

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 335

Representative Combs

Cosponsors: Representatives Grossman, Domenick

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A B I L L

To amend sections 120.36, 2937.22, 2949.091, 1
2949.094, 2949.111, 4507.45, 4510.22, and 4511.19 2
of the Revised Code to require that certain fees 3
and costs paid by parties in a municipal court 4
that is not a county operated municipal court and 5
that appoints counsel for indigent defendants in a 6
manner other than that provided in section 120.33 7
of the Revised Code be transmitted to the 8
treasurer of the municipal corporation and used to 9
pay the compensation of counsel appointed to 10
represent indigent defendants. 11
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 120.36, 2937.22, 2949.091, 2949.094, 13
2949.111, 4507.45, 4510.22, and 4511.19 of the Revised Code be 14
amended to read as follows: 15

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 16
(5), or (6) of this section, if a person who is a defendant in a 17
criminal case or a party in a case in juvenile court requests or 18
is provided a state public defender, a county or joint county 19

public defender, or any other counsel appointed by the court, the 20
court in which the criminal case is initially filed or the 21
juvenile court, whichever is applicable, shall assess, unless the 22
application fee is waived or reduced, a non-refundable application 23
fee of twenty-five dollars. 24

The court shall direct the person to pay the application fee 25
to the clerk of court. The person shall pay the application fee to 26
the clerk of court at the time the person files an affidavit of 27
indigency or a financial disclosure form with the court, a state 28
public defender, a county or joint county public defender, or any 29
other counsel appointed by the court or within seven days of that 30
date. If the person does not pay the application fee within that 31
seven-day period, the court shall assess the application fee at 32
sentencing or at the final disposition of the case. 33

(2) For purposes of this section, a criminal case includes 34
any case involving a violation of any provision of the Revised 35
Code or of an ordinance of a municipal corporation for which the 36
potential penalty includes loss of liberty and includes any 37
contempt proceeding in which a court may impose a term of 38
imprisonment. 39

(3) In a juvenile court proceeding, the court shall not 40
assess the application fee against a child if the court appoints a 41
guardian ad litem for the child or the court appoints an attorney 42
to represent the child at the request of a guardian ad litem. 43

(4) The court shall not assess an application fee for a 44
postconviction proceeding or when the defendant files an appeal. 45

(5)(a) Except when the court assesses an application fee 46
pursuant to division (A)(5)(b) of this section, the court shall 47
assess an application fee when a person is charged with a 48
violation of a community control sanction or a violation of a 49
post-release control sanction. 50

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

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

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

(B) No court, state public defender, county or joint county public defender, or other counsel appointed by the court shall deny a person the assistance of counsel solely due to the person's failure to pay the application fee assessed pursuant to division (A) of this section. A person's present inability, failure, or refusal to pay the application fee shall not disqualify that person from legal representation.

(C) The application fee assessed pursuant to division (A) of this section is separate from and in addition to any other amount

assessed against a person who is found to be able to contribute 83
toward the cost of the person's legal representation pursuant to 84
division (D) of section 2941.51 of the Revised Code. 85

(D) The (1) Except as otherwise provided in division (D)(2) 86
of this section, the clerk of the court that assessed the fees 87
shall forward all application fees collected pursuant to this 88
section to the county treasurer for deposit in the county 89
treasury. The county shall retain eighty per cent of the 90
application fees so collected to offset the costs of providing 91
legal representation to indigent persons. Not later than the last 92
day of each month, the county auditor shall remit twenty per cent 93
of the application fees so collected in the previous month to the 94
state public defender. The state public defender shall deposit the 95
remitted fees into the state treasury to the credit of the client 96
payment fund created pursuant to division (B)(5) of section 120.04 97
of the Revised Code. The state public defender may use that money 98
in accordance with that section. 99

(2) If the court that assessed the fees is a municipal court 100
that is not a county-operated municipal court and appoints counsel 101
for indigent defendants in a manner other than that provided in 102
section 120.33 of the Revised Code, the clerk of the court that 103
assessed the fees shall forward all application fees collected 104
pursuant to this section to the treasurer of the municipal 105
corporation, and the treasurer shall deposit them into a separate 106
account to be used to compensate counsel appointed by the court 107
for indigent defendants. 108

(E) On or before the twentieth day of each month beginning in 109
February of the year 2007, each clerk of court shall provide to 110
the state public defender a report including all of the following: 111

(1) The number of persons in the previous month who requested 112
or were provided a state public defender, county or joint county 113
public defender, or other counsel appointed by the court; 114

(2) The number of persons in the previous month for whom the court waived the application fee pursuant to division (A) of this section; 115
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(3) The dollar value of the application fees assessed pursuant to division (A) of this section in the previous month; 118
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(4) The amount of assessed application fees collected in the previous month; 120
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(5) The balance of unpaid assessed application fees at the open and close of the previous month. 122
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(F) As used in this section: 124

(1) "Clerk of court" means the clerk of the court of common pleas of the county, the clerk of the juvenile court of the county, the clerk of the domestic relations division of the court of common pleas of the county, the clerk of the probate court of the county, the clerk of a municipal court in the county, the clerk of a county-operated municipal court, or the clerk of a county court in the county, whichever is applicable. 125
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(2) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code. 132
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Sec. 2937.22. (A) Bail is security for the appearance of an accused to appear and answer to a specific criminal or quasi-criminal charge in any court or before any magistrate at a specific time or at any time to which a case may be continued, and not depart without leave. It may take any of the following forms: 134
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(1) The deposit of cash by the accused or by some other person for the accused; 139
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(2) The deposit by the accused or by some other person for the accused in form of bonds of the United States, this state, or any political subdivision thereof in a face amount equal to the sum set by the court or magistrate. In case of bonds not 141
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negotiable by delivery such bonds shall be properly endorsed for 145
transfer. 146

(3) The written undertaking by one or more persons to forfeit 147
the sum of money set by the court or magistrate, if the accused is 148
in default for appearance, which shall be known as a recognizance. 149
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(B) Whenever a person is charged with any offense other than 151
a traffic offense that is not a moving violation and posts bail, 152
the person shall pay a surcharge of twenty-five dollars. The clerk 153
of the court shall retain the twenty-five dollars until the person 154
is convicted, pleads guilty, forfeits bail, is found not guilty, 155
or has the charges dismissed. If the person is convicted, pleads 156
guilty, or forfeits bail, except as otherwise provided in this 157
division, the clerk shall transmit the twenty-five dollars on or 158
before the twentieth day of the month following the month in which 159
the person was convicted, pleaded guilty, or forfeited bail to the 160
treasurer of state, and the treasurer of state shall deposit it 161
into the indigent defense support fund created under section 162
120.08 of the Revised Code. If the court is a municipal court that 163
is not a county-operated municipal court and appoints counsel for 164
indigent defendants in a manner other than that provided in 165
section 120.33 of the Revised Code, the clerk shall transmit the 166
twenty-five dollars on or before the twentieth day of the month 167
following the month in which the person was convicted, pleaded 168
guilty, or forfeited bail to the treasurer of the municipal 169
corporation, and the treasurer shall deposit it into a separate 170
account to be used to compensate counsel appointed by the court 171
for indigent defendants. If the person is found not guilty or the 172
charges are dismissed, the clerk shall return the twenty-five 173
dollars to the person. 174

(C) All bail shall be received by the clerk of the court, 175
deputy clerk of court, or by the magistrate, or by a special 176

referee appointed by the supreme court pursuant to section 2937.46 177
of the Revised Code, and, except in cases of recognizances, 178
receipt shall be given therefor. 179

(D) As used in this section, "moving violation" has the same 180
meaning as in section 2743.70 of the Revised Code. 181

Sec. 2949.091. (A)(1)(a) The court in which any person is 182
convicted of or pleads guilty to any offense shall impose one of 183
the following sums as costs in the case in addition to any other 184
court costs that the court is required by law to impose upon the 185
offender: 186

(i) Thirty dollars if the offense is a felony; 187

(ii) Twenty dollars if the offense is a misdemeanor other 188
than a traffic offense that is not a moving violation; 189

(iii) Ten dollars if the offense is a traffic offense that is 190
not a moving violation, excluding parking violations. 191

(b) All Except as otherwise provided in division (A)(1)(b) of 192
this section, all moneys collected pursuant to division (A)(1)(a) 193
of this section during a month shall be transmitted on or before 194
the twentieth day of the following month by the clerk of the court 195
to the treasurer of state and deposited by the treasurer of state 196
to the credit of the indigent defense support fund established 197
under section 120.08 of the Revised Code. If the court is a 198
municipal court that is not a county-operated municipal court and 199
appoints counsel for indigent defendants in a manner other than 200
that provided in section 120.33 of the Revised Code, on or before 201
the twentieth day of the following month the clerk of the court 202
shall transmit all moneys collected pursuant to division (A)(1)(a) 203
of this section during a month to the treasurer of the municipal 204
corporation, and the treasurer of the municipal corporation shall 205
deposit the money into a separate account to be used to compensate 206

counsel appointed by the court for indigent defendants. The court 207
shall not waive the payment of the additional thirty-, twenty-, or 208
ten-dollar court costs, unless the court determines that the 209
offender is indigent and waives the payment of all court costs 210
imposed upon the indigent offender. 211

(2)(a) The juvenile court in which a child is found to be a 213
delinquent child or a juvenile traffic offender for an act that, 214
if committed by an adult, would be an offense, shall impose one of 215
the following sums as costs in the case in addition to any other 216
court costs that the court is required or permitted by law to 217
impose upon the delinquent child or juvenile traffic offender: 218

(i) Thirty dollars if the offense is a felony; 220

(ii) Twenty dollars if the offense is a misdemeanor other 221
than a traffic offense that is not a moving violation; 222

(iii) Ten dollars if the offense is a traffic offense that is 223
not a moving violation, excluding parking violations. 224

(b) ~~All~~ Except as otherwise provided in division (A)(2)(b) of 225
this section, all moneys collected pursuant to division (A)(2)(a) 226
of this section during a month shall be transmitted on or before 227
the twentieth day of the following month by the clerk of the court 228
to the treasurer of state and deposited by the treasurer of state 229
to the credit of the indigent defense support fund established 230
under section 120.08 of the Revised Code. If the court is a 231
municipal court that is not a county-operated municipal court and 232
appoints counsel for indigent defendants in a manner other than 233
that provided in section 120.33 of the Revised Code, on or before 234
the twentieth day of the following month the clerk of the court 235
shall transmit all moneys collected pursuant to division (A)(2)(a) 236
of this section during a month to the treasurer of the municipal 237

corporation, and the treasurer of the municipal corporation shall 238
deposit the money into a separate account to be used to compensate 239
counsel appointed by the court for indigent defendants. The 240
thirty-, twenty-, or ten-dollar court costs shall be collected in 241
all cases unless the court determines the juvenile is indigent and 242
waives the payment of all court costs, or enters an order on its 243
journal stating that it has determined that the juvenile is 244
indigent, that no other court costs are to be taxed in the case, 245
and that the payment of the thirty-, twenty-, or ten-dollar court 246
costs is waived. 247

(B) Whenever a person is charged with any offense described 248
in division (A)(1) of this section, the court shall add to the 249
amount of the bail the thirty, twenty, or ten dollars required to 250
be paid by division (A)(1) of this section. The thirty, twenty, or 251
ten dollars shall be retained by the clerk of the court until the 252
person is convicted, pleads guilty, forfeits bail, is found not 253
guilty, or has the charges dismissed. If the person is convicted, 254
pleads guilty, or forfeits bail, except as otherwise provided in 255
this division, the clerk shall transmit the thirty, twenty, or ten 256
dollars on or before the twentieth day of the month following the 257
month in which the person was convicted, pleaded guilty, or 258
forfeited bail to the treasurer of state, who shall deposit it to 259
the credit of the indigent defense support fund established under 260
section 120.08 of the Revised Code. If the court is a municipal 261
court that is not a county-operated municipal court and appoints 262
counsel for indigent defendants in a manner other than that 263
provided in section 120.33 of the Revised Code, the clerk of the 264
court shall transmit the thirty, twenty, or ten dollars on or 265
before the twentieth day of the month following the month in which 266
the person was convicted, pleaded guilty, or forfeited bail to the 267
treasurer of the municipal corporation, and the treasurer of the 268
municipal corporation shall deposit it into a separate account to 269
be used to compensate counsel appointed by the court for indigent 270

defendants. If the person is found not guilty or the charges are 271
dismissed, the clerk shall return the thirty, twenty, or ten 272
dollars to the person. 273

(C) No person shall be placed or held in a detention facility 275
for failing to pay the additional thirty-, twenty-, or ten-dollar 276
court costs or bail that are required to be paid by this section. 277
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(D) As used in this section: 279

(1) "Moving violation" and "bail" have the same meanings as 280
in section 2743.70 of the Revised Code. 281

(2) "Detention facility" has the same meaning as in section 282
2921.01 of the Revised Code. 283

Sec. 2949.094. (A) The court in which any person is convicted 284
of or pleads guilty to any moving violation shall impose an 285
additional court cost of ten dollars upon the offender. The court 286
shall not waive the payment of the ten dollars unless the court 287
determines that the offender is indigent and waives the payment of 288
all court costs imposed upon the indigent offender. 289

The clerk of the court shall transmit thirty-five per cent of 290
all additional court costs collected pursuant to this division 291
during a month on or before the twenty-third day of the following 292
month to the state treasury of which ninety-seven per cent shall 293
be credited to the drug law enforcement fund created under section 294
5502.68 of the Revised Code and the remaining three per cent shall 295
be credited to the justice program services fund created under 296
section 5502.67 of the Revised Code. The clerk shall transmit 297
fifteen per cent of all additional court costs so collected during 298
a month on or before the twenty-third day of the following month 299
to the county or municipal indigent drivers alcohol treatment fund 300

under the control of that court, as created by the county or 301
municipal corporation under division (H) of section 4511.191 of 302
the Revised Code. The clerk shall transmit fifty per cent of all 303
additional court costs so collected during a month on or before 304
the twenty-third day of the following month either to the state 305
treasury to be credited to the indigent defense support fund 306
created pursuant to section 120.08 of the Revised Code or if the 307
court is a municipal court that is not a county-operated municipal 308
court and appoints counsel for indigent defendants in a manner 309
other than that provided in section 120.33 of the Revised Code to 310
the treasurer of the municipal corporation, who shall deposit it 311
into a separate account to be used to compensate counsel appointed 312
by the court for indigent defendants. 313

(B) The juvenile court in which a child is found to be a 315
juvenile traffic offender for an act that is a moving violation 316
shall impose an additional court cost of ten dollars upon the 317
juvenile traffic offender. The juvenile court shall not waive the 318
payment of the ten dollars unless the court determines that the 319
juvenile is indigent and waives the payment of all court costs 320
imposed upon the indigent offender. 321

The clerk of the court shall transmit thirty-five per cent of 322
all additional court costs collected pursuant to this division 323
during a month on or before the twenty-third day of the following 324
month to the state treasury of which ninety-seven per cent shall 325
be credited to the drug law enforcement fund created under section 326
5502.68 of the Revised Code and the remaining three per cent shall 327
be credited to the justice program services fund created under 328
section 5502.67 of the Revised Code. The clerk shall transmit 329
fifteen per cent of all additional court costs so collected during 330
a month on or before the twenty-third day of the following month 331
to the county juvenile indigent drivers alcohol treatment fund 332

under the control of that court, as created by the county under 333
division (H) of section 4511.191 of the Revised Code. The clerk 334
shall transmit fifty per cent of all additional court costs so 335
collected during a month on or before the twenty-third day of the 336
following month to the state treasury to be credited to the 337
indigent defense support fund created pursuant to section 120.08 338
of the Revised Code. 339

(C) Whenever a person is charged with any offense that is a 340
moving violation and posts bail, the court shall add to the amount 341
of the bail the ten dollars required to be paid by division (A) of 342
this section. The clerk of the court shall retain the ten dollars 343
until the person is convicted, pleads guilty, forfeits bail, is 344
found not guilty, or has the charges dismissed. If the person is 345
convicted, pleads guilty, or forfeits bail, the clerk shall 346
transmit three dollars and fifty cents out of the ten dollars to 347
the state treasury of which ninety-seven per cent shall be 348
credited to the drug law enforcement fund created under section 349
5502.68 of the Revised Code and the remaining three per cent shall 350
be credited to the justice program services fund created under 351
section 5502.67 of the Revised Code, the clerk shall transmit one 352
dollar and fifty cents out of the ten dollars to the county, 353
municipal, or county juvenile indigent drivers alcohol treatment 354
fund under the control of that court, as created by the county or 355
municipal corporation under division (H) of section 4511.191 of 356
the Revised Code, and the clerk shall transmit five dollars out of 357
the ten dollars either to the state treasury to be credited to the 358
indigent defense support fund created under section 120.08 of the 359
Revised Code or if the court is a municipal court that is not a 360
county-operated municipal court and appoints counsel for indigent 361
defendants in a manner other than that provided in section 120.33 362
of the Revised Code to the treasurer of the municipal corporation, 363
who shall deposit it into a separate account to be used to 364
compensate counsel appointed by the court for indigent defendants. 365

If the person is found not guilty or the charges are dismissed, 366
the clerk shall return the ten dollars to the person. 367

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(D) No person shall be placed or held in a detention facility 369
for failing to pay the court cost or bail that is required to be 370
paid by this section. 371

(E) As used in this section: 372

(1) "Bail" and "moving violation" have the same meanings as 373
in section 2949.093 of the Revised Code. 374

(2) "Detention facility" has the same meaning as in section 375
2921.01 of the Revised Code. 376

(3) "Division of criminal justice services" means the 377
division of criminal justice services of the department of public 378
safety, created by section 5502.62 of the Revised Code. 379

Sec. 2949.111. (A) As used in this section: 380

(1) "Court costs" means any assessment that the court 381
requires an offender to pay to defray the costs of operating the 382
court. 383

(2) "State fines or costs" means any costs imposed or 384
forfeited bail collected by the court under section 2743.70 of the 385
Revised Code for deposit into the reparations fund or collected by 386
the court under section 2949.091 of the Revised Code for deposit 387
into the indigent defense support fund established under section 388
120.08 of the Revised Code or for transmission to the treasurer of 389
a municipal corporation for compensation of counsel appointed for 390
indigent defendants and all fines, penalties, and forfeited bail 391
collected by the court and paid to a law library association under 392
section 307.515 of the Revised Code. 393

(3) "Reimbursement" means any reimbursement for the costs of 394
confinement that the court orders an offender to pay pursuant to 395

section 2929.28 of the Revised Code, any supervision fee, any fee 396
for the costs of house arrest with electronic monitoring that an 397
offender agrees to pay, any reimbursement for the costs of an 398
investigation or prosecution that the court orders an offender to 399
pay pursuant to section 2929.71 of the Revised Code, or any other 400
costs that the court orders an offender to pay. 401

(4) "Supervision fees" means any fees that a court, pursuant 402
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 403
requires an offender who is under a community control sanction to 404
pay for supervision services. 405

(5) "Community control sanction" has the same meaning as in 406
section 2929.01 of the Revised Code. 407

(B) Unless the court, in accordance with division (C) of this 408
section, enters in the record of the case a different method of 409
assigning payments, if a person who is charged with a misdemeanor 410
is convicted of or pleads guilty to the offense, if the court 411
orders the offender to pay any combination of court costs, state 412
fines or costs, restitution, a conventional fine, or any 413
reimbursement, and if the offender makes any payment of any of 414
them to a clerk of court, the clerk shall assign the offender's 415
payment in the following manner: 416

(1) If the court ordered the offender to pay any court costs, 417
the offender's payment shall be assigned toward the satisfaction 418
of those court costs until they have been entirely paid. 419

(2) If the court ordered the offender to pay any state fines 420
or costs and if all of the court costs that the court ordered the 421
offender to pay have been paid, the remainder of the offender's 422
payment shall be assigned on a pro rata basis toward the 423
satisfaction of the state fines or costs until they have been 424
entirely paid. 425

(3) If the court ordered the offender to pay any restitution 426

and if all of the court costs and state fines or costs that the 427
court ordered the offender to pay have been paid, the remainder of 428
the offender's payment shall be assigned toward the satisfaction 429
of the restitution until it has been entirely paid. 430

(4) If the court ordered the offender to pay any fine and if 431
all of the court costs, state fines or costs, and restitution that 432
the court ordered the offender to pay have been paid, the 433
remainder of the offender's payment shall be assigned toward the 434
satisfaction of the fine until it has been entirely paid. 435

(5) If the court ordered the offender to pay any 436
reimbursement and if all of the court costs, state fines or costs, 437
restitution, and fines that the court ordered the offender to pay 438
have been paid, the remainder of the offender's payment shall be 439
assigned toward the satisfaction of the reimbursements until they 440
have been entirely paid. 441

(C) If a person who is charged with a misdemeanor is 442
convicted of or pleads guilty to the offense and if the court 443
orders the offender to pay any combination of court costs, state 444
fines or costs, restitution, fines, or reimbursements, the court, 445
at the time it orders the offender to make those payments, may 446
prescribe an order of payments that differs from the order set 447
forth in division (B) of this section by entering in the record of 448
the case the order so prescribed. If a different order is entered 449
in the record, on receipt of any payment, the clerk of the court 450
shall assign the payment in the manner prescribed by the court. 451

Sec. 4507.45. If a person's driver's license, commercial 452
driver's license, or nonresident operating privilege is suspended, 453
disqualified, or canceled for an indefinite period of time or for 454
a period of at least ninety days, and if at the end of the period 455
of suspension, disqualification, or cancellation the person is 456
eligible to have the license or privilege reinstated, the 457

registrar of motor vehicles shall collect a reinstatement fee of 458
forty dollars when the person requests reinstatement. However, the 459
registrar shall not collect the fee prescribed by this section if 460
a different driver's license, commercial driver's license, or 461
nonresident operating privilege reinstatement fee is prescribed by 462
law. 463

The registrar either shall deposit ten dollars of each 464
forty-dollar fee into the state treasury to the credit of the 465
indigent defense support fund created by section 120.08 of the 466
Revised Code and or if the court that suspended, disqualified, or 467
canceled the person's driver's license, commercial driver's 468
license, or nonresident operating privilege is a municipal court 469
that is not a county-operated municipal court and appoints counsel 470
for indigent defendants in a manner other than that provided in 471
section 120.33 of the Revised Code shall transmit ten dollars of 472
each forty-dollar fee to the treasurer of the municipal 473
corporation, who shall deposit it into a separate account to be 474
used to compensate counsel appointed by the court for indigent 475
defendants. The registrar shall deposit thirty dollars of each fee 476
into the state treasury to the credit of the state bureau of motor 477
vehicles fund created by section 4501.25 of the Revised Code. 478

Sec. 4510.22. (A) If a person who has a current valid Ohio 480
driver's, commercial driver's license, or temporary instruction 481
permit is charged with a violation of any provision in sections 482
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 483
4549.65 of the Revised Code that is classified as a misdemeanor of 484
the first, second, third, or fourth degree or with a violation of 485
any substantially equivalent municipal ordinance and if the person 486
either fails to appear in court at the required time and place to 487
answer the charge or pleads guilty to or is found guilty of the 488

violation and fails within the time allowed by the court to pay 489
the fine imposed by the court, the court shall declare the 490
forfeiture of the person's license. Thirty days after the 491
declaration of forfeiture, the court shall inform the registrar of 492
motor vehicles of the forfeiture by entering information relative 493
to the of forfeiture on a form approved and furnished by the 494
registrar and sending the form to the registrar. The court also 495
shall forward the person's license, if it is in the possession of 496
the court, to the registrar. 497

The registrar shall impose a class F suspension of the 498
person's driver's or commercial driver's license, or temporary 499
instruction permit for the period of time specified in division 500
(B)(6) of section 4510.02 of the Revised Code on any person who is 501
named in a declaration received by the registrar under this 502
section. The registrar shall send written notification of the 503
suspension to the person at the person's last known address and, 504
if the person is in possession of the license, order the person to 505
surrender the person's license or permit to the registrar within 506
forty-eight hours. 507

No valid driver's or commercial driver's license shall be 508
granted to the person after the suspension, unless the court 509
having jurisdiction of the offense that led to the suspension 510
orders that the forfeiture be terminated. The court shall order 511
the termination of the forfeiture if the person thereafter appears 512
to answer the charge and pays any fine imposed by the court or 513
pays the fine originally imposed by the court. The court shall 514
inform the registrar of the termination of the forfeiture by 515
entering information relative to the termination on a form 516
approved and furnished by the registrar and sending the form to 517
the registrar. The person shall pay to the bureau of motor 518
vehicles a twenty-five-dollar reinstatement fee. The registrar 519
shall deposit fifteen dollars of the fee into the state treasury 520

to the credit of the state bureau of motor vehicles fund created 521
by section 4501.25 of the Revised Code to cover the costs of the 522
bureau in administering this section and either shall deposit ten 523
dollars of the fee into the state treasury to the credit of the 524
indigent defense support fund created by section 120.08 of the 525
Revised Code or if the court that declared the forfeiture is a 526
municipal court that is not a county-operated municipal court and 527
appoints counsel for indigent defendants in a manner other than 528
that provided in section 120.33 of the Revised Code, shall 529
transmit ten dollars of the fee to the treasurer of the municipal 530
corporation, who shall deposit it into a separate account to be 531
used to compensate counsel appointed by the court for indigent 532
defendants. 533

(B) In addition to suspending the driver's or commercial 534
driver's license or permit of the person named in a declaration of 535
forfeiture, the registrar, upon receipt from the court of the copy 536
of the declaration of forfeiture, shall take any measures that may 537
be necessary to ensure that neither the registrar nor any deputy 538
registrar accepts any application for the registration or transfer 539
of registration of any motor vehicle owned or leased by the person 540
named in the declaration of forfeiture. However, for a motor 541
vehicle leased by a person named in a declaration of forfeiture, 542
the registrar shall not implement the preceding sentence until the 543
registrar adopts procedures for that implementation under section 544
4503.39 of the Revised Code. The period of denial of registration 545
or transfer shall continue until such time as the court having 546
jurisdiction of the offense that led to the suspension orders the 547
forfeiture be terminated. Upon receipt by the registrar of an 548
order terminating the forfeiture, the registrar also shall take 549
any measures that may be necessary to permit the person to 550
register a motor vehicle owned or leased by the person or to 551
transfer the registration of such a motor vehicle, if the person 552
later makes application to take such action and otherwise is 553

eligible to register the motor vehicle or to transfer its 554
registration. 555

The registrar shall not be required to give effect to any 556
declaration of forfeiture or order terminating a forfeiture 557
provided by a court under this section unless the information 558
contained in the declaration or order is transmitted to the 559
registrar by means of an electronic transfer system. The registrar 560
shall not restore the person's driving or vehicle registration 561
privileges until the person pays the reinstatement fee as provided 562
in this section. 563

The period of denial relating to the issuance or transfer of 564
a certificate of registration for a motor vehicle imposed pursuant 565
to this division remains in effect until the person pays any fine 566
imposed by the court relative to the offense. 567

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 568
streetcar, or trackless trolley within this state, if, at the time 569
of the operation, any of the following apply: 570

(a) The person is under the influence of alcohol, a drug of 571
abuse, or a combination of them. 572

(b) The person has a concentration of eight-hundredths of one 573
per cent or more but less than seventeen-hundredths of one per 574
cent by weight per unit volume of alcohol in the person's whole 575
blood. 576

(c) The person has a concentration of ninety-six-thousandths 577
of one per cent or more but less than two hundred four-thousandths 578
of one per cent by weight per unit volume of alcohol in the 579
person's blood serum or plasma. 580

(d) The person has a concentration of eight-hundredths of one 581
gram or more but less than seventeen-hundredths of one gram by 582
weight of alcohol per two hundred ten liters of the person's 583

breath. 584

(e) The person has a concentration of eleven-hundredths of 585
one gram or more but less than two hundred 586
thirty-eight-thousandths of one gram by weight of alcohol per one 587
hundred milliliters of the person's urine. 588

(f) The person has a concentration of seventeen-hundredths of 589
one per cent or more by weight per unit volume of alcohol in the 590
person's whole blood. 591

(g) The person has a concentration of two hundred 592
four-thousandths of one per cent or more by weight per unit volume 593
of alcohol in the person's blood serum or plasma. 594

(h) The person has a concentration of seventeen-hundredths of 595
one gram or more by weight of alcohol per two hundred ten liters 596
of the person's breath. 597

(i) The person has a concentration of two hundred 598
thirty-eight-thousandths of one gram or more by weight of alcohol 599
per one hundred milliliters of the person's urine. 600

(j) Except as provided in division (K) of this section, the 601
person has a concentration of any of the following controlled 602
substances or metabolites of a controlled substance in the 603
person's whole blood, blood serum or plasma, or urine that equals 604
or exceeds any of the following: 605

(i) The person has a concentration of amphetamine in the 606
person's urine of at least five hundred nanograms of amphetamine 607
per milliliter of the person's urine or has a concentration of 608
amphetamine in the person's whole blood or blood serum or plasma 609
of at least one hundred nanograms of amphetamine per milliliter of 610
the person's whole blood or blood serum or plasma. 611

(ii) The person has a concentration of cocaine in the 612
person's urine of at least one hundred fifty nanograms of cocaine 613

per milliliter of the person's urine or has a concentration of 614
cocaine in the person's whole blood or blood serum or plasma of at 615
least fifty nanograms of cocaine per milliliter of the person's 616
whole blood or blood serum or plasma. 617

(iii) The person has a concentration of cocaine metabolite in 618
the person's urine of at least one hundred fifty nanograms of 619
cocaine metabolite per milliliter of the person's urine or has a 620
concentration of cocaine metabolite in the person's whole blood or 621
blood serum or plasma of at least fifty nanograms of cocaine 622
metabolite per milliliter of the person's whole blood or blood 623
serum or plasma. 624

(iv) The person has a concentration of heroin in the person's 625
urine of at least two thousand nanograms of heroin per milliliter 626
of the person's urine or has a concentration of heroin in the 627
person's whole blood or blood serum or plasma of at least fifty 628
nanograms of heroin per milliliter of the person's whole blood or 629
blood serum or plasma. 630

(v) The person has a concentration of heroin metabolite 631
(6-monoacetyl morphine) in the person's urine of at least ten 632
nanograms of heroin metabolite (6-monoacetyl morphine) per 633
milliliter of the person's urine or has a concentration of heroin 634
metabolite (6-monoacetyl morphine) in the person's whole blood or 635
blood serum or plasma of at least ten nanograms of heroin 636
metabolite (6-monoacetyl morphine) per milliliter of the person's 637
whole blood or blood serum or plasma. 638

(vi) The person has a concentration of L.S.D. in the person's 639
urine of at least twenty-five nanograms of L.S.D. per milliliter 640
of the person's urine or a concentration of L.S.D. in the person's 641
whole blood or blood serum or plasma of at least ten nanograms of 642
L.S.D. per milliliter of the person's whole blood or blood serum 643
or plasma. 644

(vii) The person has a concentration of marihuana in the 645
person's urine of at least ten nanograms of marihuana per 646
milliliter of the person's urine or has a concentration of 647
marihuana in the person's whole blood or blood serum or plasma of 648
at least two nanograms of marihuana per milliliter of the person's 649
whole blood or blood serum or plasma. 650

(viii) Either of the following applies: 651

(I) The person is under the influence of alcohol, a drug of 652
abuse, or a combination of them, and, as measured by gas 653
chromatography mass spectrometry, the person has a concentration 654
of marihuana metabolite in the person's urine of at least fifteen 655
nanograms of marihuana metabolite per milliliter of the person's 656
urine or has a concentration of marihuana metabolite in the 657
person's whole blood or blood serum or plasma of at least five 658
nanograms of marihuana metabolite per milliliter of the person's 659
whole blood or blood serum or plasma. 660

(II) As measured by gas chromatography mass spectrometry, the 661
person has a concentration of marihuana metabolite in the person's 662
urine of at least thirty-five nanograms of marihuana metabolite 663
per milliliter of the person's urine or has a concentration of 664
marihuana metabolite in the person's whole blood or blood serum or 665
plasma of at least fifty nanograms of marihuana metabolite per 666
milliliter of the person's whole blood or blood serum or plasma. 667

(ix) The person has a concentration of methamphetamine in the 668
person's urine of at least five hundred nanograms of 669
methamphetamine per milliliter of the person's urine or has a 670
concentration of methamphetamine in the person's whole blood or 671
blood serum or plasma of at least one hundred nanograms of 672
methamphetamine per milliliter of the person's whole blood or 673
blood serum or plasma. 674

(x) The person has a concentration of phencyclidine in the 675

person's urine of at least twenty-five nanograms of phencyclidine 676
per milliliter of the person's urine or has a concentration of 677
phencyclidine in the person's whole blood or blood serum or plasma 678
of at least ten nanograms of phencyclidine per milliliter of the 679
person's whole blood or blood serum or plasma. 680

(xi) The state board of pharmacy has adopted a rule pursuant 681
to section 4729.041 of the Revised Code that specifies the amount 682
of salvia divinorum and the amount of salvinorin A that constitute 683
concentrations of salvia divinorum and salvinorin A in a person's 684
urine, in a person's whole blood, or in a person's blood serum or 685
plasma at or above which the person is impaired for purposes of 686
operating any vehicle, streetcar, or trackless trolley within this 687
state, the rule is in effect, and the person has a concentration 688
of salvia divinorum or salvinorin A of at least that amount so 689
specified by rule in the person's urine, in the person's whole 690
blood, or in the person's blood serum or plasma. 691

(2) No person who, within twenty years of the conduct 692
described in division (A)(2)(a) of this section, previously has 693
been convicted of or pleaded guilty to a violation of this 694
division, a violation of division (A)(1) or (B) of this section, 695
or any other equivalent offense shall do both of the following: 696

(a) Operate any vehicle, streetcar, or trackless trolley 697
within this state while under the influence of alcohol, a drug of 698
abuse, or a combination of them; 699

(b) Subsequent to being arrested for operating the vehicle, 700
streetcar, or trackless trolley as described in division (A)(2)(a) 701
of this section, being asked by a law enforcement officer to 702
submit to a chemical test or tests under section 4511.191 of the 703
Revised Code, and being advised by the officer in accordance with 704
section 4511.192 of the Revised Code of the consequences of the 705
person's refusal or submission to the test or tests, refuse to 706
submit to the test or tests. 707

(B) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1)(a) or (A)(2) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D)(1)(a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding

for a violation of division (A) or (B) of this section or for an 739
equivalent offense that is vehicle-related, the court may admit 740
evidence on the concentration of alcohol, drugs of abuse, 741
controlled substances, metabolites of a controlled substance, or a 742
combination of them in the defendant's whole blood, blood serum or 743
plasma, breath, urine, or other bodily substance at the time of 744
the alleged violation as shown by chemical analysis of the 745
substance withdrawn within three hours of the time of the alleged 746
violation. The three-hour time limit specified in this division 747
regarding the admission of evidence does not extend or affect the 748
two-hour time limit specified in division (A) of section 4511.192 749
of the Revised Code as the maximum period of time during which a 750
person may consent to a chemical test or tests as described in 751
that section. The court may admit evidence on the concentration of 752
alcohol, drugs of abuse, or a combination of them as described in 753
this division when a person submits to a blood, breath, urine, or 754
other bodily substance test at the request of a law enforcement 755
officer under section 4511.191 of the Revised Code or a blood or 756
urine sample is obtained pursuant to a search warrant. Only a 757
physician, a registered nurse, or a qualified technician, chemist, 758
or phlebotomist shall withdraw a blood sample for the purpose of 759
determining the alcohol, drug, controlled substance, metabolite of 760
a controlled substance, or combination content of the whole blood, 761
blood serum, or blood plasma. This limitation does not apply to 762
the taking of breath or urine specimens. A person authorized to 763
withdraw blood under this division may refuse to withdraw blood 764
under this division, if in that person's opinion, the physical 765
welfare of the person would be endangered by the withdrawing of 766
blood. 767

The bodily substance withdrawn under division (D)(1)(b) of 768
this section shall be analyzed in accordance with methods approved 769
by the director of health by an individual possessing a valid 770
permit issued by the director pursuant to section 3701.143 of the 771

Revised Code. 772

(2) In a criminal prosecution or juvenile court proceeding 773
for a violation of division (A) of this section or for an 774
equivalent offense that is vehicle-related, if there was at the 775
time the bodily substance was withdrawn a concentration of less 776
than the applicable concentration of alcohol specified in 777
divisions (A)(1)(b), (c), (d), and (e) of this section or less 778
than the applicable concentration of a listed controlled substance 779
or a listed metabolite of a controlled substance specified for a 780
violation of division (A)(1)(j) of this section, that fact may be 781
considered with other competent evidence in determining the guilt 782
or innocence of the defendant. This division does not limit or 783
affect a criminal prosecution or juvenile court proceeding for a 784
violation of division (B) of this section or for an equivalent 785
offense that is substantially equivalent to that division. 786
787

(3) Upon the request of the person who was tested, the 788
results of the chemical test shall be made available to the person 789
or the person's attorney, immediately upon the completion of the 790
chemical test analysis. 791

If the chemical test was obtained pursuant to division 792
(D)(1)(b) of this section, the person tested may have a physician, 793
a registered nurse, or a qualified technician, chemist, or 794
phlebotomist of the person's own choosing administer a chemical 795
test or tests, at the person's expense, in addition to any 796
administered at the request of a law enforcement officer. If the 797
person was under arrest as described in division (A)(5) of section 798
4511.191 of the Revised Code, the arresting officer shall advise 799
the person at the time of the arrest that the person may have an 800
independent chemical test taken at the person's own expense. If 801
the person was under arrest other than described in division 802
(A)(5) of section 4511.191 of the Revised Code, the form to be 803

read to the person to be tested, as required under section 804
4511.192 of the Revised Code, shall state that the person may have 805
an independent test performed at the person's expense. The failure 806
or inability to obtain an additional chemical test by a person 807
shall not preclude the admission of evidence relating to the 808
chemical test or tests taken at the request of a law enforcement 809
officer. 810

(4)(a) As used in divisions (D)(4)(b) and (c) of this 811
section, "national highway traffic safety administration" means 812
the national highway traffic safety administration established as 813
an administration of the United States department of 814
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 815

(b) In any criminal prosecution or juvenile court proceeding 816
for a violation of division (A) or (B) of this section, of a 817
municipal ordinance relating to operating a vehicle while under 818
the influence of alcohol, a drug of abuse, or alcohol and a drug 819
of abuse, or of a municipal ordinance relating to operating a 820
vehicle with a prohibited concentration of alcohol, a controlled 821
substance, or a metabolite of a controlled substance in the whole 822
blood, blood serum or plasma, breath, or urine, if a law 823
enforcement officer has administered a field sobriety test to the 824
operator of the vehicle involved in the violation and if it is 825
shown by clear and convincing evidence that the officer 826
administered the test in substantial compliance with the testing 827
standards for any reliable, credible, and generally accepted field 828
sobriety tests that were in effect at the time the tests were 829
administered, including, but not limited to, any testing standards 830
then in effect that were set by the national highway traffic 831
safety administration, all of the following apply: 832

(i) The officer may testify concerning the results of the 833
field sobriety test so administered. 834

(ii) The prosecution may introduce the results of the field 835

sobriety test so administered as evidence in any proceedings in 836
the criminal prosecution or juvenile court proceeding. 837

(iii) If testimony is presented or evidence is introduced 838
under division (D)(4)(b)(i) or (ii) of this section and if the 839
testimony or evidence is admissible under the Rules of Evidence, 840
the court shall admit the testimony or evidence and the trier of 841
fact shall give it whatever weight the trier of fact considers to 842
be appropriate. 843

(c) Division (D)(4)(b) of this section does not limit or 844
preclude a court, in its determination of whether the arrest of a 845
person was supported by probable cause or its determination of any 846
other matter in a criminal prosecution or juvenile court 847
proceeding of a type described in that division, from considering 848
evidence or testimony that is not otherwise disallowed by division 849
(D)(4)(b) of this section. 850

(E)(1) Subject to division (E)(3) of this section, in any 851
criminal prosecution or juvenile court proceeding for a violation 852
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 853
or (B)(1), (2), (3), or (4) of this section or for an equivalent 854
offense that is substantially equivalent to any of those 855
divisions, a laboratory report from any laboratory personnel 856
issued a permit by the department of health authorizing an 857
analysis as described in this division that contains an analysis 858
of the whole blood, blood serum or plasma, breath, urine, or other 859
bodily substance tested and that contains all of the information 860
specified in this division shall be admitted as prima-facie 861
evidence of the information and statements that the report 862
contains. The laboratory report shall contain all of the 863
following: 864

(a) The signature, under oath, of any person who performed 865
the analysis; 866

(b) Any findings as to the identity and quantity of alcohol, 867
a drug of abuse, a controlled substance, a metabolite of a 868
controlled substance, or a combination of them that was found; 869

(c) A copy of a notarized statement by the laboratory 870
director or a designee of the director that contains the name of 871
each certified analyst or test performer involved with the report, 872
the analyst's or test performer's employment relationship with the 873
laboratory that issued the report, and a notation that performing 874
an analysis of the type involved is part of the analyst's or test 875
performer's regular duties; 876

(d) An outline of the analyst's or test performer's 877
education, training, and experience in performing the type of 878
analysis involved and a certification that the laboratory 879
satisfies appropriate quality control standards in general and, in 880
this particular analysis, under rules of the department of health. 881

(2) Notwithstanding any other provision of law regarding the 882
admission of evidence, a report of the type described in division 883
(E)(1) of this section is not admissible against the defendant to 884
whom it pertains in any proceeding, other than a preliminary 885
hearing or a grand jury proceeding, unless the prosecutor has 886
served a copy of the report on the defendant's attorney or, if the 887
defendant has no attorney, on the defendant. 888

(3) A report of the type described in division (E)(1) of this 889
section shall not be prima-facie evidence of the contents, 890
identity, or amount of any substance if, within seven days after 891
the defendant to whom the report pertains or the defendant's 892
attorney receives a copy of the report, the defendant or the 893
defendant's attorney demands the testimony of the person who 894
signed the report. The judge in the case may extend the seven-day 895
time limit in the interest of justice. 896

(F) Except as otherwise provided in this division, any 897

physician, registered nurse, or qualified technician, chemist, or 898
phlebotomist who withdraws blood from a person pursuant to this 899
section or section 4511.191 or 4511.192 of the Revised Code, and 900
any hospital, first-aid station, or clinic at which blood is 901
withdrawn from a person pursuant to this section or section 902
4511.191 or 4511.192 of the Revised Code, is immune from criminal 903
liability and civil liability based upon a claim of assault and 904
battery or any other claim that is not a claim of malpractice, for 905
any act performed in withdrawing blood from the person. The 906
immunity provided in this division is not available to a person 907
who withdraws blood if the person engages in willful or wanton 908
misconduct. 909

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 910
to (i) or (A)(2) of this section is guilty of operating a vehicle 911
under the influence of alcohol, a drug of abuse, or a combination 912
of them. Whoever violates division (A)(1)(j) of this section is 913
guilty of operating a vehicle while under the influence of a 914
listed controlled substance or a listed metabolite of a controlled 915
substance. The court shall sentence the offender for either 916
offense under Chapter 2929. of the Revised Code, except as 917
otherwise authorized or required by divisions (G)(1)(a) to (e) of 918
this section: 919

(a) Except as otherwise provided in division (G)(1)(b), (c), 920
(d), or (e) of this section, the offender is guilty of a 921
misdemeanor of the first degree, and the court shall sentence the 922
offender to all of the following: 923

(i) If the sentence is being imposed for a violation of 924
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 925
mandatory jail term of three consecutive days. As used in this 926
division, three consecutive days means seventy-two consecutive 927
hours. The court may sentence an offender to both an intervention 928
program and a jail term. The court may impose a jail term in 929

addition to the three-day mandatory jail term or intervention 930
program. However, in no case shall the cumulative jail term 931
imposed for the offense exceed six months. 932

The court may suspend the execution of the three-day jail 933
term under this division if the court, in lieu of that suspended 934
term, places the offender under a community control sanction 935
pursuant to section 2929.25 of the Revised Code and requires the 936
offender to attend, for three consecutive days, a drivers' 937
intervention program certified under section 3793.10 of the 938
Revised Code. The court also may suspend the execution of any part 939
of the three-day jail term under this division if it places the 940
offender under a community control sanction pursuant to section 941
2929.25 of the Revised Code for part of the three days, requires 942
the offender to attend for the suspended part of the term a 943
drivers' intervention program so certified, and sentences the 944
offender to a jail term equal to the remainder of the three 945
consecutive days that the offender does not spend attending the 946
program. The court may require the offender, as a condition of 947
community control and in addition to the required attendance at a 948
drivers' intervention program, to attend and satisfactorily 949
complete any treatment or education programs that comply with the 950
minimum standards adopted pursuant to Chapter 3793. of the Revised 951
Code by the director of alcohol and drug addiction services that 952
the operators of the drivers' intervention program determine that 953
the offender should attend and to report periodically to the court 954
on the offender's progress in the programs. The court also may 955
impose on the offender any other conditions of community control 956
that it considers necessary. 957

(ii) If the sentence is being imposed for a violation of 958
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 959
section, except as otherwise provided in this division, a 960
mandatory jail term of at least three consecutive days and a 961

requirement that the offender attend, for three consecutive days, 962
a drivers' intervention program that is certified pursuant to 963
section 3793.10 of the Revised Code. As used in this division, 964
three consecutive days means seventy-two consecutive hours. If the 965
court determines that the offender is not conducive to treatment 966
in a drivers' intervention program, if the offender refuses to 967
attend a drivers' intervention program, or if the jail at which 968
the offender is to serve the jail term imposed can provide a 969
driver's intervention program, the court shall sentence the 970
offender to a mandatory jail term of at least six consecutive 971
days. 972

The court may require the offender, under a community control 973
sanction imposed under section 2929.25 of the Revised Code, to 974
attend and satisfactorily complete any treatment or education 975
programs that comply with the minimum standards adopted pursuant 976
to Chapter 3793. of the Revised Code by the director of alcohol 977
and drug addiction services, in addition to the required 978
attendance at drivers' intervention program, that the operators of 979
the drivers' intervention program determine that the offender 980
should attend and to report periodically to the court on the 981
offender's progress in the programs. The court also may impose any 982
other conditions of community control on the offender that it 983
considers necessary. 984

(iii) In all cases, a fine of not less than three hundred 985
seventy-five and not more than one thousand seventy-five dollars; 986
987

(iv) In all cases, a class five license suspension of the 988
offender's driver's or commercial driver's license or permit or 989
nonresident operating privilege from the range specified in 990
division (A)(5) of section 4510.02 of the Revised Code. The court 991
may grant limited driving privileges relative to the suspension 992
under sections 4510.021 and 4510.13 of the Revised Code. 993

(b) Except as otherwise provided in division (G)(1)(e) of 994
this section, an offender who, within six years of the offense, 995
previously has been convicted of or pleaded guilty to one 996
violation of division (A) or (B) of this section or one other 997
equivalent offense is guilty of a misdemeanor of the first degree. 998
The court shall sentence the offender to all of the following: 999

(i) If the sentence is being imposed for a violation of 1000
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1001
mandatory jail term of ten consecutive days. The court shall 1002
impose the ten-day mandatory jail term under this division unless, 1003
subject to division (G)(3) of this section, it instead imposes a 1004
sentence under that division consisting of both a jail term and a 1005
term of house arrest with electronic monitoring, with continuous 1006
alcohol monitoring, or with both electronic monitoring and 1007
continuous alcohol monitoring. The court may impose a jail term in 1008
addition to the ten-day mandatory jail term. The cumulative jail 1009
term imposed for the offense shall not exceed six months. 1010

In addition to the jail term or the term of house arrest with 1011
electronic monitoring or continuous alcohol monitoring or both 1012
types of monitoring and jail term, the court shall require the 1013
offender to be assessed by an alcohol and drug treatment program 1014
that is authorized by section 3793.02 of the Revised Code, subject 1015
to division (I) of this section, and shall order the offender to 1016
follow the treatment recommendations of the program. The purpose 1017
of the assessment is to determine the degree of the offender's 1018
alcohol usage and to determine whether or not treatment is 1019
warranted. Upon the request of the court, the program shall submit 1020
the results of the assessment to the court, including all 1021
treatment recommendations and clinical diagnoses related to 1022
alcohol use. 1023

(ii) If the sentence is being imposed for a violation of 1024
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1025

section, except as otherwise provided in this division, a 1026
mandatory jail term of twenty consecutive days. The court shall 1027
impose the twenty-day mandatory jail term under this division 1028
unless, subject to division (G)(3) of this section, it instead 1029
imposes a sentence under that division consisting of both a jail 1030
term and a term of house arrest with electronic monitoring, with 1031
continuous alcohol monitoring, or with both electronic monitoring 1032
and continuous alcohol monitoring. The court may impose a jail 1033
term in addition to the twenty-day mandatory jail term. The 1034
cumulative jail term imposed for the offense shall not exceed six 1035
months. 1036

In addition to the jail term or the term of house arrest with 1037
electronic monitoring or continuous alcohol monitoring or both 1038
types of monitoring and jail term, the court shall require the 1039
offender to be assessed by an alcohol and drug treatment program 1040
that is authorized by section 3793.02 of the Revised Code, subject 1041
to division (I) of this section, and shall order the offender to 1042
follow the treatment recommendations of the program. The purpose 1043
of the assessment is to determine the degree of the offender's 1044
alcohol usage and to determine whether or not treatment is 1045
warranted. Upon the request of the court, the program shall submit 1046
the results of the assessment to the court, including all 1047
treatment recommendations and clinical diagnoses related to 1048
alcohol use. 1049

(iii) In all cases, notwithstanding the fines set forth in 1050
Chapter 2929. of the Revised Code, a fine of not less than five 1051
hundred twenty-five and not more than one thousand six hundred 1052
twenty-five dollars; 1053

(iv) In all cases, a class four license suspension of the 1054
offender's driver's license, commercial driver's license, 1055
temporary instruction permit, probationary license, or nonresident 1056
operating privilege from the range specified in division (A)(4) of 1057

section 4510.02 of the Revised Code. The court may grant limited 1058
driving privileges relative to the suspension under sections 1059
4510.021 and 4510.13 of the Revised Code. 1060

(v) In all cases, if the vehicle is registered in the 1061
offender's name, immobilization of the vehicle involved in the 1062
offense for ninety days in accordance with section 4503.233 of the 1063
Revised Code and impoundment of the license plates of that vehicle 1064
for ninety days. 1065

(c) Except as otherwise provided in division (G)(1)(e) of 1066
this section, an offender who, within six years of the offense, 1067
previously has been convicted of or pleaded guilty to two 1068
violations of division (A) or (B) of this section or other 1069
equivalent offenses is guilty of a misdemeanor. The court shall 1070
sentence the offender to all of the following: 1071

(i) If the sentence is being imposed for a violation of 1072
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1073
mandatory jail term of thirty consecutive days. The court shall 1074
impose the thirty-day mandatory jail term under this division 1075
unless, subject to division (G)(3) of this section, it instead 1076
imposes a sentence under that division consisting of both a jail 1077
term and a term of house arrest with electronic monitoring, with 1078
continuous alcohol monitoring, or with both electronic monitoring 1079
and continuous alcohol monitoring. The court may impose a jail 1080
term in addition to the thirty-day mandatory jail term. 1081
Notwithstanding the jail terms set forth in sections 2929.21 to 1082
2929.28 of the Revised Code, the additional jail term shall not 1083
exceed one year, and the cumulative jail term imposed for the 1084
offense shall not exceed one year. 1085

(ii) If the sentence is being imposed for a violation of 1086
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1087
section, a mandatory jail term of sixty consecutive days. The 1088
court shall impose the sixty-day mandatory jail term under this 1089

division unless, subject to division (G)(3) of this section, it 1090
instead imposes a sentence under that division consisting of both 1091
a jail term and a term of house arrest with electronic monitoring, 1092
with continuous alcohol monitoring, or with both electronic 1093
monitoring and continuous alcohol monitoring. The court may impose 1094
a jail term in addition to the sixty-day mandatory jail term. 1095
Notwithstanding the jail terms set forth in sections 2929.21 to 1096
2929.28 of the Revised Code, the additional jail term shall not 1097
exceed one year, and the cumulative jail term imposed for the 1098
offense shall not exceed one year. 1099

(iii) In all cases, notwithstanding the fines set forth in 1100
Chapter 2929. of the Revised Code, a fine of not less than eight 1101
hundred fifty and not more than two thousand seven hundred fifty 1102
dollars; 1103

(iv) In all cases, a class three license suspension of the 1104
offender's driver's license, commercial driver's license, 1105
temporary instruction permit, probationary license, or nonresident 1106
operating privilege from the range specified in division (A)(3) of 1107
section 4510.02 of the Revised Code. The court may grant limited 1108
driving privileges relative to the suspension under sections 1109
4510.021 and 4510.13 of the Revised Code. 1110

(v) In all cases, if the vehicle is registered in the 1111
offender's name, criminal forfeiture of the vehicle involved in 1112
the offense in accordance with section 4503.234 of the Revised 1113
Code. Division (G)(6) of this section applies regarding any 1114
vehicle that is subject to an order of criminal forfeiture under 1115
this division. 1116

(vi) In all cases, the court shall order the offender to 1117
participate in an alcohol and drug addiction program authorized by 1118
section 3793.02 of the Revised Code, subject to division (I) of 1119
this section, and shall order the offender to follow the treatment 1120
recommendations of the program. The operator of the program shall 1121

determine and assess the degree of the offender's alcohol 1122
dependency and shall make recommendations for treatment. Upon the 1123
request of the court, the program shall submit the results of the 1124
assessment to the court, including all treatment recommendations 1125
and clinical diagnoses related to alcohol use. 1126

(d) Except as otherwise provided in division (G)(1)(e) of 1127
this section, an offender who, within six years of the offense, 1128
previously has been convicted of or pleaded guilty to three or 1129
four violations of division (A) or (B) of this section or other 1130
equivalent offenses or an offender who, within twenty years of the 1131
offense, previously has been convicted of or pleaded guilty to 1132
five or more violations of that nature is guilty of a felony of 1133
the fourth degree. The court shall sentence the offender to all of 1134
the following: 1135

(i) If the sentence is being imposed for a violation of 1136
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1137
mandatory prison term of one, two, three, four, or five years as 1138
required by and in accordance with division (G)(2) of section 1139
2929.13 of the Revised Code if the offender also is convicted of 1140
or also pleads guilty to a specification of the type described in 1141
section 2941.1413 of the Revised Code or, in the discretion of the 1142
court, either a mandatory term of local incarceration of sixty 1143
consecutive days in accordance with division (G)(1) of section 1144
2929.13 of the Revised Code or a mandatory prison term of sixty 1145
consecutive days in accordance with division (G)(2) of that 1146
section if the offender is not convicted of and does not plead 1147
guilty to a specification of that type. If the court imposes a 1148
mandatory term of local incarceration, it may impose a jail term 1149
in addition to the sixty-day mandatory term, the cumulative total 1150
of the mandatory term and the jail term for the offense shall not 1151
exceed one year, and, except as provided in division (A)(1) of 1152
section 2929.13 of the Revised Code, no prison term is authorized 1153

for the offense. If the court imposes a mandatory prison term, 1154
notwithstanding division (A)(4) of section 2929.14 of the Revised 1155
Code, it also may sentence the offender to a definite prison term 1156
that shall be not less than six months and not more than thirty 1157
months and the prison terms shall be imposed as described in 1158
division (G)(2) of section 2929.13 of the Revised Code. If the 1159
court imposes a mandatory prison term or mandatory prison term and 1160
additional prison term, in addition to the term or terms so 1161
imposed, the court also may sentence the offender to a community 1162
control sanction for the offense, but the offender shall serve all 1163
of the prison terms so imposed prior to serving the community 1164
control sanction. 1165

(ii) If the sentence is being imposed for a violation of 1166
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1167
section, a mandatory prison term of one, two, three, four, or five 1168
years as required by and in accordance with division (G)(2) of 1169
section 2929.13 of the Revised Code if the offender also is 1170
convicted of or also pleads guilty to a specification of the type 1171
described in section 2941.1413 of the Revised Code or, in the 1172
discretion of the court, either a mandatory term of local 1173
incarceration of one hundred twenty consecutive days in accordance 1174
with division (G)(1) of section 2929.13 of the Revised Code or a 1175
mandatory prison term of one hundred twenty consecutive days in 1176
accordance with division (G)(2) of that section if the offender is 1177
not convicted of and does not plead guilty to a specification of 1178
that type. If the court imposes a mandatory term of local 1179
incarceration, it may impose a jail term in addition to the one 1180
hundred twenty-day mandatory term, the cumulative total of the 1181
mandatory term and the jail term for the offense shall not exceed 1182
one year, and, except as provided in division (A)(1) of section 1183
2929.13 of the Revised Code, no prison term is authorized for the 1184
offense. If the court imposes a mandatory prison term, 1185
notwithstanding division (A)(4) of section 2929.14 of the Revised 1186

Code, it also may sentence the offender to a definite prison term 1187
that shall be not less than six months and not more than thirty 1188
months and the prison terms shall be imposed as described in 1189
division (G)(2) of section 2929.13 of the Revised Code. If the 1190
court imposes a mandatory prison term or mandatory prison term and 1191
additional prison term, in addition to the term or terms so 1192
imposed, the court also may sentence the offender to a community 1193
control sanction for the offense, but the offender shall serve all 1194
of the prison terms so imposed prior to serving the community 1195
control sanction. 1196

(iii) In all cases, notwithstanding section 2929.18 of the 1197
Revised Code, a fine of not less than one thousand three hundred 1198
fifty nor more than ten thousand five hundred dollars; 1199

(iv) In all cases, a class two license suspension of the 1200
offender's driver's license, commercial driver's license, 1201
temporary instruction permit, probationary license, or nonresident 1202
operating privilege from the range specified in division (A)(2) of 1203
section 4510.02 of the Revised Code. The court may grant limited 1204
driving privileges relative to the suspension under sections 1205
4510.021 and 4510.13 of the Revised Code. 1206

(v) In all cases, if the vehicle is registered in the 1207
offender's name, criminal forfeiture of the vehicle involved in 1208
the offense in accordance with section 4503.234 of the Revised 1209
Code. Division (G)(6) of this section applies regarding any 1210
vehicle that is subject to an order of criminal forfeiture under 1211
this division. 1212

(vi) In all cases, the court shall order the offender to 1213
participate in an alcohol and drug addiction program authorized by 1214
section 3793.02 of the Revised Code, subject to division (I) of 1215
this section, and shall order the offender to follow the treatment 1216
recommendations of the program. The operator of the program shall 1217
determine and assess the degree of the offender's alcohol 1218

dependency and shall make recommendations for treatment. Upon the 1219
request of the court, the program shall submit the results of the 1220
assessment to the court, including all treatment recommendations 1221
and clinical diagnoses related to alcohol use. 1222

(vii) In all cases, if the court sentences the offender to a 1223
mandatory term of local incarceration, in addition to the 1224
mandatory term, the court, pursuant to section 2929.17 of the 1225
Revised Code, may impose a term of house arrest with electronic 1226
monitoring. The term shall not commence until after the offender 1227
has served the mandatory term of local incarceration. 1228

(e) An offender who previously has been convicted of or 1229
pleaded guilty to a violation of division (A) of this section that 1230
was a felony, regardless of when the violation and the conviction 1231
or guilty plea occurred, is guilty of a felony of the third 1232
degree. The court shall sentence the offender to all of the 1233
following: 1234

(i) If the offender is being sentenced for a violation of 1235
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1236
mandatory prison term of one, two, three, four, or five years as 1237
required by and in accordance with division (G)(2) of section 1238
2929.13 of the Revised Code if the offender also is convicted of 1239
or also pleads guilty to a specification of the type described in 1240
section 2941.1413 of the Revised Code or a mandatory prison term 1241
of sixty consecutive days in accordance with division (G)(2) of 1242
section 2929.13 of the Revised Code if the offender is not 1243
convicted of and does not plead guilty to a specification of that 1244
type. The court may impose a prison term in addition to the 1245
mandatory prison term. The cumulative total of a sixty-day 1246
mandatory prison term and the additional prison term for the 1247
offense shall not exceed five years. In addition to the mandatory 1248
prison term or mandatory prison term and additional prison term 1249
the court imposes, the court also may sentence the offender to a 1250

community control sanction for the offense, but the offender shall 1251
serve all of the prison terms so imposed prior to serving the 1252
community control sanction. 1253

(ii) If the sentence is being imposed for a violation of 1254
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1255
section, a mandatory prison term of one, two, three, four, or five 1256
years as required by and in accordance with division (G)(2) of 1257
section 2929.13 of the Revised Code if the offender also is 1258
convicted of or also pleads guilty to a specification of the type 1259
described in section 2941.1413 of the Revised Code or a mandatory 1260
prison term of one hundred twenty consecutive days in accordance 1261
with division (G)(2) of section 2929.13 of the Revised Code if the 1262
offender is not convicted of and does not plead guilty to a 1263
specification of that type. The court may impose a prison term in 1264
addition to the mandatory prison term. The cumulative total of a 1265
one hundred twenty-day mandatory prison term and the additional 1266
prison term for the offense shall not exceed five years. In 1267
addition to the mandatory prison term or mandatory prison term and 1268
additional prison term the court imposes, the court also may 1269
sentence the offender to a community control sanction for the 1270
offense, but the offender shall serve all of the prison terms so 1271
imposed prior to serving the community control sanction. 1272

(iii) In all cases, notwithstanding section 2929.18 of the 1273
Revised Code, a fine of not less than one thousand three hundred 1274
fifty nor more than ten thousand five hundred dollars; 1275

(iv) In all cases, a class two license suspension of the 1276
offender's driver's license, commercial driver's license, 1277
temporary instruction permit, probationary license, or nonresident 1278
operating privilege from the range specified in division (A)(2) of 1279
section 4510.02 of the Revised Code. The court may grant limited 1280
driving privileges relative to the suspension under sections 1281
4510.021 and 4510.13 of the Revised Code. 1282

(v) In all cases, if the vehicle is registered in the
offender's name, criminal forfeiture of the vehicle involved in
the offense in accordance with section 4503.234 of the Revised
Code. Division (G)(6) of this section applies regarding any
vehicle that is subject to an order of criminal forfeiture under
this division.

(vi) In all cases, the court shall order the offender to
participate in an alcohol and drug addiction program authorized by
section 3793.02 of the Revised Code, subject to division (I) of
this section, and shall order the offender to follow the treatment
recommendations of the program. The operator of the program shall
determine and assess the degree of the offender's alcohol
dependency and shall make recommendations for treatment. Upon the
request of the court, the program shall submit the results of the
assessment to the court, including all treatment recommendations
and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a
violation of division (A) of this section and who subsequently
seeks reinstatement of the driver's or occupational driver's
license or permit or nonresident operating privilege suspended
under this section as a result of the conviction or guilty plea
shall pay a reinstatement fee as provided in division (F)(2) of
section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and
if, within sixty days of sentencing of the offender, the court
issues a written finding on the record that, due to the
unavailability of space at the jail where the offender is required
to serve the term, the offender will not be able to begin serving
that term within the sixty-day period following the date of
sentencing, the court may impose an alternative sentence under
this division that includes a term of house arrest with electronic

monitoring, with continuous alcohol monitoring, or with both 1315
electronic monitoring and continuous alcohol monitoring. 1316

As an alternative to a mandatory jail term of ten consecutive 1317
days required by division (G)(1)(b)(i) of this section, the court, 1318
under this division, may sentence the offender to five consecutive 1319
days in jail and not less than eighteen consecutive days of house 1320
arrest with electronic monitoring, with continuous alcohol 1321
monitoring, or with both electronic monitoring and continuous 1322
alcohol monitoring. The cumulative total of the five consecutive 1323
days in jail and the period of house arrest with electronic 1324
monitoring, continuous alcohol monitoring, or both types of 1325
monitoring shall not exceed six months. The five consecutive days 1326
in jail do not have to be served prior to or consecutively to the 1327
period of house arrest. 1328

As an alternative to the mandatory jail term of twenty 1329
consecutive days required by division (G)(1)(b)(ii) of this 1330
section, the court, under this division, may sentence the offender 1331
to ten consecutive days in jail and not less than thirty-six 1332
consecutive days of house arrest with electronic monitoring, with 1333
continuous alcohol monitoring, or with both electronic monitoring 1334
and continuous alcohol monitoring. The cumulative total of the ten 1335
consecutive days in jail and the period of house arrest with 1336
electronic monitoring, continuous alcohol monitoring, or both 1337
types of monitoring shall not exceed six months. The ten 1338
consecutive days in jail do not have to be served prior to or 1339
consecutively to the period of house arrest. 1340

As an alternative to a mandatory jail term of thirty 1341
consecutive days required by division (G)(1)(c)(i) of this 1342
section, the court, under this division, may sentence the offender 1343
to fifteen consecutive days in jail and not less than fifty-five 1344
consecutive days of house arrest with electronic monitoring, with 1345
continuous alcohol monitoring, or with both electronic monitoring 1346

and continuous alcohol monitoring. The cumulative total of the 1347
fifteen consecutive days in jail and the period of house arrest 1348
with electronic monitoring, continuous alcohol monitoring, or both 1349
types of monitoring shall not exceed one year. The fifteen 1350
consecutive days in jail do not have to be served prior to or 1351
consecutively to the period of house arrest. 1352

As an alternative to the mandatory jail term of sixty 1353
consecutive days required by division (G)(1)(c)(ii) of this 1354
section, the court, under this division, may sentence the offender 1355
to thirty consecutive days in jail and not less than one hundred 1356
ten consecutive days of house arrest with electronic monitoring, 1357
with continuous alcohol monitoring, or with both electronic 1358
monitoring and continuous alcohol monitoring. The cumulative total 1359
of the thirty consecutive days in jail and the period of house 1360
arrest with electronic monitoring, continuous alcohol monitoring, 1361
or both types of monitoring shall not exceed one year. The thirty 1362
consecutive days in jail do not have to be served prior to or 1363
consecutively to the period of house arrest. 1364

(4) If an offender's driver's or occupational driver's 1365
license or permit or nonresident operating privilege is suspended 1366
under division (G) of this section and if section 4510.13 of the 1367
Revised Code permits the court to grant limited driving 1368
privileges, the court may grant the limited driving privileges in 1369
accordance with that section. If division (A)(7) of that section 1370
requires that the court impose as a condition of the privileges 1371
that the offender must display on the vehicle that is driven 1372
subject to the privileges restricted license plates that are 1373
issued under section 4503.231 of the Revised Code, except as 1374
provided in division (B) of that section, the court shall impose 1375
that condition as one of the conditions of the limited driving 1376
privileges granted to the offender, except as provided in division 1377
(B) of section 4503.231 of the Revised Code. 1378

(5) Fines imposed under this section for a violation of 1379
division (A) of this section shall be distributed as follows: 1380

(a) Twenty-five dollars of the fine imposed under division 1381
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 1382
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 1383
fine imposed under division (G)(1)(c)(iii), and two hundred ten 1384
dollars of the fine imposed under division (G)(1)(d)(iii) or 1385
(e)(iii) of this section shall be paid to an enforcement and 1386
education fund established by the legislative authority of the law 1387
enforcement agency in this state that primarily was responsible 1388
for the arrest of the offender, as determined by the court that 1389
imposes the fine. The agency shall use this share to pay only 1390
those costs it incurs in enforcing this section or a municipal OVI 1391
ordinance and in informing the public of the laws governing the 1392
operation of a vehicle while under the influence of alcohol, the 1393
dangers of the operation of a vehicle under the influence of 1394
alcohol, and other information relating to the operation of a 1395
vehicle under the influence of alcohol and the consumption of 1396
alcoholic beverages. 1397

(b) Fifty dollars of the fine imposed under division 1398
(G)(1)(a)(iii) of this section shall be paid to the political 1399
subdivision that pays the cost of housing the offender during the 1400
offender's term of incarceration. If the offender is being 1401
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 1402
(e), or (j) of this section and was confined as a result of the 1403
offense prior to being sentenced for the offense but is not 1404
sentenced to a term of incarceration, the fifty dollars shall be 1405
paid to the political subdivision that paid the cost of housing 1406
the offender during that period of confinement. The political 1407
subdivision shall use the share under this division to pay or 1408
reimburse incarceration or treatment costs it incurs in housing or 1409
providing drug and alcohol treatment to persons who violate this 1410

section or a municipal OVI ordinance, costs of any immobilizing or 1411
disabling device used on the offender's vehicle, and costs of 1412
electronic house arrest equipment needed for persons who violate 1413
this section. 1414

(c) Twenty-five dollars of the fine imposed under division 1415
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 1416
division (G)(1)(b)(iii) of this section shall be deposited into 1417
the county or municipal indigent drivers' alcohol treatment fund 1418
under the control of that court, as created by the county or 1419
municipal corporation under division (F) of section 4511.191 of 1420
the Revised Code. 1421

(d) One hundred fifteen dollars of the fine imposed under 1422
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 1423
fine imposed under division (G)(1)(c)(iii), and four hundred forty 1424
dollars of the fine imposed under division (G)(1)(d)(iii) or 1425
(e)(iii) of this section shall be paid to the political 1426
subdivision that pays the cost of housing the offender during the 1427
offender's term of incarceration. The political subdivision shall 1428
use this share to pay or reimburse incarceration or treatment 1429
costs it incurs in housing or providing drug and alcohol treatment 1430
to persons who violate this section or a municipal OVI ordinance, 1431
costs for any immobilizing or disabling device used on the 1432
offender's vehicle, and costs of electronic house arrest equipment 1433
needed for persons who violate this section. 1434

(e) Fifty dollars of the fine imposed under divisions 1435
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 1436
and (G)(1)(e)(iii) of this section shall be deposited into the 1437
special projects fund of the court in which the offender was 1438
convicted and that is established under division (E)(1) of section 1439
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 1440
of section 1907.24 of the Revised Code, to be used exclusively to 1441
cover the cost of immobilizing or disabling devices, including 1442

certified ignition interlock devices, and remote alcohol 1443
monitoring devices for indigent offenders who are required by a 1444
judge to use either of these devices. If the court in which the 1445
offender was convicted does not have a special projects fund that 1446
is established under division (E)(1) of section 2303.201, division 1447
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 1448
of the Revised Code, the fifty dollars shall be deposited into the 1449
indigent drivers interlock and alcohol monitoring fund under 1450
division (I) of section 4511.191 of the Revised Code. 1451

(f) Seventy-five dollars of the fine imposed under division 1453
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 1454
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 1455
of the fine imposed under division (G)(1)(c)(iii), and five 1456
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 1457
or (e)(iii) of this section either shall be transmitted to the 1458
treasurer of state for deposit into the indigent defense support 1459
fund established under section 120.08 of the Revised Code or if 1460
the court that imposed the fine under division (G)(1)(a)(iii), 1461
(b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this section is a 1462
municipal court that is not a county-operated municipal court and 1463
appoints counsel for indigent defendants in a manner other than 1464
that provided in section 120.33 of the Revised Code shall be 1465
transmitted to the treasurer of the municipal corporation, who 1466
shall deposit the amounts into a separate account to be used to 1467
compensate counsel appointed by the court for indigent defendants. 1468

(g) The balance of the fine imposed under division 1469
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 1470
section shall be disbursed as otherwise provided by law. 1471

(6) If title to a motor vehicle that is subject to an order 1472
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 1473
this section is assigned or transferred and division (B)(2) or (3) 1474

of section 4503.234 of the Revised Code applies, in addition to or 1475
independent of any other penalty established by law, the court may 1476
fine the offender the value of the vehicle as determined by 1477
publications of the national auto dealers association. The 1478
proceeds of any fine so imposed shall be distributed in accordance 1479
with division (C)(2) of that section. 1480

(7) As used in division (G) of this section, "electronic 1481
monitoring," "mandatory prison term," and "mandatory term of local 1482
incarceration" have the same meanings as in section 2929.01 of the 1483
Revised Code. 1484

(H) Whoever violates division (B) of this section is guilty 1485
of operating a vehicle after underage alcohol consumption and 1486
shall be punished as follows: 1487

(1) Except as otherwise provided in division (H)(2) of this 1488
section, the offender is guilty of a misdemeanor of the fourth 1489
degree. In addition to any other sanction imposed for the offense, 1490
the court shall impose a class six suspension of the offender's 1491
driver's license, commercial driver's license, temporary 1492
instruction permit, probationary license, or nonresident operating 1493
privilege from the range specified in division (A)(6) of section 1494
4510.02 of the Revised Code. 1495

(2) If, within one year of the offense, the offender 1496
previously has been convicted of or pleaded guilty to one or more 1497
violations of division (A) or (B) of this section or other 1498
equivalent offenses, the offender is guilty of a misdemeanor of 1499
the third degree. In addition to any other sanction imposed for 1500
the offense, the court shall impose a class four suspension of the 1501
offender's driver's license, commercial driver's license, 1502
temporary instruction permit, probationary license, or nonresident 1503
operating privilege from the range specified in division (A)(4) of 1504
section 4510.02 of the Revised Code. 1505

(3) If the offender also is convicted of or also pleads 1506
guilty to a specification of the type described in section 1507
2941.1416 of the Revised Code and if the court imposes a jail term 1508
for the violation of division (B) of this section, the court shall 1509
impose upon the offender an additional definite jail term pursuant 1510
to division (E) of section 2929.24 of the Revised Code. 1511

(I)(1) No court shall sentence an offender to an alcohol 1512
treatment program under this section unless the treatment program 1513
complies with the minimum standards for alcohol treatment programs 1514
adopted under Chapter 3793. of the Revised Code by the director of 1515
alcohol and drug addiction services. 1516

(2) An offender who stays in a drivers' intervention program 1517
or in an alcohol treatment program under an order issued under 1518
this section shall pay the cost of the stay in the program. 1519
However, if the court determines that an offender who stays in an 1520
alcohol treatment program under an order issued under this section 1521
is unable to pay the cost of the stay in the program, the court 1522
may order that the cost be paid from the court's indigent drivers' 1523
alcohol treatment fund. 1524

(J) If a person whose driver's or commercial driver's license 1525
or permit or nonresident operating privilege is suspended under 1526
this section files an appeal regarding any aspect of the person's 1527
trial or sentence, the appeal itself does not stay the operation 1528
of the suspension. 1529

(K) Division (A)(1)(j) of this section does not apply to a 1530
person who operates a vehicle, streetcar, or trackless trolley 1531
while the person has a concentration of a listed controlled 1532
substance or a listed metabolite of a controlled substance in the 1533
person's whole blood, blood serum or plasma, or urine that equals 1534
or exceeds the amount specified in that division, if both of the 1535
following apply: 1536

(1) The person obtained the controlled substance pursuant to 1537
a prescription issued by a licensed health professional authorized 1538
to prescribe drugs. 1539

(2) The person injected, ingested, or inhaled the controlled 1540
substance in accordance with the health professional's directions. 1541

(L) The prohibited concentrations of a controlled substance 1542
or a metabolite of a controlled substance listed in division 1543
(A)(1)(j) of this section also apply in a prosecution of a 1544
violation of division (D) of section 2923.16 of the Revised Code 1545
in the same manner as if the offender is being prosecuted for a 1546
prohibited concentration of alcohol. 1547

(M) All terms defined in section 4510.01 of the Revised Code 1548
apply to this section. If the meaning of a term defined in section 1549
4510.01 of the Revised Code conflicts with the meaning of the same 1550
term as defined in section 4501.01 or 4511.01 of the Revised Code, 1551
the term as defined in section 4510.01 of the Revised Code applies 1552
to this section. 1553

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 1554
as adopted by the supreme court under authority of section 2937.46 1555
of the Revised Code, do not apply to felony violations of this 1556
section. Subject to division (N)(2) of this section, the Rules of 1557
Criminal Procedure apply to felony violations of this section. 1558

(2) If, on or after January 1, 2004, the supreme court 1559
modifies the Ohio Traffic Rules to provide procedures to govern 1560
felony violations of this section, the modified rules shall apply 1561
to felony violations of this section. 1562

Section 2. That existing sections 120.36, 2937.22, 2949.091, 1563
2949.094, 2949.111, 4507.45, 4510.22, and 4511.19 of the Revised 1564
Code are hereby repealed. 1565