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Sub. H. B. No. 191

Representative Celeste

**Cosponsors: Representatives Murray, Hagan, Fende, Harris, Boyd, Okey,
Chandler, Domenick, Heard, Brown, Bacon, Belcher, Bolon, Driehaus, Dyer,
Foley, Garland, Grossman, Letson, Luckie, Lundy, Newcomb, Oelslager,
Phillips, Pillich, Pryor, Snitchler, Stewart, Szollosi, Weddington, Williams, B.,
Winburn, Yates, Yuko**

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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 reparations under sections 2743.51 to 2743.72 of the Revised Code:	15 16
(a) A victim who was one of the following at the time of the criminally injurious conduct:	17 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	44

States or of the United States coast guard or was a full-time	45
member of the Ohio organized militia or of the United States army	46
reserve, naval reserve, or air force reserve;	47
(iii) Was retired and receiving social security or any other	48
retirement income;	49
(iv) Was sixty years of age or older;	50
(v) Was temporarily in another state for the purpose of	51
receiving medical treatment;	52
(vi) Was temporarily in another state for the purpose of	53
performing employment-related duties required by an employer	54
located within this state as an express condition of employment or	55
employee benefits;	56
(vii) Was temporarily in another state for the purpose of	57
receiving occupational, vocational, or other job-related training	58
or instruction required by an employer located within this state	59
as an express condition of employment or employee benefits;	60
(viii) Was a full-time student at an academic institution,	61
college, or university located in another state;	62
(ix) Had not departed the geographical boundaries of this	63
state for a period exceeding thirty days or with the intention of	64
becoming a citizen of another state or establishing a permanent	65
place of residence in another state.	66
(b) A dependent of a deceased victim who is described in	67
division (A)(2)(a) of this section;	68
(c) A third person, other than a collateral source, who	69
legally assumes or voluntarily pays the obligations of a victim,	70
or of a dependent of a victim, who is described in division	71
(A)(2)(a) of this section, which obligations are incurred as a	72
result of the criminally injurious conduct that is the subject of	73
the claim and may include, but are not limited to, medical or	74

burial expenses;	75
(d) A person who is authorized to act on behalf of any person	76
who is described in division (A)(2)(a), (b), or (c) of this	77
section;	78
(e) The estate of a deceased victim who is described in	79
division (A)(2)(a) of this section.	80
(B) "Collateral source" means a source of benefits or	81
advantages for economic loss otherwise reparable that the victim	82
or claimant has received, or that is readily available to the	83
victim or claimant, from any of the following sources:	84
(1) The offender;	85
(2) The government of the United States or any of its	86
agencies, a state or any of its political subdivisions, or an	87
instrumentality of two or more states, unless the law providing	88
for the benefits or advantages makes them excess or secondary to	89
benefits under sections 2743.51 to 2743.72 of the Revised Code;	90
(3) Social security, medicare, and medicaid;	91
(4) State-required, temporary, nonoccupational disability	92
insurance;	93
(5) Workers' compensation;	94
(6) Wage continuation programs of any employer;	95
(7) Proceeds of a contract of insurance payable to the victim	96
for loss that the victim sustained because of the criminally	97
injurious conduct;	98
(8) A contract providing prepaid hospital and other health	99
care services, or benefits for disability;	100
(9) That portion of the proceeds of all contracts of	101
insurance payable to the claimant on account of the death of the	102
victim that exceeds fifty thousand dollars;	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, district, territory, or country.

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

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

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

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

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

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

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner

that constitutes a violation of section 2903.08 of the Revised Code; 135
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 injured person would have performed if the person had not been injured and expenses reasonably incurred by the person to obtain services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by the person, or by income the person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

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

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

(J) "Dependent's replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for their benefit if the victim had not suffered the fatal injury, less expenses of the dependents avoided by reason of the victim's death and not subtracted in calculating the dependent's economic loss. If a minor child of a victim is adopted after the victim's death, the minor child

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 354
appears intended to intimidate or coerce, or the area or locale in 355
which the perpetrator or perpetrators of the activity operate or 356
seek asylum. 357

(S) "Transcends the national boundaries of the United States" 358
means occurring outside the territorial jurisdiction of the United 359
States in addition to occurring within the territorial 360
jurisdiction of the United States. 361

(T) "Cost of crime scene cleanup" means reasonable and 362
necessary costs of cleaning the scene and repairing, for the 363
purpose of personal security, property damaged at the scene where 364
the criminally injurious conduct occurred, not to exceed seven 365
hundred fifty dollars in the aggregate per claim. 366

(U) "Cost of evidence replacement" means costs for 367
replacement of property confiscated for evidentiary purposes 368
related to the criminally injurious conduct, not to exceed seven 369
hundred fifty dollars in the aggregate per claim. 370

(V) "Provider" means any person who provides a victim or 371
claimant with a product, service, or accommodations that are an 372
allowable expense or a funeral expense. 373

(W) "Immediate family member" means an individual who resided 374
in the same permanent household as a victim at the time of the 375
criminally injurious conduct and who is related to the victim by 376
affinity or consanguinity. 377

(X) "Family member" means an individual who is related to a 378
victim by affinity or consanguinity. 379

Sec. 2903.06. (A) No person, while operating or participating 380
in the operation of a motor vehicle, motorcycle, snowmobile, 381

locomotive, watercraft, or aircraft, shall cause the death of 382
another or the unlawful termination of another's pregnancy in any 383
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 414
provision of any section contained in Title XLV of the Revised 415
Code that is a minor misdemeanor or of a municipal ordinance that, 416
regardless of the penalty set by ordinance for the violation, is 417
substantially equivalent to any provision of any section contained 418
in Title XLV of the Revised Code that is a minor misdemeanor; 419

(5) As the proximate result of committing, while operating or 420
participating in the operation of a motor vehicle or motorcycle 421
upon a public road, street, or highway in this state, a violation 422
of division (B) of section 4511.251 of the Revised Code or of a 423
substantially equivalent municipal ordinance. Every operator of 424
every motor vehicle and motorcycle involved in the violation is 425
criminally culpable under division (A)(5) of this section, whether 426
or not the operator's motor vehicle or motorcycle made contact 427
with any other motor vehicle or motorcycle or any person. 428

(B)(1) Whoever violates division (A)(1) or (2) of this 429
section is guilty of aggravated vehicular homicide and shall be 430
punished as provided in divisions (B)(2) and (3) of this section. 431

(2)(a) Except as otherwise provided in division (B)(2)(b) or 432
(c) of this section, aggravated vehicular homicide committed in 433
violation of division (A)(1) of this section is a felony of the 434
second degree and the court shall impose a mandatory prison term 435
on the offender as described in division ~~(E)~~(F) of this section. 436

(b) Except as otherwise provided in division (B)(2)(c) of 437
this section, aggravated vehicular homicide committed in violation 438
of division (A)(1) of this section is a felony of the first 439
degree, and the court shall impose a mandatory prison term on the 440
offender as described in division ~~(E)~~(F) of this section, if any 441
of the following apply: 442

(i) At the time of the offense, the offender was driving 443
under a suspension or cancellation imposed under Chapter 4510. or 444
any other provision of the Revised Code or was operating a motor 445
vehicle or motorcycle, did not have a valid driver's license, 446
commercial driver's license, temporary instruction permit, 447
probationary license, or nonresident operating privilege, and was 448
not eligible for renewal of the offender's driver's license or 449
commercial driver's license without examination under section 450
4507.10 of the Revised Code. 451

(ii) The offender previously has been convicted of or pleaded 452
guilty to a violation of this section. 453

(iii) The offender previously has been convicted of or 454
pleaded guilty to any traffic-related homicide, manslaughter, or 455
assault offense. 456

(c) Aggravated vehicular homicide committed in violation of 457
division (A)(1) of this section is a felony of the first degree, 458
and the court shall sentence the offender to a mandatory prison 459
term as provided in section 2929.142 of the Revised Code and 460
described in division ~~(E)~~(F) of this section if any of the 461
following apply: 462

(i) The offender previously has been convicted of or pleaded 463
guilty to three or more prior violations of section 4511.19 of the 464
Revised Code or of a substantially equivalent municipal ordinance 465
within the previous six years. 466

(ii) The offender previously has been convicted of or pleaded 467
guilty to three or more prior violations of division (A) of 468
section 1547.11 of the Revised Code or of a substantially 469
equivalent municipal ordinance within the previous six years. 470

(iii) The offender previously has been convicted of or 471
pleaded guilty to three or more prior violations of division 472
(A)(3) of section 4561.15 of the Revised Code or of a 473

substantially equivalent municipal ordinance within the previous 474
six years. 475

(iv) The offender previously has been convicted of or pleaded 476
guilty to three or more prior violations of division (A)(1) of 477
this section within the previous six years. 478

(v) The offender previously has been convicted of or pleaded 479
guilty to three or more prior violations of division (A)(1) of 480
section 2903.08 of the Revised Code within the previous six years. 481

(vi) The offender previously has been convicted of or pleaded 482
guilty to three or more prior violations of section 2903.04 of the 483
Revised Code within the previous six years in circumstances in 484
which division (D) of that section applied regarding the 485
violations. 486

(vii) The offender previously has been convicted of or 487
pleaded guilty to three or more violations of any combination of 488
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 489
(v), or (vi) of this section within the previous six years. 490

(viii) The offender previously has been convicted of or 491
pleaded guilty to a second or subsequent felony violation of 492
division (A) of section 4511.19 of the Revised Code. 493

(d) In addition to any other sanctions imposed pursuant to 494
division (B)(2)(a), (b), or (c) of this section for aggravated 495
vehicular homicide committed in violation of division (A)(1) of 496
this section, the court shall impose upon the offender a class one 497
suspension of the offender's driver's license, commercial driver's 498
license, temporary instruction permit, probationary license, or 499
nonresident operating privilege as specified in division (A)(1) of 500
section 4510.02 of the Revised Code. 501

(3) Except as otherwise provided in this division, aggravated 502
vehicular homicide committed in violation of division (A)(2) of 503
this section is a felony of the third degree. Aggravated vehicular 504

homicide committed in violation of division (A)(2) of this section 505
is a felony of the second degree if, at the time of the offense, 506
the offender was driving under a suspension or cancellation 507
imposed under Chapter 4510. or any other provision of the Revised 508
Code or was operating a motor vehicle or motorcycle, did not have 509
a valid driver's license, commercial driver's license, temporary 510
instruction permit, probationary license, or nonresident operating 511
privilege, and was not eligible for renewal of the offender's 512
driver's license or commercial driver's license without 513
examination under section 4507.10 of the Revised Code or if the 514
offender previously has been convicted of or pleaded guilty to a 515
violation of this section or any traffic-related homicide, 516
manslaughter, or assault offense. The court shall impose a 517
mandatory prison term on the offender when required by division 518
~~(E)~~(F) of this section. 519

In addition to any other sanctions imposed pursuant to this 520
division for a violation of division (A)(2) of this section, the 521
court shall impose upon the offender a class two suspension of the 522
offender's driver's license, commercial driver's license, 523
temporary instruction permit, probationary license, or nonresident 524
operating privilege from the range specified in division (A)(2) of 525
section 4510.02 of the Revised Code or, if the offender previously 526
has been convicted of or pleaded guilty to a traffic-related 527
murder, felonious assault, or attempted murder offense, a class 528
one suspension of the offender's driver's license, commercial 529
driver's license, temporary instruction permit, probationary 530
license, or nonresident operating privilege as specified in 531
division (A)(1) of that section. 532

(C) Whoever violates division (A)(3) of this section is 533
guilty of vehicular homicide. Except as otherwise provided in this 534
division, vehicular homicide is a misdemeanor of the first degree. 535
Vehicular homicide committed in violation of division (A)(3) of 536

this section is a felony of the fourth degree if, at the time of 537
the offense, the offender was driving under a suspension or 538
cancellation imposed under Chapter 4510. or any other provision of 539
the Revised Code or was operating a motor vehicle or motorcycle, 540
did not have a valid driver's license, commercial driver's 541
license, temporary instruction permit, probationary license, or 542
nonresident operating privilege, and was not eligible for renewal 543
of the offender's driver's license or commercial driver's license 544
without examination under section 4507.10 of the Revised Code or 545
if the offender previously has been convicted of or pleaded guilty 546
to a violation of this section or any traffic-related homicide, 547
manslaughter, or assault offense. The court shall impose a 548
mandatory jail term or a mandatory prison term on the offender 549
when required by division ~~(E)~~(F) of this section. 550

In addition to any other sanctions imposed pursuant to this 552
division, the court shall impose upon the offender a class four 553
suspension of the offender's driver's license, commercial driver's 554
license, temporary instruction permit, probationary license, or 555
nonresident operating privilege from the range specified in 556
division (A)(4) of section 4510.02 of the Revised Code, or, if the 557
offender previously has been convicted of or pleaded guilty to a 558
violation of this section or any traffic-related homicide, 559
manslaughter, or assault offense, a class three suspension of the 560
offender's driver's license, commercial driver's license, 561
temporary instruction permit, probationary license, or nonresident 562
operating privilege from the range specified in division (A)(3) of 563
that section, or, if the offender previously has been convicted of 564
or pleaded guilty to a traffic-related murder, felonious assault, 565
or attempted murder offense, a class two suspension of the 566
offender's driver's license, commercial driver's license, 567
temporary instruction permit, probationary license, or nonresident 568
operating privilege as specified in division (A)(2) of that 569

section. 570

(D) Whoever violates division (A)(4) of this section is 571
guilty of vehicular manslaughter. Except as otherwise provided in 572
this division, vehicular manslaughter is a misdemeanor of the 573
second degree. Vehicular manslaughter is a misdemeanor of the 574
first degree if, at the time of the offense, the offender was 575
driving under a suspension or cancellation imposed under Chapter 576
4510. or any other provision of the Revised Code or was operating 577
a motor vehicle or motorcycle, did not have a valid driver's 578
license, commercial driver's license, temporary instruction 579
permit, probationary license, or nonresident operating privilege, 580
and was not eligible for renewal of the offender's driver's 581
license or commercial driver's license without examination under 582
section 4507.10 of the Revised Code or if the offender previously 583
has been convicted of or pleaded guilty to a violation of this 584
section or any traffic-related homicide, manslaughter, or assault 585
offense. 586

In addition to any other sanctions imposed pursuant to this 587
division, the court shall impose upon the offender a class six 588
suspension of the offender's driver's license, commercial driver's 589
license, temporary instruction permit, probationary license, or 590
nonresident operating privilege from the range specified in 591
division (A)(6) of section 4510.02 of the Revised Code or, if the 592
offender previously has been convicted of or pleaded guilty to a 593
violation of this section, any traffic-related homicide, 594
manslaughter, or assault offense, or a traffic-related murder, 595
felonious assault, or attempted murder offense, a class four 596
suspension of the offender's driver's license, commercial driver's 597
license, temporary instruction permit, probationary license, or 598
nonresident operating privilege from the range specified in 599
division (A)(4) of that section. 600

(E)(1) Whoever violates division (A)(5) of this section is 601

guilty of street racing manslaughter, a felony of the second 602
degree. In addition to any other sanctions, the court shall impose 603
upon the offender a class two suspension of the offender's 604
driver's license, commercial driver's license, temporary 605
instruction permit, probationary license, or nonresident operating 606
privilege for a period prescribed in division (A)(2) of section 607
4510.02 of the Revised Code, which period shall be not less than 608
five years. 609

(2) In addition to any other sanctions, the court shall order 610
the criminal forfeiture of the motor vehicle the offender was 611
operating at the time the offender violated division (A)(5) of 612
this section if either of the following applies: 613

(a) The motor vehicle the offender was operating at the time 614
of such violation is registered in the offender's name. 615

(b) The motor vehicle the offender was operating at the time 616
of such violation is not registered in the offender's name but is 617
registered in the name of another person, and the person in whose 618
name the motor vehicle is registered knew or had reasonable cause 619
to believe that the offender would operate the motor vehicle in 620
violation of section 4511.251 of the Revised Code or a 621
substantially equivalent municipal ordinance. 622

(3) Any forfeiture of a motor vehicle under division (E)(2) 623
of this section shall be in accordance with section 4503.234 of 624
the Revised Code. If title to a motor vehicle that is subject to 625
an order of criminal forfeiture under this section is assigned or 626
transferred and division (B)(2) or (3) of section 4503.234 of the 627
Revised Code applies, the court, in addition to any other 628
sanctions, may fine the offender the value of the vehicle as 629
determined by publications of the national auto dealers 630
association. The proceeds of any fine so imposed shall be 631
distributed in accordance with division (C)(2) of that section. 632

(F) The court shall impose a mandatory prison term on an 633
offender who is convicted of or pleads guilty to a violation of 634
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 635
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 636
to an offender who is convicted of or pleads guilty to the 637
violation of division (A)(1) of this section, the court shall 638
impose the mandatory prison term pursuant to section 2929.142 of 639
the Revised Code. The court shall impose a mandatory jail term of 640
at least fifteen days on an offender who is convicted of or pleads 641
guilty to a misdemeanor violation of division (A)(3)(b) of this 642
section and may impose upon the offender a longer jail term as 643
authorized pursuant to section 2929.24 of the Revised Code. The 644
court shall impose a mandatory prison term on an offender who is 645
convicted of or pleads guilty to a violation of division (A)(2) or 646
(3)(a) of this section or a felony violation of division (A)(3)(b) 647
of this section if either of the following applies: 648

(1) The offender previously has been convicted of or pleaded 649
guilty to a violation of this section or section 2903.08 of the 650
Revised Code. 651

(2) At the time of the offense, the offender was driving 652
under suspension or cancellation under Chapter 4510. or any other 653
provision of the Revised Code or was operating a motor vehicle or 654
motorcycle, did not have a valid driver's license, commercial 655
driver's license, temporary instruction permit, probationary 656
license, or nonresident operating privilege, and was not eligible 657
for renewal of the offender's driver's license or commercial 658
driver's license without examination under section 4507.10 of the 659
Revised Code. 660

~~(F)~~(G) Divisions (A)(2)(b) and (3)(b) of this section do not 661
apply in a particular construction zone unless signs of the type 662
described in section 2903.081 of the Revised Code are erected in 663
that construction zone in accordance with the guidelines and 664

design specifications established by the director of 665
transportation under section 5501.27 of the Revised Code. The 666
failure to erect signs of the type described in section 2903.081 667
of the Revised Code in a particular construction zone in 668
accordance with those guidelines and design specifications does 669
not limit or affect the application of division (A)(1), (A)(2)(a), 670
(A)(3)(a), or (A)(4) of this section in that construction zone or 671
the prosecution of any person who violates any of those divisions 672
in that construction zone. 673

~~(G)~~(H)(1) As used in this section: 674

(a) "Mandatory prison term" and "mandatory jail term" have 675
the same meanings as in section 2929.01 of the Revised Code. 676

(b) "Traffic-related homicide, manslaughter, or assault 677
offense" means a violation of section 2903.04 of the Revised Code 678
in circumstances in which division (D) of that section applies, a 679
violation of section 2903.06 or 2903.08 of the Revised Code, or a 680
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 681
Code as they existed prior to March 23, 2000. 682

(c) "Construction zone" has the same meaning as in section 683
5501.27 of the Revised Code. 684

(d) "Reckless operation offense" means a violation of section 685
4511.20 of the Revised Code or a municipal ordinance substantially 686
equivalent to section 4511.20 of the Revised Code. 687

(e) "Speeding offense" means a violation of section 4511.21 688
of the Revised Code or a municipal ordinance pertaining to speed. 689

(f) "Traffic-related murder, felonious assault, or attempted 690
murder offense" means a violation of section 2903.01 or 2903.02 of 691
the Revised Code in circumstances in which the offender used a 692
motor vehicle as the means to commit the violation, a violation of 693
division (A)(2) of section 2903.11 of the Revised Code in 694
circumstances in which the deadly weapon used in the commission of 695

the violation is a motor vehicle, or an attempt to commit 696
aggravated murder or murder in violation of section 2923.02 of the 697
Revised Code in circumstances in which the offender used a motor 698
vehicle as the means to attempt to commit the aggravated murder or 699
murder. 700

(g) "Motor vehicle" has the same meaning as in section 701
4501.01 of the Revised Code. 702

(2) For the purposes of this section, when a penalty or 703
suspension is enhanced because of a prior or current violation of 704
a specified law or a prior or current specified offense, the 705
reference to the violation of the specified law or the specified 706
offense includes any violation of any substantially equivalent 707
municipal ordinance, former law of this state, or current or 708
former law of another state or the United States. 709

Sec. 2929.01. As used in this chapter: 710

(A)(1) "Alternative residential facility" means, subject to 711
division (A)(2) of this section, any facility other than an 712
offender's home or residence in which an offender is assigned to 713
live and that satisfies all of the following criteria: 714

(a) It provides programs through which the offender may seek 715
or maintain employment or may receive education, training, 716
treatment, or habilitation. 717

(b) It has received the appropriate license or certificate 718
for any specialized education, training, treatment, habilitation, 719
or other service that it provides from the government agency that 720
is responsible for licensing or certifying that type of education, 721
training, treatment, habilitation, or service. 722

(2) "Alternative residential facility" does not include a 723
community-based correctional facility, jail, halfway house, or 724
prison. 725

(B) "Basic probation supervision" means a requirement that 726
the offender maintain contact with a person appointed to supervise 727
the offender in accordance with sanctions imposed by the court or 728
imposed by the parole board pursuant to section 2967.28 of the 729
Revised Code. "Basic probation supervision" includes basic parole 730
supervision and basic post-release control supervision. 731

(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 732
"unit dose" have the same meanings as in section 2925.01 of the 733
Revised Code. 734

(D) "Community-based correctional facility" means a 735
community-based correctional facility and program or district 736
community-based correctional facility and program developed 737
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 738

(E) "Community control sanction" means a sanction that is not 739
a prison term and that is described in section 2929.15, 2929.16, 740
2929.17, or 2929.18 of the Revised Code or a sanction that is not 741
a jail term and that is described in section 2929.26, 2929.27, or 742
2929.28 of the Revised Code. "Community control sanction" includes 743
probation if the sentence involved was imposed for a felony that 744
was committed prior to July 1, 1996, or if the sentence involved 745
was imposed for a misdemeanor that was committed prior to January 746
1, 2004. 747

(F) "Controlled substance," "marihuana," "schedule I," and 748
"schedule II" have the same meanings as in section 3719.01 of the 749
Revised Code. 750

(G) "Curfew" means a requirement that an offender during a 751
specified period of time be at a designated place. 752

(H) "Day reporting" means a sanction pursuant to which an 753
offender is required each day to report to and leave a center or 754
other approved reporting location at specified times in order to 755
participate in work, education or training, treatment, and other 756

approved programs at the center or outside the center. 757

(I) "Deadly weapon" has the same meaning as in section 758
2923.11 of the Revised Code. 759

(J) "Drug and alcohol use monitoring" means a program under 760
which an offender agrees to submit to random chemical analysis of 761
the offender's blood, breath, or urine to determine whether the 762
offender has ingested any alcohol or other drugs. 763

(K) "Drug treatment program" means any program under which a 764
person undergoes assessment and treatment designed to reduce or 765
completely eliminate the person's physical or emotional reliance 766
upon alcohol, another drug, or alcohol and another drug and under 767
which the person may be required to receive assessment and 768
treatment on an outpatient basis or may be required to reside at a 769
facility other than the person's home or residence while 770
undergoing assessment and treatment. 771

(L) "Economic loss" means any economic detriment suffered by 772
a victim as a direct and proximate result of the commission of an 773
offense and includes any loss of income due to lost time at work 774
because of any injury caused to the victim, and any property loss, 775
medical cost, or funeral expense incurred as a result of the 776
commission of the offense. "Economic loss" does not include 777
non-economic loss or any punitive or exemplary damages. 778

(M) "Education or training" includes study at, or in 779
conjunction with a program offered by, a university, college, or 780
technical college or vocational study and also includes the 781
completion of primary school, secondary school, and literacy 782
curricula or their equivalent. 783

(N) "Firearm" has the same meaning as in section 2923.11 of 784
the Revised Code. 785

(O) "Halfway house" means a facility licensed by the division 786
of parole and community services of the department of 787

rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

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

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

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

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

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

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

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

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

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

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

(W) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of crack cocaine; at least one thousand

grams of cocaine that is not crack cocaine; at least two thousand 851
five hundred unit doses or two hundred fifty grams of heroin; at 852
least five thousand unit doses of L.S.D. or five hundred grams of 853
L.S.D. in a liquid concentrate, liquid extract, or liquid 854
distillate form; or at least one hundred times the amount of any 855
other schedule I or II controlled substance other than marihuana 856
that is necessary to commit a felony of the third degree pursuant 857
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 858
Code that is based on the possession of, sale of, or offer to sell 859
the controlled substance. 860

(X) "Mandatory prison term" means any of the following: 861

(1) Subject to division (X)(2) of this section, the term in 862
prison that must be imposed for the offenses or circumstances set 863
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 864
2929.13 and division (D) of section 2929.14 of the Revised Code. 865
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 866
and 2925.11 of the Revised Code, unless the maximum or another 867
specific term is required under section 2929.14 or 2929.142 of the 868
Revised Code, a mandatory prison term described in this division 869
may be any prison term authorized for the level of offense. 870

(2) The term of sixty or one hundred twenty days in prison 871
that a sentencing court is required to impose for a third or 872
fourth degree felony OVI offense pursuant to division (G)(2) of 873
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 874
of the Revised Code or the term of one, two, three, four, or five 875
years in prison that a sentencing court is required to impose 876
pursuant to division (G)(2) of section 2929.13 of the Revised 877
Code. 878

(3) The term in prison imposed pursuant to division (A) of 879
section 2971.03 of the Revised Code for the offenses and in the 880
circumstances described in division (F)(11) of section 2929.13 of 881
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 882

(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 883
2971.03 of the Revised Code and that term as modified or 884
terminated pursuant to section 2971.05 of the Revised Code. 885

(Y) "Monitored time" means a period of time during which an 886
offender continues to be under the control of the sentencing court 887
or parole board, subject to no conditions other than leading a 888
law-abiding life. 889

(Z) "Offender" means a person who, in this state, is 890
convicted of or pleads guilty to a felony or a misdemeanor. 891

(AA) "Prison" means a residential facility used for the 892
confinement of convicted felony offenders that is under the 893
control of the department of rehabilitation and correction but 894
does not include a violation sanction center operated under 895
authority of section 2967.141 of the Revised Code. 896

(BB) "Prison term" includes either of the following sanctions 897
for an offender: 898

(1) A stated prison term; 899

(2) A term in a prison shortened by, or with the approval of, 900
the sentencing court pursuant to section 2929.20, 2967.26, 901
5120.031, 5120.032, or 5120.073 of the Revised Code. 902

(CC) "Repeat violent offender" means a person about whom both 903
of the following apply: 904

(1) The person is being sentenced for committing or for 905
complicity in committing any of the following: 906

(a) Aggravated murder, murder, any felony of the first or 907
second degree that is an offense of violence, or an attempt to 908
commit any of these offenses if the attempt is a felony of the 909
first or second degree; 910

(b) An offense under an existing or former law of this state, 911
another state, or the United States that is or was substantially 912

equivalent to an offense described in division (CC)(1)(a) of this section. 913
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(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC)(1)(a) or (b) of this section. 915
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(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code. 918
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(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense. 923
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(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. 926
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(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. 936
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(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. 941
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(II) "Mandatory term of local incarceration" means the term 944
of sixty or one hundred twenty days in a jail, a community-based 945
correctional facility, a halfway house, or an alternative 946
residential facility that a sentencing court may impose upon a 947
person who is convicted of or pleads guilty to a fourth degree 948
felony OVI offense pursuant to division (G)(1) of section 2929.13 949
of the Revised Code and division (G)(1)(d) or (e) of section 950
4511.19 of the Revised Code. 951

(JJ) "Designated homicide, assault, or kidnapping offense," 952
"violent sex offense," "sexual motivation specification," 953
"sexually violent offense," "sexually violent predator," and 954
"sexually violent predator specification" have the same meanings 955
as in section 2971.01 of the Revised Code. 956

(KK) "Sexually oriented offense," "child-victim oriented 957
offense," and "tier III sex offender/child-victim offender," have 958
the same meanings as in section 2950.01 of the Revised Code. 959

(LL) An offense is "committed in the vicinity of a child" if 960
the offender commits the offense within thirty feet of or within 961
the same residential unit as a child who is under eighteen years 962
of age, regardless of whether the offender knows the age of the 963
child or whether the offender knows the offense is being committed 964
within thirty feet of or within the same residential unit as the 965
child and regardless of whether the child actually views the 966
commission of the offense. 967

(MM) "Family or household member" has the same meaning as in 968
section 2919.25 of the Revised Code. 969

(NN) "Motor vehicle" and "manufactured home" have the same 970
meanings as in section 4501.01 of the Revised Code. 971

(OO) "Detention" and "detention facility" have the same 972
meanings as in section 2921.01 of the Revised Code. 973

(PP) "Third degree felony OVI offense" means a violation of 974

division (A) of section 4511.19 of the Revised Code that, under 975
division (G) of that section, is a felony of the third degree. 976

(QQ) "Random drug testing" has the same meaning as in section 977
5120.63 of the Revised Code. 978

(RR) "Felony sex offense" has the same meaning as in section 979
2967.28 of the Revised Code. 980

(SS) "Body armor" has the same meaning as in section 981
2941.1411 of the Revised Code. 982

(TT) "Electronic monitoring" means monitoring through the use 983
of an electronic monitoring device. 984

(UU) "Electronic monitoring device" means any of the 985
following: 986

(1) Any device that can be operated by electrical or battery 987
power and that conforms with all of the following: 988

(a) The device has a transmitter that can be attached to a 989
person, that will transmit a specified signal to a receiver of the 990
type described in division (UU)(1)(b) of this section if the 991
transmitter is removed from the person, turned off, or altered in 992
any manner without prior court approval in relation to electronic 993
monitoring or without prior approval of the department of 994
rehabilitation and correction in relation to the use of an 995
electronic monitoring device for an inmate on transitional control 996
or otherwise is tampered with, that can transmit continuously and 997
periodically a signal to that receiver when the person is within a 998
specified distance from the receiver, and that can transmit an 999
appropriate signal to that receiver if the person to whom it is 1000
attached travels a specified distance from that receiver. 1001

(b) The device has a receiver that can receive continuously 1002
the signals transmitted by a transmitter of the type described in 1003
division (UU)(1)(a) of this section, can transmit continuously 1004

those signals by telephone to a central monitoring computer of the 1005
type described in division (UU)(1)(c) of this section, and can 1006
transmit continuously an appropriate signal to that central 1007
monitoring computer if the receiver is turned off or altered 1008
without prior court approval or otherwise tampered with. 1009

(c) The device has a central monitoring computer that can 1010
receive continuously the signals transmitted by telephone by a 1011
receiver of the type described in division (UU)(1)(b) of this 1012
section and can monitor continuously the person to whom an 1013
electronic monitoring device of the type described in division 1014
(UU)(1)(a) of this section is attached. 1015

(2) Any device that is not a device of the type described in 1016
division (UU)(1) of this section and that conforms with all of the 1017
following: 1018

(a) The device includes a transmitter and receiver that can 1019
monitor and determine the location of a subject person at any 1020
time, or at a designated point in time, through the use of a 1021
central monitoring computer or through other electronic means. 1022

(b) The device includes a transmitter and receiver that can 1023
determine at any time, or at a designated point in time, through 1024
the use of a central monitoring computer or other electronic means 1025
the fact that the transmitter is turned off or altered in any 1026
manner without prior approval of the court in relation to the 1027
electronic monitoring or without prior approval of the department 1028
of rehabilitation and correction in relation to the use of an 1029
electronic monitoring device for an inmate on transitional control 1030
or otherwise is tampered with. 1031

(3) Any type of technology that can adequately track or 1032
determine the location of a subject person at any time and that is 1033
approved by the director of rehabilitation and correction, 1034
including, but not limited to, any satellite technology, voice 1035

tracking system, or retinal scanning system that is so approved. 1036

(VV) "Non-economic loss" means nonpecuniary harm suffered by 1037
a victim of an offense as a result of or related to the commission 1038
of the offense, including, but not limited to, pain and suffering; 1039
loss of society, consortium, companionship, care, assistance, 1040
attention, protection, advice, guidance, counsel, instruction, 1041
training, or education; mental anguish; and any other intangible 1042
loss. 1043

(WW) "Prosecutor" has the same meaning as in section 2935.01 1044
of the Revised Code. 1045

(XX) "Continuous alcohol monitoring" means the ability to 1046
automatically test and periodically transmit alcohol consumption 1047
levels and tamper attempts at least every hour, regardless of the 1048
location of the person who is being monitored. 1049

(YY) A person is "adjudicated a sexually violent predator" if 1050
the person is convicted of or pleads guilty to a violent sex 1051
offense and also is convicted of or pleads guilty to a sexually 1052
violent predator specification that was included in the 1053
indictment, count in the indictment, or information charging that 1054
violent sex offense or if the person is convicted of or pleads 1055
guilty to a designated homicide, assault, or kidnapping offense 1056
and also is convicted of or pleads guilty to both a sexual 1057
motivation specification and a sexually violent predator 1058
specification that were included in the indictment, count in the 1059
indictment, or information charging that designated homicide, 1060
assault, or kidnapping offense. 1061

(ZZ) An offense is "committed in proximity to a school" if 1062
the offender commits the offense in a school safety zone or within 1063
five hundred feet of any school building or the boundaries of any 1064
school premises, regardless of whether the offender knows the 1065
offense is being committed in a school safety zone or within five 1066

hundred feet of any school building or the boundaries of any 1067
school premises. 1068

(AAA) "Human trafficking" means a scheme or plan to which all 1069
of the following apply: 1070

(1) Its object is to compel a victim or victims to engage in 1071
sexual activity for hire, to engage in a performance that is 1072
obscene, sexually oriented, or nudity oriented, or to be a model 1073
or participant in the production of material that is obscene, 1074
sexually oriented, or nudity oriented. 1075

(2) It involves at least two felony offenses, whether or not 1076
there has been a prior conviction for any of the felony offenses, 1077
to which all of the following apply: 1078

(a) Each of the felony offenses is a violation of section 1079
2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or 1080
(2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) 1081
of section 2919.22 of the Revised Code or is a violation of a law 1082
of any state other than this state that is substantially similar 1083
to any of the sections or divisions of the Revised Code identified 1084
in this division. 1085

(b) At least one of the felony offenses was committed in this 1086
state. 1087

(c) The felony offenses are related to the same scheme or 1088
plan, are not isolated instances, and are not so closely related 1089
to each other and connected in time and place that they constitute 1090
a single event or transaction. 1091

(BBB) "Material," "nudity," "obscene," "performance," and 1092
"sexual activity" have the same meanings as in section 2907.01 of 1093
the Revised Code. 1094

(CCC) "Material that is obscene, sexually oriented, or nudity 1095
oriented" means any material that is obscene, that shows a person 1096

participating or engaging in sexual activity, masturbation, or 1097
bestiality, or that shows a person in a state of nudity. 1098

(DDD) "Performance that is obscene, sexually oriented, or 1099
nudity oriented" means any performance that is obscene, that shows 1100
a person participating or engaging in sexual activity, 1101
masturbation, or bestiality, or that shows a person in a state of 1102
nudity. 1103

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 1104
deputy marshal, municipal police officer, township constable, 1105
police officer of a township or joint township police district, 1106
member of a police force employed by a metropolitan housing 1107
authority under division (D) of section 3735.31 of the Revised 1108
Code, member of a police force employed by a regional transit 1109
authority under division (Y) of section 306.35 of the Revised 1110
Code, state university law enforcement officer appointed under 1111
section 3345.04 of the Revised Code, veterans' home police officer 1112
appointed under section 5907.02 of the Revised Code, special 1113
police officer employed by a port authority under section 4582.04 1114
or 4582.28 of the Revised Code, or a special police officer 1115
employed by a municipal corporation at a municipal airport, or 1116
other municipal air navigation facility, that has scheduled 1117
operations, as defined in section 119.3 of Title 14 of the Code of 1118
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 1119
required to be under a security program and is governed by 1120
aviation security rules of the transportation security 1121
administration of the United States department of transportation 1122
as provided in Parts 1542. and 1544. of Title 49 of the Code of 1123
Federal Regulations, as amended, shall arrest and detain, until a 1124
warrant can be obtained, a person found violating, within the 1125
limits of the political subdivision, metropolitan housing 1126
authority housing project, regional transit authority facilities 1127
or areas of a municipal corporation that have been agreed to by a 1128

regional transit authority and a municipal corporation located 1129
within its territorial jurisdiction, college, university, 1130
veterans' home operated under Chapter 5907. of the Revised Code, 1131
port authority, or municipal airport or other municipal air 1132
navigation facility, in which the peace officer is appointed, 1133
employed, or elected, a law of this state, an ordinance of a 1134
municipal corporation, or a resolution of a township. 1135

(2) A peace officer of the department of natural resources, a 1136
state fire marshal law enforcement officer described in division 1137
(A)(23) of section 109.71 of the Revised Code, or an individual 1138
designated to perform law enforcement duties under section 1139
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 1140
detain, until a warrant can be obtained, a person found violating, 1141
within the limits of the peace officer's, state fire marshal law 1142
enforcement officer's, or individual's territorial jurisdiction, a 1143
law of this state. 1144

(3) The house sergeant at arms if the house sergeant at arms 1145
has arrest authority pursuant to division (E)(1) of section 1146
101.311 of the Revised Code and an assistant house sergeant at 1147
arms shall arrest and detain, until a warrant can be obtained, a 1148
person found violating, within the limits of the sergeant at 1149
arms's or assistant sergeant at arms's territorial jurisdiction 1150
specified in division (D)(1)(a) of section 101.311 of the Revised 1151
Code or while providing security pursuant to division (D)(1)(f) of 1152
section 101.311 of the Revised Code, a law of this state, an 1153
ordinance of a municipal corporation, or a resolution of a 1154
township. 1155

(B)(1) When there is reasonable ground to believe that an 1156
offense of violence, the offense of criminal child enticement as 1157
defined in section 2905.05 of the Revised Code, the offense of 1158
public indecency as defined in section 2907.09 of the Revised 1159
Code, the offense of domestic violence as defined in section 1160

2919.25 of the Revised Code, the offense of violating a protection 1161
order as defined in section 2919.27 of the Revised Code, the 1162
offense of menacing by stalking as defined in section 2903.211 of 1163
the Revised Code, the offense of aggravated trespass as defined in 1164
section 2911.211 of the Revised Code, a theft offense as defined 1165
in section 2913.01 of the Revised Code, the offense of street 1166
racings as defined in section 4511.251 of the Revised Code or a 1167
substantially equivalent municipal ordinance, or a felony drug 1168
abuse offense as defined in section 2925.01 of the Revised Code, 1169
has been committed within the limits of the political subdivision, 1170
metropolitan housing authority housing project, regional transit 1171
authority facilities or those areas of a municipal corporation 1172
that have been agreed to by a regional transit authority and a 1173
municipal corporation located within its territorial jurisdiction, 1174
college, university, veterans' home operated under Chapter 5907. 1175
of the Revised Code, port authority, or municipal airport or other 1176
municipal air navigation facility, in which the peace officer is 1177
appointed, employed, or elected or within the limits of the 1178
territorial jurisdiction of the peace officer, a peace officer 1179
described in division (A) of this section may arrest and detain 1180
until a warrant can be obtained any person who the peace officer 1181
has reasonable cause to believe is guilty of the violation. 1182

(2) For purposes of division (B)(1) of this section, the 1183
execution of any of the following constitutes reasonable ground to 1184
believe that the offense alleged in the statement was committed 1185
and reasonable cause to believe that the person alleged in the 1186
statement to have committed the offense is guilty of the 1187
violation: 1188

(a) A written statement by a person alleging that an alleged 1189
offender has committed the offense of menacing by stalking or 1190
aggravated trespass; 1191

(b) A written statement by the administrator of the 1192

interstate compact on mental health appointed under section 1193
5119.51 of the Revised Code alleging that a person who had been 1194
hospitalized, institutionalized, or confined in any facility under 1195
an order made pursuant to or under authority of section 2945.37, 1196
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1197
Revised Code has escaped from the facility, from confinement in a 1198
vehicle for transportation to or from the facility, or from 1199
supervision by an employee of the facility that is incidental to 1200
hospitalization, institutionalization, or confinement in the 1201
facility and that occurs outside of the facility, in violation of 1202
section 2921.34 of the Revised Code; 1203

(c) A written statement by the administrator of any facility 1204
in which a person has been hospitalized, institutionalized, or 1205
confined under an order made pursuant to or under authority of 1206
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1207
2945.402 of the Revised Code alleging that the person has escaped 1208
from the facility, from confinement in a vehicle for 1209
transportation to or from the facility, or from supervision by an 1210
employee of the facility that is incidental to hospitalization, 1211
institutionalization, or confinement in the facility and that 1212
occurs outside of the facility, in violation of section 2921.34 of 1213
the Revised Code. 1214

(3)(a) For purposes of division (B)(1) of this section, a 1215
peace officer described in division (A) of this section has 1216
reasonable grounds to believe that the offense of domestic 1217
violence or the offense of violating a protection order has been 1218
committed and reasonable cause to believe that a particular person 1219
is guilty of committing the offense if any of the following 1220
occurs: 1221

(i) A person executes a written statement alleging that the 1222
person in question has committed the offense of domestic violence 1223
or the offense of violating a protection order against the person 1224

who executes the statement or against a child of the person who 1225
executes the statement. 1226

(ii) No written statement of the type described in division 1227
(B)(3)(a)(i) of this section is executed, but the peace officer, 1228
based upon the peace officer's own knowledge and observation of 1229
the facts and circumstances of the alleged incident of the offense 1230
of domestic violence or the alleged incident of the offense of 1231
violating a protection order or based upon any other information, 1232
including, but not limited to, any reasonably trustworthy 1233
information given to the peace officer by the alleged victim of 1234
the alleged incident of the offense or any witness of the alleged 1235
incident of the offense, concludes that there are reasonable 1236
grounds to believe that the offense of domestic violence or the 1237
offense of violating a protection order has been committed and 1238
reasonable cause to believe that the person in question is guilty 1239
of committing the offense. 1240

(iii) No written statement of the type described in division 1241
(B)(3)(a)(i) of this section is executed, but the peace officer 1242
witnessed the person in question commit the offense of domestic 1243
violence or the offense of violating a protection order. 1244

(b) If pursuant to division (B)(3)(a) of this section a peace 1245
officer has reasonable grounds to believe that the offense of 1246
domestic violence or the offense of violating a protection order 1247
has been committed and reasonable cause to believe that a 1248
particular person is guilty of committing the offense, it is the 1249
preferred course of action in this state that the officer arrest 1250
and detain that person pursuant to division (B)(1) of this section 1251
until a warrant can be obtained. 1252

If pursuant to division (B)(3)(a) of this section a peace 1253
officer has reasonable grounds to believe that the offense of 1254
domestic violence or the offense of violating a protection order 1255
has been committed and reasonable cause to believe that family or 1256

household members have committed the offense against each other, 1257
it is the preferred course of action in this state that the 1258
officer, pursuant to division (B)(1) of this section, arrest and 1259
detain until a warrant can be obtained the family or household 1260
member who committed the offense and whom the officer has 1261
reasonable cause to believe is the primary physical aggressor. 1262
There is no preferred course of action in this state regarding any 1263
other family or household member who committed the offense and 1264
whom the officer does not have reasonable cause to believe is the 1265
primary physical aggressor, but, pursuant to division (B)(1) of 1266
this section, the peace officer may arrest and detain until a 1267
warrant can be obtained any other family or household member who 1268
committed the offense and whom the officer does not have 1269
reasonable cause to believe is the primary physical aggressor. 1270

(c) If a peace officer described in division (A) of this 1271
section does not arrest and detain a person whom the officer has 1272
reasonable cause to believe committed the offense of domestic 1273
violence or the offense of violating a protection order when it is 1274
the preferred course of action in this state pursuant to division 1275
(B)(3)(b) of this section that the officer arrest that person, the 1276
officer shall articulate in the written report of the incident 1277
required by section 2935.032 of the Revised Code a clear statement 1278
of the officer's reasons for not arresting and detaining that 1279
person until a warrant can be obtained. 1280

(d) In determining for purposes of division (B)(3)(b) of this 1281
section which family or household member is the primary physical 1282
aggressor in a situation in which family or household members have 1283
committed the offense of domestic violence or the offense of 1284
violating a protection order against each other, a peace officer 1285
described in division (A) of this section, in addition to any 1286
other relevant circumstances, should consider all of the 1287
following: 1288

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;	1289 1290 1291
(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;	1292 1293
(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;	1294 1295 1296 1297
(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.	1298 1299
(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.	1300 1301 1302 1303 1304 1305 1306
(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's	1307 1308 1309 1310 1311 1312 1313 1314 1315 1316 1317 1318 1319

wishes, shall consider all facts and circumstances that are 1320
relevant to the offense, including, but not limited to, the 1321
statements and observations of the peace officers who responded to 1322
the incident that resulted in the arrest or filing of the charges 1323
and of all witnesses to that incident. 1324

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 1325
this section whether to arrest a person pursuant to division 1326
(B)(1) of this section, a peace officer described in division (A) 1327
of this section shall not consider as a factor any possible 1328
shortage of cell space at the detention facility to which the 1329
person will be taken subsequent to the person's arrest or any 1330
possibility that the person's arrest might cause, contribute to, 1331
or exacerbate overcrowding at that detention facility or at any 1332
other detention facility. 1333

(g) If a peace officer described in division (A) of this 1334
section intends pursuant to divisions (B)(3)(a) to (g) of this 1335
section to arrest a person pursuant to division (B)(1) of this 1336
section and if the officer is unable to do so because the person 1337
is not present, the officer promptly shall seek a warrant for the 1338
arrest of the person. 1339

(h) If a peace officer described in division (A) of this 1340
section responds to a report of an alleged incident of the offense 1341
of domestic violence or an alleged incident of the offense of 1342
violating a protection order and if the circumstances of the 1343
incident involved the use or threatened use of a deadly weapon or 1344
any person involved in the incident brandished a deadly weapon 1345
during or in relation to the incident, the deadly weapon that was 1346
used, threatened to be used, or brandished constitutes contraband, 1347
and, to the extent possible, the officer shall seize the deadly 1348
weapon as contraband pursuant to Chapter 2981. of the Revised 1349
Code. Upon the seizure of a deadly weapon pursuant to division 1350
(B)(3)(h) of this section, section 2981.12 of the Revised Code 1351

shall apply regarding the treatment and disposition of the deadly 1352
weapon. For purposes of that section, the "underlying criminal 1353
offense" that was the basis of the seizure of a deadly weapon 1354
under division (B)(3)(h) of this section and to which the deadly 1355
weapon had a relationship is any of the following that is 1356
applicable: 1357

(i) The alleged incident of the offense of domestic violence 1358
or the alleged incident of the offense of violating a protection 1359
order to which the officer who seized the deadly weapon responded; 1360

(ii) Any offense that arose out of the same facts and 1361
circumstances as the report of the alleged incident of the offense 1362
of domestic violence or the alleged incident of the offense of 1363
violating a protection order to which the officer who seized the 1364
deadly weapon responded. 1365

(4) If, in the circumstances described in divisions (B)(3)(a) 1366
to (g) of this section, a peace officer described in division (A) 1367
of this section arrests and detains a person pursuant to division 1368
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 1369
this section, a peace officer described in division (A) of this 1370
section seizes a deadly weapon, the officer, to the extent 1371
described in and in accordance with section 9.86 or 2744.03 of the 1372
Revised Code, is immune in any civil action for damages for 1373
injury, death, or loss to person or property that arises from or 1374
is related to the arrest and detention or the seizure. 1375

(C) When there is reasonable ground to believe that a 1376
violation of division (A)(1), (2), (3), (4), or (5) of section 1377
4506.15 or a violation of section 4511.19 of the Revised Code has 1378
been committed by a person operating a motor vehicle subject to 1379
regulation by the public utilities commission of Ohio under Title 1380
XLIX of the Revised Code, a peace officer with authority to 1381
enforce that provision of law may stop or detain the person whom 1382
the officer has reasonable cause to believe was operating the 1383

motor vehicle in violation of the division or section and, after 1384
investigating the circumstances surrounding the operation of the 1385
vehicle, may arrest and detain the person. 1386

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 1387
municipal police officer, member of a police force employed by a 1388
metropolitan housing authority under division (D) of section 1389
3735.31 of the Revised Code, member of a police force employed by 1390
a regional transit authority under division (Y) of section 306.35 1391
of the Revised Code, special police officer employed by a port 1392
authority under section 4582.04 or 4582.28 of the Revised Code, 1393
special police officer employed by a municipal corporation at a 1394
municipal airport or other municipal air navigation facility 1395
described in division (A) of this section, township constable, 1396
police officer of a township or joint township police district, 1397
state university law enforcement officer appointed under section 1398
3345.04 of the Revised Code, peace officer of the department of 1399
natural resources, individual designated to perform law 1400
enforcement duties under section 511.232, 1545.13, or 6101.75 of 1401
the Revised Code, the house sergeant at arms if the house sergeant 1402
at arms has arrest authority pursuant to division (E)(1) of 1403
section 101.311 of the Revised Code, or an assistant house 1404
sergeant at arms is authorized by division (A) or (B) of this 1405
section to arrest and detain, within the limits of the political 1406
subdivision, metropolitan housing authority housing project, 1407
regional transit authority facilities or those areas of a 1408
municipal corporation that have been agreed to by a regional 1409
transit authority and a municipal corporation located within its 1410
territorial jurisdiction, port authority, municipal airport or 1411
other municipal air navigation facility, college, or university in 1412
which the officer is appointed, employed, or elected or within the 1413
limits of the territorial jurisdiction of the peace officer, a 1414
person until a warrant can be obtained, the peace officer, outside 1415
the limits of that territory, may pursue, arrest, and detain that 1416

person until a warrant can be obtained if all of the following 1417
apply: 1418

(1) The pursuit takes place without unreasonable delay after 1419
the offense is committed; 1420

(2) The pursuit is initiated within the limits of the 1421
political subdivision, metropolitan housing authority housing 1422
project, regional transit authority facilities or those areas of a 1423
municipal corporation that have been agreed to by a regional 1424
transit authority and a municipal corporation located within its 1425
territorial jurisdiction, port authority, municipal airport or 1426
other municipal air navigation facility, college, or university in 1427
which the peace officer is appointed, employed, or elected or 1428
within the limits of the territorial jurisdiction of the peace 1429
officer; 1430

(3) The offense involved is a felony, a misdemeanor of the 1431
first degree or a substantially equivalent municipal ordinance, a 1432
misdemeanor of the second degree or a substantially equivalent 1433
municipal ordinance, or any offense for which points are 1434
chargeable pursuant to section 4510.036 of the Revised Code. 1435

(E) In addition to the authority granted under division (A) 1436
or (B) of this section: 1437

(1) A sheriff or deputy sheriff may arrest and detain, until 1438
a warrant can be obtained, any person found violating section 1439
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 1440
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 1441
portion of any street or highway that is located immediately 1442
adjacent to the boundaries of the county in which the sheriff or 1443
deputy sheriff is elected or appointed. 1444

(2) A member of the police force of a township police 1445
district created under section 505.48 of the Revised Code, a 1446
member of the police force of a joint township police district 1447

created under section 505.481 of the Revised Code, or a township constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources, a state fire marshal law enforcement officer described in division

(A)(23) of section 109.71 of the Revised Code, or an individual 1480
designated to perform law enforcement duties under section 1481
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 1482
detain, until a warrant can be obtained, any person found 1483
violating any section or chapter of the Revised Code listed in 1484
division (E)(1) of this section, other than sections 4513.33 and 1485
4513.34 of the Revised Code, on the portion of any street or 1486
highway that is located immediately adjacent to the boundaries of 1487
the lands and waters that constitute the territorial jurisdiction 1488
of the peace officer or state fire marshal law enforcement 1489
officer. 1490

(F)(1) A department of mental health special police officer 1491
or a department of mental retardation and developmental 1492
disabilities special police officer may arrest without a warrant 1493
and detain until a warrant can be obtained any person found 1494
committing on the premises of any institution under the 1495
jurisdiction of the particular department a misdemeanor under a 1496
law of the state. 1497

A department of mental health special police officer or a 1498
department of mental retardation and developmental disabilities 1499
special police officer may arrest without a warrant and detain 1500
until a warrant can be obtained any person who has been 1501
hospitalized, institutionalized, or confined in an institution 1502
under the jurisdiction of the particular department pursuant to or 1503
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1504
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 1505
found committing on the premises of any institution under the 1506
jurisdiction of the particular department a violation of section 1507
2921.34 of the Revised Code that involves an escape from the 1508
premises of the institution. 1509

(2)(a) If a department of mental health special police 1510
officer or a department of mental retardation and developmental 1511

disabilities special police officer finds any person who has been 1512
hospitalized, institutionalized, or confined in an institution 1513
under the jurisdiction of the particular department pursuant to or 1514
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1515
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 1516
violation of section 2921.34 of the Revised Code that involves an 1517
escape from the premises of the institution, or if there is 1518
reasonable ground to believe that a violation of section 2921.34 1519
of the Revised Code has been committed that involves an escape 1520
from the premises of an institution under the jurisdiction of the 1521
department of mental health or the department of mental 1522
retardation and developmental disabilities and if a department of 1523
mental health special police officer or a department of mental 1524
retardation and developmental disabilities special police officer 1525
has reasonable cause to believe that a particular person who has 1526
been hospitalized, institutionalized, or confined in the 1527
institution pursuant to or under authority of section 2945.37, 1528
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1529
Revised Code is guilty of the violation, the special police 1530
officer, outside of the premises of the institution, may pursue, 1531
arrest, and detain that person for that violation of section 1532
2921.34 of the Revised Code, until a warrant can be obtained, if 1533
both of the following apply: 1534

(i) The pursuit takes place without unreasonable delay after 1535
the offense is committed; 1536

(ii) The pursuit is initiated within the premises of the 1537
institution from which the violation of section 2921.34 of the 1538
Revised Code occurred. 1539

(b) For purposes of division (F)(2)(a) of this section, the 1540
execution of a written statement by the administrator of the 1541
institution in which a person had been hospitalized, 1542
institutionalized, or confined pursuant to or under authority of 1543

section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1544
2945.402 of the Revised Code alleging that the person has escaped 1545
from the premises of the institution in violation of section 1546
2921.34 of the Revised Code constitutes reasonable ground to 1547
believe that the violation was committed and reasonable cause to 1548
believe that the person alleged in the statement to have committed 1549
the offense is guilty of the violation. 1550

(G) As used in this section: 1551

(1) A "department of mental health special police officer" 1552
means a special police officer of the department of mental health 1553
designated under section 5119.14 of the Revised Code who is 1554
certified by the Ohio peace officer training commission under 1555
section 109.77 of the Revised Code as having successfully 1556
completed an approved peace officer basic training program. 1557

(2) A "department of mental retardation and developmental 1558
disabilities special police officer" means a special police 1559
officer of the department of mental retardation and developmental 1560
disabilities designated under section 5123.13 of the Revised Code 1561
who is certified by the Ohio peace officer training council under 1562
section 109.77 of the Revised Code as having successfully 1563
completed an approved peace officer basic training program. 1564

(3) "Deadly weapon" has the same meaning as in section 1565
2923.11 of the Revised Code. 1566

(4) "Family or household member" has the same meaning as in 1567
section 2919.25 of the Revised Code. 1568

(5) "Street" or "highway" has the same meaning as in section 1569
4511.01 of the Revised Code. 1570

(6) "Interstate system" has the same meaning as in section 1571
5516.01 of the Revised Code. 1572

(7) "Peace officer of the department of natural resources" 1573

means an employee of the department of natural resources who is a 1574
natural resources law enforcement staff officer designated 1575
pursuant to section 1501.013 of the Revised Code, a forest officer 1576
designated pursuant to section 1503.29 of the Revised Code, a 1577
preserve officer designated pursuant to section 1517.10 of the 1578
Revised Code, a wildlife officer designated pursuant to section 1579
1531.13 of the Revised Code, a park officer designated pursuant to 1580
section 1541.10 of the Revised Code, or a state watercraft officer 1581
designated pursuant to section 1547.521 of the Revised Code. 1582

(8) "Portion of any street or highway" means all lanes of the 1583
street or highway irrespective of direction of travel, including 1584
designated turn lanes, and any berm, median, or shoulder. 1585

Sec. 4503.234. (A) If a court orders the criminal forfeiture 1586
of a vehicle pursuant to section 2903.06, 4503.233, 4503.236, 1587
4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, 1588
~~or~~ 4511.203, or 4511.251 of the Revised Code, the order shall be 1589
issued and enforced in accordance with this division, subject to 1590
division (B) of this section. An order of criminal forfeiture 1591
issued under this division shall authorize an appropriate law 1592
enforcement agency to seize the vehicle ordered criminally 1593
forfeited upon the terms and conditions that the court determines 1594
proper. No vehicle ordered criminally forfeited pursuant to this 1595
division shall be considered contraband for purposes of Chapter 1596
2981. of the Revised Code, but the law enforcement agency that 1597
employs the officer who seized it shall hold the vehicle for 1598
disposal in accordance with this section. A forfeiture order may 1599
be issued only after the offender has been provided with an 1600
opportunity to be heard. The prosecuting attorney shall give the 1601
offender written notice of the possibility of forfeiture by 1602
sending a copy of the relevant uniform traffic ticket or other 1603
written notice to the offender not less than seven days prior to 1604
the date of issuance of the forfeiture order. A vehicle is subject 1605

to an order of criminal forfeiture pursuant to this division upon 1606
the conviction of the offender of or plea of guilty by the 1607
offender to a violation of section 2903.06, division (A) of 1608
section 4503.236, section 4510.11, 4510.14, 4510.16, ~~or~~ 4511.203, 1609
or 4511.251, or division (A) of section 4511.19 of the Revised 1610
Code, or a municipal ordinance that is substantially equivalent to 1611
any of those sections or divisions. 1612

(B)(1) Prior to the issuance of an order of criminal 1613
forfeiture pursuant to this section, the law enforcement agency 1614
that employs the law enforcement officer who seized the vehicle 1615
shall conduct or cause to be conducted a search of the appropriate 1616
public records that relate to the vehicle and shall make or cause 1617
to be made reasonably diligent inquiries to identify any 1618
lienholder or any person or entity with an ownership interest in 1619
the vehicle. The court that is to issue the forfeiture order also 1620
shall cause a notice of the potential order relative to the 1621
vehicle and of the expected manner of disposition of the vehicle 1622
after its forfeiture to be sent to any lienholder or person who is 1623
known to the court to have any right, title, or interest in the 1624
vehicle. The court shall give the notice by certified mail, return 1625
receipt requested, or by personal service. 1626

(2) No order of criminal forfeiture shall be issued pursuant 1627
to this section if a lienholder or other person with an ownership 1628
interest in the vehicle establishes to the court, by a 1629
preponderance of the evidence after filing a motion with the 1630
court, that the lienholder or other person neither knew nor should 1631
have known after a reasonable inquiry that the vehicle would be 1632
used or involved, or likely would be used or involved, in the 1633
violation resulting in the issuance of the order of criminal 1634
forfeiture or the violation of the order of immobilization issued 1635
under section 4503.233 of the Revised Code, that the lienholder or 1636
other person did not expressly or impliedly consent to the use or 1637

involvement of the vehicle in that violation, and that the lien or 1638
ownership interest was perfected pursuant to law prior to the 1639
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 1640
or 4511.203 of the Revised Code. If the lienholder or holder of 1641
the ownership interest satisfies the court that these criteria 1642
have been met, the court shall preserve the lienholder's or other 1643
person's lien or interest, and the court either shall return the 1644
vehicle to the holder, or shall order that the proceeds of any 1645
sale held pursuant to division (C)(2) of this section be paid to 1646
the lienholder or holder of the interest less the costs of 1647
seizure, storage, and maintenance of the vehicle. The court shall 1648
not return a vehicle to a lienholder or a holder of an ownership 1649
interest unless the lienholder or holder submits an affidavit to 1650
the court that states that the lienholder or holder will not 1651
return the vehicle to the person from whom the vehicle was seized 1652
pursuant to the order of criminal forfeiture or to any member of 1653
that person's family and will not otherwise knowingly permit that 1654
person or any member of that person's family to obtain possession 1655
of the vehicle. 1656

(3) No order of criminal forfeiture shall be issued pursuant 1657
to this section if a person with an interest in the vehicle 1658
establishes to the court, by a preponderance of the evidence after 1659
filing a motion with the court, that the person neither knew nor 1660
should have known after a reasonable inquiry that the vehicle had 1661
been used or was involved in the violation resulting in the 1662
issuance of the order of criminal forfeiture or the violation of 1663
the order of immobilization issued under section 4503.233 of the 1664
Revised Code, that the person did not expressly or impliedly 1665
consent to the use or involvement of the vehicle in that 1666
violation, that the interest was perfected in good faith and for 1667
value pursuant to law between the time of the arrest of the 1668
offender and the final disposition of the criminal charge in 1669
question, and that the vehicle was in the possession of the 1670

interest holder at the time of the perfection of the interest. If 1671
the court is satisfied that the interest holder has met these 1672
criteria, the court shall preserve the interest holder's interest, 1673
and the court either shall return the vehicle to the interest 1674
holder or order that the proceeds of any sale held pursuant to 1675
division (C) of this section be paid to the holder of the interest 1676
less the costs of seizure, storage, and maintenance of the 1677
vehicle. The court shall not return a vehicle to an interest 1678
holder unless the holder submits an affidavit to the court stating 1679
that the holder will not return the vehicle to the person from 1680
whom the holder acquired the holder's interest, nor to any member 1681
of that person's family, and the holder will not otherwise 1682
knowingly permit that person or any member of that person's family 1683
to obtain possession of the vehicle. 1684

(C) A vehicle ordered criminally forfeited to the state 1685
pursuant to this section shall be disposed of as follows: 1686

(1) It shall be given to the law enforcement agency that 1687
employs the law enforcement officer who seized the vehicle, if 1688
that agency desires to have it; 1689

(2) If a vehicle is not disposed of pursuant to division 1690
(C)(1) of this section, the vehicle shall be sold, without 1691
appraisal, if the value of the vehicle is two thousand dollars or 1692
more as determined by publications of the national auto dealer's 1693
association, at a public auction to the highest bidder for cash. 1694
Prior to the sale, the prosecuting attorney in the case shall 1695
cause a notice of the proposed sale to be given in accordance with 1696
law. The court shall cause notice of the sale of the vehicle to be 1697
published in a newspaper of general circulation in the county in 1698
which the court is located at least seven days prior to the date 1699
of the sale. The proceeds of a sale under this division or 1700
division (F) of this section shall be applied in the following 1701
order: 1702

(a) First, they shall be applied to the payment of the costs 1703
incurred in connection with the seizure, storage, and maintenance 1704
of, and provision of security for, the vehicle, any proceeding 1705
arising out of the forfeiture, and if any, the sale. 1706

(b) Second, the remaining proceeds after compliance with 1707
division (C)(2)(a) of this section, shall be applied to the 1708
payment of the value of any lien or ownership interest in the 1709
vehicle preserved under division (B) of this section. 1710

(c) Third, the remaining proceeds, after compliance with 1711
divisions (C)(2)(a) and (b) of this section, shall be applied to 1712
the appropriate funds in accordance with divisions (B) and (C) of 1713
section 2981.13 of the Revised Code, provided that the total of 1714
the amount so deposited under this division shall not exceed one 1715
thousand dollars. The remaining proceeds deposited under this 1716
division shall be used only for the purposes authorized by those 1717
divisions and division (D) of that section. 1718

(d) Fourth, the remaining proceeds after compliance with 1719
divisions (C)(2)(a) and (b) of this section and after deposit of a 1720
total amount of one thousand dollars under division (C)(2)(c) of 1721
this section shall be applied so that fifty per cent of those 1722
remaining proceeds is paid into the reparation fund established by 1723
section 2743.191 of the Revised Code, twenty-five per cent is paid 1724
into the drug abuse resistance education programs fund created by 1725
division (F)(2)(e) of section 4511.191 of the Revised Code and 1726
shall be used only for the purposes authorized by division 1727
(F)(2)(e) of that section, and twenty-five per cent is applied to 1728
the appropriate funds in accordance with divisions (B) and (C) of 1729
section 2981.13 of the Revised Code. The proceeds deposited into 1730
any fund described in section 2981.13 of the Revised Code shall be 1731
used only for the purposes authorized by divisions (B)(4)(c), (C), 1732
and (D) of that section. 1733

(D) Except as provided in division (E) of section 4511.203 of 1734

the Revised Code and notwithstanding any other provision of law, 1735
neither the registrar of motor vehicles nor any deputy registrar 1736
shall accept an application for the registration of any motor 1737
vehicle in the name of any person, or register any motor vehicle 1738
in the name of any person, if both of the following apply: 1739

(1) Any vehicle registered in the person's name was 1740
criminally forfeited under this section and section 2903.06, 1741
4503.233, 4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.41, 1742
4511.19, 4511.193, ~~or 4511.203~~, or 4511.251 of the Revised Code; 1743

(2) Less than five years have expired since the issuance of 1744
the most recent order of criminal forfeiture issued in relation to 1745
a vehicle registered in the person's name. 1746

(E) If a court orders the criminal forfeiture to the state of 1747
a vehicle pursuant to section 2903.06, 4503.233, 4503.236, 1748
4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 1749
4511.193, ~~or 4511.203~~, or 4511.251 of the Revised Code, the title 1750
to the motor vehicle is assigned or transferred, and division 1751
(B)(2) or (3) of this section applies, in addition to or 1752
independent of any other penalty established by law, the court may 1753
fine the offender the value of the vehicle as determined by 1754
publications of the national auto dealer's association. The 1755
proceeds from any fine imposed under this division shall be 1756
distributed in accordance with division (C)(2) of this section. 1757

(F) As used in this section and divisions (B)(4)(c), (C), and 1758
(D) of section 2981.13 of the Revised Code in relation to proceeds 1759
of the sale of a vehicle under division (C) of this section, 1760
"prosecuting attorney" includes the prosecuting attorney, village 1761
solicitor, city director of law, or similar chief legal officer of 1762
a municipal corporation who prosecutes the case resulting in the 1763
conviction or guilty plea in question. 1764

(G) If the vehicle to be forfeited has an average retail 1765

value of less than two thousand dollars as determined by 1766
publications of the national auto dealer's association, no public 1767
auction is required to be held. In such a case, the court may 1768
direct that the vehicle be disposed of in any manner that it 1769
considers appropriate, including assignment of the certificate of 1770
title to the motor vehicle to a salvage dealer or a scrap metal 1771
processing facility. The court shall not transfer the vehicle to 1772
the person who is the vehicle's immediate previous owner. 1773

If the court assigns the motor vehicle to a salvage dealer or 1774
scrap metal processing facility and the court is in possession of 1775
the certificate of title to the motor vehicle, it shall send the 1776
assigned certificate of title to the motor vehicle to the clerk of 1777
the court of common pleas of the county in which the salvage 1778
dealer or scrap metal processing facility is located. The court 1779
shall mark the face of the certificate of title with the words 1780
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 1781
of title to the salvage dealer or scrap metal processing facility 1782
for its records. 1783

If the court is not in possession of the certificate of title 1784
to the motor vehicle, the court shall issue an order transferring 1785
ownership of the motor vehicle to a salvage dealer or scrap metal 1786
processing facility, send the order to the clerk of the court of 1787
common pleas of the county in which the salvage dealer or scrap 1788
metal processing facility is located, and send a photocopy of the 1789
order to the salvage dealer or scrap metal processing facility for 1790
its records. The clerk shall make the proper notations or entries 1791
in the clerk's records concerning the disposition of the motor 1792
vehicle. 1793

Sec. 4510.17. (A) The registrar of motor vehicles shall 1794
impose a class D suspension of the person's driver's license, 1795
commercial driver's license, temporary instruction permit, 1796

probationary license, or nonresident operating privilege for the 1797
period of time specified in division (B)(4) of section 4510.02 of 1798
the Revised Code on any person who is a resident of this state and 1799
is convicted of or pleads guilty to a violation of a statute of 1800
any other state or any federal statute that is substantially 1801
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1802
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 1803
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 1804
receipt of a report from a court, court clerk, or other official 1805
of any other state or from any federal authority that a resident 1806
of this state was convicted of or pleaded guilty to an offense 1807
described in this division, the registrar shall send a notice by 1808
regular first class mail to the person, at the person's last known 1809
address as shown in the records of the bureau of motor vehicles, 1810
informing the person of the suspension, that the suspension will 1811
take effect twenty-one days from the date of the notice, and that, 1812
if the person wishes to appeal the suspension or denial, the 1813
person must file a notice of appeal within twenty-one days of the 1814
date of the notice requesting a hearing on the matter. If the 1815
person requests a hearing, the registrar shall hold the hearing 1816
not more than forty days after receipt by the registrar of the 1817
notice of appeal. The filing of a notice of appeal does not stay 1818
the operation of the suspension that must be imposed pursuant to 1819
this division. The scope of the hearing shall be limited to 1820
whether the person actually was convicted of or pleaded guilty to 1821
the offense for which the suspension is to be imposed. 1822

The suspension the registrar is required to impose under this 1823
division shall end either on the last day of the class D 1824
suspension period or of the suspension of the person's nonresident 1825
operating privilege imposed by the state or federal court, 1826
whichever is earlier. 1827

The registrar shall subscribe to or otherwise participate in 1828

any information system or register, or enter into reciprocal and 1829
mutual agreements with other states and federal authorities, in 1830
order to facilitate the exchange of information with other states 1831
and the United States government regarding persons who plead 1832
guilty to or are convicted of offenses described in this division 1833
and therefore are subject to the suspension or denial described in 1834
this division. 1835

(B) The registrar shall impose a class D suspension of the 1836
person's driver's license, commercial driver's license, temporary 1837
instruction permit, probationary license, or nonresident operating 1838
privilege for the period of time specified in division (B)(4) of 1839
section 4510.02 of the Revised Code on any person who is a 1840
resident of this state and is convicted of or pleads guilty to a 1841
violation of a statute of any other state or a municipal ordinance 1842
of a municipal corporation located in any other state that is 1843
substantially similar to section 4511.19 of the Revised Code. Upon 1844
receipt of a report from another state made pursuant to section 1845
4510.61 of the Revised Code indicating that a resident of this 1846
state was convicted of or pleaded guilty to an offense described 1847
in this division, the registrar shall send a notice by regular 1848
first class mail to the person, at the person's last known address 1849
as shown in the records of the bureau of motor vehicles, informing 1850
the person of the suspension, that the suspension or denial will 1851
take effect twenty-one days from the date of the notice, and that, 1852
if the person wishes to appeal the suspension, the person must 1853
file a notice of appeal within twenty-one days of the date of the 1854
notice requesting a hearing on the matter. If the person requests 1855
a hearing, the registrar shall hold the hearing not more than 1856
forty days after receipt by the registrar of the notice of appeal. 1857
The filing of a notice of appeal does not stay the operation of 1858
the suspension that must be imposed pursuant to this division. The 1859
scope of the hearing shall be limited to whether the person 1860
actually was convicted of or pleaded guilty to the offense for 1861

which the suspension is to be imposed. 1862

The suspension the registrar is required to impose under this 1863
division shall end either on the last day of the class D 1864
suspension period or of the suspension of the person's nonresident 1865
operating privilege imposed by the state or federal court, 1866
whichever is earlier. 1867

(C) The registrar shall impose a class D suspension of the 1868
child's driver's license, commercial driver's license, temporary 1869
instruction permit, or nonresident operating privilege for the 1870
period of time specified in division (B)(4) of section 4510.02 of 1871
the Revised Code on any child who is a resident of this state and 1872
is convicted of or pleads guilty to a violation of a statute of 1873
any other state or any federal statute that is substantially 1874
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1875
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 1876
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 1877
receipt of a report from a court, court clerk, or other official 1878
of any other state or from any federal authority that a child who 1879
is a resident of this state was convicted of or pleaded guilty to 1880
an offense described in this division, the registrar shall send a 1881
notice by regular first class mail to the child, at the child's 1882
last known address as shown in the records of the bureau of motor 1883
vehicles, informing the child of the suspension, that the 1884
suspension or denial will take effect twenty-one days from the 1885
date of the notice, and that, if the child wishes to appeal the 1886
suspension, the child must file a notice of appeal within 1887
twenty-one days of the date of the notice requesting a hearing on 1888
the matter. If the child requests a hearing, the registrar shall 1889
hold the hearing not more than forty days after receipt by the 1890
registrar of the notice of appeal. The filing of a notice of 1891
appeal does not stay the operation of the suspension that must be 1892
imposed pursuant to this division. The scope of the hearing shall 1893

be limited to whether the child actually was convicted of or 1894
pleaded guilty to the offense for which the suspension is to be 1895
imposed. 1896

The suspension the registrar is required to impose under this 1897
division shall end either on the last day of the class D 1898
suspension period or of the suspension of the child's nonresident 1899
operating privilege imposed by the state or federal court, 1900
whichever is earlier. If the child is a resident of this state who 1901
is sixteen years of age or older and does not have a current, 1902
valid Ohio driver's or commercial driver's license or permit, the 1903
notice shall inform the child that the child will be denied 1904
issuance of a driver's or commercial driver's license or permit 1905
for six months beginning on the date of the notice. If the child 1906
has not attained the age of sixteen years on the date of the 1907
notice, the notice shall inform the child that the period of 1908
denial of six months shall commence on the date the child attains 1909
the age of sixteen years. 1910

The registrar shall subscribe to or otherwise participate in 1911
any information system or register, or enter into reciprocal and 1912
mutual agreements with other states and federal authorities, in 1913
order to facilitate the exchange of information with other states 1914
and the United States government regarding children who are 1915
residents of this state and plead guilty to or are convicted of 1916
offenses described in this division and therefore are subject to 1917
the suspension or denial described in this division. 1918

(D) The registrar shall impose a class D suspension of the 1919
child's driver's license, commercial driver's license, temporary 1920
instruction permit, probationary license, or nonresident operating 1921
privilege for the period of time specified in division (B)(4) of 1922
section 4510.02 of the Revised Code on any child who is a resident 1923
of this state and is convicted of or pleads guilty to a violation 1924
of a statute of any other state or a municipal ordinance of a 1925

municipal corporation located in any other state that is 1926
substantially similar to section 4511.19 of the Revised Code. Upon 1927
receipt of a report from another state made pursuant to section 1928
4510.61 of the Revised Code indicating that a child who is a 1929
resident of this state was convicted of or pleaded guilty to an 1930
offense described in this division, the registrar shall send a 1931
notice by regular first class mail to the child, at the child's 1932
last known address as shown in the records of the bureau of motor 1933
vehicles, informing the child of the suspension, that the 1934
suspension will take effect twenty-one days from the date of the 1935
notice, and that, if the child wishes to appeal the suspension, 1936
the child must file a notice of appeal within twenty-one days of 1937
the date of the notice requesting a hearing on the matter. If the 1938
child requests a hearing, the registrar shall hold the hearing not 1939
more than forty days after receipt by the registrar of the notice 1940
of appeal. The filing of a notice of appeal does not stay the 1941
operation of the suspension that must be imposed pursuant to this 1942
division. The scope of the hearing shall be limited to whether the 1943
child actually was convicted of or pleaded guilty to the offense 1944
for which the suspension is to be imposed. 1945

The suspension the registrar is required to impose under this 1946
division shall end either on the last day of the class D 1947
suspension period or of the suspension of the child's nonresident 1948
operating privilege imposed by the state or federal court, 1949
whichever is earlier. If the child is a resident of this state who 1950
is sixteen years of age or older and does not have a current, 1951
valid Ohio driver's or commercial driver's license or permit, the 1952
notice shall inform the child that the child will be denied 1953
issuance of a driver's or commercial driver's license or permit 1954
for six months beginning on the date of the notice. If the child 1955
has not attained the age of sixteen years on the date of the 1956
notice, the notice shall inform the child that the period of 1957
denial of six months shall commence on the date the child attains 1958

the age of sixteen years. 1959

(E) Any person whose license or permit has been suspended 1960
pursuant to this section may file a petition in the municipal or 1961
county court, or in case the person is under eighteen years of 1962
age, the juvenile court, in whose jurisdiction the person resides, 1963
agreeing to pay the cost of the proceedings and alleging that the 1964
suspension would seriously affect the person's ability to continue 1965
the person's employment. Upon satisfactory proof that there is 1966
reasonable cause to believe that the suspension would seriously 1967
affect the person's ability to continue the person's employment, 1968
the judge may grant the person limited driving privileges during 1969
the period during which the suspension otherwise would be imposed, 1970
except that the judge shall not grant limited driving privileges 1971
for employment as a driver of a commercial motor vehicle to any 1972
person who would be disqualified from operating a commercial motor 1973
vehicle under section 4506.16 of the Revised Code if the violation 1974
had occurred in this state, or during any of the following periods 1975
of time: 1976

(1) The first fifteen days of a suspension under division (B) 1977
or (D) of this section, if the person has not been convicted 1978
within six years of the date of the offense giving rise to the 1979
suspension under this section of a violation of any of the 1980
following: 1981

(a) Section 4511.19 of the Revised Code, or a municipal 1982
ordinance relating to operating a vehicle while under the 1983
influence of alcohol, a drug of abuse, or alcohol and a drug of 1984
abuse; 1985

(b) A municipal ordinance relating to operating a motor 1986
vehicle with a prohibited concentration of alcohol, a controlled 1987
substance, or a metabolite of a controlled substance in the whole 1988
blood, blood serum or plasma, breath, or urine; 1989

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

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

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

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

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

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

If a person petitions for limited driving privileges under division (E) of this section, the registrar shall be represented by the county prosecutor of the county in which the person resides

if the petition is filed in a juvenile court or county court, 2021
except that if the person resides within a city or village that is 2022
located within the jurisdiction of the county in which the 2023
petition is filed, the city director of law or village solicitor 2024
of that city or village shall represent the registrar. If the 2025
petition is filed in a municipal court, the registrar shall be 2026
represented as provided in section 1901.34 of the Revised Code. 2027

In granting limited driving privileges under division (E) of 2028
this section, the court may impose any condition it considers 2029
reasonable and necessary to limit the use of a vehicle by the 2030
person. The court shall deliver to the person a permit card, in a 2031
form to be prescribed by the court, setting forth the time, place, 2032
and other conditions limiting the person's use of a motor vehicle. 2033
The grant of limited driving privileges shall be conditioned upon 2034
the person's having the permit in the person's possession at all 2035
times during which the person is operating a vehicle. 2036

A person granted limited driving privileges who operates a 2037
vehicle for other than limited purposes, in violation of any 2038
condition imposed by the court or without having the permit in the 2039
person's possession, is guilty of a violation of section 4510.11 2040
of the Revised Code. 2041

(F) As used in divisions (C) and (D) of this section: 2042

(1) "Child" means a person who is under the age of eighteen 2043
years, except that any person who violates a statute or ordinance 2044
described in division (C) or (D) of this section prior to 2045
attaining eighteen years of age shall be deemed a "child" 2046
irrespective of the person's age at the time the complaint or 2047
other equivalent document is filed in the other state or a 2048
hearing, trial, or other proceeding is held in the other state on 2049
the complaint or other equivalent document, and irrespective of 2050
the person's age when the period of license suspension or denial 2051
prescribed in division (C) or (D) of this section is imposed. 2052

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

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

(b) Under the laws that govern the proceedings of the court, the child is convicted of or pleads guilty to a violation described in division (C) or (D) of this section;

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

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

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

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

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

(b) A person to whom the certificate of title to a vehicle

that is seized under division (B) of this section has been 2083
assigned and who has not obtained a certificate of title to the 2084
vehicle in that person's name, but who is deemed by the court as 2085
being the owner of the vehicle at the time the vehicle was seized 2086
under division (B) of this section. 2087

(3) "Interested party" includes the owner of a vehicle seized 2088
under this section, all lienholders, the arrested person, the 2089
owner of the place of storage at which a vehicle seized under this 2090
section is stored, and the person or entity that caused the 2091
vehicle to be removed. 2092

(B)(1) If a person is arrested for a violation of division 2093
(A)(5) of section 2903.06 or of section 4510.14 ~~or~~, 4511.203, or 2094
4511.251 of the Revised Code or a municipal ordinance that is 2095
substantially equivalent to ~~either~~ that division or any of those 2096
sections or if a person is arrested for a violation of section 2097
4510.16 of the Revised Code or a municipal ordinance that is 2098
substantially equivalent to that section and if division (B)(3) of 2099
section 4510.16 or division (B)(2) of section 4510.161 of the 2100
Revised Code applies, the arresting officer or another officer of 2101
the law enforcement agency that employs the arresting officer, in 2102
addition to any action that the arresting officer is required or 2103
authorized to take by any other provision of law, shall seize the 2104
vehicle that the person was operating at the time of, or that was 2105
involved in, the alleged offense if the vehicle is registered in 2106
the arrested person's name and its license plates. A law 2107
enforcement agency that employs a law enforcement officer who 2108
makes an arrest of a type that is described in this division and 2109
that involves a rented or leased vehicle that is being rented or 2110
leased for a period of thirty days or less shall notify, within 2111
twenty-four hours after the officer makes the arrest, the lessor 2112
or owner of the vehicle regarding the circumstances of the arrest 2113
and the location at which the vehicle may be picked up. At the 2114

time of the seizure of the vehicle, the law enforcement officer 2115
who made the arrest shall give the arrested person written notice 2116
that the vehicle and its license plates have been seized; that the 2117
vehicle either will be kept by the officer's law enforcement 2118
agency or will be immobilized at least until the person's initial 2119
appearance on the charge of the offense for which the arrest was 2120
made; that, at the initial appearance, the court in certain 2121
circumstances may order that the vehicle and license plates be 2122
released to the arrested person until the disposition of that 2123
charge; that, if the arrested person is convicted of that charge, 2124
the court generally must order the immobilization of the vehicle 2125
and the impoundment of its license plates or the forfeiture of the 2126
vehicle; and that the arrested person may be charged expenses or 2127
charges incurred under this section and section 4503.233 of the 2128
Revised Code for the removal and storage of the vehicle. 2129

(2) The arresting officer or a law enforcement officer of the 2130
agency that employs the arresting officer shall give written 2131
notice of the seizure under division (B)(1) of this section to the 2132
court that will conduct the initial appearance of the arrested 2133
person on the charges arising out of the arrest. Upon receipt of 2134
the notice, the court promptly shall determine whether the 2135
arrested person is the vehicle owner. If the court determines that 2136
the arrested person is not the vehicle owner, it promptly shall 2137
send by regular mail written notice of the seizure to the 2138
vehicle's registered owner. The written notice shall contain all 2139
of the information required by division (B)(1) of this section to 2140
be in a notice to be given to the arrested person and also shall 2141
specify the date, time, and place of the arrested person's initial 2142
appearance. The notice also shall inform the vehicle owner that if 2143
title to a motor vehicle that is subject to an order for criminal 2144
forfeiture under this section is assigned or transferred and 2145
division (B)(2) or (3) of section 4503.234 of the Revised Code 2146
applies, the court may fine the arrested person the value of the 2147

vehicle. The notice also shall state that if the vehicle is 2148
immobilized under division (A) of section 4503.233 of the Revised 2149
Code, seven days after the end of the period of immobilization a 2150
law enforcement agency will send the vehicle owner a notice, 2151
informing the owner that if the release of the vehicle is not 2152
obtained in accordance with division (D)(3) of section 4503.233 of 2153
the Revised Code, the vehicle shall be forfeited. The notice also 2154
shall inform the vehicle owner that the owner may be charged 2155
expenses or charges incurred under this section and section 2156
4503.233 of the Revised Code for the removal and storage of the 2157
vehicle. 2158

The written notice that is given to the arrested person also 2159
shall state that if the person is convicted of or pleads guilty to 2160
the offense and the court issues an immobilization and impoundment 2161
order relative to that vehicle, division (D)(4) of section 2162
4503.233 of the Revised Code prohibits the vehicle from being sold 2163
during the period of immobilization without the prior approval of 2164
the court. 2165

(3) At or before the initial appearance, the vehicle owner 2166
may file a motion requesting the court to order that the vehicle 2167
and its license plates be released to the vehicle owner. Except as 2168
provided in this division and subject to the payment of expenses 2169
or charges incurred in the removal and storage of the vehicle, the 2170
court, in its discretion, then may issue an order releasing the 2171
vehicle and its license plates to the vehicle owner. Such an order 2172
may be conditioned upon such terms as the court determines 2173
appropriate, including the posting of a bond in an amount 2174
determined by the court. If the arrested person is not the vehicle 2175
owner and if the vehicle owner is not present at the arrested 2176
person's initial appearance, and if the court believes that the 2177
vehicle owner was not provided with adequate notice of the initial 2178
appearance, the court, in its discretion, may allow the vehicle 2179

owner to file a motion within seven days of the initial 2180
appearance. If the court allows the vehicle owner to file such a 2181
motion after the initial appearance, the extension of time granted 2182
by the court does not extend the time within which the initial 2183
appearance is to be conducted. If the court issues an order for 2184
the release of the vehicle and its license plates, a copy of the 2185
order shall be made available to the vehicle owner. If the vehicle 2186
owner presents a copy of the order to the law enforcement agency 2187
that employs the law enforcement officer who arrested the arrested 2188
person, the law enforcement agency promptly shall release the 2189
vehicle and its license plates to the vehicle owner upon payment 2190
by the vehicle owner of any expenses or charges incurred in the 2191
removal or storage of the vehicle. 2192

(4) A vehicle seized under division (B)(1) of this section 2193
either shall be towed to a place specified by the law enforcement 2194
agency that employs the arresting officer to be safely kept by the 2195
agency at that place for the time and in the manner specified in 2196
this section or shall be otherwise immobilized for the time and in 2197
the manner specified in this section. A law enforcement officer of 2198
that agency shall remove the identification license plates of the 2199
vehicle, and they shall be safely kept by the agency for the time 2200
and in the manner specified in this section. No vehicle that is 2201
seized and either towed or immobilized pursuant to this division 2202
shall be considered contraband for purposes of Chapter 2981. of 2203
the Revised Code. The vehicle shall not be immobilized at any 2204
place other than a commercially operated private storage lot, a 2205
place owned by a law enforcement or other government agency, or a 2206
place to which one of the following applies: 2207

(a) The place is leased by or otherwise under the control of 2208
a law enforcement or other government agency. 2209

(b) The place is owned by the arrested person, the arrested 2210
person's spouse, or a parent or child of the arrested person. 2211

(c) The place is owned by a private person or entity, and, 2212
prior to the immobilization, the private entity or person that 2213
owns the place, or the authorized agent of that private entity or 2214
person, has given express written consent for the immobilization 2215
to be carried out at that place. 2216

(d) The place is a public street or highway on which the 2217
vehicle is parked in accordance with the law. 2218

(C)(1) A vehicle seized under division (B)(1) of this section 2219
shall be safely kept at the place to which it is towed or 2220
otherwise moved by the law enforcement agency that employs the 2221
arresting officer until the initial appearance of the arrested 2222
person relative to the charge in question. The license plates of 2223
the vehicle that are removed pursuant to division (B)(1) of this 2224
section shall be safely kept by the law enforcement agency that 2225
employs the arresting officer until at least the initial 2226
appearance of the arrested person relative to the charge in 2227
question. 2228

(2)(a) At the initial appearance or not less than seven days 2229
prior to the date of final disposition, the court shall notify the 2230
arrested person that, if title to a motor vehicle that is subject 2231
to an order for criminal forfeiture under this section is assigned 2232
or transferred and division (B)(2) or (3) of section 4503.234 of 2233
the Revised Code applies, the court may fine the arrested person 2234
the value of the vehicle. If, at the initial appearance, the 2235
arrested person pleads guilty to the violation of division (A)(5) 2236
of section 2903.06 or of section 4510.14, 4510.16, ~~or~~ 4511.203, or 2237
4511.251 of the Revised Code, or a municipal ordinance that is 2238
substantially equivalent to that division or any of those sections 2239
or pleads no contest to and is convicted of the violation, the 2240
following sentencing provisions apply: 2241

(i) If the person violated section 4510.14 or 4511.203 of the 2242
Revised Code or a municipal ordinance that is substantially 2243

equivalent to either of those sections, or violated section 2244
4510.16 of the Revised Code or a municipal ordinance that is 2245
substantially equivalent to that section and division (B)(3) of 2246
section 4510.16 or division (B)(2) of section 4510.161 of the 2247
Revised Code applies, the court shall impose sentence upon the 2248
person as provided by law or ordinance; the court shall order the 2249
immobilization of the vehicle the arrested person was operating at 2250
the time of, or that was involved in, the offense if registered in 2251
the arrested person's name and the impoundment of its license 2252
plates under section 4503.233 and section 4510.14, 4510.16, 2253
4510.161, or 4511.203 of the Revised Code or the criminal 2254
forfeiture to the state of the vehicle if registered in the 2255
arrested person's name under section 4503.234 and section 2903.06, 2256
4510.14, 4510.16, 4510.161, ~~or~~ 4511.203, or 4511.251 of the 2257
Revised Code, whichever is applicable; and the vehicle and its 2258
license plates shall not be returned or released to the arrested 2259
person. 2260

(ii) If the person violated section 4510.16 of the Revised 2261
Code or a municipal ordinance that is substantially equivalent to 2262
that section and division (B)(2) of section 4510.16 or division 2263
(B)(1) of section 4510.161 applies, the court shall impose 2264
sentence upon the person as provided by law or ordinance and may 2265
order the immobilization of the vehicle the person was operating 2266
at the time of, or that was involved in, the offense if it is 2267
registered in the arrested person's name and the impoundment of 2268
its license plates under section 4503.233 and section 4510.16 or 2269
4510.161 of the Revised Code, and the vehicle and its license 2270
plates shall not be returned or released to the arrested person. 2271

(b) If, at any time, the charge that the arrested person 2272
violated section 2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 2273
4511.251 of the Revised Code, or a municipal ordinance that is 2274
substantially equivalent to any of those sections is dismissed for 2275

any reason, the court shall order that the vehicle seized at the 2276
time of the arrest and its license plates immediately be released 2277
to the person. 2278

(D) If a vehicle and its license plates are seized under 2279
division (B)(1) of this section and are not returned or released 2280
to the arrested person pursuant to division (C) of this section, 2281
the vehicle and its license plates shall be retained until the 2282
final disposition of the charge in question. Upon the final 2283
disposition of that charge, the court shall do whichever of the 2284
following is applicable: 2285

(1) If the arrested person is convicted of or pleads guilty 2286
to the violation of section 4510.14 or 4511.203 of the Revised 2287
Code, or a municipal ordinance that is substantially equivalent to 2288
either of those sections, or to the violation of section 4510.16 2289
of the Revised Code or a municipal ordinance that is substantially 2290
equivalent to that section and division (B)(3) of section 4510.16 2291
or division (B)(2) of section 4510.161 of the Revised Code 2292
applies, the court shall impose sentence upon the person as 2293
provided by law or ordinance and shall order the immobilization of 2294
the vehicle the person was operating at the time of, or that was 2295
involved in, the offense if it is registered in the arrested 2296
person's name and the impoundment of its license plates under 2297
section 4503.233 and section 4510.14, 4510.16, 4510.161, or 2298
4511.203 of the Revised Code or the criminal forfeiture of the 2299
vehicle if it is registered in the arrested person's name under 2300
section 4503.234 and section 2903.06, 4510.14, 4510.16, 4510.161, 2301
~~or~~ 4511.203, or 4511.251 of the Revised Code, whichever is 2302
applicable. 2303

(2) If the person violated section 4510.16 of the Revised 2304
Code or a municipal ordinance that is substantially equivalent to 2305
that section and division (B)(2) of section 4510.16 or division 2306
(B)(1) of section 4510.161 applies, the court shall impose 2307

sentence upon the person as provided by law or ordinance and may 2308
order the immobilization of the vehicle the person was operating 2309
at the time of, or that was involved in, the offense if it is 2310
registered in the person's name and the impoundment of its license 2311
plates under section 4503.233 and section 4510.16 or 4510.161 of 2312
the Revised Code. 2313

(3) If the arrested person is found not guilty of the 2314
violation of section 2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 2315
4511.251 of the Revised Code, or a municipal ordinance that is 2316
substantially equivalent to any of those sections, the court shall 2317
order that the vehicle and its license plates immediately be 2318
released to the arrested person. 2319

(4) If the charge that the arrested person violated section 2320
2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 4511.251 of the Revised 2321
Code, or a municipal ordinance that is substantially equivalent to 2322
any of those sections is dismissed for any reason, the court shall 2323
order that the vehicle and its license plates immediately be 2324
released to the arrested person. 2325

(5) If the impoundment of the vehicle was not authorized 2326
under this section, the court shall order that the vehicle and its 2327
license plates be returned immediately to the arrested person or, 2328
if the arrested person is not the vehicle owner, to the vehicle 2329
owner and shall order that the state or political subdivision of 2330
the law enforcement agency served by the law enforcement officer 2331
who seized the vehicle pay all expenses and charges incurred in 2332
its removal and storage. 2333

(E) If a vehicle is seized under division (B)(2) of this 2334
section, the time between the seizure of the vehicle and either 2335
its release to the arrested person pursuant to division (C) of 2336
this section or the issuance of an order of immobilization of the 2337
vehicle under section 4503.233 of the Revised Code shall be 2338
credited against the period of immobilization ordered by the 2339

court. 2340

(F)(1) Except as provided in division (D)(4) of this section, 2341
the arrested person may be charged expenses or charges incurred in 2342
the removal and storage of the immobilized vehicle. The court with 2343
jurisdiction over the case, after notice to all interested 2344
parties, including lienholders, and after an opportunity for them 2345
to be heard, if the court finds that the arrested person does not 2346
intend to seek release of the vehicle at the end of the period of 2347
immobilization under section 4503.233 of the Revised Code or that 2348
the arrested person is not or will not be able to pay the expenses 2349
and charges incurred in its removal and storage, may order that 2350
title to the vehicle be transferred, in order of priority, first 2351
into the name of the person or entity that removed it, next into 2352
the name of a lienholder, or lastly into the name of the owner of 2353
the place of storage. 2354

Any lienholder that receives title under a court order shall 2355
do so on the condition that it pay any expenses or charges 2356
incurred in the vehicle's removal and storage. If the person or 2357
entity that receives title to the vehicle is the person or entity 2358
that removed it, the person or entity shall receive title on the 2359
condition that it pay any lien on the vehicle. The court shall not 2360
order that title be transferred to any person or entity other than 2361
the owner of the place of storage if the person or entity refuses 2362
to receive the title. Any person or entity that receives title 2363
either may keep title to the vehicle or may dispose of the vehicle 2364
in any legal manner that it considers appropriate, including 2365
assignment of the certificate of title to the motor vehicle to a 2366
salvage dealer or a scrap metal processing facility. The person or 2367
entity shall not transfer the vehicle to the person who is the 2368
vehicle's immediate previous owner. 2369

If the person or entity that receives title assigns the motor 2370
vehicle to a salvage dealer or scrap metal processing facility, 2371

the person or entity shall send the assigned certificate of title 2372
to the motor vehicle to the clerk of the court of common pleas of 2373
the county in which the salvage dealer or scrap metal processing 2374
facility is located. The person or entity shall mark the face of 2375
the certificate of title with the words "FOR DESTRUCTION" and 2376
shall deliver a photocopy of the certificate of title to the 2377
salvage dealer or scrap metal processing facility for its records. 2378

(2) Whenever a court issues an order under division (F)(1) of 2379
this section, the court also shall order removal of the license 2380
plates from the vehicle and cause them to be sent to the registrar 2381
if they have not already been sent to the registrar. Thereafter, 2382
no further proceedings shall take place under this section or 2383
under section 4503.233 of the Revised Code. 2384

(3) Prior to initiating a proceeding under division (F)(1) of 2385
this section, and upon payment of the fee under division (B) of 2386
section 4505.14, any interested party may cause a search to be 2387
made of the public records of the bureau of motor vehicles or the 2388
clerk of the court of common pleas, to ascertain the identity of 2389
any lienholder of the vehicle. The initiating party shall furnish 2390
this information to the clerk of the court with jurisdiction over 2391
the case, and the clerk shall provide notice to the arrested 2392
person, any lienholder, and any other interested parties listed by 2393
the initiating party, at the last known address supplied by the 2394
initiating party, by certified mail, or, at the option of the 2395
initiating party, by personal service or ordinary mail. 2396

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 2397
the Revised Code: 2398

(A) "Equivalent offense" means any of the following: 2399

(1) A violation of division (A) or (B) of section 4511.19 of 2400
the Revised Code; 2401

(2) A violation of a municipal OVI ordinance;	2402
(3) A violation of section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;	2403 2404 2405
(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;	2406 2407 2408
(5) A violation of division (A)(2), (3), or (4) , <u>or (5)</u> of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;	2409 2410 2411 2412 2413 2414 2415
(6) A violation of division (A) or (B) of section 1547.11 of the Revised Code;	2416 2417
(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;	2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428
(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;	2429 2430 2431 2432

(9) A violation of a former law of this state that was 2433
substantially equivalent to division (A) or (B) of section 4511.19 2434
or division (A) or (B) of section 1547.11 of the Revised Code. 2435

(B) "Mandatory jail term" means the mandatory term in jail of 2436
three, six, ten, twenty, thirty, or sixty days that must be 2437
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 2438
of the Revised Code upon an offender convicted of a violation of 2439
division (A) of that section and in relation to which all of the 2440
following apply: 2441

(1) Except as specifically authorized under section 4511.19 2442
of the Revised Code, the term must be served in a jail. 2443

(2) Except as specifically authorized under section 4511.19 2444
of the Revised Code, the term cannot be suspended, reduced, or 2445
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 2446
other provision of the Revised Code. 2447

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2448
mean any municipal ordinance prohibiting a person from operating a 2449
vehicle while under the influence of alcohol, a drug of abuse, or 2450
a combination of them or prohibiting a person from operating a 2451
vehicle with a prohibited concentration of alcohol, a controlled 2452
substance, or a metabolite of a controlled substance in the whole 2453
blood, blood serum or plasma, breath, or urine. 2454

(D) "Community residential sanction," "continuous alcohol 2455
monitoring," "jail," "mandatory prison term," "mandatory term of 2456
local incarceration," "sanction," and "prison term" have the same 2457
meanings as in section 2929.01 of the Revised Code. 2458

(E) "Drug of abuse" has the same meaning as in section 2459
4506.01 of the Revised Code. 2460

(F) "Equivalent offense that is vehicle-related" means an 2461
equivalent offense that is any of the following: 2462

(1) A violation described in division (A)(1), (2), (3), (4), 2463
or (5) of this section; 2464

(2) A violation of an existing or former municipal ordinance, 2465
law of another state, or law of the United States that is 2466
substantially equivalent to division (A) or (B) of section 4511.19 2467
of the Revised Code; 2468

(3) A violation of a former law of this state that was 2469
substantially equivalent to division (A) or (B) of section 4511.19 2470
of the Revised Code. 2471

Sec. 4511.251. (A)(1) As used in this section and section 2472
4510.036 of the Revised Code, "street racing" means the operation 2473
of two or more vehicles from a point side by side at accelerating 2474
speeds in a competitive attempt to out-distance each other or the 2475
operation of one or more vehicles over a common selected course, 2476
from the same point to the same point, wherein timing is made of 2477
the participating vehicles involving competitive accelerations or 2478
speeds. ~~Persons rendering assistance in any manner to such~~ 2479
~~competitive use of vehicles shall be equally charged as the~~ 2480
~~participants. The~~ 2481

(2) The operation of two or more vehicles side by side either 2482
at speeds in excess of prima-facie lawful speeds established by 2483
divisions (B)(1)(a) to (B)(8) of section 4511.21 of the Revised 2484
Code or rapidly accelerating from a common starting point to a 2485
speed in excess of such prima-facie lawful speeds shall be 2486
prima-facie evidence of street racing. 2487

(B) No person shall participate in street racing upon any 2488
public road, street, or highway in this state. 2489

(C)(1) Whoever violates division (B) of this section is 2490
guilty of street racing. 2491

(2) Except as otherwise provided in divisions (C)(3) to (7) 2492

~~of this section, street racing is a misdemeanor of the first 2493
degree. In addition to any other sanctions, the court shall 2494
suspend the offender's driver's license, commercial driver's 2495
license, temporary instruction permit, probationary license, or 2496
nonresident operating privilege for not less than thirty days or 2497
more than three years. No judge shall suspend the first thirty 2498
days of any suspension of an offender's license, permit, or 2499
privilege imposed under this division 2500~~

(3) Except as otherwise provided in divisions (C)(4) to (7) 2501
of this section, street racing is a felony of the fifth degree if 2502
the offender knew or had reasonable cause to believe that a device 2503
or apparatus was connected to any vehicle participating in the 2504
street race so as to inject nitrous oxide into the fuel or the 2505
combustion chambers of the engine of the vehicle during the street 2506
race. 2507

(4) Except as otherwise provided in divisions (C)(5) to (7) 2508
of this section, street racing is a felony of the fourth degree if 2509
either of the following applies: 2510

(a) The offender previously has been convicted of or pleaded 2511
guilty to one or more violations of section 4511.20 of the Revised 2512
Code, division (B) of this section, or a municipal ordinance that 2513
is substantially equivalent to that section or division; 2514

(b) The violation caused physical harm to property in an 2515
amount exceeding one thousand dollars or physical harm to any 2516
person, whether or not the physical harm was caused directly by 2517
the offender. 2518

(5) Except as otherwise provided in division (C)(7) of this 2519
section, street racing is a felony of the third degree if the 2520
offender knew or had reasonable cause to believe that a device or 2521
apparatus was connected to any vehicle participating in the street 2522
race so as to inject nitrous oxide into the fuel or the combustion 2523

chambers of the engine of the vehicle during the street race and 2524
either of the following applies: 2525

(a) The offender previously has been convicted of or pleaded 2526
guilty to one or more violations of section 4511.20 of the Revised 2527
Code, division (B) of this section, or a municipal ordinance that 2528
is substantially equivalent to that section or division; 2529

(b) The violation caused physical harm to property in an 2530
amount exceeding one thousand dollars or physical harm to any 2531
person, whether or not the physical harm was caused directly by 2532
the offender. 2533

(6) Except as otherwise provided in division (C)(7) of this 2534
section, street racing is a felony of the third degree if the 2535
violation caused serious physical harm to any person, whether or 2536
not the serious physical harm was caused directly by the offender. 2537

(7) Street racing is a felony of the second degree if the 2538
offender knew or had reasonable cause to believe that a device or 2539
apparatus was connected to any vehicle participating in the street 2540
race so as to inject nitrous oxide into the fuel or the combustion 2541
chambers of the engine of the vehicle during the street race and 2542
the violation caused serious physical harm to any person, whether 2543
or not the serious physical harm was caused directly by the 2544
offender. 2545

(D) In addition to any other penalty for a violation of 2546
division (B) of this section, the court shall suspend the 2547
offender's driver's license, commercial driver's license, 2548
temporary instruction permit, probationary license, or nonresident 2549
operating privilege for a period of not less than thirty days and 2550
not more than three years. 2551

(E)(1) In addition to any other sanctions and in accordance 2552
with divisions (E)(2) and (3) of this section, the court shall 2553
order the immobilization and impoundment of the license plates of 2554

or criminal forfeiture of the motor vehicle the offender was 2555
operating at the time the offender violated division (B) of this 2556
section if either of the following applies: 2557

(a) The motor vehicle the offender was operating at the time 2558
of the violation is registered in the offender's name. 2559

(b) The motor vehicle the offender was operating at the time 2560
of the violation is not registered in the offender's name but is 2561
registered in the name of another person, and the person in whose 2562
name the motor vehicle is registered knew or had reasonable cause 2563
to believe that the offender would operate the motor vehicle in 2564
violation of section 4511.251 of the Revised Code or a 2565
substantially equivalent municipal ordinance. 2566

(2) When division (E)(1) of this section applies, the court 2567
shall order the immobilization of the vehicle involved in the 2568
offense for a period of one hundred eighty days in accordance with 2569
section 4503.233 of the Revised Code and impoundment of the 2570
license plates of that vehicle for a period of one hundred eighty 2571
days in any case in which the penalty for a violation of division 2572
(B) of this section is a misdemeanor of the first degree. In all 2573
other cases in which division (E)(1) of this section applies, the 2574
court shall order the criminal forfeiture of the vehicle. 2575

(3) Any forfeiture of a motor vehicle under this section 2576
shall be in accordance with section 4503.234 of the Revised Code. 2577
If title to a motor vehicle that is subject to an order of 2578
criminal forfeiture under this section is assigned or transferred 2579
and division (B)(2) or (3) of section 4503.234 of the Revised Code 2580
applies, the court, in addition to any other sanctions, may fine 2581
the offender the value of the vehicle as determined by 2582
publications of the national auto dealers association. The 2583
proceeds of any fine so imposed shall be distributed in accordance 2584
with division (C)(2) of that section. 2585

Sec. 4511.253. Every retailer who sells at retail nitrous oxide shall conspicuously post a sign that contains the following language: "Street racing on the public roads, streets, and highways of Ohio is illegal and punishable by a fine, a jail term or prison term, suspension of a person's driver's or commercial driver's license, and criminal forfeiture of any vehicle involved in a street race. Violators of Ohio's prohibition on street racing are subject to increased penalties if the motor vehicle operated by the individual in an illegal street race is enhanced by the use of nitrous oxide." The sign shall be of sufficient size to be clearly legible to a person of normal vision. The department of public safety shall make the sign available at no charge on its internet web site.

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

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

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

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

Section 4503.234 of the Revised Code as amended by both Sub.	2615
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly.	2616
Section 4510.41 of the Revised Code as amended by both Sub.	2617
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly.	2618