to this section may file a petition in the municipal or 1981  
county court, or in case the person is under eighteen years of 1982  
age, the juvenile court, in whose jurisdiction the person resides, 1983  
agreeing to pay the cost of the proceedings and alleging that the 1984  
suspension would seriously affect the person's ability to continue 1985  
the person's employment. Upon satisfactory proof that there is 1986  
reasonable cause to believe that the suspension would seriously 1987  
affect the person's ability to continue the person's employment, 1988  
the judge may grant the person limited driving privileges during 1989  
the period during which the suspension otherwise would be imposed, 1990  
except that the judge shall not grant limited driving privileges 1991

for employment as a driver of a commercial motor vehicle to any 1992  
person who would be disqualified from operating a commercial motor 1993  
vehicle under section 4506.16 of the Revised Code if the violation 1994  
had occurred in this state, or during any of the following periods 1995  
of time: 1996

(1) The first fifteen days of a suspension under division (B) 1997  
or (D) of this section, if the person has not been convicted 1998  
within six years of the date of the offense giving rise to the 1999  
suspension under this section of a violation of any of the 2000  
following: 2001

(a) Section 4511.19 of the Revised Code, or a municipal 2002  
ordinance relating to operating a vehicle while under the 2003  
influence of alcohol, a drug of abuse, or alcohol and a drug of 2004  
abuse; 2005

(b) A municipal ordinance relating to operating a motor 2006  
vehicle with a prohibited concentration of alcohol, a controlled 2007  
substance, or a metabolite of a controlled substance in the whole 2008  
blood, blood serum or plasma, breath, or urine; 2009

(c) Section 2903.04 of the Revised Code in a case in which 2010  
the person was subject to the sanctions described in division (D) 2011  
of that section; 2012

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 2013  
section 2903.08 of the Revised Code or a municipal ordinance that 2014  
is substantially similar to either of those divisions; 2015

(e) Division (A)(2), (3), ~~or (4)~~, or (5) of section 2903.06, 2016  
division (A)(2) of section 2903.08, or as it existed prior to 2017  
March 23, 2000, section 2903.07 of the Revised Code, or a 2018  
municipal ordinance that is substantially similar to any of those 2019  
divisions or that former section, in a case in which the jury or 2020  
judge found that the person was under the influence of alcohol, a 2021  
drug of abuse, or alcohol and a drug of abuse. 2022

(2) The first thirty days of a suspension under division (B) 2023  
or (D) of this section, if the person has been convicted one time 2024  
within six years of the date of the offense giving rise to the 2025  
suspension under this section of any violation identified in 2026  
division (E)(1) of this section. 2027

(3) The first one hundred eighty days of a suspension under 2028  
division (B) or (D) of this section, if the person has been 2029  
convicted two times within six years of the date of the offense 2030  
giving rise to the suspension under this section of any violation 2031  
identified in division (E)(1) of this section. 2032

(4) No limited driving privileges may be granted if the 2033  
person has been convicted three or more times within five years of 2034  
the date of the offense giving rise to a suspension under division 2035  
(B) or (D) of this section of any violation identified in division 2036  
(E)(1) of this section. 2037

If a person petitions for limited driving privileges under 2038  
division (E) of this section, the registrar shall be represented 2039  
by the county prosecutor of the county in which the person resides 2040  
if the petition is filed in a juvenile court or county court, 2041  
except that if the person resides within a city or village that is 2042  
located within the jurisdiction of the county in which the 2043  
petition is filed, the city director of law or village solicitor 2044  
of that city or village shall represent the registrar. If the 2045  
petition is filed in a municipal court, the registrar shall be 2046  
represented as provided in section 1901.34 of the Revised Code. 2047

In granting limited driving privileges under division (E) of 2048  
this section, the court may impose any condition it considers 2049  
reasonable and necessary to limit the use of a vehicle by the 2050  
person. The court shall deliver to the person a permit card, in a 2051  
form to be prescribed by the court, setting forth the time, place, 2052  
and other conditions limiting the person's use of a motor vehicle. 2053  
The grant of limited driving privileges shall be conditioned upon 2054

the person's having the permit in the person's possession at all 2055  
times during which the person is operating a vehicle. 2056

A person granted limited driving privileges who operates a 2057  
vehicle for other than limited purposes, in violation of any 2058  
condition imposed by the court or without having the permit in the 2059  
person's possession, is guilty of a violation of section 4510.11 2060  
of the Revised Code. 2061

(F) As used in divisions (C) and (D) of this section: 2062

(1) "Child" means a person who is under the age of eighteen 2063  
years, except that any person who violates a statute or ordinance 2064  
described in division (C) or (D) of this section prior to 2065  
attaining eighteen years of age shall be deemed a "child" 2066  
irrespective of the person's age at the time the complaint or 2067  
other equivalent document is filed in the other state or a 2068  
hearing, trial, or other proceeding is held in the other state on 2069  
the complaint or other equivalent document, and irrespective of 2070  
the person's age when the period of license suspension or denial 2071  
prescribed in division (C) or (D) of this section is imposed. 2072

(2) "Is convicted of or pleads guilty to" means, as it 2073  
relates to a child who is a resident of this state, that in a 2074  
proceeding conducted in a state or federal court located in 2075  
another state for a violation of a statute or ordinance described 2076  
in division (C) or (D) of this section, the result of the 2077  
proceeding is any of the following: 2078

(a) Under the laws that govern the proceedings of the court, 2079  
the child is adjudicated to be or admits to being a delinquent 2080  
child or a juvenile traffic offender for a violation described in 2081  
division (C) or (D) of this section that would be a crime if 2082  
committed by an adult; 2083

(b) Under the laws that govern the proceedings of the court, 2084  
the child is convicted of or pleads guilty to a violation 2085

described in division (C) or (D) of this section; 2086

(c) Under the laws that govern the proceedings of the court, 2087  
irrespective of the terminology utilized in those laws, the result 2088  
of the court's proceedings is the functional equivalent of 2089  
division (F)(2)(a) or (b) of this section. 2090

**Sec. 4510.41.** (A) As used in this section: 2091

(1) "Arrested person" means a person who is arrested for a 2092  
violation of division (A)(5) of section 2903.06 or of section 2093  
4510.14, 4510.16, ~~or~~ 4511.203, or 4511.251 of the Revised Code, or 2094  
a municipal ordinance that is substantially equivalent to that 2095  
division or any of those sections, and whose arrest results in a 2096  
vehicle being seized under division (B) of this section. 2097

(2) "Vehicle owner" means either of the following: 2098

(a) The person in whose name is registered, at the time of 2099  
the seizure, a vehicle that is seized under division (B) of this 2100  
section; 2101

(b) A person to whom the certificate of title to a vehicle 2102  
that is seized under division (B) of this section has been 2103  
assigned and who has not obtained a certificate of title to the 2104  
vehicle in that person's name, but who is deemed by the court as 2105  
being the owner of the vehicle at the time the vehicle was seized 2106  
under division (B) of this section. 2107

(3) "Interested party" includes the owner of a vehicle seized 2108  
under this section, all lienholders, the arrested person, the 2109  
owner of the place of storage at which a vehicle seized under this 2110  
section is stored, and the person or entity that caused the 2111  
vehicle to be removed. 2112

(B)(1) If a person is arrested for a violation of division 2113  
(A)(5) of section 2903.06 or of section 4510.14 ~~or~~, 4511.203, or 2114  
4511.251 of the Revised Code or a municipal ordinance that is 2115

substantially equivalent to ~~either~~ that division or any of those 2116  
sections or if a person is arrested for a violation of section 2117  
4510.16 of the Revised Code or a municipal ordinance that is 2118  
substantially equivalent to that section and if division (B)(3) of 2119  
section 4510.16 or division (B)(2) of section 4510.161 of the 2120  
Revised Code applies, the arresting officer or another officer of 2121  
the law enforcement agency that employs the arresting officer, in 2122  
addition to any action that the arresting officer is required or 2123  
authorized to take by any other provision of law, shall seize the 2124  
vehicle that the person was operating at the time of, or that was 2125  
involved in, the alleged offense if the vehicle is registered in 2126  
the arrested person's name and its license plates. A law 2127  
enforcement agency that employs a law enforcement officer who 2128  
makes an arrest of a type that is described in this division and 2129  
that involves a rented or leased vehicle that is being rented or 2130  
leased for a period of thirty days or less shall notify, within 2131  
twenty-four hours after the officer makes the arrest, the lessor 2132  
or owner of the vehicle regarding the circumstances of the arrest 2133  
and the location at which the vehicle may be picked up. At the 2134  
time of the seizure of the vehicle, the law enforcement officer 2135  
who made the arrest shall give the arrested person written notice 2136  
that the vehicle and its license plates have been seized; that the 2137  
vehicle either will be kept by the officer's law enforcement 2138  
agency or will be immobilized at least until the person's initial 2139  
appearance on the charge of the offense for which the arrest was 2140  
made; that, at the initial appearance, the court in certain 2141  
circumstances may order that the vehicle and license plates be 2142  
released to the arrested person until the disposition of that 2143  
charge; that, if the arrested person is convicted of that charge, 2144  
the court generally must order the immobilization of the vehicle 2145  
and the impoundment of its license plates or the forfeiture of the 2146  
vehicle; and that the arrested person may be charged expenses or 2147  
charges incurred under this section and section 4503.233 of the 2148

Revised Code for the removal and storage of the vehicle. 2149

(2) The arresting officer or a law enforcement officer of the 2150  
agency that employs the arresting officer shall give written 2151  
notice of the seizure under division (B)(1) of this section to the 2152  
court that will conduct the initial appearance of the arrested 2153  
person on the charges arising out of the arrest. Upon receipt of 2154  
the notice, the court promptly shall determine whether the 2155  
arrested person is the vehicle owner. If the court determines that 2156  
the arrested person is not the vehicle owner, it promptly shall 2157  
send by regular mail written notice of the seizure to the 2158  
vehicle's registered owner. The written notice shall contain all 2159  
of the information required by division (B)(1) of this section to 2160  
be in a notice to be given to the arrested person and also shall 2161  
specify the date, time, and place of the arrested person's initial 2162  
appearance. The notice also shall inform the vehicle owner that if 2163  
title to a motor vehicle that is subject to an order for criminal 2164  
forfeiture under this section is assigned or transferred and 2165  
division (B)(2) or (3) of section 4503.234 of the Revised Code 2166  
applies, the court may fine the arrested person the value of the 2167  
vehicle. The notice also shall state that if the vehicle is 2168  
immobilized under division (A) of section 4503.233 of the Revised 2169  
Code, seven days after the end of the period of immobilization a 2170  
law enforcement agency will send the vehicle owner a notice, 2171  
informing the owner that if the release of the vehicle is not 2172  
obtained in accordance with division (D)(3) of section 4503.233 of 2173  
the Revised Code, the vehicle shall be forfeited. The notice also 2174  
shall inform the vehicle owner that the owner may be charged 2175  
expenses or charges incurred under this section and section 2176  
4503.233 of the Revised Code for the removal and storage of the 2177  
vehicle. 2178

The written notice that is given to the arrested person also 2179  
shall state that if the person is convicted of or pleads guilty to 2180

the offense and the court issues an immobilization and impoundment 2181  
order relative to that vehicle, division (D)(4) of section 2182  
4503.233 of the Revised Code prohibits the vehicle from being sold 2183  
during the period of immobilization without the prior approval of 2184  
the court. 2185

(3) At or before the initial appearance, the vehicle owner 2186  
may file a motion requesting the court to order that the vehicle 2187  
and its license plates be released to the vehicle owner. Except as 2188  
provided in this division and subject to the payment of expenses 2189  
or charges incurred in the removal and storage of the vehicle, the 2190  
court, in its discretion, then may issue an order releasing the 2191  
vehicle and its license plates to the vehicle owner. Such an order 2192  
may be conditioned upon such terms as the court determines 2193  
appropriate, including the posting of a bond in an amount 2194  
determined by the court. If the arrested person is not the vehicle 2195  
owner and if the vehicle owner is not present at the arrested 2196  
person's initial appearance, and if the court believes that the 2197  
vehicle owner was not provided with adequate notice of the initial 2198  
appearance, the court, in its discretion, may allow the vehicle 2199  
owner to file a motion within seven days of the initial 2200  
appearance. If the court allows the vehicle owner to file such a 2201  
motion after the initial appearance, the extension of time granted 2202  
by the court does not extend the time within which the initial 2203  
appearance is to be conducted. If the court issues an order for 2204  
the release of the vehicle and its license plates, a copy of the 2205  
order shall be made available to the vehicle owner. If the vehicle 2206  
owner presents a copy of the order to the law enforcement agency 2207  
that employs the law enforcement officer who arrested the arrested 2208  
person, the law enforcement agency promptly shall release the 2209  
vehicle and its license plates to the vehicle owner upon payment 2210  
by the vehicle owner of any expenses or charges incurred in the 2211  
removal or storage of the vehicle. 2212

(4) A vehicle seized under division (B)(1) of this section 2213  
either shall be towed to a place specified by the law enforcement 2214  
agency that employs the arresting officer to be safely kept by the 2215  
agency at that place for the time and in the manner specified in 2216  
this section or shall be otherwise immobilized for the time and in 2217  
the manner specified in this section. A law enforcement officer of 2218  
that agency shall remove the identification license plates of the 2219  
vehicle, and they shall be safely kept by the agency for the time 2220  
and in the manner specified in this section. No vehicle that is 2221  
seized and either towed or immobilized pursuant to this division 2222  
shall be considered contraband for purposes of Chapter 2981. of 2223  
the Revised Code. The vehicle shall not be immobilized at any 2224  
place other than a commercially operated private storage lot, a 2225  
place owned by a law enforcement or other government agency, or a 2226  
place to which one of the following applies: 2227

(a) The place is leased by or otherwise under the control of 2228  
a law enforcement or other government agency. 2229

(b) The place is owned by the arrested person, the arrested 2230  
person's spouse, or a parent or child of the arrested person. 2231

(c) The place is owned by a private person or entity, and, 2232  
prior to the immobilization, the private entity or person that 2233  
owns the place, or the authorized agent of that private entity or 2234  
person, has given express written consent for the immobilization 2235  
to be carried out at that place. 2236

(d) The place is a public street or highway on which the 2237  
vehicle is parked in accordance with the law. 2238

(C)(1) A vehicle seized under division (B)(1) of this section 2239  
shall be safely kept at the place to which it is towed or 2240  
otherwise moved by the law enforcement agency that employs the 2241  
arresting officer until the initial appearance of the arrested 2242  
person relative to the charge in question. The license plates of 2243

the vehicle that are removed pursuant to division (B)(1) of this 2244  
section shall be safely kept by the law enforcement agency that 2245  
employs the arresting officer until at least the initial 2246  
appearance of the arrested person relative to the charge in 2247  
question. 2248

(2)(a) At the initial appearance or not less than seven days 2249  
prior to the date of final disposition, the court shall notify the 2250  
arrested person that, if title to a motor vehicle that is subject 2251  
to an order for criminal forfeiture under this section is assigned 2252  
or transferred and division (B)(2) or (3) of section 4503.234 of 2253  
the Revised Code applies, the court may fine the arrested person 2254  
the value of the vehicle. If, at the initial appearance, the 2255  
arrested person pleads guilty to the violation of division (A)(5) 2256  
of section 2903.06 or of section 4510.14, 4510.16, ~~or~~ 4511.203, or 2257  
4511.251 of the Revised Code, or a municipal ordinance that is 2258  
substantially equivalent to that division or any of those sections 2259  
or pleads no contest to and is convicted of the violation, the 2260  
following sentencing provisions apply: 2261

(i) If the person violated section 4510.14 or 4511.203 of the 2262  
Revised Code or a municipal ordinance that is substantially 2263  
equivalent to either of those sections, or violated section 2264  
4510.16 of the Revised Code or a municipal ordinance that is 2265  
substantially equivalent to that section and division (B)(3) of 2266  
section 4510.16 or division (B)(2) of section 4510.161 of the 2267  
Revised Code applies, the court shall impose sentence upon the 2268  
person as provided by law or ordinance; the court shall order the 2269  
immobilization of the vehicle the arrested person was operating at 2270  
the time of, or that was involved in, the offense if registered in 2271  
the arrested person's name and the impoundment of its license 2272  
plates under section 4503.233 and section 4510.14, 4510.16, 2273  
4510.161, or 4511.203 of the Revised Code or the criminal 2274  
forfeiture to the state of the vehicle if registered in the 2275

arrested person's name under section 4503.234 and section 2903.06, 2276  
4510.14, 4510.16, 4510.161, ~~or~~ 4511.203, or 4511.251 of the 2277  
Revised Code, whichever is applicable; and the vehicle and its 2278  
license plates shall not be returned or released to the arrested 2279  
person. 2280

(ii) If the person violated section 4510.16 of the Revised 2281  
Code or a municipal ordinance that is substantially equivalent to 2282  
that section and division (B)(2) of section 4510.16 or division 2283  
(B)(1) of section 4510.161 applies, the court shall impose 2284  
sentence upon the person as provided by law or ordinance and may 2285  
order the immobilization of the vehicle the person was operating 2286  
at the time of, or that was involved in, the offense if it is 2287  
registered in the arrested person's name and the impoundment of 2288  
its license plates under section 4503.233 and section 4510.16 or 2289  
4510.161 of the Revised Code, and the vehicle and its license 2290  
plates shall not be returned or released to the arrested person. 2291

(b) If, at any time, the charge that the arrested person 2292  
violated section 2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 2293  
4511.251 of the Revised Code, or a municipal ordinance that is 2294  
substantially equivalent to any of those sections is dismissed for 2295  
any reason, the court shall order that the vehicle seized at the 2296  
time of the arrest and its license plates immediately be released 2297  
to the person. 2298

(D) If a vehicle and its license plates are seized under 2299  
division (B)(1) of this section and are not returned or released 2300  
to the arrested person pursuant to division (C) of this section, 2301  
the vehicle and its license plates shall be retained until the 2302  
final disposition of the charge in question. Upon the final 2303  
disposition of that charge, the court shall do whichever of the 2304  
following is applicable: 2305

(1) If the arrested person is convicted of or pleads guilty 2306  
to the violation of section 4510.14 or 4511.203 of the Revised 2307

Code, or a municipal ordinance that is substantially equivalent to 2308  
either of those sections, or to the violation of section 4510.16 2309  
of the Revised Code or a municipal ordinance that is substantially 2310  
equivalent to that section and division (B)(3) of section 4510.16 2311  
or division (B)(2) of section 4510.161 of the Revised Code 2312  
applies, the court shall impose sentence upon the person as 2313  
provided by law or ordinance and shall order the immobilization of 2314  
the vehicle the person was operating at the time of, or that was 2315  
involved in, the offense if it is registered in the arrested 2316  
person's name and the impoundment of its license plates under 2317  
section 4503.233 and section 4510.14, 4510.16, 4510.161, or 2318  
4511.203 of the Revised Code or the criminal forfeiture of the 2319  
vehicle if it is registered in the arrested person's name under 2320  
section 4503.234 and section 2903.06, 4510.14, 4510.16, 4510.161, 2321  
~~or~~ 4511.203, or 4511.251 of the Revised Code, whichever is 2322  
applicable. 2323

(2) If the person violated section 4510.16 of the Revised 2324  
Code or a municipal ordinance that is substantially equivalent to 2325  
that section and division (B)(2) of section 4510.16 or division 2326  
(B)(1) of section 4510.161 applies, the court shall impose 2327  
sentence upon the person as provided by law or ordinance and may 2328  
order the immobilization of the vehicle the person was operating 2329  
at the time of, or that was involved in, the offense if it is 2330  
registered in the person's name and the impoundment of its license 2331  
plates under section 4503.233 and section 4510.16 or 4510.161 of 2332  
the Revised Code. 2333

(3) If the arrested person is found not guilty of the 2334  
violation of section 2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 2335  
4511.251 of the Revised Code, or a municipal ordinance that is 2336  
substantially equivalent to any of those sections, the court shall 2337  
order that the vehicle and its license plates immediately be 2338  
released to the arrested person. 2339

(4) If the charge that the arrested person violated section 2340  
2903.06, 4510.14, 4510.16, ~~or 4511.203~~, or 4511.251 of the Revised 2341  
Code, or a municipal ordinance that is substantially equivalent to 2342  
any of those sections is dismissed for any reason, the court shall 2343  
order that the vehicle and its license plates immediately be 2344  
released to the arrested person. 2345

(5) If the impoundment of the vehicle was not authorized 2346  
under this section, the court shall order that the vehicle and its 2347  
license plates be returned immediately to the arrested person or, 2348  
if the arrested person is not the vehicle owner, to the vehicle 2349  
owner and shall order that the state or political subdivision of 2350  
the law enforcement agency served by the law enforcement officer 2351  
who seized the vehicle pay all expenses and charges incurred in 2352  
its removal and storage. 2353

(E) If a vehicle is seized under division (B)(2) of this 2354  
section, the time between the seizure of the vehicle and either 2355  
its release to the arrested person pursuant to division (C) of 2356  
this section or the issuance of an order of immobilization of the 2357  
vehicle under section 4503.233 of the Revised Code shall be 2358  
credited against the period of immobilization ordered by the 2359  
court. 2360

(F)(1) Except as provided in division (D)(4) of this section, 2361  
the arrested person may be charged expenses or charges incurred in 2362  
the removal and storage of the immobilized vehicle. The court with 2363  
jurisdiction over the case, after notice to all interested 2364  
parties, including lienholders, and after an opportunity for them 2365  
to be heard, if the court finds that the arrested person does not 2366  
intend to seek release of the vehicle at the end of the period of 2367  
immobilization under section 4503.233 of the Revised Code or that 2368  
the arrested person is not or will not be able to pay the expenses 2369  
and charges incurred in its removal and storage, may order that 2370  
title to the vehicle be transferred, in order of priority, first 2371

into the name of the person or entity that removed it, next into 2372  
the name of a lienholder, or lastly into the name of the owner of 2373  
the place of storage. 2374

Any lienholder that receives title under a court order shall 2375  
do so on the condition that it pay any expenses or charges 2376  
incurred in the vehicle's removal and storage. If the person or 2377  
entity that receives title to the vehicle is the person or entity 2378  
that removed it, the person or entity shall receive title on the 2379  
condition that it pay any lien on the vehicle. The court shall not 2380  
order that title be transferred to any person or entity other than 2381  
the owner of the place of storage if the person or entity refuses 2382  
to receive the title. Any person or entity that receives title 2383  
either may keep title to the vehicle or may dispose of the vehicle 2384  
in any legal manner that it considers appropriate, including 2385  
assignment of the certificate of title to the motor vehicle to a 2386  
salvage dealer or a scrap metal processing facility. The person or 2387  
entity shall not transfer the vehicle to the person who is the 2388  
vehicle's immediate previous owner. 2389

If the person or entity that receives title assigns the motor 2390  
vehicle to a salvage dealer or scrap metal processing facility, 2391  
the person or entity shall send the assigned certificate of title 2392  
to the motor vehicle to the clerk of the court of common pleas of 2393  
the county in which the salvage dealer or scrap metal processing 2394  
facility is located. The person or entity shall mark the face of 2395  
the certificate of title with the words "FOR DESTRUCTION" and 2396  
shall deliver a photocopy of the certificate of title to the 2397  
salvage dealer or scrap metal processing facility for its records. 2398

(2) Whenever a court issues an order under division (F)(1) of 2399  
this section, the court also shall order removal of the license 2400  
plates from the vehicle and cause them to be sent to the registrar 2401  
if they have not already been sent to the registrar. Thereafter, 2402  
no further proceedings shall take place under this section or 2403

under section 4503.233 of the Revised Code. 2404

(3) Prior to initiating a proceeding under division (F)(1) of 2405  
this section, and upon payment of the fee under division (B) of 2406  
section 4505.14, any interested party may cause a search to be 2407  
made of the public records of the bureau of motor vehicles or the 2408  
clerk of the court of common pleas, to ascertain the identity of 2409  
any lienholder of the vehicle. The initiating party shall furnish 2410  
this information to the clerk of the court with jurisdiction over 2411  
the case, and the clerk shall provide notice to the arrested 2412  
person, any lienholder, and any other interested parties listed by 2413  
the initiating party, at the last known address supplied by the 2414  
initiating party, by certified mail, or, at the option of the 2415  
initiating party, by personal service or ordinary mail. 2416

**Sec. 4511.181.** As used in sections 4511.181 to 4511.198 of 2417  
the Revised Code: 2418

(A) "Equivalent offense" means any of the following: 2419

(1) A violation of division (A) or (B) of section 4511.19 of 2420  
the Revised Code; 2421

(2) A violation of a municipal OVI ordinance; 2422

(3) A violation of section 2903.04 of the Revised Code in a 2423  
case in which the offender was subject to the sanctions described 2424  
in division (D) of that section; 2425

(4) A violation of division (A)(1) of section 2903.06 or 2426  
2903.08 of the Revised Code or a municipal ordinance that is 2427  
substantially equivalent to either of those divisions; 2428

(5) A violation of division (A)(2), (3), ~~or (4)~~, or (5) of 2429  
section 2903.06, division (A)(2) of section 2903.08, or former 2430  
section 2903.07 of the Revised Code, or a municipal ordinance that 2431  
is substantially equivalent to any of those divisions or that 2432  
former section, in a case in which a judge or jury as the trier of 2433

fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(6) A violation of division (A) or (B) of section 1547.11 of the Revised Code;

(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state 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;

(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 or division (A) or (B) of section 1547.11 of the Revised Code;

(9) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 or division (A) or (B) of section 1547.11 of the Revised Code.

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

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

(2) Except as specifically authorized under section 4511.19

of the Revised Code, the term cannot be suspended, reduced, or 2465  
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 2466  
other provision of the Revised Code. 2467

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2468  
mean any municipal ordinance prohibiting a person from operating a 2469  
vehicle while under the influence of alcohol, a drug of abuse, or 2470  
a combination of them or prohibiting a person from operating a 2471  
vehicle with a prohibited concentration of alcohol, a controlled 2472  
substance, or a metabolite of a controlled substance in the whole 2473  
blood, blood serum or plasma, breath, or urine. 2474

(D) "Community residential sanction," "continuous alcohol 2475  
monitoring," "jail," "mandatory prison term," "mandatory term of 2476  
local incarceration," "sanction," and "prison term" have the same 2477  
meanings as in section 2929.01 of the Revised Code. 2478

(E) "Drug of abuse" has the same meaning as in section 2479  
4506.01 of the Revised Code. 2480

(F) "Equivalent offense that is vehicle-related" means an 2481  
equivalent offense that is any of the following: 2482

(1) A violation described in division (A)(1), (2), (3), (4), 2483  
or (5) of this section; 2484

(2) A violation of an existing or former municipal ordinance, 2485  
law of another state, or law of the United States that is 2486  
substantially equivalent to division (A) or (B) of section 4511.19 2487  
of the Revised Code; 2488

(3) A violation of a former law of this state that was 2489  
substantially equivalent to division (A) or (B) of section 4511.19 2490  
of the Revised Code. 2491

**Sec. 4511.251.** (A)(1) As used in this section and section 2492  
4510.036 of the Revised Code, "street racing" means any of the 2493  
following: 2494

(a) The operation of two or more vehicles from a point side 2495  
by side at accelerating speeds in a competitive attempt to 2496  
out-distance each other ~~or the~~; 2497

(b) The operation of one or more vehicles over a common 2498  
selected course, from the same point to the same point, wherein 2499  
timing is made of the participating vehicles involving competitive 2500  
accelerations or speeds; 2501

(c) Any exhibition of speed or acceleration that is 2502  
inconsistent with the normal operation of a vehicle on a public 2503  
road, street, or highway. Persons 2504

(2) Persons rendering assistance or encouragement in any form 2505  
or manner to such competitive use of vehicles shall be equally 2506  
charged as the participants. ~~The~~ 2507

(3) The operation of two or more vehicles side by side either 2508  
at speeds in excess of prima-facie lawful speeds established by 2509  
divisions (B)(1)(a) to (B)(8) of section 4511.21 of the Revised 2510  
Code or rapidly accelerating from a common starting point to a 2511  
speed in excess of such prima-facie lawful speeds shall be 2512  
prima-facie evidence of street racing. 2513

(B) No person shall participate in street racing upon any 2514  
public road, street, or highway in this state. 2515

(C) ~~Whoever~~ Except as otherwise provided in divisions (D) and 2516  
(E) of this section, whoever violates division (B) of this section 2517  
is guilty of street racing, a misdemeanor of the first degree. In 2518  
addition to any other sanctions, if the offender previously has 2519  
not been convicted of or pleaded guilty to any violations of this 2520  
section or a substantially equivalent municipal ordinance, the 2521  
court shall ~~suspend~~ impose upon the offender a class seven 2522  
suspension of the offender's driver's license, commercial driver's 2523  
license, temporary instruction permit, probationary license, or 2524  
nonresident operating privilege for ~~not less than thirty days or~~ 2525

~~more than three years. No judge shall suspend the first thirty 2526  
days of any suspension of an offender's license, permit, or 2527  
privilege imposed under this division a period prescribed in 2528  
division (A)(7) of section 4510.02 of the Revised Code, which 2529  
period shall be one year. 2530~~

If the offender previously has been convicted of or pleaded 2531  
guilty to one or more violations of this section or a 2532  
substantially equivalent municipal ordinance, the court, in 2533  
addition to any other sanctions, shall impose upon the offender a 2534  
class two suspension of the offender's driver's license, 2535  
commercial driver's license, temporary instruction permit, 2536  
probationary license, or nonresident operating privilege for a 2537  
period prescribed in division (A)(2) of section 4510.02 of the 2538  
Revised Code. 2539

(D)(1) Notwithstanding division (C) of this section and 2540  
except as otherwise provided in divisions (D)(2) and (E) of this 2541  
section, whoever violates division (B) of this section is guilty 2542  
of street racing, a misdemeanor of the first degree, if the trier 2543  
of fact finds that in violating division (B) of this section the 2544  
offender caused physical harm to any other person or caused damage 2545  
to the property of any other person. The court, in addition to any 2546  
other sanctions, shall impose upon the offender a class five 2547  
suspension of the offender's driver's license, commercial driver's 2548  
license, temporary instruction permit, probationary license, or 2549  
nonresident operating privilege for a period prescribed in 2550  
division (A)(5) of section 4510.02 of the Revised Code, which 2551  
period shall be three years. 2552

(2) If the offender previously has been convicted of or 2553  
pleaded guilty to one or more violations of this section or a 2554  
substantially equivalent municipal ordinance and the trier of fact 2555  
found one or more times in any of those cases that the offender 2556  
caused physical harm to any other person or caused damage to the 2557

property of any other person, whoever violates division (B) of 2558  
this section is guilty of street racing, a felony of the fifth 2559  
degree, if the trier of fact finds that in violating division (B) 2560  
of this section the offender caused physical harm to any other 2561  
person or caused damage to the property of any other person. In 2562  
addition to any other sanctions, the court shall impose upon the 2563  
offender a class five suspension of the offender's driver's 2564  
license, commercial driver's license, temporary instruction 2565  
permit, probationary license, or nonresident operating privilege 2566  
for a period prescribed in division (A)(5) of section 4510.02 of 2567  
the Revised Code, which period shall be three years. 2568

(E)(1) Notwithstanding divisions (C) and (D) of this section 2569  
and except as otherwise provided in division (E)(2) of this 2570  
section, whoever violates division (B) of this section is guilty 2571  
of street racing, a felony of the fourth degree, if the trier of 2572  
fact finds that in violating division (B) of this section the 2573  
offender caused serious physical harm to any other person. In 2574  
addition to any other sanctions, the court shall impose upon the 2575  
offender a class four suspension of the offender's driver's 2576  
license, commercial driver's license, temporary instruction 2577  
permit, probationary license, or nonresident operating privilege 2578  
for a period prescribed in division (A)(4) of section 4510.02 of 2579  
the Revised Code, which period shall be five years. 2580

(2) If the offender previously has been convicted of or 2581  
pleaded guilty to one or more violations of this section or a 2582  
substantially equivalent municipal ordinance and the trier of fact 2583  
found one or more times in any of those cases that the offender 2584  
caused serious physical harm to any other person, whoever violates 2585  
division (B) of this section is guilty of street racing, a felony 2586  
of the third degree, if the trier of fact finds that in violating 2587  
division (B) of this section the offender caused serious physical 2588  
harm to any other person. In addition to any other sanctions, the 2589

court shall impose upon the offender a class four suspension of 2590  
the offender's driver's license, commercial driver's license, 2591  
temporary instruction permit, probationary license, or nonresident 2592  
operating privilege for a period prescribed in division (A)(4) of 2593  
section 4510.02 of the Revised Code, which period shall be five 2594  
years. 2595

(F) No judge shall suspend any portion of any suspension of 2596  
an offender's license, permit, or privilege imposed under this 2597  
section. 2598

(G)(1) In addition to any other sanctions, the court shall 2599  
order the criminal forfeiture of the motor vehicle the offender 2600  
was operating at the time the offender violated division (B) of 2601  
this section if either of the following applies: 2602

(a) The motor vehicle the offender was operating at the time 2603  
of such violation is registered in the offender's name. 2604

(b) The motor vehicle the offender was operating at the time 2605  
of such violation is not registered in the offender's name but is 2606  
registered in the name of another person, and the person in whose 2607  
name the motor vehicle is registered or the person in control of 2608  
the motor vehicle permitted the offender to operate the motor 2609  
vehicle and that person knew or had reasonable cause to believe 2610  
that the offender would operate the motor vehicle in violation of 2611  
section 4511.251 of the Revised Code or a substantially equivalent 2612  
municipal ordinance. 2613

(2) Any forfeiture of a motor vehicle under this section 2614  
shall be in accordance with section 4503.234 of the Revised Code. 2615  
If title to a motor vehicle that is subject to an order of 2616  
criminal forfeiture under this section is assigned or transferred 2617  
and division (B)(2) or (3) of section 4503.234 of the Revised Code 2618  
applies, the court, in addition to any other sanctions, may fine 2619  
the offender the value of the vehicle as determined by 2620

publications of the national auto dealers association. The 2621  
proceeds of any fine so imposed shall be distributed in accordance 2622  
with division (C)(2) of that section. 2623

Sec. 4511.253. (A) A retailer who sells at retail nitrous 2624  
oxide shall require every person who purchases nitrous oxide in 2625  
this state from the retailer to complete and sign a nitrous oxide 2626  
purchase statement. The department of public safety shall make the 2627  
purchase statement available at no charge on its internet web site 2628  
and also shall furnish the purchase statement to retail sellers of 2629  
nitrous oxide upon request. The director of public safety shall 2630  
determine the form and contents of the purchase statement, which 2631  
shall include at a minimum the name and address of the retailer, 2632  
the name and address of the purchaser, the date of the retail 2633  
sale, the amount of nitrous oxide sold to the purchaser, and any 2634  
other information the director determines should be included on 2635  
the statement. The statement also shall include the following 2636  
language in twelve-point boldface type: 2637

"I will not use nitrous oxide in any motor vehicle that I 2638  
operate on any public road, street, or highway in the state of 2639  
Ohio. I understand that street racing on the public roads, 2640  
streets, and highways of Ohio is illegal and punishable by a fine, 2641  
a jail term or prison term, suspension of a person's driver's or 2642  
commercial driver's license, and criminal forfeiture of any 2643  
vehicle involved in a street race." 2644

The purchase statement language shall conclude with the 2645  
following language in fourteen-point boldface type: 2646

"I understand that if I purchase nitrous oxide and use it in 2647  
a motor vehicle that I operate on a public road, street, or 2648  
highway in the state of Ohio, I may be subject to prosecution for 2649  
the crime of falsification, a misdemeanor of the first degree, and 2650  
may be subject to prosecution for other criminal offenses as 2651

well." 2652

(B) No person who purchases nitrous oxide at retail in this 2653  
state shall use nitrous oxide in a motor vehicle that the person 2654  
operates on a public road, street, or highway in this state. 2655

(C) A retail seller shall retain every nitrous oxide purchase 2656  
statement for a period of not less than two years from the date of 2657  
the retail sale that generated the purchase statement. 2658

(D) Whoever violates division (B) of this section is guilty 2659  
of falsification. 2660

**Section 2.** That existing sections 2743.51, 2903.06, 2929.01, 2661  
2935.03, 4503.234, 4510.17, 4510.41, 4511.181, and 4511.251 of the 2662  
Revised Code are hereby repealed. 2663

**Section 3.** The "Ohio Uniform Traffic Ticket," described in 2664  
Traffic Rule 3(A) and (B), shall be amended as needed in order to 2665  
implement this act. 2666

**Section 4.** The General Assembly, applying the principle 2667  
stated in division (B) of section 1.52 of the Revised Code that 2668  
amendments are to be harmonized if reasonably capable of 2669  
simultaneous operation, finds that the following sections, 2670  
presented in this act as composites of the sections as amended by 2671  
the acts indicated, are the resulting versions of the sections in 2672  
effect prior to the effective date of the sections as presented in 2673  
this act: 2674

Section 2929.01 of the Revised Code as amended by both Am. 2675  
Sub. H.B. 130 and Am. Sub. H.B. 280 of the 127th General Assembly. 2676

Section 4503.234 of the Revised Code as amended by both Sub. 2677  
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 2678

Section 4510.41 of the Revised Code as amended by both Sub. 2679

H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly.

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