

As Passed by the House

**128th General Assembly
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Sub. S. B. No. 58

Senator Hughes

**Cosponsors: Senators Schaffer, Wagoner, Grendell, Gibbs, Harris, Husted,
Patton, Stewart, Turner, Wilson**

**Representatives Beck, Blair, Blessing, Bubp, Coley, Combs, Derickson,
Dodd, Domenick, Evans, Garland, Gerberry, Grossman, Hackett, Harris,
Harwood, Heard, Hottinger, Luckie, Mandel, McGregor, Weddington,
Zehringer**

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A B I L L

To amend sections 109.561, 1547.11, 2919.25, 2929.13,	1
2933.82, 4506.17, 4511.19, 4765.38, and 4765.39	2
and to enact section 2927.15 of the Revised Code	3
to prohibit a person from collecting any bodily	4
substance of another person without privilege or	5
consent to do so, to correct erroneous	6
cross-references in provisions enacted in Am. Sub.	7
H.B. 280 of the 127th General Assembly regarding	8
increased penalties for domestic violence	9
committed against a pregnant woman, to permit	10
emergency medical technicians-intermediate and	11
emergency medical technicians-paramedic to	12
withdraw blood for the purposes of the watercraft	13
or vehicle OVI law or the commercial motor vehicle	14
law, to require the office of the attorney general	15
to administer and conduct preservation of	16
biological evidence training, and to add a	17
representative from the Division of Criminal	18

Justice Services to the Biological Evidence Task	19
Force.	20

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

Section 1. That sections 109.561, 1547.11, 2919.25, 2929.13, 21
2933.82, 4506.17, 4511.19, 4765.38, and 4765.39 be amended and 22
section 2927.15 of the Revised Code be enacted to read as follows: 23

Sec. 109.561. There is hereby established within the bureau 24
of criminal identification and investigation a preservation of 25
biological evidence task force. The task force shall consist of 26
officers and employees of the bureau; a representative from the 27
Ohio prosecutors association; a representative from the Ohio state 28
coroners association; a representative from the Ohio association 29
of chiefs of police; a representative from the Ohio public 30
defenders office, in consultation with the Ohio innocence project; 31
a representative from the division of criminal justice services of 32
the department of public safety; and a representative from the 33
buckeye state sheriffs association. The task force shall perform 34
the duties and functions specified in division (C) of section 35
2933.82 of the Revised Code. 36

Sec. 1547.11. (A) No person shall operate or be in physical 37
control of any vessel underway or shall manipulate any water skis, 38
aquaplane, or similar device on the waters in this state if, at 39
the time of the operation, control, or manipulation, any of the 40
following applies: 41

(1) The person is under the influence of alcohol, a drug of 42
abuse, or a combination of them. 43

(2) The person has a concentration of eight-hundredths of one 44
per cent or more by weight of alcohol per unit volume in the 45

person's whole blood. 46

(3) The person has a concentration of ninety-six-thousandths 47
of one per cent or more by weight per unit volume of alcohol in 48
the person's blood serum or plasma. 49

(4) The person has a concentration of eleven-hundredths of 50
one gram or more by weight of alcohol per one hundred milliliters 51
of the person's urine. 52

(5) The person has a concentration of eight-hundredths of one 53
gram or more by weight of alcohol per two hundred ten liters of 54
the person's breath. 55

(6) Except as provided in division (H) of this section, the 56
person has a concentration of any of the following controlled 57
substances or metabolites of a controlled substance in the 58
person's whole blood, blood serum or plasma, or urine that equals 59
or exceeds any of the following: 60

(a) The person has a concentration of amphetamine in the 61
person's urine of at least five hundred nanograms of amphetamine 62
per milliliter of the person's urine or has a concentration of 63
amphetamine in the person's whole blood or blood serum or plasma 64
of at least one hundred nanograms of amphetamine per milliliter of 65
the person's whole blood or blood serum or plasma. 66

(b) The person has a concentration of cocaine in the person's 67
urine of at least one hundred fifty nanograms of cocaine per 68
milliliter of the person's urine or has a concentration of cocaine 69
in the person's whole blood or blood serum or plasma of at least 70
fifty nanograms of cocaine per milliliter of the person's whole 71
blood or blood serum or plasma. 72

(c) The person has a concentration of cocaine metabolite in 73
the person's urine of at least one hundred fifty nanograms of 74
cocaine metabolite per milliliter of the person's urine or has a 75
concentration of cocaine metabolite in the person's whole blood or 76

blood serum or plasma of at least fifty nanograms of cocaine 77
metabolite per milliliter of the person's whole blood or blood 78
serum or plasma. 79

(d) The person has a concentration of heroin in the person's 80
urine of at least two thousand nanograms of heroin per milliliter 81
of the person's urine or has a concentration of heroin in the 82
person's whole blood or blood serum or plasma of at least fifty 83
nanograms of heroin per milliliter of the person's whole blood or 84
blood serum or plasma. 85

(e) The person has a concentration of heroin metabolite 86
(6-monoacetyl morphine) in the person's urine of at least ten 87
nanograms of heroin metabolite (6-monoacetyl morphine) per 88
milliliter of the person's urine or has a concentration of heroin 89
metabolite (6-monoacetyl morphine) in the person's whole blood or 90
blood serum or plasma of at least ten nanograms of heroin 91
metabolite (6-monoacetyl morphine) per milliliter of the person's 92
whole blood or blood serum or plasma. 93

(f) The person has a concentration of L.S.D. in the person's 94
urine of at least twenty-five nanograms of L.S.D. per milliliter 95
of the person's urine or has a concentration of L.S.D. in the 96
person's whole blood or blood serum or plasma of at least ten 97
nanograms of L.S.D. per milliliter of the person's whole blood or 98
blood serum or plasma. 99

(g) The person has a concentration of marihuana in the 100
person's urine of at least ten nanograms of marihuana per 101
milliliter of the person's urine or has a concentration of 102
marihuana in the person's whole blood or blood serum or plasma of 103
at least two nanograms of marihuana per milliliter of the person's 104
whole blood or blood serum or plasma. 105

(h) The state board of pharmacy has adopted a rule pursuant 106
to section 4729.041 of the Revised Code that specifies the amount 107

of salvia divinorum and the amount of salvinorin A that constitute 108
concentrations of salvia divinorum and salvinorin A in a person's 109
urine, in a person's whole blood, or in a person's blood serum or 110
plasma at or above which the person is impaired for purposes of 111
operating or being in physical control of any vessel underway or 112
manipulating any water skis, aquaplane, or similar device on the 113
waters of this state, the rule is in effect, and the person has a 114
concentration of salvia divinorum or salvinorin A of at least that 115
amount so specified by rule in the person's urine, in the person's 116
whole blood, or in the person's blood serum or plasma. 117

(i) Either of the following applies: 118

(i) The person is under the influence of alcohol, a drug of 119
abuse, or a combination of them, and, as measured by gas 120
chromatography mass spectrometry, the person has a concentration 121
of marihuana metabolite in the person's urine of at least fifteen 122
nanograms of marihuana metabolite per milliliter of the person's 123
urine or has a concentration of marihuana metabolite in the 124
person's whole blood or blood serum or plasma of at least five 125
nanograms of marihuana metabolite per milliliter of the person's 126
whole blood or blood serum or plasma. 127

(ii) As measured by gas chromatography mass spectrometry, the 128
person has a concentration of marihuana metabolite in the person's 129
urine of at least thirty-five nanograms of marihuana metabolite 130
per milliliter of the person's urine or has a concentration of 131
marihuana metabolite in the person's whole blood or blood serum or 132
plasma of at least fifty nanograms of marihuana metabolite per 133
milliliter of the person's whole blood or blood serum or plasma. 134

(j) The person has a concentration of methamphetamine in the 135
person's urine of at least five hundred nanograms of 136
methamphetamine per milliliter of the person's urine or has a 137
concentration of methamphetamine in the person's whole blood or 138
blood serum or plasma of at least one hundred nanograms of 139

methamphetamine per milliliter of the person's whole blood or 140
blood serum or plasma. 141

(k) The person has a concentration of phencyclidine in the 142
person's urine of at least twenty-five nanograms of phencyclidine 143
per milliliter of the person's urine or has a concentration of 144
phencyclidine in the person's whole blood or blood serum or plasma 145
of at least ten nanograms of phencyclidine per milliliter of the 146
person's whole blood or blood serum or plasma. 147

(B) No person under twenty-one years of age shall operate or 148
be in physical control of any vessel underway or shall manipulate 149
any water skis, aquaplane, or similar device on the waters in this 150
state if, at the time of the operation, control, or manipulation, 151
any of the following applies: 152

(1) The person has a concentration of at least two-hundredths 153
of one per cent, but less than eight-hundredths of one per cent by 154
weight per unit volume of alcohol in the person's whole blood. 155

(2) The person has a concentration of at least 156
three-hundredths of one per cent but less than 157
ninety-six-thousandths of one per cent by weight per unit volume 158
of alcohol in the person's blood serum or plasma. 159

(3) The person has a concentration of at least twenty-eight 160
one-thousandths of one gram, but less than eleven-hundredths of 161
one gram by weight of alcohol per one hundred milliliters of the 162
person's urine. 163

(4) The person has a concentration of at least two-hundredths 164
of one gram, but less than eight-hundredths of one gram by weight 165
of alcohol per two hundred ten liters of the person's breath. 166

(C) In any proceeding arising out of one incident, a person 167
may be charged with a violation of division (A)(1) and a violation 168
of division (B)(1), (2), (3), or (4) of this section, but the 169
person shall not be convicted of more than one violation of those 170

divisions. 171

(D)(1)(a) In any criminal prosecution or juvenile court 172
proceeding for a violation of division (A) or (B) of this section 173
or for an equivalent offense that is watercraft-related, the 174
result of any test of any blood or urine withdrawn and analyzed at 175
any health care provider, as defined in section 2317.02 of the 176
Revised Code, may be admitted with expert testimony to be 177
considered with any other relevant and competent evidence in 178
determining the guilt or innocence of the defendant. 179

(b) In any criminal prosecution or juvenile court proceeding 180
for a violation of division (A) or (B) of this section or for an 181
equivalent offense that is watercraft-related, the court may admit 182
evidence on the concentration of alcohol, drugs of abuse, 183
controlled substances, metabolites of a controlled substance, or a 184
combination of them in the defendant's or child's whole blood, 185
blood serum or plasma, urine, or breath at the time of the alleged 186
violation as shown by chemical analysis of the substance 187
withdrawn, or specimen taken within three hours of the time of the 188
alleged violation. The three-hour time limit specified in this 189
division regarding the admission of evidence does not extend or 190
affect the two-hour time limit specified in division (C) of 191
section 1547.111 of the Revised Code as the maximum period of time 192
during which a person may consent to a chemical test or tests as 193
described in that section. The court may admit evidence on the 194
concentration of alcohol, drugs of abuse, or a combination of them 195
as described in this division when a person submits to a blood, 196
breath, urine, or other bodily substance test at the request of a 197
law enforcement officer under section 1547.111 of the Revised Code 198
or a blood or urine sample is obtained pursuant to a search 199
warrant. Only a physician, a registered nurse, an emergency 200
medical technician-intermediate, an emergency medical 201
technician-paramedic, or a qualified technician, chemist, or 202

phlebotomist shall withdraw blood for the purpose of determining 203
the alcohol, drug, controlled substance, metabolite of a 204
controlled substance, or combination content of the whole blood, 205
blood serum, or blood plasma. This limitation does not apply to 206
the taking of breath or urine specimens. A person authorized to 207
withdraw blood under this division may refuse to withdraw blood 208
under this division if, in that person's opinion, the physical 209
welfare of the defendant or child would be endangered by 210
withdrawing blood. 211

The whole blood, blood serum or plasma, urine, or breath 212
withdrawn under division (D)(1)(b) of this section shall be 213
analyzed in accordance with methods approved by the director of 214
health by an individual possessing a valid permit issued by the 215
director pursuant to section 3701.143 of the Revised Code. 216

(2) In a criminal prosecution or juvenile court proceeding 217
for a violation of division (A) of this section or for an 218
equivalent offense that is watercraft-related, if there was at the 219
time the bodily substance was taken a concentration of less than 220
the applicable concentration of alcohol specified for a violation 221
of division (A)(2), (3), (4), or (5) of this section or less than 222
the applicable concentration of a listed controlled substance or a 223
listed metabolite of a controlled substance specified for a 224
violation of division (A)(6) of this section, that fact may be 225
considered with other competent evidence in determining the guilt 226
or innocence of the defendant or in making an adjudication for the 227
child. This division does not limit or affect a criminal 228
prosecution or juvenile court proceeding for a violation of 229
division (B) of this section or for a violation of a prohibition 230
that is substantially equivalent to that division. 231

(3) Upon the request of the person who was tested, the 232
results of the chemical test shall be made available to the person 233
or the person's attorney immediately upon completion of the test 234

analysis. 235

If the chemical test was administered pursuant to division 236
(D)(1)(b) of this section, the person tested may have a physician, 237
a registered nurse, or a qualified technician, chemist, or 238
phlebotomist of the person's own choosing administer a chemical 239
test or tests in addition to any administered at the direction of 240
a law enforcement officer, and shall be so advised. The failure or 241
inability to obtain an additional test by a person shall not 242
preclude the admission of evidence relating to the test or tests 243
taken at the direction of a law enforcement officer. 244

(E)(1) In any criminal prosecution or juvenile court 245
proceeding for a violation of division (A) or (B) of this section, 246
of a municipal ordinance relating to operating or being in 247
physical control of any vessel underway or to manipulating any 248
water skis, aquaplane, or similar device on the waters of this 249
state while under the influence of alcohol, a drug of abuse, or a 250
combination of them, or of a municipal ordinance relating to 251
operating or being in physical control of any vessel underway or 252
to manipulating any water skis, aquaplane, or similar device on 253
the waters of this state with a prohibited concentration of 254
alcohol, a controlled substance, or a metabolite of a controlled 255
substance in the whole blood, blood serum or plasma, breath, or 256
urine, if a law enforcement officer has administered a field 257
sobriety test to the operator or person found to be in physical 258
control of the vessel underway involved in the violation or the 259
person manipulating the water skis, aquaplane, or similar device 260
involved in the violation and if it is shown by clear and 261
convincing evidence that the officer administered the test in 262
substantial compliance with the testing standards for reliable, 263
credible, and generally accepted field sobriety tests for vehicles 264
that were in effect at the time the tests were administered, 265
including, but not limited to, any testing standards then in 266

effect that have been set by the national highway traffic safety 267
administration, that by their nature are not clearly inapplicable 268
regarding the operation or physical control of vessels underway or 269
the manipulation of water skis, aquaplanes, or similar devices, 270
all of the following apply: 271

(a) The officer may testify concerning the results of the 272
field sobriety test so administered. 273

(b) The prosecution may introduce the results of the field 274
sobriety test so administered as evidence in any proceedings in 275
the criminal prosecution or juvenile court proceeding. 276

(c) If testimony is presented or evidence is introduced under 277
division (E)(1)(a) or (b) of this section and if the testimony or 278
evidence is admissible under the Rules of Evidence, the court 279
shall admit the testimony or evidence, and the trier of fact shall 280
give it whatever weight the trier of fact considers to be 281
appropriate. 282

(2) Division (E)(1) of this section does not limit or 283
preclude a court, in its determination of whether the arrest of a 284
person was supported by probable cause or its determination of any 285
other matter in a criminal prosecution or juvenile court 286
proceeding of a type described in that division, from considering 287
evidence or testimony that is not otherwise disallowed by division 288
(E)(1) of this section. 289

(F)(1) Subject to division (F)(3) of this section, in any 290
criminal prosecution or juvenile court proceeding for a violation 291
of division (A) or (B) of this section or for an equivalent 292
offense that is substantially equivalent to either of those 293
divisions, the court shall admit as prima-facie evidence a 294
laboratory report from any laboratory personnel issued a permit by 295
the department of health authorizing an analysis as described in 296
this division that contains an analysis of the whole blood, blood 297

serum or plasma, breath, urine, or other bodily substance tested 298
and that contains all of the information specified in this 299
division. The laboratory report shall contain all of the 300
following: 301

(a) The signature, under oath, of any person who performed 302
the analysis; 303

(b) Any findings as to the identity and quantity of alcohol, 304
a drug of abuse, a controlled substance, a metabolite of a 305
controlled substance, or a combination of them that was found; 306

(c) A copy of a notarized statement by the laboratory 307
director or a designee of the director that contains the name of 308
each certified analyst or test performer involved with the report, 309
the analyst's or test performer's employment relationship with the 310
laboratory that issued the report, and a notation that performing 311
an analysis of the type involved is part of the analyst's or test 312
performer's regular duties; 313

(d) An outline of the analyst's or test performer's 314
education, training, and experience in performing the type of 315
analysis involved and a certification that the laboratory 316
satisfies appropriate quality control standards in general and, in 317
this particular analysis, under rules of the department of health. 318

(2) Notwithstanding any other provision of law regarding the 319
admission of evidence, a report of the type described in division 320
(F)(1) of this section is not admissible against the defendant or 321
child to whom it pertains in any proceeding, other than a 322
preliminary hearing or a grand jury proceeding, unless the 323
prosecutor has served a copy of the report on the defendant's or 324
child's attorney or, if the defendant or child has no attorney, on 325
the defendant or child. 326

(3) A report of the type described in division (F)(1) of this 327
section shall not be prima-facie evidence of the contents, 328

identity, or amount of any substance if, within seven days after 329
the defendant or child to whom the report pertains or the 330
defendant's or child's attorney receives a copy of the report, the 331
defendant or child or the defendant's or child's attorney demands 332
the testimony of the person who signed the report. The judge in 333
the case may extend the seven-day time limit in the interest of 334
justice. 335

(G) Except as otherwise provided in this division, any 336
physician, registered nurse, emergency medical 337
technician-intermediate, emergency medical technician-paramedic, 338
or qualified technician, chemist, or phlebotomist who withdraws 339
blood from a person pursuant to this section or section 1547.111 340
of the Revised Code, and a hospital, first-aid station, or clinic 341
at which blood is withdrawn from a person pursuant to this section 342
or section 1547.111 of the Revised Code, is immune from criminal 343
and civil liability based upon a claim of assault and battery or 344
any other claim that is not a claim of malpractice, for any act 345
performed in withdrawing blood from the person. The immunity 346
provided in this division also extends to an emergency medical 347
service organization that employs an emergency medical 348
technician-intermediate, an emergency medical technician-paramedic 349
who withdraws blood under this section. The immunity provided in 350
this division is not available to a person who withdraws blood if 351
the person engages in willful or wanton misconduct. 352

(H) Division (A)(6) of this section does not apply to a 353
person who operates or is in physical control of a vessel underway 354
or manipulates any water skis, aquaplane, or similar device while 355
the person has a concentration of a listed controlled substance or 356
a listed metabolite of a controlled substance in the person's 357
whole blood, blood serum or plasma, or urine that equals or 358
exceeds the amount specified in that division, if both of the 359
following apply: 360

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.	361 362 363
(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.	364 365
(I) As used in this section and section 1547.111 of the Revised Code:	366 367
(1) "Equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.	368 369
(2) "National highway traffic safety administration" has the same meaning as in section 4511.19 of the Revised Code.	370 371
(3) "Operate" means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States coast guard, this state, or a political subdivision and in which the vessel has the right to anchor.	372 373 374 375 376 377 378
(4) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code.	379 380
(5) "Cocaine" and "L.S.D." have the same meanings as in section 2925.01 of the Revised Code.	381 382
(6) "Equivalent offense that is watercraft-related" means an equivalent offense that is one of the following:	383 384
(a) A violation of division (A) or (B) of this section;	385
(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person	386 387 388 389 390

from operating or being in physical control of any vessel underway 391
or from manipulating any water skis, aquaplane, or similar device 392
on the waters of this state with a prohibited concentration of 393
alcohol, a controlled substance, or a metabolite of a controlled 394
substance in the whole blood, blood serum or plasma, breath, or 395
urine; 396

(c) A violation of an existing or former municipal ordinance, 397
law of another state, or law of the United States that is 398
substantially equivalent to division (A) or (B) of this section; 399

(d) A violation of a former law of this state that was 400
substantially equivalent to division (A) or (B) of this section. 401

(7) "Emergency medical technician-intermediate" and 402
"emergency medical technician-paramedic" have the same meanings as 403
in section 4765.01 of the Revised Code. 404

Sec. 2919.25. (A) No person shall knowingly cause or attempt 405
to cause physical harm to a family or household member. 406

(B) No person shall recklessly cause serious physical harm to 407
a family or household member. 408

(C) No person, by threat of force, shall knowingly cause a 409
family or household member to believe that the offender will cause 410
imminent physical harm to the family or household member. 411

(D)(1) Whoever violates this section is guilty of domestic 412
violence, and the court shall sentence the offender as provided in 413
divisions (D)(2) to (6) of this section. 414

(2) Except as otherwise provided in ~~division~~ divisions (D)(3) 415
to (5) of this section, a violation of division (C) of this 416
section is a misdemeanor of the fourth degree, and a violation of 417
division (A) or (B) of this section is a misdemeanor of the first 418
degree. 419

(3) Except as otherwise provided in division (D)(4) of this 420

section, if the offender previously has pleaded guilty to or been 421
convicted of domestic violence, a violation of an existing or 422
former municipal ordinance or law of this or any other state or 423
the United States that is substantially similar to domestic 424
violence, a violation of section 2903.14, 2909.06, 2909.07, 425
2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of 426
the violation was a family or household member at the time of the 427
violation, a violation of an existing or former municipal 428
ordinance or law of this or any other state or the United States 429
that is substantially similar to any of those sections if the 430
victim of the violation was a family or household member at the 431
time of the commission of the violation, or any offense of 432
violence if the victim of the offense was a family or household 433
member at the time of the commission of the offense, a violation 434
of division (A) or (B) of this section is a felony of the fourth 435
degree, and, if the offender knew that the victim of the violation 436
was pregnant at the time of the violation, the court shall impose 437
a mandatory prison term on the offender pursuant to division 438
~~(A)~~(D)(6) of this section, and a violation of division (C) of this 439
section is a misdemeanor of the second degree. 440

(4) If the offender previously has pleaded guilty to or been 441
convicted of two or more offenses of domestic violence or two or 442
more violations or offenses of the type described in division 443
(D)(3) of this section involving a person who was a family or 444
household member at the time of the violations or offenses, a 445
violation of division (A) or (B) of this section is a felony of 446
the third degree, and, if the offender knew that the victim of the 447
violation was pregnant at the time of the violation, the court 448
shall impose a mandatory prison term on the offender pursuant to 449
division ~~(A)~~(D)(6) of this section, and a violation of division 450
(C) of this section is a misdemeanor of the first degree. 451

(5) Except as otherwise provided in division (D)(3) or (4) of 452

this section, if the offender knew that the victim of the 453
violation was pregnant at the time of the violation, a violation 454
of division (A) or (B) of this section is a felony of the fifth 455
degree, and the court shall impose a mandatory prison term on the 456
offender pursuant to division ~~(A)~~(D)(6) of this section, and a 457
violation of division (C) of this section is a misdemeanor of the 458
third degree. 459

(6) If division ~~(A)~~(D)(3), (4), or (5) of this section 460
requires the court that sentences an offender for a violation of 461
division (A) or (B) of this section to impose a mandatory prison 462
term on the offender pursuant to this division, the court shall 463
impose the mandatory prison term as follows: 464

(a) If the violation of division (A) or (B) of this section 465
is a felony of the fourth or fifth degree, except as otherwise 466
provided in division ~~(A)~~(D)(6)(b) or (c) of this section, the 467
court shall impose a mandatory prison term on the offender of at 468
least six months. 469

(b) If the violation of division (A) or (B) of this section 470
is a felony of the fifth degree and the offender, in committing 471
the violation, caused serious physical harm to the pregnant 472
woman's unborn or caused the termination of the pregnant woman's 473
pregnancy, the court shall impose a mandatory prison term on the 474
offender of twelve months. 475

(c) If the violation of division (A) or (B) of this section 476
is a felony of the fourth degree and the offender, in committing 477
the violation, caused serious physical harm to the pregnant 478
woman's unborn or caused the termination of the pregnant woman's 479
pregnancy, the court shall impose a mandatory prison term on the 480
offender of at least twelve months. 481

(d) If the violation of division (A) or (B) of this section 482
is a felony of the third degree, except as otherwise provided in 483

division ~~(A)~~(D)(6)(e) of this section and notwithstanding the 484
range of prison terms prescribed in section 2929.14 of the Revised 485
Code for a felony of the third degree, the court shall impose a 486
mandatory prison term on the offender of either a definite term of 487
six months or one of the prison terms prescribed in section 488
2929.14 of the Revised Code for felonies of the third degree. 489

(e) If the violation of division (A) or (B) of this section 490
is a felony of the third degree and the offender, in committing 491
the violation, caused serious physical harm to the pregnant 492
woman's unborn or caused the termination of the pregnant woman's 493
pregnancy, notwithstanding the range of prison terms prescribed in 494
section 2929.14 of the Revised Code for a felony of the third 495
degree, the court shall impose a mandatory prison term on the 496
offender of either a definite term of one year or one of the 497
prison terms prescribed in section 2929.14 of the Revised Code for 498
felonies of the third degree. 499

(E) Notwithstanding any provision of law to the contrary, no 500
court or unit of state or local government shall charge any fee, 501
cost, deposit, or money in connection with the filing of charges 502
against a person alleging that the person violated this section or 503
a municipal ordinance substantially similar to this section or in 504
connection with the prosecution of any charges so filed. 505

(F) As used in this section and sections 2919.251 and 2919.26 506
of the Revised Code: 507

(1) "Family or household member" means any of the following: 508

(a) Any of the following who is residing or has resided with 509
the offender: 510

(i) A spouse, a person living as a spouse, or a former spouse 511
of the offender; 512

(ii) A parent, a foster parent, or a child of the offender, 513
or another person related by consanguinity or affinity to the 514

offender; 515

(iii) A parent or a child of a spouse, person living as a 516
spouse, or former spouse of the offender, or another person 517
related by consanguinity or affinity to a spouse, person living as 518
a spouse, or former spouse of the offender. 519

(b) The natural parent of any child of whom the offender is 520
the other natural parent or is the putative other natural parent. 521

(2) "Person living as a spouse" means a person who is living 522
or has lived with the offender in a common law marital 523
relationship, who otherwise is cohabiting with the offender, or 524
who otherwise has cohabited with the offender within five years 525
prior to the date of the alleged commission of the act in 526
question. 527

(3) "Pregnant woman's unborn" has the same meaning as "such 528
other person's unborn," as set forth in section 2903.09 of the 529
Revised Code, as it relates to the pregnant woman. Division (C) of 530
that section applies regarding the use of the term in this 531
section, except that the second and third sentences of division 532
(C)(1) of that section shall be construed for purposes of this 533
section as if they included a reference to this section in the 534
listing of Revised Code sections they contain. 535

(4) "Termination of the pregnant woman's pregnancy" has the 536
same meaning as "unlawful termination of another's pregnancy," as 537
set forth in section 2903.09 of the Revised Code, as it relates to 538
the pregnant woman. Division (C) of that section applies regarding 539
the use of the term in this section, except that the second and 540
third sentences of division (C)(1) of that section shall be 541
construed for purposes of this section as if they included a 542
reference to this section in the listing of Revised Code sections 543
they contain. 544

Sec. 2927.15. (A) No person shall knowingly collect any 545
blood, urine, tissue, or other bodily substance of another person 546
without privilege or consent to do so. 547

(B)(1) Division (A) of this section does not apply to any of 548
the following: 549

(a) The collection of any bodily substance of a person by a 550
law enforcement officer, or by another person pursuant to the 551
direction or advice of a law enforcement officer, for purposes of 552
a chemical test or tests of the substance under division (A)(1) of 553
section 1547.111 or division (A)(2) of section 4511.191 of the 554
Revised Code to determine the alcohol, drug, controlled substance, 555
metabolite of a controlled substance, or combination content of 556
the bodily substance; 557

(b) The collection of any bodily substance of a person by a 558
peace officer, or by another person pursuant to the direction or 559
advice of a peace officer, for purposes of a test or tests of the 560
substance as provided in division (A) of section 4506.17 of the 561
Revised Code to determine the person's alcohol concentration or 562
the presence of any controlled substance or metabolite of a 563
controlled substance. 564

(2) Division (B)(1) of this section shall not be construed as 565
implying that the persons identified in divisions (B)(1)(a) and 566
(b) of this section do not have privilege to collect the bodily 567
substance of another person as described in those divisions or as 568
limiting the definition of "privilege" set forth in section 569
2901.01 of the Revised Code. 570

(C) Whoever violates division (A) of this section is guilty 571
of unlawful collection of a bodily substance. Except as otherwise 572
provided in this division, unlawful collection of a bodily 573
substance is a misdemeanor of the first degree. If the offender 574
previously has been convicted of or pleaded guilty to a violation 575

of division (A) of this section, unlawful collection of a bodily 576
substance is a felony of the fifth degree. 577

Sec. 2929.13. (A) Except as provided in division (E), (F), or 578
(G) of this section and unless a specific sanction is required to 579
be imposed or is precluded from being imposed pursuant to law, a 580
court that imposes a sentence upon an offender for a felony may 581
impose any sanction or combination of sanctions on the offender 582
that are provided in sections 2929.14 to 2929.18 of the Revised 583
Code. The sentence shall not impose an unnecessary burden on state 584
or local government resources. 585

If the offender is eligible to be sentenced to community 586
control sanctions, the court shall consider the appropriateness of 587
imposing a financial sanction pursuant to section 2929.18 of the 588
Revised Code or a sanction of community service pursuant to 589
section 2929.17 of the Revised Code as the sole sanction for the 590
offense. Except as otherwise provided in this division, if the 591
court is required to impose a mandatory prison term for the 592
offense for which sentence is being imposed, the court also shall 593
impose any financial sanction pursuant to section 2929.18 of the 594
Revised Code that is required for the offense and may impose any 595
other financial sanction pursuant to that section but may not 596
impose any additional sanction or combination of sanctions under 597
section 2929.16 or 2929.17 of the Revised Code. 598

If the offender is being sentenced for a fourth degree felony 599
OVI offense or for a third degree felony OVI offense, in addition 600
to the mandatory term of local incarceration or the mandatory 601
prison term required for the offense by division (G)(1) or (2) of 602
this section, the court shall impose upon the offender a mandatory 603
fine in accordance with division (B)(3) of section 2929.18 of the 604
Revised Code and may impose whichever of the following is 605
applicable: 606

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

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

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

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

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

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

(d) The offender held a public office or position of trust and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring

those committing it to justice; or the offender's professional 638
reputation or position facilitated the offense or was likely to 639
influence the future conduct of others. 640

(e) The offender committed the offense for hire or as part of 641
an organized criminal activity. 642

(f) The offense is a sex offense that is a fourth or fifth 643
degree felony violation of section 2907.03, 2907.04, 2907.05, 644
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 645
Revised Code. 646

(g) The offender at the time of the offense was serving, or 647
the offender previously had served, a prison term. 648

(h) The offender committed the offense while under a 649
community control sanction, while on probation, or while released 650
from custody on a bond or personal recognizance. 651

(i) The offender committed the offense while in possession of 652
a firearm. 653

(2)(a) If the court makes a finding described in division 654
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 655
section and if the court, after considering the factors set forth 656
in section 2929.12 of the Revised Code, finds that a prison term 657
is consistent with the purposes and principles of sentencing set 658
forth in section 2929.11 of the Revised Code and finds that the 659
offender is not amenable to an available community control 660
sanction, the court shall impose a prison term upon the offender. 661

(b) Except as provided in division (E), (F), or (G) of this 662
section, if the court does not make a finding described in 663
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 664
this section and if the court, after considering the factors set 665
forth in section 2929.12 of the Revised Code, finds that a 666
community control sanction or combination of community control 667
sanctions is consistent with the purposes and principles of 668

sentencing set forth in section 2929.11 of the Revised Code, the 669
court shall impose a community control sanction or combination of 670
community control sanctions upon the offender. 671

(C) Except as provided in division (D), (E), (F), or (G) of 672
this section, in determining whether to impose a prison term as a 673
sanction for a felony of the third degree or a felony drug offense 674
that is a violation of a provision of Chapter 2925. of the Revised 675
Code and that is specified as being subject to this division for 676
purposes of sentencing, the sentencing court shall comply with the 677
purposes and principles of sentencing under section 2929.11 of the 678
Revised Code and with section 2929.12 of the Revised Code. 679

(D)(1) Except as provided in division (E) or (F) of this 680
section, for a felony of the first or second degree, for a felony 681
drug offense that is a violation of any provision of Chapter 682
2925., 3719., or 4729. of the Revised Code for which a presumption 683
in favor of a prison term is specified as being applicable, and 684
for a violation of division (A)(4) or (B) of section 2907.05 of 685
the Revised Code for which a presumption in favor of a prison term 686
is specified as being applicable, it is presumed that a prison 687
term is necessary in order to comply with the purposes and 688
principles of sentencing under section 2929.11 of the Revised 689
Code. Division (D)(2) of this section does not apply to a 690
presumption established under this division for a violation of 691
division (A)(4) of section 2907.05 of the Revised Code. 692

(2) Notwithstanding the presumption established under 693
division (D)(1) of this section for the offenses listed in that 694
division other than a violation of division (A)(4) or (B) of 695
section 2907.05 of the Revised Code, the sentencing court may 696
impose a community control sanction or a combination of community 697
control sanctions instead of a prison term on an offender for a 698
felony of the first or second degree or for a felony drug offense 699
that is a violation of any provision of Chapter 2925., 3719., or 700

4729. of the Revised Code for which a presumption in favor of a 701
prison term is specified as being applicable if it makes both of 702
the following findings: 703

(a) A community control sanction or a combination of 704
community control sanctions would adequately punish the offender 705
and protect the public from future crime, because the applicable 706
factors under section 2929.12 of the Revised Code indicating a 707
lesser likelihood of recidivism outweigh the applicable factors 708
under that section indicating a greater likelihood of recidivism. 709

(b) A community control sanction or a combination of 710
community control sanctions would not demean the seriousness of 711
the offense, because one or more factors under section 2929.12 of 712
the Revised Code that indicate that the offender's conduct was 713
less serious than conduct normally constituting the offense are 714
applicable, and they outweigh the applicable factors under that 715
section that indicate that the offender's conduct was more serious 716
than conduct normally constituting the offense. 717

(E)(1) Except as provided in division (F) of this section, 718
for any drug offense that is a violation of any provision of 719
Chapter 2925. of the Revised Code and that is a felony of the 720
third, fourth, or fifth degree, the applicability of a presumption 721
under division (D) of this section in favor of a prison term or of 722
division (B) or (C) of this section in determining whether to 723
impose a prison term for the offense shall be determined as 724
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 725
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 726
Revised Code, whichever is applicable regarding the violation. 727

(2) If an offender who was convicted of or pleaded guilty to 728
a felony violates the conditions of a community control sanction 729
imposed for the offense solely by reason of producing positive 730
results on a drug test, the court, as punishment for the violation 731
of the sanction, shall not order that the offender be imprisoned 732

unless the court determines on the record either of the following: 733

(a) The offender had been ordered as a sanction for the 734
felony to participate in a drug treatment program, in a drug 735
education program, or in narcotics anonymous or a similar program, 736
and the offender continued to use illegal drugs after a reasonable 737
period of participation in the program. 738

(b) The imprisonment of the offender for the violation is 739
consistent with the purposes and principles of sentencing set 740
forth in section 2929.11 of the Revised Code. 741

(3) A court that sentences an offender for a drug abuse 742
offense that is a felony of the third, fourth, or fifth degree may 743
require that the offender be assessed by a properly credentialed 744
professional within a specified period of time. The court shall 745
require the professional to file a written assessment of the 746
offender with the court. If the offender is eligible for a 747
community control sanction and after considering the written 748
assessment, the court may impose a community control sanction that 749
includes treatment and recovery support services authorized by 750
section 3793.02 of the Revised Code. If the court imposes 751
treatment and recovery support services as a community control 752
sanction, the court shall direct the level and type of treatment 753
and recovery support services after considering the assessment and 754
recommendation of treatment and recovery support services 755
providers. 756

(F) Notwithstanding divisions (A) to (E) of this section, the 757
court shall impose a prison term or terms under sections 2929.02 758
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 759
of the Revised Code and except as specifically provided in section 760
2929.20 or 2967.191 of the Revised Code or when parole is 761
authorized for the offense under section 2967.13 of the Revised 762
Code shall not reduce the term or terms pursuant to section 763
2929.20, section 2967.193, or any other provision of Chapter 2967. 764

or Chapter 5120. of the Revised Code for any of the following	765
offenses:	766
(1) Aggravated murder when death is not imposed or murder;	767
(2) Any rape, regardless of whether force was involved and	768
regardless of the age of the victim, or an attempt to commit rape	769
if, had the offender completed the rape that was attempted, the	770
offender would have been guilty of a violation of division	771
(A)(1)(b) of section 2907.02 of the Revised Code and would be	772
sentenced under section 2971.03 of the Revised Code;	773
(3) Gross sexual imposition or sexual battery, if the victim	774
is less than thirteen years of age and if any of the following	775
applies:	776
(a) Regarding gross sexual imposition, the offender	777
previously was convicted of or pleaded guilty to rape, the former	778
offense of felonious sexual penetration, gross sexual imposition,	779
or sexual battery, and the victim of the previous offense was less	780
than thirteen years of age;	781
(b) Regarding gross sexual imposition, the offense was	782
committed on or after August 3, 2006, and evidence other than the	783
testimony of the victim was admitted in the case corroborating the	784
violation.	785
(c) Regarding sexual battery, either of the following	786
applies:	787
(i) The offense was committed prior to August 3, 2006, the	788
offender previously was convicted of or pleaded guilty to rape,	789
the former offense of felonious sexual penetration, or sexual	790
battery, and the victim of the previous offense was less than	791
thirteen years of age.	792
(ii) The offense was committed on or after August 3, 2006.	793
(4) A felony violation of section 2903.04, 2903.06, 2903.08,	794

2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

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

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

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

to a person. 826

(8) Any offense, other than a violation of section 2923.12 of 827
the Revised Code, that is a felony, if the offender had a firearm 828
on or about the offender's person or under the offender's control 829
while committing the felony, with respect to a portion of the 830
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 831
of the Revised Code for having the firearm; 832

(9) Any offense of violence that is a felony, if the offender 833
wore or carried body armor while committing the felony offense of 834
violence, with respect to the portion of the sentence imposed 835
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 836
Code for wearing or carrying the body armor; 837

(10) Corrupt activity in violation of section 2923.32 of the 838
Revised Code when the most serious offense in the pattern of 839
corrupt activity that is the basis of the offense is a felony of 840
the first degree; 841

(11) Any violent sex offense or designated homicide, assault, 842
or kidnapping offense if, in relation to that offense, the 843
offender is adjudicated a sexually violent predator; 844

(12) A violation of division (A)(1) or (2) of section 2921.36 845
of the Revised Code, or a violation of division (C) of that 846
section involving an item listed in division (A)(1) or (2) of that 847
section, if the offender is an officer or employee of the 848
department of rehabilitation and correction; 849

(13) A violation of division (A)(1) or (2) of section 2903.06 850
of the Revised Code if the victim of the offense is a peace 851
officer, as defined in section 2935.01 of the Revised Code, or an 852
investigator of the bureau of criminal identification and 853
investigation, as defined in section 2903.11 of the Revised Code, 854
with respect to the portion of the sentence imposed pursuant to 855
division (D)(5) of section 2929.14 of the Revised Code; 856

(14) A violation of division (A)(1) or (2) of section 2903.06 857
of the Revised Code if the offender has been convicted of or 858
pleaded guilty to three or more violations of division (A) or (B) 859
of section 4511.19 of the Revised Code or an equivalent offense, 860
as defined in section 2941.1415 of the Revised Code, or three or 861
more violations of any combination of those divisions and 862
offenses, with respect to the portion of the sentence imposed 863
pursuant to division (D)(6) of section 2929.14 of the Revised 864
Code; 865

(15) Kidnapping, in the circumstances specified in section 866
2971.03 of the Revised Code and when no other provision of 867
division (F) of this section applies; 868

(16) Kidnapping, abduction, compelling prostitution, 869
promoting prostitution, engaging in a pattern of corrupt activity, 870
illegal use of a minor in a nudity-oriented material or 871
performance in violation of division (A)(1) or (2) of section 872
2907.323 of the Revised Code, or endangering children in violation 873
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 874
the Revised Code, if the offender is convicted of or pleads guilty 875
to a specification as described in section 2941.1422 of the 876
Revised Code that was included in the indictment, count in the 877
indictment, or information charging the offense; 878

(17) A felony violation of division (A) or (B) of section 879
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 880
that section, and division ~~(A)~~(D)(6) of that section, require the 881
imposition of a prison term; 882

(18) A felony violation of section 2903.11, 2903.12, or 883
2903.13 of the Revised Code, if the victim of the offense was a 884
woman that the offender knew was pregnant at the time of the 885
violation, with respect to a portion of the sentence imposed 886
pursuant to division (D)(8) of section 2929.14 of the Revised 887
Code. 888

(G) Notwithstanding divisions (A) to (E) of this section, if 889
an offender is being sentenced for a fourth degree felony OVI 890
offense or for a third degree felony OVI offense, the court shall 891
impose upon the offender a mandatory term of local incarceration 892
or a mandatory prison term in accordance with the following: 893

(1) If the offender is being sentenced for a fourth degree 894
felony OVI offense and if the offender has not been convicted of 895
and has not pleaded guilty to a specification of the type 896
described in section 2941.1413 of the Revised Code, the court may 897
impose upon the offender a mandatory term of local incarceration 898
of sixty days or one hundred twenty days as specified in division 899
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 900
not reduce the term pursuant to section 2929.20, 2967.193, or any 901
other provision of the Revised Code. The court that imposes a 902
mandatory term of local incarceration under this division shall 903
specify whether the term is to be served in a jail, a 904
community-based correctional facility, a halfway house, or an 905
alternative residential facility, and the offender shall serve the 906
term in the type of facility specified by the court. A mandatory 907
term of local incarceration imposed under division (G)(1) of this 908
section is not subject to any other Revised Code provision that 909
pertains to a prison term except as provided in division (A)(1) of 910
this section. 911

(2) If the offender is being sentenced for a third degree 912
felony OVI offense, or if the offender is being sentenced for a 913
fourth degree felony OVI offense and the court does not impose a 914
mandatory term of local incarceration under division (G)(1) of 915
this section, the court shall impose upon the offender a mandatory 916
prison term of one, two, three, four, or five years if the 917
offender also is convicted of or also pleads guilty to a 918
specification of the type described in section 2941.1413 of the 919
Revised Code or shall impose upon the offender a mandatory prison 920

term of sixty days or one hundred twenty days as specified in 921
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 922
if the offender has not been convicted of and has not pleaded 923
guilty to a specification of that type. The court shall not reduce 924
the term pursuant to section 2929.20, 2967.193, or any other 925
provision of the Revised Code. The offender shall serve the one-, 926
two-, three-, four-, or five-year mandatory prison term 927
consecutively to and prior to the prison term imposed for the 928
underlying offense and consecutively to any other mandatory prison 929
term imposed in relation to the offense. In no case shall an 930
offender who once has been sentenced to a mandatory term of local 931
incarceration pursuant to division (G)(1) of this section for a 932
fourth degree felony OVI offense be sentenced to another mandatory 933
term of local incarceration under that division for any violation 934
of division (A) of section 4511.19 of the Revised Code. In 935
addition to the mandatory prison term described in division (G)(2) 936
of this section, the court may sentence the offender to a 937
community control sanction under section 2929.16 or 2929.17 of the 938
Revised Code, but the offender shall serve the prison term prior 939
to serving the community control sanction. The department of 940
rehabilitation and correction may place an offender sentenced to a 941
mandatory prison term under this division in an intensive program 942
prison established pursuant to section 5120.033 of the Revised 943
Code if the department gave the sentencing judge prior notice of 944
its intent to place the offender in an intensive program prison 945
established under that section and if the judge did not notify the 946
department that the judge disapproved the placement. Upon the 947
establishment of the initial intensive program prison pursuant to 948
section 5120.033 of the Revised Code that is privately operated 949
and managed by a contractor pursuant to a contract entered into 950
under section 9.06 of the Revised Code, both of the following 951
apply: 952

(a) The department of rehabilitation and correction shall 953

make a reasonable effort to ensure that a sufficient number of 954
offenders sentenced to a mandatory prison term under this division 955
are placed in the privately operated and managed prison so that 956
the privately operated and managed prison has full occupancy. 957

(b) Unless the privately operated and managed prison has full 958
occupancy, the department of rehabilitation and correction shall 959
not place any offender sentenced to a mandatory prison term under 960
this division in any intensive program prison established pursuant 961
to section 5120.033 of the Revised Code other than the privately 962
operated and managed prison. 963

(H) If an offender is being sentenced for a sexually oriented 964
offense or child-victim oriented offense that is a felony 965
committed on or after January 1, 1997, the judge shall require the 966
offender to submit to a DNA specimen collection procedure pursuant 967
to section 2901.07 of the Revised Code. 968

(I) If an offender is being sentenced for a sexually oriented 969
offense or a child-victim oriented offense committed on or after 970
January 1, 1997, the judge shall include in the sentence a summary 971
of the offender's duties imposed under sections 2950.04, 2950.041, 972
2950.05, and 2950.06 of the Revised Code and the duration of the 973
duties. The judge shall inform the offender, at the time of 974
sentencing, of those duties and of their duration. If required 975
under division (A)(2) of section 2950.03 of the Revised Code, the 976
judge shall perform the duties specified in that section, or, if 977
required under division (A)(6) of section 2950.03 of the Revised 978
Code, the judge shall perform the duties specified in that 979
division. 980

(J)(1) Except as provided in division (J)(2) of this section, 981
when considering sentencing factors under this section in relation 982
to an offender who is convicted of or pleads guilty to an attempt 983
to commit an offense in violation of section 2923.02 of the 984
Revised Code, the sentencing court shall consider the factors 985

applicable to the felony category of the violation of section 986
2923.02 of the Revised Code instead of the factors applicable to 987
the felony category of the offense attempted. 988

(2) When considering sentencing factors under this section in 989
relation to an offender who is convicted of or pleads guilty to an 990
attempt to commit a drug abuse offense for which the penalty is 991
determined by the amount or number of unit doses of the controlled 992
substance involved in the drug abuse offense, the sentencing court 993
shall consider the factors applicable to the felony category that 994
the drug abuse offense attempted would be if that drug abuse 995
offense had been committed and had involved an amount or number of 996
unit doses of the controlled substance that is within the next 997
lower range of controlled substance amounts than was involved in 998
the attempt. 999

(K) As used in this section, "drug abuse offense" has the 1000
same meaning as in section 2925.01 of the Revised Code. 1001

(L) At the time of sentencing an offender for any sexually 1002
oriented offense, if the offender is a tier III sex 1003
offender/child-victim offender relative to that offense and the 1004
offender does not serve a prison term or jail term, the court may 1005
require that the offender be monitored by means of a global 1006
positioning device. If the court requires such monitoring, the 1007
cost of monitoring shall be borne by the offender. If the offender 1008
is indigent, the cost of compliance shall be paid by the crime 1009
victims reparations fund. 1010

Sec. 2933.82. (A) As used in this section: 1011

(1)(a) "Biological evidence" means any of the following: 1012

(i) The contents of a sexual assault examination kit; 1013

(ii) Any item that contains blood, semen, hair, saliva, skin 1014
tissue, fingernail scrapings, bone, bodily fluids, or any other 1015

identifiable biological material that was collected as part of a 1016
criminal investigation or delinquent child investigation and that 1017
reasonably may be used to incriminate or exculpate any person for 1018
an offense or delinquent act. 1019

(b) The definition of "biological evidence" set forth in 1020
division (A)(1)(a) of this section applies whether the material in 1021
question is cataloged separately, such as on a slide or swab or in 1022
a test tube, or is present on other evidence, including, but not 1023
limited to, clothing, ligatures, bedding or other household 1024
material, drinking cups or containers, or cigarettes. 1025

(2) "Biological material" has the same meaning as in section 1026
2953.71 of the Revised Code. 1027

(3) "DNA" has the same meaning as in section 109.573 of the 1028
Revised Code. 1029

(4) "Profile" means a unique identifier of an individual, 1030
derived from DNA. 1031

(5) "Prosecutor" has the same meaning as in section 2935.01 1032
of the Revised Code. 1033

(6) "Governmental evidence-retention entity" means all of the 1034
following: 1035

(a) Any law enforcement agency, prosecutor's office, court, 1036
public hospital, crime laboratory, or other governmental or public 1037
entity or individual within this state that is charged with the 1038
collection, storage, or retrieval of biological evidence; 1039

(b) Any official or employee of any entity or individual 1040
described in division (A)(6)(a) of this section. 1041

(B)(1) Each governmental evidence-retention entity that 1042
secures any biological evidence in relation to an investigation or 1043
prosecution of a criminal offense or delinquent act that is a 1044
violation of section 2903.01, 2903.02, or 2903.03, a violation of 1045

section 2903.04 or 2903.06 that is a felony of the first or second 1046
degree, a violation of section 2907.02 or 2907.03 or division 1047
(A)(4) or (B) of section 2907.05 of the Revised Code, or an 1048
attempt to commit a violation of section 2907.02 of the Revised 1049
Code shall secure the biological evidence for whichever of the 1050
following periods of time is applicable: 1051

(a) For a violation of section 2903.01 or 2903.02 of the 1052
Revised Code, for the period of time that the offense or act 1053
remains unsolved; 1054

(b) For a violation of section 2903.03, a violation of 1055
section 2903.04 or 2903.06 that is a felony of the first or second 1056
degree, a violation of section 2907.02 or 2907.03 or of division 1057
(A)(4) or (B) of section 2907.05 of the Revised Code, or an 1058
attempt to commit a violation of section 2907.02 of the Revised 1059
Code, for a period of thirty years if the offense or act remains 1060
unsolved; 1061

(c) If any person is convicted of or pleads guilty to the 1062
offense, or is adjudicated a delinquent child for committing the 1063
delinquent act, for the earlier of the following: (i) the 1064
expiration of the latest of the following periods of time that 1065
apply to the person: the period of time that the person is 1066
incarcerated, is in a department of youth services institution or 1067
other juvenile facility, is under a community control sanction for 1068
that offense, is under any order of disposition for that act, is 1069
on probation or parole for that offense, is under judicial release 1070
or supervised release for that act, is under post-release control 1071
for that offense, is involved in civil litigation in connection 1072
with that offense or act, or is subject to registration and other 1073
duties imposed for that offense or act under sections 2950.04, 1074
2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty 1075
years. If after the period of thirty years the person remains 1076
incarcerated, then the governmental evidence-retention entity 1077

shall secure the biological evidence until the person is released 1078
from incarceration or dies. 1079

(2) This section applies to evidence likely to contain 1080
biological material that was in the possession of any governmental 1081
evidence-retention entity during the investigation and prosecution 1082
of a criminal case or delinquent child case involving a violation 1083
of section 2903.01, 2903.02, or 2903.03, a violation of section 1084
2903.04 or 2903.06 that is a felony of the first or second degree, 1085
a violation of section 2907.02 or 2907.03 or of division (A)(4) or 1086
(B) of section 2907.05 of the Revised Code, or an attempt to 1087
commit a violation of section 2907.02 of the Revised Code. 1088

(3) A governmental evidence-retention entity that possesses 1089
biological evidence shall retain the biological evidence in the 1090
amount and manner sufficient to develop a DNA profile from the 1091
biological material contained in or included on the evidence. 1092

(4) Upon written request by the defendant in a criminal case 1093
or the alleged delinquent child in a delinquent child case 1094
involving a violation of section 2903.01, 2903.02, or 2903.03, a 1095
violation of section 2903.04 or 2903.06 that is a felony of the 1096
first or second degree, a violation of section 2907.02 or 2907.03 1097
or of division (A)(4) or (B) of section 2907.05 of the Revised 1098
Code, or an attempt to commit a violation of section 2907.02 of 1099
the Revised Code, a governmental evidence-retention entity that 1100
possesses biological evidence shall prepare an inventory of the 1101
biological evidence that has been preserved in connection with the 1102
defendant's criminal case or the alleged delinquent child's 1103
delinquent child case. 1104

(5) Except as otherwise provided in division (B)(7) of this 1105
section, a governmental evidence-retention entity that possesses 1106
biological evidence that includes biological material may destroy 1107
the evidence before the expiration of the applicable period of 1108
time specified in division (B)(1) of this section if all of the 1109

following apply:	1110
(a) No other provision of federal or state law requires the state to preserve the evidence.	1111 1112
(b) The governmental evidence-retention entity, by certified mail, return receipt requested, provides notice of intent to destroy the evidence to all of the following:	1113 1114 1115
(i) All persons who remain in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release control, involved in civil litigation, or subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as a result of a criminal conviction, delinquency adjudication, or commitment related to the evidence in question;	1116 1117 1118 1119 1120 1121 1122 1123 1124 1125
(ii) The attorney of record for each person who is in custody in any circumstance described in division (B)(5)(b)(i) of this section if the attorney of record can be located;	1126 1127 1128
(iii) The state public defender;	1129
(iv) The office of the prosecutor of record in the case that resulted in the custody of the person in custody in any circumstance described in division (B)(5)(b)(i) of this section;	1130 1131 1132
(v) The attorney general.	1133
(c) No person who is notified under division (B)(5)(b) of this section does either of the following within one year after the date on which the person receives the notice:	1134 1135 1136
(i) Files a motion for testing of evidence under sections 2953.71 to 2953.81 or section 2953.82 of the Revised Code;	1137 1138
(ii) Submits a written request for retention of evidence to	1139

the governmental evidence-retention entity that provided notice of 1140
its intent to destroy evidence under division (B)(5)(b) of this 1141
section. 1142

(6) Except as otherwise provided in division (B)(7) of this 1143
section, if, after providing notice under division (B)(5)(b) of 1144
this section of its intent to destroy evidence, a governmental 1145
evidence-retention entity receives a written request for retention 1146
of the evidence from any person to whom the notice is provided, 1147
the governmental evidence-retention entity shall retain the 1148
evidence while the person referred to in division (B)(5)(b)(i) of 1149
this section remains in custody, incarcerated, in a department of 1150
youth services institution or other juvenile facility, under a 1151
community control sanction, under any order of disposition, on 1152
probation or parole, under judicial release or supervised release, 1153
under post-release control, involved in civil litigation, or 1154
subject to registration and other duties imposed for that offense 1155
or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of 1156
the Revised Code as a result of a criminal conviction, delinquency 1157
adjudication, or commitment related to the evidence in question. 1158

(7) A governmental evidence-retention entity that possesses 1159
biological evidence that includes biological material may destroy 1160
the evidence five years after a person pleads guilty or no contest 1161
to a violation of section 2903.01, 2903.02, or 2903.03, a 1162
violation of 2903.04 or 2903.06 that is a felony of the first or 1163
second degree, a violation of section 2907.02, 2907.03, division 1164
(A)(4) or (B) of section 2907.05, or an attempt to commit a 1165
violation of section 2907.02 of the Revised Code and all appeals 1166
have been exhausted unless, upon a motion to the court by the 1167
person who pleaded guilty or no contest or the person's attorney 1168
and notice to those persons described in division (B)(5)(b) of 1169
this section requesting that the evidence not be destroyed, the 1170
court finds good cause as to why that evidence must be retained. 1171

(8) A governmental evidence-retention entity shall not be required to preserve physical evidence pursuant to this section that is of such a size, bulk, or physical character as to render retention impracticable. When retention of physical evidence that otherwise would be required to be retained pursuant to this section is impracticable as described in this division, the governmental evidence-retention entity that otherwise would be required to retain the physical evidence shall remove and preserve portions of the material evidence likely to contain biological evidence related to the offense, in a quantity sufficient to permit future DNA testing before returning or disposing of that physical evidence.

(C)(1) The preservation of biological evidence task force established within the bureau of criminal identification and investigation under section 109.561 of the Revised Code shall establish a system regarding the proper preservation of biological evidence in this state. In establishing the system, the task force shall do all of the following:

(a) Devise standards regarding the proper collection, retention, and cataloging of biological evidence for ongoing investigations and prosecutions;

(b) Recommend practices, protocols, models, and resources for the cataloging and accessibility of preserved biological evidence already in the possession of governmental evidence-retention entities.

(2) In consultation with the preservation of biological evidence task force described in division (C)(1) of this section, the ~~division of criminal justice services of the department of public safety~~ office of the attorney general shall administer and conduct training programs for law enforcement officers and other relevant employees who are charged with preserving and cataloging biological evidence regarding the methods and procedures

referenced in this section. 1204

Sec. 4506.17. (A) Any person who holds a commercial driver's 1205
license or operates a commercial motor vehicle requiring a 1206
commercial driver's license within this state shall be deemed to 1207
have given consent to a test or tests of the person's whole blood, 1208
blood serum or plasma, breath, or urine for the purpose of 1209
determining the person's alcohol concentration or the presence of 1210
any controlled substance or a metabolite of a controlled 1211
substance. 1212

(B) A test or tests as provided in division (A) of this 1213
section may be administered at the direction of a peace officer 1214
having reasonable ground to stop or detain the person and, after 1215
investigating the circumstances surrounding the operation of the 1216
commercial motor vehicle, also having reasonable ground to believe 1217
the person was driving the commercial vehicle while having a 1218
measurable or detectable amount of alcohol or of a controlled 1219
substance or a metabolite of a controlled substance in the 1220
person's whole blood, blood serum or plasma, breath, or urine. Any 1221
such test shall be given within two hours of the time of the 1222
alleged violation. 1223

(C) A person requested to submit to a test under division (A) 1224
of this section shall be advised by the peace officer requesting 1225
the test that a refusal to submit to the test will result in the 1226
person immediately being placed out-of-service for a period of 1227
twenty-four hours and being disqualified from operating a 1228
commercial motor vehicle for a period of not less than one year, 1229
and that the person is required to surrender the person's 1230
commercial driver's license to the peace officer. 1231

(D) If a person refuses to submit to a test after being 1232
warned as provided in division (C) of this section or submits to a 1233
test that discloses the presence of a controlled substance or a 1234

metabolite of a controlled substance, an alcohol concentration of 1235
four-hundredths of one per cent or more by whole blood or breath, 1236
an alcohol concentration of forty-eight-thousandths of one per 1237
cent or more by blood serum or blood plasma, or an alcohol 1238
concentration of fifty-six-thousandths of one per cent or more by 1239
urine, the person immediately shall surrender the person's 1240
commercial driver's license to the peace officer. The peace 1241
officer shall forward the license, together with a sworn report, 1242
to the registrar of motor vehicles certifying that the test was 1243
requested pursuant to division (A) of this section and that the 1244
person either refused to submit to testing or submitted to a test 1245
that disclosed the presence of a controlled substance or a 1246
metabolite of a controlled substance or a prohibited alcohol 1247
concentration. The form and contents of the report required by 1248
this section shall be established by the registrar by rule, but 1249
shall contain the advice to be read to the driver and a statement 1250
to be signed by the driver acknowledging that the driver has been 1251
read the advice and that the form was shown to the driver. 1252

(E) Upon receipt of a sworn report from a peace officer as 1253
provided in division (D) of this section, the registrar shall 1254
disqualify the person named in the report from driving a 1255
commercial motor vehicle for the period described below: 1256

(1) Upon a first incident, one year; 1257

(2) Upon an incident of refusal or of a prohibited 1258
concentration of alcohol, a controlled substance, or a metabolite 1259
of a controlled substance after one or more previous incidents of 1260
either refusal or of a prohibited concentration of alcohol, a 1261
controlled substance, or a metabolite of a controlled substance, 1262
the person shall be disqualified for life or such lesser period as 1263
prescribed by rule by the registrar. 1264

(F) A test of a person's whole blood or a person's blood 1265
serum or plasma given under this section shall comply with the 1266

applicable provisions of division (D) of section 4511.19 of the Revised Code and any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws whole blood or blood serum or plasma from a person under this section, and any hospital, first-aid station, clinic, or other facility at which whole blood or blood serum or plasma is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim of malpractice, for any act performed in withdrawing whole blood or blood serum or plasma from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section.

(G) When a person submits to a test under this section, the results of the test, at the person's request, shall be made available to the person, the person's attorney, or the person's agent, immediately upon completion of the chemical test analysis. The person also may have an additional test administered by a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing as provided in division (D) of section 4511.19 of the Revised Code for tests administered under that section, and the failure to obtain such a test has the same effect as in that division.

(H) No person shall refuse to immediately surrender the person's commercial driver's license to a peace officer when required to do so by this section.

(I) A peace officer issuing an out-of-service order or receiving a commercial driver's license surrendered under this section may remove or arrange for the removal of any commercial

motor vehicle affected by the issuance of that order or the 1299
surrender of that license. 1300

(J)(1) Except for civil actions arising out of the operation 1301
of a motor vehicle and civil actions in which the state is a 1302
plaintiff, no peace officer of any law enforcement agency within 1303
this state is liable in compensatory damages in any civil action 1304
that arises under the Revised Code or common law of this state for 1305
an injury, death, or loss to person or property caused in the 1306
performance of official duties under this section and rules 1307
adopted under this section, unless the officer's actions were 1308
manifestly outside the scope of the officer's employment or 1309
official responsibilities, or unless the officer acted with 1310
malicious purpose, in bad faith, or in a wanton or reckless 1311
manner. 1312

(2) Except for civil actions that arise out of the operation 1313
of a motor vehicle and civil actions in which the state is a 1314
plaintiff, no peace officer of any law enforcement agency within 1315
this state is liable in punitive or exemplary damages in any civil 1316
action that arises under the Revised Code or common law of this 1317
state for any injury, death, or loss to person or property caused 1318
in the performance of official duties under this section of the 1319
Revised Code and rules adopted under this section, unless the 1320
officer's actions were manifestly outside the scope of the 1321
officer's employment or official responsibilities, or unless the 1322
officer acted with malicious purpose, in bad faith, or in a wanton 1323
or reckless manner. 1324

(K) When disqualifying a driver, the registrar shall cause 1325
the records of the bureau of motor vehicles to be updated to 1326
reflect the disqualification within ten days after it occurs. 1327

(L) The registrar immediately shall notify a driver who is 1328
subject to disqualification of the disqualification, of the length 1329
of the disqualification, and that the driver may request a hearing 1330

within thirty days of the mailing of the notice to show cause why 1331
the driver should not be disqualified from operating a commercial 1332
motor vehicle. If a request for such a hearing is not made within 1333
thirty days of the mailing of the notice, the order of 1334
disqualification is final. The registrar may designate hearing 1335
examiners who, after affording all parties reasonable notice, 1336
shall conduct a hearing to determine whether the disqualification 1337
order is supported by reliable evidence. The registrar shall adopt 1338
rules to implement this division. 1339

(M) Any person who is disqualified from operating a 1340
commercial motor vehicle under this section may apply to the 1341
registrar for a driver's license to operate a motor vehicle other 1342
than a commercial motor vehicle, provided the person's commercial 1343
driver's license is not otherwise suspended. A person whose 1344
commercial driver's license is suspended shall not apply to the 1345
registrar for or receive a driver's license under Chapter 4507. of 1346
the Revised Code during the period of suspension. 1347

(N) Whoever violates division (H) of this section is guilty 1348
of a misdemeanor of the first degree. 1349

(O) As used in this section, "emergency medical 1350
technician-intermediate" and "emergency medical 1351
technician-paramedic" have the same meanings as in section 4765.01 1352
of the Revised Code. 1353

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 1354
streetcar, or trackless trolley within this state, if, at the time 1355
of the operation, any of the following apply: 1356

(a) The person is under the influence of alcohol, a drug of 1357
abuse, or a combination of them. 1358

(b) The person has a concentration of eight-hundredths of one 1359
per cent or more but less than seventeen-hundredths of one per 1360

cent by weight per unit volume of alcohol in the person's whole blood. 1361
1362

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 1363
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(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath. 1367
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(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine. 1371
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(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood. 1375
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(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 1378
1379
1380

(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 1381
1382
1383

(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine. 1384
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1386

(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals 1387
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1389
1390

or exceeds any of the following: 1391

(i) The person has a concentration of amphetamine in the 1392
person's urine of at least five hundred nanograms of amphetamine 1393
per milliliter of the person's urine or has a concentration of 1394
amphetamine in the person's whole blood or blood serum or plasma 1395
of at least one hundred nanograms of amphetamine per milliliter of 1396
the person's whole blood or blood serum or plasma. 1397

(ii) The person has a concentration of cocaine in the 1398
person's urine of at least one hundred fifty nanograms of cocaine 1399
per milliliter of the person's urine or has a concentration of 1400
cocaine in the person's whole blood or blood serum or plasma of at 1401
least fifty nanograms of cocaine per milliliter of the person's 1402
whole blood or blood serum or plasma. 1403

(iii) The person has a concentration of cocaine metabolite in 1404
the person's urine of at least one hundred fifty nanograms of 1405
cocaine metabolite per milliliter of the person's urine or has a 1406
concentration of cocaine metabolite in the person's whole blood or 1407
blood serum or plasma of at least fifty nanograms of cocaine 1408
metabolite per milliliter of the person's whole blood or blood 1409
serum or plasma. 1410

(iv) The person has a concentration of heroin in the person's 1411
urine of at least two thousand nanograms of heroin per milliliter 1412
of the person's urine or has a concentration of heroin in the 1413
person's whole blood or blood serum or plasma of at least fifty 1414
nanograms of heroin per milliliter of the person's whole blood or 1415
blood serum or plasma. 1416

(v) The person has a concentration of heroin metabolite 1417
(6-monoacetyl morphine) in the person's urine of at least ten 1418
nanograms of heroin metabolite (6-monoacetyl morphine) per 1419
milliliter of the person's urine or has a concentration of heroin 1420
metabolite (6-monoacetyl morphine) in the person's whole blood or 1421

blood serum or plasma of at least ten nanograms of heroin 1422
metabolite (6-monoacetyl morphine) per milliliter of the person's 1423
whole blood or blood serum or plasma. 1424

(vi) The person has a concentration of L.S.D. in the person's 1425
urine of at least twenty-five nanograms of L.S.D. per milliliter 1426
of the person's urine or a concentration of L.S.D. in the person's 1427
whole blood or blood serum or plasma of at least ten nanograms of 1428
L.S.D. per milliliter of the person's whole blood or blood serum 1429
or plasma. 1430

(vii) The person has a concentration of marihuana in the 1431
person's urine of at least ten nanograms of marihuana per 1432
milliliter of the person's urine or has a concentration of 1433
marihuana in the person's whole blood or blood serum or plasma of 1434
at least two nanograms of marihuana per milliliter of the person's 1435
whole blood or blood serum or plasma. 1436

(viii) Either of the following applies: 1437

(I) The person is under the influence of alcohol, a drug of 1438
abuse, or a combination of them, and, as measured by gas 1439
chromatography mass spectrometry, the person has a concentration 1440
of marihuana metabolite in the person's urine of at least fifteen 1441
nanograms of marihuana metabolite per milliliter of the person's 1442
urine or has a concentration of marihuana metabolite in the 1443
person's whole blood or blood serum or plasma of at least five 1444
nanograms of marihuana metabolite per milliliter of the person's 1445
whole blood or blood serum or plasma. 1446

(II) As measured by gas chromatography mass spectrometry, the 1447
person has a concentration of marihuana metabolite in the person's 1448
urine of at least thirty-five nanograms of marihuana metabolite 1449
per milliliter of the person's urine or has a concentration of 1450
marihuana metabolite in the person's whole blood or blood serum or 1451
plasma of at least fifty nanograms of marihuana metabolite per 1452

milliliter of the person's whole blood or blood serum or plasma. 1453

(ix) The person has a concentration of methamphetamine in the 1454
person's urine of at least five hundred nanograms of 1455
methamphetamine per milliliter of the person's urine or has a 1456
concentration of methamphetamine in the person's whole blood or 1457
blood serum or plasma of at least one hundred nanograms of 1458
methamphetamine per milliliter of the person's whole blood or 1459
blood serum or plasma. 1460

(x) The person has a concentration of phencyclidine in the 1461
person's urine of at least twenty-five nanograms of phencyclidine 1462
per milliliter of the person's urine or has a concentration of 1463
phencyclidine in the person's whole blood or blood serum or plasma 1464
of at least ten nanograms of phencyclidine per milliliter of the 1465
person's whole blood or blood serum or plasma. 1466

(xi) The state board of pharmacy has adopted a rule pursuant 1467
to section 4729.041 of the Revised Code that specifies the amount 1468
of salvia divinorum and the amount of salvinorin A that constitute 1469
concentrations of salvia divinorum and salvinorin A in a person's 1470
urine, in a person's whole blood, or in a person's blood serum or 1471
plasma at or above which the person is impaired for purposes of 1472
operating any vehicle, streetcar, or trackless trolley within this 1473
state, the rule is in effect, and the person has a concentration 1474
of salvia divinorum or salvinorin A of at least that amount so 1475
specified by rule in the person's urine, in the person's whole 1476
blood, or in the person's blood serum or plasma. 1477

(2) No person who, within twenty years of the conduct 1478
described in division (A)(2)(a) of this section, previously has 1479
been convicted of or pleaded guilty to a violation of this 1480
division, a violation of division (A)(1) or (B) of this section, 1481
or any other equivalent offense shall do both of the following: 1482

(a) Operate any vehicle, streetcar, or trackless trolley 1483

within this state while under the influence of alcohol, a drug of 1484
abuse, or a combination of them; 1485

(b) Subsequent to being arrested for operating the vehicle, 1486
streetcar, or trackless trolley as described in division (A)(2)(a) 1487
of this section, being asked by a law enforcement officer to 1488
submit to a chemical test or tests under section 4511.191 of the 1489
Revised Code, and being advised by the officer in accordance with 1490
section 4511.192 of the Revised Code of the consequences of the 1491
person's refusal or submission to the test or tests, refuse to 1492
submit to the test or tests. 1493

(B) No person under twenty-one years of age shall operate any 1494
vehicle, streetcar, or trackless trolley within this state, if, at 1495
the time of the operation, any of the following apply: 1496

(1) The person has a concentration of at least two-hundredths 1497
of one per cent but less than eight-hundredths of one per cent by 1498
weight per unit volume of alcohol in the person's whole blood. 1499

(2) The person has a concentration of at least 1500
three-hundredths of one per cent but less than 1501
ninety-six-thousandths of one per cent by weight per unit volume 1502
of alcohol in the person's blood serum or plasma. 1503

(3) The person has a concentration of at least two-hundredths 1504
of one gram but less than eight-hundredths of one gram by weight 1505
of alcohol per two hundred ten liters of the person's breath. 1506

(4) The person has a concentration of at least twenty-eight 1507
one-thousandths of one gram but less than eleven-hundredths of one 1508
gram by weight of alcohol per one hundred milliliters of the 1509
person's urine. 1510

(C) In any proceeding arising out of one incident, a person 1511
may be charged with a violation of division (A)(1)(a) or (A)(2) 1512
and a violation of division (B)(1), (2), or (3) of this section, 1513
but the person may not be convicted of more than one violation of 1514

these divisions. 1515

(D)(1)(a) In any criminal prosecution or juvenile court 1516
proceeding for a violation of division (A)(1)(a) of this section 1517
or for an equivalent offense that is vehicle-related, the result 1518
of any test of any blood or urine withdrawn and analyzed at any 1519
health care provider, as defined in section 2317.02 of the Revised 1520
Code, may be admitted with expert testimony to be considered with 1521
any other relevant and competent evidence in determining the guilt 1522
or innocence of the defendant. 1523

(b) In any criminal prosecution or juvenile court proceeding 1524
for a violation of division (A) or (B) of this section or for an 1525
equivalent offense that is vehicle-related, the court may admit 1526
evidence on the concentration of alcohol, drugs of abuse, 1527
controlled substances, metabolites of a controlled substance, or a 1528
combination of them in the defendant's whole blood, blood serum or 1529
plasma, breath, urine, or other bodily substance at the time of 1530
the alleged violation as shown by chemical analysis of the 1531
substance withdrawn within three hours of the time of the alleged 1532
violation. The three-hour time limit specified in this division 1533
regarding the admission of evidence does not extend or affect the 1534
two-hour time limit specified in division (A) of section 4511.192 1535
of the Revised Code as the maximum period of time during which a 1536
person may consent to a chemical test or tests as described in 1537
that section. The court may admit evidence on the concentration of 1538
alcohol, drugs of abuse, or a combination of them as described in 1539
this division when a person submits to a blood, breath, urine, or 1540
other bodily substance test at the request of a law enforcement 1541
officer under section 4511.191 of the Revised Code or a blood or 1542
urine sample is obtained pursuant to a search warrant. Only a 1543
physician, a registered nurse, an emergency medical 1544
technician-intermediate, an emergency medical 1545
technician-paramedic, or a qualified technician, chemist, or 1546

phlebotomist shall withdraw a blood sample for the purpose of 1547
determining the alcohol, drug, controlled substance, metabolite of 1548
a controlled substance, or combination content of the whole blood, 1549
blood serum, or blood plasma. This limitation does not apply to 1550
the taking of breath or urine specimens. A person authorized to 1551
withdraw blood under this division may refuse to withdraw blood 1552
under this division, if in that person's opinion, the physical 1553
welfare of the person would be endangered by the withdrawing of 1554
blood. 1555

The bodily substance withdrawn under division (D)(1)(b) of 1556
this section shall be analyzed in accordance with methods approved 1557
by the director of health by an individual possessing a valid 1558
permit issued by the director pursuant to section 3701.143 of the 1559
Revised Code. 1560

(c) As used in division (D)(1)(b) of this section, "emergency 1561
medical technician-intermediate" and "emergency medical 1562
technician-paramedic" have the same meanings as in section 4765.01 1563
of the Revised Code. 1564

(2) In a criminal prosecution or juvenile court proceeding 1565
for a violation of division (A) of this section or for an 1566
equivalent offense that is vehicle-related, if there was at the 1567
time the bodily substance was withdrawn a concentration of less 1568
than the applicable concentration of alcohol specified in 1569
divisions (A)(1)(b), (c), (d), and (e) of this section or less 1570
than the applicable concentration of a listed controlled substance 1571
or a listed metabolite of a controlled substance specified for a 1572
violation of division (A)(1)(j) of this section, that fact may be 1573
considered with other competent evidence in determining the guilt 1574
or innocence of the defendant. This division does not limit or 1575
affect a criminal prosecution or juvenile court proceeding for a 1576
violation of division (B) of this section or for an equivalent 1577
offense that is substantially equivalent to that division. 1578

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

If the chemical test was obtained pursuant to division (D)(1)(b) of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of section 4511.191 of the Revised Code, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of section 4511.191 of the Revised Code, the form to be read to the person to be tested, as required under section 4511.192 of the Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

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

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug

of abuse, or of a municipal ordinance relating to operating a 1611
vehicle with a prohibited concentration of alcohol, a controlled 1612
substance, or a metabolite of a controlled substance in the whole 1613
blood, blood serum or plasma, breath, or urine, if a law 1614
enforcement officer has administered a field sobriety test to the 1615
operator of the vehicle involved in the violation and if it is 1616
shown by clear and convincing evidence that the officer 1617
administered the test in substantial compliance with the testing 1618
standards for any reliable, credible, and generally accepted field 1619
sobriety tests that were in effect at the time the tests were 1620
administered, including, but not limited to, any testing standards 1621
then in effect that were set by the national highway traffic 1622
safety administration, all of the following apply: 1623

(i) The officer may testify concerning the results of the 1624
field sobriety test so administered. 1625

(ii) The prosecution may introduce the results of the field 1626
sobriety test so administered as evidence in any proceedings in 1627
the criminal prosecution or juvenile court proceeding. 1628

(iii) If testimony is presented or evidence is introduced 1629
under division (D)(4)(b)(i) or (ii) of this section and if the 1630
testimony or evidence is admissible under the Rules of Evidence, 1631
the court shall admit the testimony or evidence and the trier of 1632
fact shall give it whatever weight the trier of fact considers to 1633
be appropriate. 1634

(c) Division (D)(4)(b) of this section does not limit or 1635
preclude a court, in its determination of whether the arrest of a 1636
person was supported by probable cause or its determination of any 1637
other matter in a criminal prosecution or juvenile court 1638
proceeding of a type described in that division, from considering 1639
evidence or testimony that is not otherwise disallowed by division 1640
(D)(4)(b) of this section. 1641

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

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

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

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

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

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

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

(F) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in

willful or wanton misconduct. 1705

As used in this division, "emergency medical 1706
technician-intermediate" and "emergency medical 1707
technician-paramedic" have the same meanings as in section 4765.01 1708
of the Revised Code. 1709

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 1710
to (i) or (A)(2) of this section is guilty of operating a vehicle 1711
under the influence of alcohol, a drug of abuse, or a combination 1712
of them. Whoever violates division (A)(1)(j) of this section is 1713
guilty of operating a vehicle while under the influence of a 1714
listed controlled substance or a listed metabolite of a controlled 1715
substance. The court shall sentence the offender for either 1716
offense under Chapter 2929. of the Revised Code, except as 1717
otherwise authorized or required by divisions (G)(1)(a) to (e) of 1718
this section: 1719

(a) Except as otherwise provided in division (G)(1)(b), (c), 1720
(d), or (e) of this section, the offender is guilty of a 1721
misdemeanor of the first degree, and the court shall sentence the 1722
offender to all of the following: 1723

(i) If the sentence is being imposed for a violation of 1724
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1725
mandatory jail term of three consecutive days. As used in this 1726
division, three consecutive days means seventy-two consecutive 1727
hours. The court may sentence an offender to both an intervention 1728
program and a jail term. The court may impose a jail term in 1729
addition to the three-day mandatory jail term or intervention 1730
program. However, in no case shall the cumulative jail term 1731
imposed for the offense exceed six months. 1732

The court may suspend the execution of the three-day jail 1733
term under this division if the court, in lieu of that suspended 1734
term, places the offender under a community control sanction 1735

pursuant to section 2929.25 of the Revised Code and requires the
offender to attend, for three consecutive days, a drivers'
intervention program certified under section 3793.10 of the
Revised Code. The court also may suspend the execution of any part
of the three-day jail term under this division if it places the
offender under a community control sanction pursuant to section
2929.25 of the Revised Code for part of the three days, requires
the offender to attend for the suspended part of the term a
drivers' intervention program so certified, and sentences the
offender to a jail term equal to the remainder of the three
consecutive days that the offender does not spend attending the
program. The court may require the offender, as a condition of
community control and in addition to the required attendance at a
drivers' intervention program, to attend and satisfactorily
complete any treatment or education programs that comply with the
minimum standards adopted pursuant to Chapter 3793. of the Revised
Code by the director of alcohol and drug addiction services that
the operators of the drivers' intervention program determine that
the offender should attend and to report periodically to the court
on the offender's progress in the programs. The court also may
impose on the offender any other conditions of community control
that it considers necessary.

(ii) If the sentence is being imposed for a violation of
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this
section, except as otherwise provided in this division, a
mandatory jail term of at least three consecutive days and a
requirement that the offender attend, for three consecutive days,
a drivers' intervention program that is certified pursuant to
section 3793.10 of the Revised Code. As used in this division,
three consecutive days means seventy-two consecutive hours. If the
court determines that the offender is not conducive to treatment
in a drivers' intervention program, if the offender refuses to
attend a drivers' intervention program, or if the jail at which

the offender is to serve the jail term imposed can provide a 1769
driver's intervention program, the court shall sentence the 1770
offender to a mandatory jail term of at least six consecutive 1771
days. 1772

The court may require the offender, under a community control 1773
sanction imposed under section 2929.25 of the Revised Code, to 1774
attend and satisfactorily complete any treatment or education 1775
programs that comply with the minimum standards adopted pursuant 1776
to Chapter 3793. of the Revised Code by the director of alcohol 1777
and drug addiction services, in addition to the required 1778
attendance at drivers' intervention program, that the operators of 1779
the drivers' intervention program determine that the offender 1780
should attend and to report periodically to the court on the 1781
offender's progress in the programs. The court also may impose any 1782
other conditions of community control on the offender that it 1783
considers necessary. 1784

(iii) In all cases, a fine of not less than three hundred 1785
seventy-five and not more than one thousand seventy-five dollars; 1786

(iv) In all cases, a class five license suspension of the 1787
offender's driver's or commercial driver's license or permit or 1788
nonresident operating privilege from the range specified in 1789
division (A)(5) of section 4510.02 of the Revised Code. The court 1790
may grant limited driving privileges relative to the suspension 1791
under sections 4510.021 and 4510.13 of the Revised Code. 1792

(b) Except as otherwise provided in division (G)(1)(e) of 1793
this section, an offender who, within six years of the offense, 1794
previously has been convicted of or pleaded guilty to one 1795
violation of division (A) or (B) of this section or one other 1796
equivalent offense is guilty of a misdemeanor of the first degree. 1797
The court shall sentence the offender to all of the following: 1798

(i) If the sentence is being imposed for a violation of 1799

division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1800
mandatory jail term of ten consecutive days. The court shall 1801
impose the ten-day mandatory jail term under this division unless, 1802
subject to division (G)(3) of this section, it instead imposes a 1803
sentence under that division consisting of both a jail term and a 1804
term of house arrest with electronic monitoring, with continuous 1805
alcohol monitoring, or with both electronic monitoring and 1806
continuous alcohol monitoring. The court may impose a jail term in 1807
addition to the ten-day mandatory jail term. The cumulative jail 1808
term imposed for the offense shall not exceed six months. 1809

In addition to the jail term or the term of house arrest with 1810
electronic monitoring or continuous alcohol monitoring or both 1811
types of monitoring and jail term, the court shall require the 1812
offender to be assessed by an alcohol and drug treatment program 1813
that is authorized by section 3793.02 of the Revised Code, subject 1814
to division (I) of this section, and shall order the offender to 1815
follow the treatment recommendations of the program. The purpose 1816
of the assessment is to determine the degree of the offender's 1817
alcohol usage and to determine whether or not treatment is 1818
warranted. Upon the request of the court, the program shall submit 1819
the results of the assessment to the court, including all 1820
treatment recommendations and clinical diagnoses related to 1821
alcohol use. 1822

(ii) If the sentence is being imposed for a violation of 1823
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1824
section, except as otherwise provided in this division, a 1825
mandatory jail term of twenty consecutive days. The court shall 1826
impose the twenty-day mandatory jail term under this division 1827
unless, subject to division (G)(3) of this section, it instead 1828
imposes a sentence under that division consisting of both a jail 1829
term and a term of house arrest with electronic monitoring, with 1830
continuous alcohol monitoring, or with both electronic monitoring 1831

and continuous alcohol monitoring. The court may impose a jail 1832
term in addition to the twenty-day mandatory jail term. The 1833
cumulative jail term imposed for the offense shall not exceed six 1834
months. 1835

In addition to the jail term or the term of house arrest with 1836
electronic monitoring or continuous alcohol monitoring or both 1837
types of monitoring and jail term, the court shall require the 1838
offender to be assessed by an alcohol and drug treatment program 1839
that is authorized by section 3793.02 of the Revised Code, subject 1840
to division (I) of this section, and shall order the offender to 1841
follow the treatment recommendations of the program. The purpose 1842
of the assessment is to determine the degree of the offender's 1843
alcohol usage and to determine whether or not treatment is 1844
warranted. Upon the request of the court, the program shall submit 1845
the results of the assessment to the court, including all 1846
treatment recommendations and clinical diagnoses related to 1847
alcohol use. 1848

(iii) In all cases, notwithstanding the fines set forth in 1849
Chapter 2929. of the Revised Code, a fine of not less than five 1850
hundred twenty-five and not more than one thousand six hundred 1851
twenty-five dollars; 1852

(iv) In all cases, a class four license suspension of the 1853
offender's driver's license, commercial driver's license, 1854
temporary instruction permit, probationary license, or nonresident 1855
operating privilege from the range specified in division (A)(4) of 1856
section 4510.02 of the Revised Code. The court may grant limited 1857
driving privileges relative to the suspension under sections 1858
4510.021 and 4510.13 of the Revised Code. 1859

(v) In all cases, if the vehicle is registered in the 1860
offender's name, immobilization of the vehicle involved in the 1861
offense for ninety days in accordance with section 4503.233 of the 1862
Revised Code and impoundment of the license plates of that vehicle 1863

for ninety days. 1864

(c) Except as otherwise provided in division (G)(1)(e) of 1865
this section, an offender who, within six years of the offense, 1866
previously has been convicted of or pleaded guilty to two 1867
violations of division (A) or (B) of this section or other 1868
equivalent offenses is guilty of a misdemeanor. The court shall 1869
sentence the offender to all of the following: 1870

(i) If the sentence is being imposed for a violation of 1871
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1872
mandatory jail term of thirty consecutive days. The court shall 1873
impose the thirty-day mandatory jail term under this division 1874
unless, subject to division (G)(3) of this section, it instead 1875
imposes a sentence under that division consisting of both a jail 1876
term and a term of house arrest with electronic monitoring, with 1877
continuous alcohol monitoring, or with both electronic monitoring 1878
and continuous alcohol monitoring. The court may impose a jail 1879
term in addition to the thirty-day mandatory jail term. 1880
Notwithstanding the jail terms set forth in sections 2929.21 to 1881
2929.28 of the Revised Code, the additional jail term shall not 1882
exceed one year, and the cumulative jail term imposed for the 1883
offense shall not exceed one year. 1884

(ii) If the sentence is being imposed for a violation of 1885
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1886
section, a mandatory jail term of sixty consecutive days. The 1887
court shall impose the sixty-day mandatory jail term under this 1888
division unless, subject to division (G)(3) of this section, it 1889
instead imposes a sentence under that division consisting of both 1890
a jail term and a term of house arrest with electronic monitoring, 1891
with continuous alcohol monitoring, or with both electronic 1892
monitoring and continuous alcohol monitoring. The court may impose 1893
a jail term in addition to the sixty-day mandatory jail term. 1894
Notwithstanding the jail terms set forth in sections 2929.21 to 1895

2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

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

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

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

(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.

(d) Except as otherwise provided in division (G)(1)(e) of

this section, an offender who, within six years of the offense, 1927
previously has been convicted of or pleaded guilty to three or 1928
four violations of division (A) or (B) of this section or other 1929
equivalent offenses or an offender who, within twenty years of the 1930
offense, previously has been convicted of or pleaded guilty to 1931
five or more violations of that nature is guilty of a felony of 1932
the fourth degree. The court shall sentence the offender to all of 1933
the following: 1934

(i) If the sentence is being imposed for a violation of 1935
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1936
mandatory prison term of one, two, three, four, or five years as 1937
required by and in accordance with division (G)(2) of section 1938
2929.13 of the Revised Code if the offender also is convicted of 1939
or also pleads guilty to a specification of the type described in 1940
section 2941.1413 of the Revised Code or, in the discretion of the 1941
court, either a mandatory term of local incarceration of sixty 1942
consecutive days in accordance with division (G)(1) of section 1943
2929.13 of the Revised Code or a mandatory prison term of sixty 1944
consecutive days in accordance with division (G)(2) of that 1945
section if the offender is not convicted of and does not plead 1946
guilty to a specification of that type. If the court imposes a 1947
mandatory term of local incarceration, it may impose a jail term 1948
in addition to the sixty-day mandatory term, the cumulative total 1949
of the mandatory term and the jail term for the offense shall not 1950
exceed one year, and, except as provided in division (A)(1) of 1951
section 2929.13 of the Revised Code, no prison term is authorized 1952
for the offense. If the court imposes a mandatory prison term, 1953
notwithstanding division (A)(4) of section 2929.14 of the Revised 1954
Code, it also may sentence the offender to a definite prison term 1955
that shall be not less than six months and not more than thirty 1956
months and the prison terms shall be imposed as described in 1957
division (G)(2) of section 2929.13 of the Revised Code. If the 1958
court imposes a mandatory prison term or mandatory prison term and 1959

additional prison term, in addition to the term or terms so 1960
imposed, the court also may sentence the offender to a community 1961
control sanction for the offense, but the offender shall serve all 1962
of the prison terms so imposed prior to serving the community 1963
control sanction. 1964

(ii) If the sentence is being imposed for a violation of 1965
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1966
section, a mandatory prison term of one, two, three, four, or five 1967
years as required by and in accordance with division (G)(2) of 1968
section 2929.13 of the Revised Code if the offender also is 1969
convicted of or also pleads guilty to a specification of the type 1970
described in section 2941.1413 of the Revised Code or, in the 1971
discretion of the court, either a mandatory term of local 1972
incarceration of one hundred twenty consecutive days in accordance 1973
with division (G)(1) of section 2929.13 of the Revised Code or a 1974
mandatory prison term of one hundred twenty consecutive days in 1975
accordance with division (G)(2) of that section if the offender is 1976
not convicted of and does not plead guilty to a specification of 1977
that type. If the court imposes a mandatory term of local 1978
incarceration, it may impose a jail term in addition to the one 1979
hundred twenty-day mandatory term, the cumulative total of the 1980
mandatory term and the jail term for the offense shall not exceed 1981
one year, and, except as provided in division (A)(1) of section 1982
2929.13 of the Revised Code, no prison term is authorized for the 1983
offense. If the court imposes a mandatory prison term, 1984
notwithstanding division (A)(4) of section 2929.14 of the Revised 1985
Code, it also may sentence the offender to a definite prison term 1986
that shall be not less than six months and not more than thirty 1987
months and the prison terms shall be imposed as described in 1988
division (G)(2) of section 2929.13 of the Revised Code. If the 1989
court imposes a mandatory prison term or mandatory prison term and 1990
additional prison term, in addition to the term or terms so 1991
imposed, the court also may sentence the offender to a community 1992

control sanction for the offense, but the offender shall serve all 1993
of the prison terms so imposed prior to serving the community 1994
control sanction. 1995

(iii) In all cases, notwithstanding section 2929.18 of the 1996
Revised Code, a fine of not less than one thousand three hundred 1997
fifty nor more than ten thousand five hundred dollars; 1998

(iv) In all cases, a class two license suspension of the 1999
offender's driver's license, commercial driver's license, 2000
temporary instruction permit, probationary license, or nonresident 2001
operating privilege from the range specified in division (A)(2) of 2002
section 4510.02 of the Revised Code. The court may grant limited 2003
driving privileges relative to the suspension under sections 2004
4510.021 and 4510.13 of the Revised Code. 2005

(v) In all cases, if the vehicle is registered in the 2006
offender's name, criminal forfeiture of the vehicle involved in 2007
the offense in accordance with section 4503.234 of the Revised 2008
Code. Division (G)(6) of this section applies regarding any 2009
vehicle that is subject to an order of criminal forfeiture under 2010
this division. 2011

(vi) In all cases, the court shall order the offender to 2012
participate in an alcohol and drug addiction program authorized by 2013
section 3793.02 of the Revised Code, subject to division (I) of 2014
this section, and shall order the offender to follow the treatment 2015
recommendations of the program. The operator of the program shall 2016
determine and assess the degree of the offender's alcohol 2017
dependency and shall make recommendations for treatment. Upon the 2018
request of the court, the program shall submit the results of the 2019
assessment to the court, including all treatment recommendations 2020
and clinical diagnoses related to alcohol use. 2021

(vii) In all cases, if the court sentences the offender to a 2022
mandatory term of local incarceration, in addition to the 2023

mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

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

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five

years as required by and in accordance with division (G)(2) of 2056
section 2929.13 of the Revised Code if the offender also is 2057
convicted of or also pleads guilty to a specification of the type 2058
described in section 2941.1413 of the Revised Code or a mandatory 2059
prison term of one hundred twenty consecutive days in accordance 2060
with division (G)(2) of section 2929.13 of the Revised Code if the 2061
offender is not convicted of and does not plead guilty to a 2062
specification of that type. The court may impose a prison term in 2063
addition to the mandatory prison term. The cumulative total of a 2064
one hundred twenty-day mandatory prison term and the additional 2065
prison term for the offense shall not exceed five years. In 2066
addition to the mandatory prison term or mandatory prison term and 2067
additional prison term the court imposes, the court also may 2068
sentence the offender to a community control sanction for the 2069
offense, but the offender shall serve all of the prison terms so 2070
imposed prior to serving the community control sanction. 2071

(iii) In all cases, notwithstanding section 2929.18 of the 2072
Revised Code, a fine of not less than one thousand three hundred 2073
fifty nor more than ten thousand five hundred dollars; 2074

(iv) In all cases, a class two license suspension of the 2075
offender's driver's license, commercial driver's license, 2076
temporary instruction permit, probationary license, or nonresident 2077
operating privilege from the range specified in division (A)(2) of 2078
section 4510.02 of the Revised Code. The court may grant limited 2079
driving privileges relative to the suspension under sections 2080
4510.021 and 4510.13 of the Revised Code. 2081

(v) In all cases, if the vehicle is registered in the 2082
offender's name, criminal forfeiture of the vehicle involved in 2083
the offense in accordance with section 4503.234 of the Revised 2084
Code. Division (G)(6) of this section applies regarding any 2085
vehicle that is subject to an order of criminal forfeiture under 2086
this division. 2087

(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 electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house

arrest with electronic monitoring, with continuous alcohol 2120
monitoring, or with both electronic monitoring and continuous 2121
alcohol monitoring. The cumulative total of the five consecutive 2122
days in jail and the period of house arrest with electronic 2123
monitoring, continuous alcohol monitoring, or both types of 2124
monitoring shall not exceed six months. The five consecutive days 2125
in jail do not have to be served prior to or consecutively to the 2126
period of house arrest. 2127

As an alternative to the mandatory jail term of twenty 2128
consecutive days required by division (G)(1)(b)(ii) of this 2129
section, the court, under this division, may sentence the offender 2130
to ten consecutive days in jail and not less than thirty-six 2131
consecutive days of house arrest with electronic monitoring, with 2132
continuous alcohol monitoring, or with both electronic monitoring 2133
and continuous alcohol monitoring. The cumulative total of the ten 2134
consecutive days in jail and the period of house arrest with 2135
electronic monitoring, continuous alcohol monitoring, or both 2136
types of monitoring shall not exceed six months. The ten 2137
consecutive days in jail do not have to be served prior to or 2138
consecutively to the period of house arrest. 2139

As an alternative to a mandatory jail term of thirty 2140
consecutive days required by division (G)(1)(c)(i) of this 2141
section, the court, under this division, may sentence the offender 2142
to fifteen consecutive days in jail and not less than fifty-five 2143
consecutive days of house arrest with electronic monitoring, with 2144
continuous alcohol monitoring, or with both electronic monitoring 2145
and continuous alcohol monitoring. The cumulative total of the 2146
fifteen consecutive days in jail and the period of house arrest 2147
with electronic monitoring, continuous alcohol monitoring, or both 2148
types of monitoring shall not exceed one year. The fifteen 2149
consecutive days in jail do not have to be served prior to or 2150
consecutively to the period of house arrest. 2151

As an alternative to the mandatory jail term of sixty 2152
consecutive days required by division (G)(1)(c)(ii) of this 2153
section, the court, under this division, may sentence the offender 2154
to thirty consecutive days in jail and not less than one hundred 2155
ten consecutive days of house arrest with electronic monitoring, 2156
with continuous alcohol monitoring, or with both electronic 2157
monitoring and continuous alcohol monitoring. The cumulative total 2158
of the thirty consecutive days in jail and the period of house 2159
arrest with electronic monitoring, continuous alcohol monitoring, 2160
or both types of monitoring shall not exceed one year. The thirty 2161
consecutive days in jail do not have to be served prior to or 2162
consecutively to the period of house arrest. 2163

(4) If an offender's driver's or occupational driver's 2164
license or permit or nonresident operating privilege is suspended 2165
under division (G) of this section and if section 4510.13 of the 2166
Revised Code permits the court to grant limited driving 2167
privileges, the court may grant the limited driving privileges in 2168
accordance with that section. If division (A)(7) of that section 2169
requires that the court impose as a condition of the privileges 2170
that the offender must display on the vehicle that is driven 2171
subject to the privileges restricted license plates that are 2172
issued under section 4503.231 of the Revised Code, except as 2173
provided in division (B) of that section, the court shall impose 2174
that condition as one of the conditions of the limited driving 2175
privileges granted to the offender, except as provided in division 2176
(B) of section 4503.231 of the Revised Code. 2177

(5) Fines imposed under this section for a violation of 2178
division (A) of this section shall be distributed as follows: 2179

(a) Twenty-five dollars of the fine imposed under division 2180
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 2181
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 2182
fine imposed under division (G)(1)(c)(iii), and two hundred ten 2183

dollars of the fine imposed under division (G)(1)(d)(iii) or 2184
(e)(iii) of this section shall be paid to an enforcement and 2185
education fund established by the legislative authority of the law 2186
enforcement agency in this state that primarily was responsible 2187
for the arrest of the offender, as determined by the court that 2188
imposes the fine. The agency shall use this share to pay only 2189
those costs it incurs in enforcing this section or a municipal OVI 2190
ordinance and in informing the public of the laws governing the 2191
operation of a vehicle while under the influence of alcohol, the 2192
dangers of the operation of a vehicle under the influence of 2193
alcohol, and other information relating to the operation of a 2194
vehicle under the influence of alcohol and the consumption of 2195
alcoholic beverages. 2196

(b) Fifty dollars of the fine imposed under division 2197
(G)(1)(a)(iii) of this section shall be paid to the political 2198
subdivision that pays the cost of housing the offender during the 2199
offender's term of incarceration. If the offender is being 2200
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 2201
(e), or (j) of this section and was confined as a result of the 2202
offense prior to being sentenced for the offense but is not 2203
sentenced to a term of incarceration, the fifty dollars shall be 2204
paid to the political subdivision that paid the cost of housing 2205
the offender during that period of confinement. The political 2206
subdivision shall use the share under this division to pay or 2207
reimburse incarceration or treatment costs it incurs in housing or 2208
providing drug and alcohol treatment to persons who violate this 2209
section or a municipal OVI ordinance, costs of any immobilizing or 2210
disabling device used on the offender's vehicle, and costs of 2211
electronic house arrest equipment needed for persons who violate 2212
this section. 2213

(c) Twenty-five dollars of the fine imposed under division 2214
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 2215

division (G)(1)(b)(iii) of this section shall be deposited into 2216
the county or municipal indigent drivers' alcohol treatment fund 2217
under the control of that court, as created by the county or 2218
municipal corporation under division (F) of section 4511.191 of 2219
the Revised Code. 2220

(d) One hundred fifteen dollars of the fine imposed under 2221
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 2222
fine imposed under division (G)(1)(c)(iii), and four hundred forty 2223
dollars of the fine imposed under division (G)(1)(d)(iii) or 2224
(e)(iii) of this section shall be paid to the political 2225
subdivision that pays the cost of housing the offender during the 2226
offender's term of incarceration. The political subdivision shall 2227
use this share to pay or reimburse incarceration or treatment 2228
costs it incurs in housing or providing drug and alcohol treatment 2229
to persons who violate this section or a municipal OVI ordinance, 2230
costs for any immobilizing or disabling device used on the 2231
offender's vehicle, and costs of electronic house arrest equipment 2232
needed for persons who violate this section. 2233

(e) Fifty dollars of the fine imposed under divisions 2234
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 2235
and (G)(1)(e)(iii) of this section shall be deposited into the 2236
special projects fund of the court in which the offender was 2237
convicted and that is established under division (E)(1) of section 2238
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 2239
of section 1907.24 of the Revised Code, to be used exclusively to 2240
cover the cost of immobilizing or disabling devices, including 2241
certified ignition interlock devices, and remote alcohol 2242
monitoring devices for indigent offenders who are required by a 2243
judge to use either of these devices. If the court in which the 2244
offender was convicted does not have a special projects fund that 2245
is established under division (E)(1) of section 2303.201, division 2246
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 2247

of the Revised Code, the fifty dollars shall be deposited into the 2248
indigent drivers interlock and alcohol monitoring fund under 2249
division (I) of section 4511.191 of the Revised Code. 2250

(f) Seventy-five dollars of the fine imposed under division 2251
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 2252
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 2253
of the fine imposed under division (G)(1)(c)(iii), and five 2254
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 2255
or (e)(iii) of this section shall be transmitted to the treasurer 2256
of state for deposit into the indigent defense support fund 2257
established under section 120.08 of the Revised Code. 2258

(g) The balance of the fine imposed under division 2259
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 2260
section shall be disbursed as otherwise provided by law. 2261

(6) If title to a motor vehicle that is subject to an order 2262
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 2263
this section is assigned or transferred and division (B)(2) or (3) 2264
of section 4503.234 of the Revised Code applies, in addition to or 2265
independent of any other penalty established by law, the court may 2266
fine the offender the value of the vehicle as determined by 2267
publications of the national auto dealers association. The 2268
proceeds of any fine so imposed shall be distributed in accordance 2269
with division (C)(2) of that section. 2270

(7) As used in division (G) of this section, "electronic 2271
monitoring," "mandatory prison term," and "mandatory term of local 2272
incarceration" have the same meanings as in section 2929.01 of the 2273
Revised Code. 2274

(H) Whoever violates division (B) of this section is guilty 2275
of operating a vehicle after underage alcohol consumption and 2276
shall be punished as follows: 2277

(1) Except as otherwise provided in division (H)(2) of this 2278

section, the offender is guilty of a misdemeanor of the fourth 2279
degree. In addition to any other sanction imposed for the offense, 2280
the court shall impose a class six suspension of the offender's 2281
driver's license, commercial driver's license, temporary 2282
instruction permit, probationary license, or nonresident operating 2283
privilege from the range specified in division (A)(6) of section 2284
4510.02 of the Revised Code. 2285

(2) If, within one year of the offense, the offender 2286
previously has been convicted of or pleaded guilty to one or more 2287
violations of division (A) or (B) of this section or other 2288
equivalent offenses, the offender is guilty of a misdemeanor of 2289
the third degree. In addition to any other sanction imposed for 2290
the offense, the court shall impose a class four suspension of the 2291
offender's driver's license, commercial driver's license, 2292
temporary instruction permit, probationary license, or nonresident 2293
operating privilege from the range specified in division (A)(4) of 2294
section 4510.02 of the Revised Code. 2295

(3) If the offender also is convicted of or also pleads 2296
guilty to a specification of the type described in section 2297
2941.1416 of the Revised Code and if the court imposes a jail term 2298
for the violation of division (B) of this section, the court shall 2299
impose upon the offender an additional definite jail term pursuant 2300
to division (E) of section 2929.24 of the Revised Code. 2301

(I)(1) No court shall sentence an offender to an alcohol 2302
treatment program under this section unless the treatment program 2303
complies with the minimum standards for alcohol treatment programs 2304
adopted under Chapter 3793. of the Revised Code by the director of 2305
alcohol and drug addiction services. 2306

(2) An offender who stays in a drivers' intervention program 2307
or in an alcohol treatment program under an order issued under 2308
this section shall pay the cost of the stay in the program. 2309
However, if the court determines that an offender who stays in an 2310

alcohol treatment program under an order issued under this section 2311
is unable to pay the cost of the stay in the program, the court 2312
may order that the cost be paid from the court's indigent drivers' 2313
alcohol treatment fund. 2314

(J) If a person whose driver's or commercial driver's license 2315
or permit or nonresident operating privilege is suspended under 2316
this section files an appeal regarding any aspect of the person's 2317
trial or sentence, the appeal itself does not stay the operation 2318
of the suspension. 2319

(K) Division (A)(1)(j) of this section does not apply to a 2320
person who operates a vehicle, streetcar, or trackless trolley 2321
while the person has a concentration of a listed controlled 2322
substance or a listed metabolite of a controlled substance in the 2323
person's whole blood, blood serum or plasma, or urine that equals 2324
or exceeds the amount specified in that division, if both of the 2325
following apply: 2326

(1) The person obtained the controlled substance pursuant to 2327
a prescription issued by a licensed health professional authorized 2328
to prescribe drugs. 2329

(2) The person injected, ingested, or inhaled the controlled 2330
substance in accordance with the health professional's directions. 2331

(L) The prohibited concentrations of a controlled substance 2332
or a metabolite of a controlled substance listed in division 2333
(A)(1)(j) of this section also apply in a prosecution of a 2334
violation of division (D) of section 2923.16 of the Revised Code 2335
in the same manner as if the offender is being prosecuted for a 2336
prohibited concentration of alcohol. 2337

(M) All terms defined in section 4510.01 of the Revised Code 2338
apply to this section. If the meaning of a term defined in section 2339
4510.01 of the Revised Code conflicts with the meaning of the same 2340
term as defined in section 4501.01 or 4511.01 of the Revised Code, 2341

the term as defined in section 4510.01 of the Revised Code applies 2342
to this section. 2343

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 2344
as adopted by the supreme court under authority of section 2937.46 2345
of the Revised Code, do not apply to felony violations of this 2346
section. Subject to division (N)(2) of this section, the Rules of 2347
Criminal Procedure apply to felony violations of this section. 2348

(2) If, on or after January 1, 2004, the supreme court 2349
modifies the Ohio Traffic Rules to provide procedures to govern 2350
felony violations of this section, the modified rules shall apply 2351
to felony violations of this section. 2352

Sec. 4765.38. (A) An emergency medical 2353
technician-intermediate shall perform the emergency medical 2354
services described in this section in accordance with this chapter 2355
and any rules adopted under it. 2356

(B) An EMT-I may do any of the following: 2357

(1) Establish and maintain an intravenous lifeline that has 2358
been approved by a cooperating physician or physician advisory 2359
board; 2360

(2) Perform cardiac monitoring; 2361

(3) Perform electrical interventions to support or correct 2362
the cardiac function; 2363

(4) Administer epinephrine; 2364

(5) Determine triage of adult and pediatric trauma victims; 2365

(6) Perform any other emergency medical services approved 2366
pursuant to rules adopted under section 4765.11 of the Revised 2367
Code. 2368

(C)(1) Except as provided in division (C)(2) of this section, 2369
the services described in division (B) of this section shall be 2370

performed by an EMT-I only pursuant to the written or verbal 2371
authorization of a physician or of the cooperating physician 2372
advisory board, or pursuant to an authorization transmitted 2373
through a direct communication device by a physician or registered 2374
nurse designated by a physician. 2375

(2) If communications fail during an emergency situation or 2376
the required response time prohibits communication, an EMT-I may 2377
perform any of the services described in division (B) of this 2378
section, if, in the judgment of the EMT-I, the life of the patient 2379
is in immediate danger. Services performed under these 2380
circumstances shall be performed in accordance with the protocols 2381
for triage of adult and pediatric trauma victims established in 2382
rules adopted under sections 4765.11 and 4765.40 of the Revised 2383
Code and any applicable protocols adopted by the emergency medical 2384
service organization with which the EMT-I is affiliated. 2385

(D) In addition to, and in the course of, providing emergency 2386
medical treatment, an emergency medical technician-intermediate 2387
may withdraw blood as provided under sections 1547.11, 4506.17, 2388
and 4511.19 of the Revised Code. An emergency medical 2389
technician-intermediate shall withdraw blood in accordance with 2390
this chapter and any rules adopted under it by the state board of 2391
emergency medical services. 2392

Sec. 4765.39. (A) An emergency medical technician-paramedic 2393
shall perform the emergency medical services described in this 2394
section in accordance with this chapter and any rules adopted 2395
under it. 2396

(B) A paramedic may do any of the following: 2397

(1) Perform cardiac monitoring; 2398

(2) Perform electrical interventions to support or correct 2399
the cardiac function; 2400

(3) Perform airway procedures;	2401
(4) Perform relief of pneumothorax;	2402
(5) Administer appropriate drugs and intravenous fluids;	2403
(6) Determine triage of adult and pediatric trauma victims;	2404
(7) Perform any other emergency medical services, including	2405
life support or intensive care techniques, approved pursuant to	2406
rules adopted under section 4765.11 of the Revised Code.	2407
(C)(1) Except as provided in division (C)(2) of this section,	2408
the services described in division (B) of this section shall be	2409
performed by a paramedic only pursuant to the written or verbal	2410
authorization of a physician or of the cooperating physician	2411
advisory board, or pursuant to an authorization transmitted	2412
through a direct communication device by a physician or registered	2413
nurse designated by a physician.	2414
(2) If communications fail during an emergency situation or	2415
the required response time prohibits communication, a paramedic	2416
may perform any of the services described in division (B) of this	2417
section, if, in the paramedic's judgment, the life of the patient	2418
is in immediate danger. Services performed under these	2419
circumstances shall be performed in accordance with the protocols	2420
for triage of adult and pediatric trauma victims established in	2421
rules adopted under sections 4765.11 and 4765.40 of the Revised	2422
Code and any applicable protocols adopted by the emergency medical	2423
service organization with which the paramedic is affiliated.	2424
<u>(D) In addition to, and in the course of, providing emergency</u>	2425
<u>medical treatment, emergency medical technician-paramedic may</u>	2426
<u>withdraw blood as provided under sections 1547.11, 4506.17, and</u>	2427
<u>4511.19 of the Revised Code. An emergency medical</u>	2428
<u>technician-paramedic shall withdraw blood in accordance with this</u>	2429
<u>chapter and any rules adopted under it by the state board of</u>	2430
<u>emergency medical services.</u>	2431

Section 2. That existing sections 109.561, 1547.11, 2919.25, 2432
2929.13, 2933.82, 4506.17, 4511.19, 4765.38, and 4765.39 of the 2433
Revised Code are hereby repealed. 2434

Section 3. Section 2929.13 of the Revised Code is presented 2435
in this act as a composite of the section as amended by both Am. 2436
Sub. H.B. 130 and Am. Sub. H.B. 280 of the 127th General Assembly. 2437
The General Assembly, applying the principle stated in division 2438
(B) of section 1.52 of the Revised Code that amendments are to be 2439
harmonized if reasonably capable of simultaneous operation, finds 2440
that the composite is the resulting version of the section in 2441
effect prior to the effective date of the section as presented in 2442
this act. 2443