

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 272

Representatives Celeste, Ruhl

**Cosponsors: Representatives Murray, Stinziano, Yuko, O'Brien, Letson,
Garland**

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A B I L L

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

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

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

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

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

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

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

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

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

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

district, territory, or country. 107

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) "Allowable expense" includes attorney's fees not 220
exceeding one thousand three hundred twenty dollars, at a rate not 221
exceeding sixty dollars per hour, incurred to successfully obtain 222
a restraining order, custody order, or other order to physically 223
separate a victim from an offender, if the attorney has not 224
received payment under section 2743.65 of the Revised Code for 225
assisting a claimant with an application for an award of 226
reparations under sections 2743.51 to 2743.72 of the Revised Code 227
and provided that, except as otherwise provided in this division, 228
the attorney or the attorney's law firm may only receive 229
attorney's fees as an allowable expense for the services described 230

in this division in an amount that does not exceed a cumulative 231
total of thirty thousand dollars in any calendar year. The thirty 232
thousand-dollar maximum specified in this division does not apply 233
to an attorney who is an employee of a legal aid society regarding 234
the services described in this division that the attorney performs 235
while so employed and does not apply to a legal aid society. 236
Attorney's fees for the services described in this division may 237
include an amount for reasonable travel time incurred while 238
performing those services, assessed at a rate not exceeding thirty 239
dollars per hour. 240

(G) "Work loss" means loss of income from work that the 241
injured person would have performed if the person had not been 242
injured and expenses reasonably incurred by the person to obtain 243
services in lieu of those the person would have performed for 244
income, reduced by any income from substitute work actually 245
performed by the person, or by income the person would have earned 246
in available appropriate substitute work that the person was 247
capable of performing but unreasonably failed to undertake. 248

(H) "Replacement services loss" means expenses reasonably 249
incurred in obtaining ordinary and necessary services in lieu of 250
those the injured person would have performed, not for income, but 251
for the benefit of the person's self or family, if the person had 252
not been injured. 253

(I) "Dependent's economic loss" means loss after a victim's 254
death of contributions of things of economic value to the victim's 255
dependents, not including services they would have received from 256
the victim if the victim had not suffered the fatal injury, less 257
expenses of the dependents avoided by reason of the victim's 258
death. If a minor child of a victim is adopted after the victim's 259
death, the minor child continues after the adoption to incur a 260
dependent's economic loss as a result of the victim's death. If 261
the surviving spouse of a victim remarries, the surviving spouse 262

continues after the remarriage to incur a dependent's economic 263
loss as a result of the victim's death. 264

(J) "Dependent's replacement services loss" means loss 265
reasonably incurred by dependents after a victim's death in 266
obtaining ordinary and necessary services in lieu of those the 267
victim would have performed for their benefit if the victim had 268
not suffered the fatal injury, less expenses of the dependents 269
avoided by reason of the victim's death and not subtracted in 270
calculating the dependent's economic loss. If a minor child of a 271
victim is adopted after the victim's death, the minor child 272
continues after the adoption to incur a dependent's replacement 273
services loss as a result of the victim's death. If the surviving 274
spouse of a victim remarries, the surviving spouse continues after 275
the remarriage to incur a dependent's replacement services loss as 276
a result of the victim's death. 277

(K) "Noneconomic detriment" means pain, suffering, 278
inconvenience, physical impairment, or other nonpecuniary damage. 279

(L) "Victim" means a person who suffers personal injury or 280
death as a result of any of the following: 281

(1) Criminally injurious conduct; 282

(2) The good faith effort of any person to prevent criminally 283
injurious conduct; 284

(3) The good faith effort of any person to apprehend a person 285
suspected of engaging in criminally injurious conduct. 286

(M) "Contributory misconduct" means any conduct of the 287
claimant or of the victim through whom the claimant claims an 288
award of reparations that is unlawful or intentionally tortious 289
and that, without regard to the conduct's proximity in time or 290
space to the criminally injurious conduct, has a causal 291
relationship to the criminally injurious conduct that is the basis 292
of the claim. 293

(N)(1) "Funeral expense" means any reasonable charges that 294
are not in excess of seven thousand five hundred dollars per 295
funeral and that are incurred for expenses directly related to a 296
victim's funeral, cremation, or burial and any wages lost or 297
travel expenses incurred by a family member of a victim in order 298
to attend the victim's funeral, cremation, or burial. 299

(2) An award for funeral expenses shall be applied first to 300
expenses directly related to the victim's funeral, cremation, or 301
burial. An award for wages lost or travel expenses incurred by a 302
family member of the victim shall not exceed five hundred dollars 303
for each family member and shall not exceed in the aggregate the 304
difference between seven thousand five hundred dollars and 305
expenses that are reimbursed by the program and that are directly 306
related to the victim's funeral, cremation, or burial. 307

(O) "Unemployment benefits loss" means a loss of unemployment 308
benefits pursuant to Chapter 4141. of the Revised Code when the 309
loss arises solely from the inability of a victim to meet the able 310
to work, available for suitable work, or the actively seeking 311
suitable work requirements of division (A)(4)(a) of section 312
4141.29 of the Revised Code. 313

(P) "OVI violation" means any of the following: 314

(1) A violation of section 4511.19 of the Revised Code, of 315
any municipal ordinance prohibiting the operation of a vehicle 316
while under the influence of alcohol, a drug of abuse, or a 317
combination of them, or of any municipal ordinance prohibiting the 318
operation of a vehicle with a prohibited concentration of alcohol, 319
a controlled substance, or a metabolite of a controlled substance 320
in the whole blood, blood serum or plasma, breath, or urine; 321

(2) A violation of division (A)(1) of section 2903.06 of the 322
Revised Code; 323

(3) A violation of division (A)(2), (3), ~~or~~ (4), or (5) of 324

section 2903.06 of the Revised Code or of a municipal ordinance 325
substantially similar to any of those divisions, if the offender 326
was under the influence of alcohol, a drug of abuse, or a 327
combination of them, at the time of the commission of the offense; 328

(4) For purposes of any person described in division (A)(2) 329
of this section, a violation of any law of the state, district, 330
territory, or foreign country in which the criminally injurious 331
conduct occurred, if that law is substantially similar to a 332
violation described in division (P)(1) or (2) of this section or 333
if that law is substantially similar to a violation described in 334
division (P)(3) of this section and the offender was under the 335
influence of alcohol, a drug of abuse, or a combination of them, 336
at the time of the commission of the offense. 337

(Q) "Pendency of the claim" for an original reparations 338
application or supplemental reparations application means the 339
period of time from the date the criminally injurious conduct upon 340
which the application is based occurred until the date a final 341
decision, order, or judgment concerning that original reparations 342
application or supplemental reparations application is issued. 343

(R) "Terrorism" means any activity to which all of the 344
following apply: 345

(1) The activity involves a violent act or an act that is 346
dangerous to human life. 347

(2) The act described in division (R)(1) of this section is 348
committed within the territorial jurisdiction of the United States 349
and is a violation of the criminal laws of the United States, this 350
state, or any other state or the act described in division (R)(1) 351
of this section is committed outside the territorial jurisdiction 352
of the United States and would be a violation of the criminal laws 353
of the United States, this state, or any other state if committed 354
within the territorial jurisdiction of the United States. 355

(3) The activity appears to be intended to do any of the following:	356 357
(a) Intimidate or coerce a civilian population;	358
(b) Influence the policy of any government by intimidation or coercion;	359 360
(c) Affect the conduct of any government by assassination or kidnapping.	361 362
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.	363 364 365 366 367 368 369
(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.	370 371 372 373
(T) "Cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.	374 375 376 377 378
(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.	379 380 381 382
(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense.	383 384 385

(W) "Immediate family member" means an individual who resided 386
in the same permanent household as a victim at the time of the 387
criminally injurious conduct and who is related to the victim by 388
affinity or consanguinity. 389

(X) "Family member" means an individual who is related to a 390
victim by affinity or consanguinity. 391

Sec. 2903.06. (A) No person, while operating or participating 392
in the operation of a motor vehicle, motorcycle, snowmobile, 393
locomotive, watercraft, or aircraft, shall cause the death of 394
another or the unlawful termination of another's pregnancy in any 395
of the following ways: 396

(1)(a) As the proximate result of committing a violation of 397
division (A) of section 4511.19 of the Revised Code or of a 398
substantially equivalent municipal ordinance; 399

(b) As the proximate result of committing a violation of 400
division (A) of section 1547.11 of the Revised Code or of a 401
substantially equivalent municipal ordinance; 402

(c) As the proximate result of committing a violation of 403
division (A)(3) of section 4561.15 of the Revised Code or of a 404
substantially equivalent municipal ordinance. 405

(2) In one of the following ways: 406

(a) Recklessly; 407

(b) As the proximate result of committing, while operating or 408
participating in the operation of a motor vehicle or motorcycle in 409
a construction zone, a reckless operation offense, provided that 410
this division applies only if the person whose death is caused or 411
whose pregnancy is unlawfully terminated is in the construction 412
zone at the time of the offender's commission of the reckless 413
operation offense in the construction zone and does not apply as 414
described in division ~~(F)~~(G) of this section. 415

(3) In one of the following ways: 416

(a) Negligently; 417

(b) As the proximate result of committing, while operating or 418
participating in the operation of a motor vehicle or motorcycle in 419
a construction zone, a speeding offense, provided that this 420
division applies only if the person whose death is caused or whose 421
pregnancy is unlawfully terminated is in the construction zone at 422
the time of the offender's commission of the speeding offense in 423
the construction zone and does not apply as described in division 424
(F) of this section. 425

(4) As the proximate result of committing a violation of any 426
provision of any section contained in Title XLV of the Revised 427
Code that is a minor misdemeanor or of a municipal ordinance that, 428
regardless of the penalty set by ordinance for the violation, is 429
substantially equivalent to any provision of any section contained 430
in Title XLV of the Revised Code that is a minor misdemeanor; 431

(5) As the proximate result of committing, while operating or 432
participating in the operation of a motor vehicle or motorcycle 433
upon a public road, street, or highway in this state, a violation 434
of division (B) of section 4511.251 of the Revised Code or of a 435
substantially equivalent municipal ordinance. Every operator of 436
every motor vehicle and motorcycle involved in the violation is 437
criminally culpable under division (A)(5) of this section, whether 438
or not the operator's motor vehicle or motorcycle made contact 439
with any other motor vehicle or motorcycle or any person. 440

(B)(1) Whoever violates division (A)(1) or (2) of this 441
section is guilty of aggravated vehicular homicide and shall be 442
punished as provided in divisions (B)(2) and (3) of this section. 443

(2)(a) Except as otherwise provided in division (B)(2)(b) or 444
(c) of this section, aggravated vehicular homicide committed in 445
violation of division (A)(1) of this section is a felony of the 446

second degree and the court shall impose a mandatory prison term 447
on the offender as described in division ~~(E)~~(F) of this section. 448

(b) Except as otherwise provided in division (B)(2)(c) of 449
this section, aggravated vehicular homicide committed in violation 450
of division (A)(1) of this section is a felony of the first 451
degree, and the court shall impose a mandatory prison term on the 452
offender as described in division ~~(E)~~(F) of this section, if any 453
of the following apply: 454

(i) At the time of the offense, the offender was driving 455
under a suspension or cancellation imposed under Chapter 4510. or 456
any other provision of the Revised Code or was operating a motor 457
vehicle or motorcycle, did not have a valid driver's license, 458
commercial driver's license, temporary instruction permit, 459
probationary license, or nonresident operating privilege, and was 460
not eligible for renewal of the offender's driver's license or 461
commercial driver's license without examination under section 462
4507.10 of the Revised Code. 463

(ii) The offender previously has been convicted of or pleaded 464
guilty to a violation of this section. 465

(iii) The offender previously has been convicted of or 466
pleaded guilty to any traffic-related homicide, manslaughter, or 467
assault offense. 468

(c) Aggravated vehicular homicide committed in violation of 469
division (A)(1) of this section is a felony of the first degree, 470
and the court shall sentence the offender to a mandatory prison 471
term as provided in section 2929.142 of the Revised Code and 472
described in division ~~(E)~~(F) of this section if any of the 473
following apply: 474

(i) The offender previously has been convicted of or pleaded 475
guilty to three or more prior violations of section 4511.19 of the 476
Revised Code or of a substantially equivalent municipal ordinance 477

within the previous six years. 478

(ii) The offender previously has been convicted of or pleaded 479
guilty to three or more prior violations of division (A) of 480
section 1547.11 of the Revised Code or of a substantially 481
equivalent municipal ordinance within the previous six years. 482

(iii) The offender previously has been convicted of or 483
pleaded guilty to three or more prior violations of division 484
(A)(3) of section 4561.15 of the Revised Code or of a 485
substantially equivalent municipal ordinance within the previous 486
six years. 487

(iv) The offender previously has been convicted of or pleaded 488
guilty to three or more prior violations of division (A)(1) of 489
this section within the previous six years. 490

(v) The offender previously has been convicted of or pleaded 491
guilty to three or more prior violations of division (A)(1) of 492
section 2903.08 of the Revised Code within the previous six years. 493

(vi) The offender previously has been convicted of or pleaded 494
guilty to three or more prior violations of section 2903.04 of the 495
Revised Code within the previous six years in circumstances in 496
which division (D) of that section applied regarding the 497
violations. 498

(vii) The offender previously has been convicted of or 499
pleaded guilty to three or more violations of any combination of 500
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 501
(v), or (vi) of this section within the previous six years. 502

(viii) The offender previously has been convicted of or 503
pleaded guilty to a second or subsequent felony violation of 504
division (A) of section 4511.19 of the Revised Code. 505

(d) In addition to any other sanctions imposed pursuant to 506
division (B)(2)(a), (b), or (c) of this section for aggravated 507

vehicular homicide committed in violation of division (A)(1) of 508
this section, the court shall impose upon the offender a class one 509
suspension of the offender's driver's license, commercial driver's 510
license, temporary instruction permit, probationary license, or 511
nonresident operating privilege as specified in division (A)(1) of 512
section 4510.02 of the Revised Code. 513

(3) Except as otherwise provided in this division, aggravated 514
vehicular homicide committed in violation of division (A)(2) of 515
this section is a felony of the third degree. Aggravated vehicular 516
homicide committed in violation of division (A)(2) of this section 517
is a felony of the second degree if, at the time of the offense, 518
the offender was driving under a suspension or cancellation 519
imposed under Chapter 4510. or any other provision of the Revised 520
Code or was operating a motor vehicle or motorcycle, did not have 521
a valid driver's license, commercial driver's license, temporary 522
instruction permit, probationary license, or nonresident operating 523
privilege, and was not eligible for renewal of the offender's 524
driver's license or commercial driver's license without 525
examination under section 4507.10 of the Revised Code or if the 526
offender previously has been convicted of or pleaded guilty to a 527
violation of this section or any traffic-related homicide, 528
manslaughter, or assault offense. The court shall impose a 529
mandatory prison term on the offender when required by division 530
~~(E)~~(F) of this section. 531

In addition to any other sanctions imposed pursuant to this 532
division for a violation of division (A)(2) of this section, the 533
court shall impose upon the offender a class two suspension of the 534
offender's driver's license, commercial driver's license, 535
temporary instruction permit, probationary license, or nonresident 536
operating privilege from the range specified in division (A)(2) of 537
section 4510.02 of the Revised Code or, if the offender previously 538
has been convicted of or pleaded guilty to a traffic-related 539

murder, felonious assault, or attempted murder offense, a class 540
one suspension of the offender's driver's license, commercial 541
driver's license, temporary instruction permit, probationary 542
license, or nonresident operating privilege as specified in 543
division (A)(1) of that section. 544

(C) Whoever violates division (A)(3) of this section is 545
guilty of vehicular homicide. Except as otherwise provided in this 546
division, vehicular homicide is a misdemeanor of the first degree. 547
Vehicular homicide committed in violation of division (A)(3) of 548
this section is a felony of the fourth degree if, at the time of 549
the offense, the offender was driving under a suspension or 550
cancellation imposed under Chapter 4510. or any other provision of 551
the Revised Code or was operating a motor vehicle or motorcycle, 552
did not have a valid driver's license, commercial driver's 553
license, temporary instruction permit, probationary license, or 554
nonresident operating privilege, and was not eligible for renewal 555
of the offender's driver's license or commercial driver's license 556
without examination under section 4507.10 of the Revised Code or 557
if the offender previously has been convicted of or pleaded guilty 558
to a violation of this section or any traffic-related homicide, 559
manslaughter, or assault offense. The court shall impose a 560
mandatory jail term or a mandatory prison term on the offender 561
when required by division ~~(E)~~(F) of this section. 562

In addition to any other sanctions imposed pursuant to this 563
division, the court shall impose upon the offender a class four 564
suspension of the offender's driver's license, commercial driver's 565
license, temporary instruction permit, probationary license, or 566
nonresident operating privilege from the range specified in 567
division (A)(4) of section 4510.02 of the Revised Code, or, if the 568
offender previously has been convicted of or pleaded guilty to a 569
violation of this section or any traffic-related homicide, 570
manslaughter, or assault offense, a class three suspension of the 571

offender's driver's license, commercial driver's license, 572
temporary instruction permit, probationary license, or nonresident 573
operating privilege from the range specified in division (A)(3) of 574
that section, or, if the offender previously has been convicted of 575
or pleaded guilty to a traffic-related murder, felonious assault, 576
or attempted murder offense, a class two suspension of the 577
offender's driver's license, commercial driver's license, 578
temporary instruction permit, probationary license, or nonresident 579
operating privilege as specified in division (A)(2) of that 580
section. 581

(D) Whoever violates division (A)(4) of this section is 582
guilty of vehicular manslaughter. Except as otherwise provided in 583
this division, vehicular manslaughter is a misdemeanor of the 584
second degree. Vehicular manslaughter is a misdemeanor of the 585
first degree if, at the time of the offense, the offender was 586
driving under a suspension or cancellation imposed under Chapter 587
4510. or any other provision of the Revised Code or was operating 588
a motor vehicle or motorcycle, did not have a valid driver's 589
license, commercial driver's license, temporary instruction 590
permit, probationary license, or nonresident operating privilege, 591
and was not eligible for renewal of the offender's driver's 592
license or commercial driver's license without examination under 593
section 4507.10 of the Revised Code or if the offender previously 594
has been convicted of or pleaded guilty to a violation of this 595
section or any traffic-related homicide, manslaughter, or assault 596
offense. 597

In addition to any other sanctions imposed pursuant to this 598
division, the court shall impose upon the offender a class six 599
suspension of the offender's driver's license, commercial driver's 600
license, temporary instruction permit, probationary license, or 601
nonresident operating privilege from the range specified in 602
division (A)(6) of section 4510.02 of the Revised Code or, if the 603

offender previously has been convicted of or pleaded guilty to a 604
violation of this section, any traffic-related homicide, 605
manslaughter, or assault offense, or a traffic-related murder, 606
felonious assault, or attempted murder offense, a class four 607
suspension of the offender's driver's license, commercial driver's 608
license, temporary instruction permit, probationary license, or 609
nonresident operating privilege from the range specified in 610
division (A)(4) of that section. 611

(E)(1) Whoever violates division (A)(5) of this section is 612
guilty of street racing manslaughter, a felony of the second 613
degree. In addition to any other sanctions, the court shall impose 614
upon the offender a class two suspension of the offender's 615
driver's license, commercial driver's license, temporary 616
instruction permit, probationary license, or nonresident operating 617
privilege for a period prescribed in division (A)(2) of section 618
4510.02 of the Revised Code, which period shall be not less than 619
five years. 620

(2) In addition to any other sanctions, the court shall order 621
the criminal forfeiture of the motor vehicle the offender was 622
operating at the time the offender violated division (A)(5) of 623
this section if either of the following applies: 624

(a) The motor vehicle the offender was operating at the time 625
of such violation is registered in the offender's name. 626

(b) The motor vehicle the offender was operating at the time 627
of such violation is not registered in the offender's name but is 628
registered in the name of another person, and the person in whose 629
name the motor vehicle is registered knew or had reasonable cause 630
to believe that the offender would operate the motor vehicle in 631
violation of section 4511.251 of the Revised Code or a 632
substantially equivalent municipal ordinance. 633

(3) Any forfeiture of a motor vehicle under division (E)(2) 634

of this section shall be in accordance with section 4503.234 of 635
the Revised Code. If title to a motor vehicle that is subject to 636
an order of criminal forfeiture under this section is assigned or 637
transferred and division (B)(2) or (3) of section 4503.234 of the 638
Revised Code applies, the court, in addition to any other 639
sanctions, may fine the offender the value of the vehicle as 640
determined by publications of the national auto dealers 641
association. The proceeds of any fine so imposed shall be 642
distributed in accordance with division (C)(2) of that section. 643

(F) The court shall impose a mandatory prison term on an 644
offender who is convicted of or pleads guilty to a violation of 645
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 646
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 647
to an offender who is convicted of or pleads guilty to the 648
violation of division (A)(1) of this section, the court shall 649
impose the mandatory prison term pursuant to section 2929.142 of 650
the Revised Code. The court shall impose a mandatory jail term of 651
at least fifteen days on an offender who is convicted of or pleads 652
guilty to a misdemeanor violation of division (A)(3)(b) of this 653
section and may impose upon the offender a longer jail term as 654
authorized pursuant to section 2929.24 of the Revised Code. The 655
court shall impose a mandatory prison term on an offender who is 656
convicted of or pleads guilty to a violation of division (A)(2) or 657
(3)(a) of this section or a felony violation of division (A)(3)(b) 658
of this section if either of the following applies: 659

(1) The offender previously has been convicted of or pleaded 660
guilty to a violation of this section or section 2903.08 of the 661
Revised Code. 662

(2) At the time of the offense, the offender was driving 663
under suspension or cancellation under Chapter 4510. or any other 664
provision of the Revised Code or was operating a motor vehicle or 665
motorcycle, did not have a valid driver's license, commercial 666

driver's license, temporary instruction permit, probationary 667
license, or nonresident operating privilege, and was not eligible 668
for renewal of the offender's driver's license or commercial 669
driver's license without examination under section 4507.10 of the 670
Revised Code. 671

~~(F)~~(G) Divisions (A)(2)(b) and (3)(b) of this section do not 672
apply in a particular construction zone unless signs of the type 673
described in section 2903.081 of the Revised Code are erected in 674
that construction zone in accordance with the guidelines and 675
design specifications established by the director of 676
transportation under section 5501.27 of the Revised Code. The 677
failure to erect signs of the type described in section 2903.081 678
of the Revised Code in a particular construction zone in 679
accordance with those guidelines and design specifications does 680
not limit or affect the application of division (A)(1), (A)(2)(a), 681
(A)(3)(a), or (A)(4) of this section in that construction zone or 682
the prosecution of any person who violates any of those divisions 683
in that construction zone. 684

~~(G)~~(H)(1) As used in this section: 685

(a) "Mandatory prison term" and "mandatory jail term" have 686
the same meanings as in section 2929.01 of the Revised Code. 687

(b) "Traffic-related homicide, manslaughter, or assault 688
offense" means a violation of section 2903.04 of the Revised Code 689
in circumstances in which division (D) of that section applies, a 690
violation of section 2903.06 or 2903.08 of the Revised Code, or a 691
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 692
Code as they existed prior to March 23, 2000. 693

(c) "Construction zone" has the same meaning as in section 694
5501.27 of the Revised Code. 695

(d) "Reckless operation offense" means a violation of section 696
4511.20 of the Revised Code or a municipal ordinance substantially 697

equivalent to section 4511.20 of the Revised Code. 698

(e) "Speeding offense" means a violation of section 4511.21 699
of the Revised Code or a municipal ordinance pertaining to speed. 700

(f) "Traffic-related murder, felonious assault, or attempted 701
murder offense" means a violation of section 2903.01 or 2903.02 of 702
the Revised Code in circumstances in which the offender used a 703
motor vehicle as the means to commit the violation, a violation of 704
division (A)(2) of section 2903.11 of the Revised Code in 705
circumstances in which the deadly weapon used in the commission of 706
the violation is a motor vehicle, or an attempt to commit 707
aggravated murder or murder in violation of section 2923.02 of the 708
Revised Code in circumstances in which the offender used a motor 709
vehicle as the means to attempt to commit the aggravated murder or 710
murder. 711

(g) "Motor vehicle" has the same meaning as in section 712
4501.01 of the Revised Code. 713

(2) For the purposes of this section, when a penalty or 714
suspension is enhanced because of a prior or current violation of 715
a specified law or a prior or current specified offense, the 716
reference to the violation of the specified law or the specified 717
offense includes any violation of any substantially equivalent 718
municipal ordinance, former law of this state, or current or 719
former law of another state or the United States. 720

Sec. 2929.01. As used in this chapter: 721

(A)(1) "Alternative residential facility" means, subject to 722
division (A)(2) of this section, any facility other than an 723
offender's home or residence in which an offender is assigned to 724
live and that satisfies all of the following criteria: 725

(a) It provides programs through which the offender may seek 726
or maintain employment or may receive education, training, 727

treatment, or habilitation. 728

(b) It has received the appropriate license or certificate 729
for any specialized education, training, treatment, habilitation, 730
or other service that it provides from the government agency that 731
is responsible for licensing or certifying that type of education, 732
training, treatment, habilitation, or service. 733

(2) "Alternative residential facility" does not include a 734
community-based correctional facility, jail, halfway house, or 735
prison. 736

(B) "Basic probation supervision" means a requirement that 737
the offender maintain contact with a person appointed to supervise 738
the offender in accordance with sanctions imposed by the court or 739
imposed by the parole board pursuant to section 2967.28 of the 740
Revised Code. "Basic probation supervision" includes basic parole 741
supervision and basic post-release control supervision. 742

(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 743
"unit dose" have the same meanings as in section 2925.01 of the 744
Revised Code. 745

(D) "Community-based correctional facility" means a 746
community-based correctional facility and program or district 747
community-based correctional facility and program developed 748
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 749

(E) "Community control sanction" means a sanction that is not 750
a prison term and that is described in section 2929.15, 2929.16, 751
2929.17, or 2929.18 of the Revised Code or a sanction that is not 752
a jail term and that is described in section 2929.26, 2929.27, or 753
2929.28 of the Revised Code. "Community control sanction" includes 754
probation if the sentence involved was imposed for a felony that 755
was committed prior to July 1, 1996, or if the sentence involved 756
was imposed for a misdemeanor that was committed prior to January 757
1, 2004. 758

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

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

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

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

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

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

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

(M) "Education or training" includes study at, or in 790
conjunction with a program offered by, a university, college, or 791
technical college or vocational study and also includes the 792
completion of primary school, secondary school, and literacy 793
curricula or their equivalent. 794

(N) "Firearm" has the same meaning as in section 2923.11 of 795
the Revised Code. 796

(O) "Halfway house" means a facility licensed by the division 797
of parole and community services of the department of 798
rehabilitation and correction pursuant to section 2967.14 of the 799
Revised Code as a suitable facility for the care and treatment of 800
adult offenders. 801

(P) "House arrest" means a period of confinement of an 802
offender that is in the offender's home or in other premises 803
specified by the sentencing court or by the parole board pursuant 804
to section 2967.28 of the Revised Code and during which all of the 805
following apply: 806

(1) The offender is required to remain in the offender's home 807
or other specified premises for the specified period of 808
confinement, except for periods of time during which the offender 809
is at the offender's place of employment or at other premises as 810
authorized by the sentencing court or by the parole board. 811

(2) The offender is required to report periodically to a 812
person designated by the court or parole board. 813

(3) The offender is subject to any other restrictions and 814
requirements that may be imposed by the sentencing court or by the 815
parole board. 816

(Q) "Intensive probation supervision" means a requirement 817
that an offender maintain frequent contact with a person appointed 818
by the court, or by the parole board pursuant to section 2967.28 819
of the Revised Code, to supervise the offender while the offender 820

is seeking or maintaining necessary employment and participating 821
in training, education, and treatment programs as required in the 822
court's or parole board's order. "Intensive probation supervision" 823
includes intensive parole supervision and intensive post-release 824
control supervision. 825

(R) "Jail" means a jail, workhouse, minimum security jail, or 826
other residential facility used for the confinement of alleged or 827
convicted offenders that is operated by a political subdivision or 828
a combination of political subdivisions of this state. 829

(S) "Jail term" means the term in a jail that a sentencing 830
court imposes or is authorized to impose pursuant to section 831
2929.24 or 2929.25 of the Revised Code or pursuant to any other 832
provision of the Revised Code that authorizes a term in a jail for 833
a misdemeanor conviction. 834

(T) "Mandatory jail term" means the term in a jail that a 835
sentencing court is required to impose pursuant to division (G) of 836
section 1547.99 of the Revised Code, division ~~(E)~~(F) of section 837
2903.06 or division (D) of section 2903.08 of the Revised Code, 838
division (E) or (G) of section 2929.24 of the Revised Code, 839
division (B) of section 4510.14 of the Revised Code, or division 840
(G) of section 4511.19 of the Revised Code or pursuant to any 841
other provision of the Revised Code that requires a term in a jail 842
for a misdemeanor conviction. 843

(U) "Delinquent child" has the same meaning as in section 844
2152.02 of the Revised Code. 845

(V) "License violation report" means a report that is made by 846
a sentencing court, or by the parole board pursuant to section 847
2967.28 of the Revised Code, to the regulatory or licensing board 848
or agency that issued an offender a professional license or a 849
license or permit to do business in this state and that specifies 850
that the offender has been convicted of or pleaded guilty to an 851

offense that may violate the conditions under which the offender's 852
professional license or license or permit to do business in this 853
state was granted or an offense for which the offender's 854
professional license or license or permit to do business in this 855
state may be revoked or suspended. 856

(W) "Major drug offender" means an offender who is convicted 857
of or pleads guilty to the possession of, sale of, or offer to 858
sell any drug, compound, mixture, preparation, or substance that 859
consists of or contains at least one thousand grams of hashish; at 860
least one hundred grams of crack cocaine; at least one thousand 861
grams of cocaine that is not crack cocaine; at least two thousand 862
five hundred unit doses or two hundred fifty grams of heroin; at 863
least five thousand unit doses of L.S.D. or five hundred grams of 864
L.S.D. in a liquid concentrate, liquid extract, or liquid 865
distillate form; or at least one hundred times the amount of any 866
other schedule I or II controlled substance other than marihuana 867
that is necessary to commit a felony of the third degree pursuant 868
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 869
Code that is based on the possession of, sale of, or offer to sell 870
the controlled substance. 871

(X) "Mandatory prison term" means any of the following: 872

(1) Subject to division (X)(2) of this section, the term in 873
prison that must be imposed for the offenses or circumstances set 874
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 875
2929.13 and division (D) of section 2929.14 of the Revised Code. 876
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 877
and 2925.11 of the Revised Code, unless the maximum or another 878
specific term is required under section 2929.14 or 2929.142 of the 879
Revised Code, a mandatory prison term described in this division 880
may be any prison term authorized for the level of offense. 881

(2) The term of sixty or one hundred twenty days in prison 882
that a sentencing court is required to impose for a third or 883

fourth degree felony OVI offense pursuant to division (G)(2) of 884
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 885
of the Revised Code or the term of one, two, three, four, or five 886
years in prison that a sentencing court is required to impose 887
pursuant to division (G)(2) of section 2929.13 of the Revised 888
Code. 889

(3) The term in prison imposed pursuant to division (A) of 890
section 2971.03 of the Revised Code for the offenses and in the 891
circumstances described in division (F)(11) of section 2929.13 of 892
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 893
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 894
2971.03 of the Revised Code and that term as modified or 895
terminated pursuant to section 2971.05 of the Revised Code. 896

(Y) "Monitored time" means a period of time during which an 897
offender continues to be under the control of the sentencing court 898
or parole board, subject to no conditions other than leading a 899
law-abiding life. 900

(Z) "Offender" means a person who, in this state, is 901
convicted of or pleads guilty to a felony or a misdemeanor. 902

(AA) "Prison" means a residential facility used for the 903
confinement of convicted felony offenders that is under the 904
control of the department of rehabilitation and correction but 905
does not include a violation sanction center operated under 906
authority of section 2967.141 of the Revised Code. 907

(BB) "Prison term" includes either of the following sanctions 908
for an offender: 909

(1) A stated prison term; 910

(2) A term in a prison shortened by, or with the approval of, 911
the sentencing court pursuant to section 2929.20, 2967.26, 912
5120.031, 5120.032, or 5120.073 of the Revised Code. 913

(CC) "Repeat violent offender" means a person about whom both 914
of the following apply: 915

(1) The person is being sentenced for committing or for 916
complicity in committing any of the following: 917

(a) Aggravated murder, murder, any felony of the first or 918
second degree that is an offense of violence, or an attempt to 919
commit any of these offenses if the attempt is a felony of the 920
first or second degree; 921

(b) An offense under an existing or former law of this state, 922
another state, or the United States that is or was substantially 923
equivalent to an offense described in division (CC)(1)(a) of this 924
section. 925

(2) The person previously was convicted of or pleaded guilty 926
to an offense described in division (CC)(1)(a) or (b) of this 927
section. 928

(DD) "Sanction" means any penalty imposed upon an offender 929
who is convicted of or pleads guilty to an offense, as punishment 930
for the offense. "Sanction" includes any sanction imposed pursuant 931
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 932
2929.28 of the Revised Code. 933

(EE) "Sentence" means the sanction or combination of 934
sanctions imposed by the sentencing court on an offender who is 935
convicted of or pleads guilty to an offense. 936

(FF) "Stated prison term" means the prison term, mandatory 937
prison term, or combination of all prison terms and mandatory 938
prison terms imposed by the sentencing court pursuant to section 939
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 940
2919.25 of the Revised Code. "Stated prison term" includes any 941
credit received by the offender for time spent in jail awaiting 942
trial, sentencing, or transfer to prison for the offense and any 943
time spent under house arrest or house arrest with electronic 944

monitoring imposed after earning credits pursuant to section 945
2967.193 of the Revised Code. 946

(GG) "Victim-offender mediation" means a reconciliation or 947
mediation program that involves an offender and the victim of the 948
offense committed by the offender and that includes a meeting in 949
which the offender and the victim may discuss the offense, discuss 950
restitution, and consider other sanctions for the offense. 951

(HH) "Fourth degree felony OVI offense" means a violation of 952
division (A) of section 4511.19 of the Revised Code that, under 953
division (G) of that section, is a felony of the fourth degree. 954

(II) "Mandatory term of local incarceration" means the term 955
of sixty or one hundred twenty days in a jail, a community-based 956
correctional facility, a halfway house, or an alternative 957
residential facility that a sentencing court may impose upon a 958
person who is convicted of or pleads guilty to a fourth degree 959
felony OVI offense pursuant to division (G)(1) of section 2929.13 960
of the Revised Code and division (G)(1)(d) or (e) of section 961
4511.19 of the Revised Code. 962

(JJ) "Designated homicide, assault, or kidnapping offense," 963
"violent sex offense," "sexual motivation specification," 964
"sexually violent offense," "sexually violent predator," and 965
"sexually violent predator specification" have the same meanings 966
as in section 2971.01 of the Revised Code. 967

(KK) "Sexually oriented offense," "child-victim oriented 968
offense," and "tier III sex offender/child-victim offender," have 969
the same meanings as in section 2950.01 of the Revised Code. 970

(LL) An offense is "committed in the vicinity of a child" if 971
the offender commits the offense within thirty feet of or within 972
the same residential unit as a child who is under eighteen years 973
of age, regardless of whether the offender knows the age of the 974
child or whether the offender knows the offense is being committed 975

within thirty feet of or within the same residential unit as the 976
child and regardless of whether the child actually views the 977
commission of the offense. 978

(MM) "Family or household member" has the same meaning as in 979
section 2919.25 of the Revised Code. 980

(NN) "Motor vehicle" and "manufactured home" have the same 981
meanings as in section 4501.01 of the Revised Code. 982

(OO) "Detention" and "detention facility" have the same 983
meanings as in section 2921.01 of the Revised Code. 984

(PP) "Third degree felony OVI offense" means a violation of 985
division (A) of section 4511.19 of the Revised Code that, under 986
division (G) of that section, is a felony of the third degree. 987

(QQ) "Random drug testing" has the same meaning as in section 988
5120.63 of the Revised Code. 989

(RR) "Felony sex offense" has the same meaning as in section 990
2967.28 of the Revised Code. 991

(SS) "Body armor" has the same meaning as in section 992
2941.1411 of the Revised Code. 993

(TT) "Electronic monitoring" means monitoring through the use 994
of an electronic monitoring device. 995

(UU) "Electronic monitoring device" means any of the 996
following: 997

(1) Any device that can be operated by electrical or battery 998
power and that conforms with all of the following: 999

(a) The device has a transmitter that can be attached to a 1000
person, that will transmit a specified signal to a receiver of the 1001
type described in division (UU)(1)(b) of this section if the 1002
transmitter is removed from the person, turned off, or altered in 1003
any manner without prior court approval in relation to electronic 1004
monitoring or without prior approval of the department of 1005

rehabilitation and correction in relation to the use of an 1006
electronic monitoring device for an inmate on transitional control 1007
or otherwise is tampered with, that can transmit continuously and 1008
periodically a signal to that receiver when the person is within a 1009
specified distance from the receiver, and that can transmit an 1010
appropriate signal to that receiver if the person to whom it is 1011
attached travels a specified distance from that receiver. 1012

(b) The device has a receiver that can receive continuously 1013
the signals transmitted by a transmitter of the type described in 1014
division (UU)(1)(a) of this section, can transmit continuously 1015
those signals by a wireless or landline telephone connection to a 1016
central monitoring computer of the type described in division 1017
(UU)(1)(c) of this section, and can transmit continuously an 1018
appropriate signal to that central monitoring computer if the 1019
device has been turned off or altered without prior court approval 1020
or otherwise tampered with. The device is designed specifically 1021
for use in electronic monitoring, is not a converted wireless 1022
phone or another tracking device that is clearly not designed for 1023
electronic monitoring, and provides a means of text-based or voice 1024
communication with the person. 1025

(c) The device has a central monitoring computer that can 1026
receive continuously the signals transmitted by a wireless or 1027
landline telephone connection by a receiver of the type described 1028
in division (UU)(1)(b) of this section and can monitor 1029
continuously the person to whom an electronic monitoring device of 1030
the type described in division (UU)(1)(a) of this section is 1031
attached. 1032

(2) Any device that is not a device of the type described in 1033
division (UU)(1) of this section and that conforms with all of the 1034
following: 1035

(a) The device includes a transmitter and receiver that can 1036
monitor and determine the location of a subject person at any 1037

time, or at a designated point in time, through the use of a 1038
central monitoring computer or through other electronic means. 1039

(b) The device includes a transmitter and receiver that can 1040
determine at any time, or at a designated point in time, through 1041
the use of a central monitoring computer or other electronic means 1042
the fact that the transmitter is turned off or altered in any 1043
manner without prior approval of the court in relation to the 1044
electronic monitoring or without prior approval of the department 1045
of rehabilitation and correction in relation to the use of an 1046
electronic monitoring device for an inmate on transitional control 1047
or otherwise is tampered with. 1048

(3) Any type of technology that can adequately track or 1049
determine the location of a subject person at any time and that is 1050
approved by the director of rehabilitation and correction, 1051
including, but not limited to, any satellite technology, voice 1052
tracking system, or retinal scanning system that is so approved. 1053

(VV) "Non-economic loss" means nonpecuniary harm suffered by 1054
a victim of an offense as a result of or related to the commission 1055
of the offense, including, but not limited to, pain and suffering; 1056
loss of society, consortium, companionship, care, assistance, 1057
attention, protection, advice, guidance, counsel, instruction, 1058
training, or education; mental anguish; and any other intangible 1059
loss. 1060

(WW) "Prosecutor" has the same meaning as in section 2935.01 1061
of the Revised Code. 1062

(XX) "Continuous alcohol monitoring" means the ability to 1063
automatically test and periodically transmit alcohol consumption 1064
levels and tamper attempts at least every hour, regardless of the 1065
location of the person who is being monitored. 1066

(YY) A person is "adjudicated a sexually violent predator" if 1067
the person is convicted of or pleads guilty to a violent sex 1068

offense and also is convicted of or pleads guilty to a sexually 1069
violent predator specification that was included in the 1070
indictment, count in the indictment, or information charging that 1071
violent sex offense or if the person is convicted of or pleads 1072
guilty to a designated homicide, assault, or kidnapping offense 1073
and also is convicted of or pleads guilty to both a sexual 1074
motivation specification and a sexually violent predator 1075
specification that were included in the indictment, count in the 1076
indictment, or information charging that designated homicide, 1077
assault, or kidnapping offense. 1078

(ZZ) An offense is "committed in proximity to a school" if 1079
the offender commits the offense in a school safety zone or within 1080
five hundred feet of any school building or the boundaries of any 1081
school premises, regardless of whether the offender knows the 1082
offense is being committed in a school safety zone or within five 1083
hundred feet of any school building or the boundaries of any 1084
school premises. 1085

(AAA) "Human trafficking" means a scheme or plan to which all 1086
of the following apply: 1087

(1) Its object is to subject a victim or victims to 1088
involuntary servitude, as defined in section 2905.31 of the 1089
Revised Code, to compel a victim or victims to engage in sexual 1090
activity for hire, to engage in a performance that is obscene, 1091
sexually oriented, or nudity oriented, or to be a model or 1092
participant in the production of material that is obscene, 1093
sexually oriented, or nudity oriented. 1094

(2) It involves at least two felony offenses, whether or not 1095
there has been a prior conviction for any of the felony offenses, 1096
to which all of the following apply: 1097

(a) Each of the felony offenses is a violation of section 1098
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 1099

(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 1100
(4), or (5) of section 2919.22 of the Revised Code or is a 1101
violation of a law of any state other than this state that is 1102
substantially similar to any of the sections or divisions of the 1103
Revised Code identified in this division. 1104

(b) At least one of the felony offenses was committed in this 1105
state. 1106

(c) The felony offenses are related to the same scheme or 1107
plan and are not isolated instances. 1108

(BBB) "Material," "nudity," "obscene," "performance," and 1109
"sexual activity" have the same meanings as in section 2907.01 of 1110
the Revised Code. 1111

(CCC) "Material that is obscene, sexually oriented, or nudity 1112
oriented" means any material that is obscene, that shows a person 1113
participating or engaging in sexual activity, masturbation, or 1114
bestiality, or that shows a person in a state of nudity. 1115

(DDD) "Performance that is obscene, sexually oriented, or 1116
nudity oriented" means any performance that is obscene, that shows 1117
a person participating or engaging in sexual activity, 1118
masturbation, or bestiality, or that shows a person in a state of 1119
nudity. 1120

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 1121
deputy marshal, municipal police officer, township constable, 1122
police officer of a township or joint township police district, 1123
member of a police force employed by a metropolitan housing 1124
authority under division (D) of section 3735.31 of the Revised 1125
Code, member of a police force employed by a regional transit 1126
authority under division (Y) of section 306.35 of the Revised 1127
Code, state university law enforcement officer appointed under 1128
section 3345.04 of the Revised Code, veterans' home police officer 1129

appointed under section 5907.02 of the Revised Code, special 1130
police officer employed by a port authority under section 4582.04 1131
or 4582.28 of the Revised Code, or a special police officer 1132
employed by a municipal corporation at a municipal airport, or 1133
other municipal air navigation facility, that has scheduled 1134
operations, as defined in section 119.3 of Title 14 of the Code of 1135
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 1136
required to be under a security program and is governed by 1137
aviation security rules of the transportation security 1138
administration of the United States department of transportation 1139
as provided in Parts 1542. and 1544. of Title 49 of the Code of 1140
Federal Regulations, as amended, shall arrest and detain, until a 1141
warrant can be obtained, a person found violating, within the 1142
limits of the political subdivision, metropolitan housing 1143
authority housing project, regional transit authority facilities 1144
or areas of a municipal corporation that have been agreed to by a 1145
regional transit authority and a municipal corporation located 1146
within its territorial jurisdiction, college, university, 1147
veterans' home operated under Chapter 5907. of the Revised Code, 1148
port authority, or municipal airport or other municipal air 1149
navigation facility, in which the peace officer is appointed, 1150
employed, or elected, a law of this state, an ordinance of a 1151
municipal corporation, or a resolution of a township. 1152

(2) A peace officer of the department of natural resources, a 1153
state fire marshal law enforcement officer described in division 1154
(A)(23) of section 109.71 of the Revised Code, or an individual 1155
designated to perform law enforcement duties under section 1156
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 1157
detain, until a warrant can be obtained, a person found violating, 1158
within the limits of the peace officer's, state fire marshal law 1159
enforcement officer's, or individual's territorial jurisdiction, a 1160
law of this state. 1161

(3) The house sergeant at arms if the house sergeant at arms 1162
has arrest authority pursuant to division (E)(1) of section 1163
101.311 of the Revised Code and an assistant house sergeant at 1164
arms shall arrest and detain, until a warrant can be obtained, a 1165
person found violating, within the limits of the sergeant at 1166
arms's or assistant sergeant at arms's territorial jurisdiction 1167
specified in division (D)(1)(a) of section 101.311 of the Revised 1168
Code or while providing security pursuant to division (D)(1)(f) of 1169
section 101.311 of the Revised Code, a law of this state, an 1170
ordinance of a municipal corporation, or a resolution of a 1171
township. 1172

(B)(1) When there is reasonable ground to believe that an 1173
offense of violence, the offense of criminal child enticement as 1174
defined in section 2905.05 of the Revised Code, the offense of 1175
public indecency as defined in section 2907.09 of the Revised 1176
Code, the offense of domestic violence as defined in section 1177
2919.25 of the Revised Code, the offense of violating a protection 1178
order as defined in section 2919.27 of the Revised Code, the 1179
offense of menacing by stalking as defined in section 2903.211 of 1180
the Revised Code, the offense of aggravated trespass as defined in 1181
section 2911.211 of the Revised Code, a theft offense as defined 1182
in section 2913.01 of the Revised Code, the offense of street 1183
racine as defined in section 4511.251 of the Revised Code or a 1184
substantially equivalent municipal ordinance, or a felony drug 1185
abuse offense as defined in section 2925.01 of the Revised Code, 1186
has been committed within the limits of the political subdivision, 1187
metropolitan housing authority housing project, regional transit 1188
authority facilities or those areas of a municipal corporation 1189
that have been agreed to by a regional transit authority and a 1190
municipal corporation located within its territorial jurisdiction, 1191
college, university, veterans' home operated under Chapter 5907. 1192
of the Revised Code, port authority, or municipal airport or other 1193
municipal air navigation facility, in which the peace officer is 1194

appointed, employed, or elected or within the limits of the 1195
territorial jurisdiction of the peace officer, a peace officer 1196
described in division (A) of this section may arrest and detain 1197
until a warrant can be obtained any person who the peace officer 1198
has reasonable cause to believe is guilty of the violation. 1199

(2) For purposes of division (B)(1) of this section, the 1200
execution of any of the following constitutes reasonable ground to 1201
believe that the offense alleged in the statement was committed 1202
and reasonable cause to believe that the person alleged in the 1203
statement to have committed the offense is guilty of the 1204
violation: 1205

(a) A written statement by a person alleging that an alleged 1206
offender has committed the offense of menacing by stalking or 1207
aggravated trespass; 1208

(b) A written statement by the administrator of the 1209
interstate compact on mental health appointed under section 1210
5119.51 of the Revised Code alleging that a person who had been 1211
hospitalized, institutionalized, or confined in any facility under 1212
an order made pursuant to or under authority of section 2945.37, 1213
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1214
Revised Code has escaped from the facility, from confinement in a 1215
vehicle for transportation to or from the facility, or from 1216
supervision by an employee of the facility that is incidental to 1217
hospitalization, institutionalization, or confinement in the 1218
facility and that occurs outside of the facility, in violation of 1219
section 2921.34 of the Revised Code; 1220

(c) A written statement by the administrator of any facility 1221
in which a person has been hospitalized, institutionalized, or 1222
confined under an order made pursuant to or under authority of 1223
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1224
2945.402 of the Revised Code alleging that the person has escaped 1225
from the facility, from confinement in a vehicle for 1226

transportation to or from the facility, or from supervision by an 1227
employee of the facility that is incidental to hospitalization, 1228
institutionalization, or confinement in the facility and that 1229
occurs outside of the facility, in violation of section 2921.34 of 1230
the Revised Code. 1231

(3)(a) For purposes of division (B)(1) of this section, a 1232
peace officer described in division (A) of this section has 1233
reasonable grounds to believe that the offense of domestic 1234
violence or the offense of violating a protection order has been 1235
committed and reasonable cause to believe that a particular person 1236
is guilty of committing the offense if any of the following 1237
occurs: 1238

(i) A person executes a written statement alleging that the 1239
person in question has committed the offense of domestic violence 1240
or the offense of violating a protection order against the person 1241
who executes the statement or against a child of the person who 1242
executes the statement. 1243

(ii) No written statement of the type described in division 1244
(B)(3)(a)(i) of this section is executed, but the peace officer, 1245
based upon the peace officer's own knowledge and observation of 1246
the facts and circumstances of the alleged incident of the offense 1247
of domestic violence or the alleged incident of the offense of 1248
violating a protection order or based upon any other information, 1249
including, but not limited to, any reasonably trustworthy 1250
information given to the peace officer by the alleged victim of 1251
the alleged incident of the offense or any witness of the alleged 1252
incident of the offense, concludes that there are reasonable 1253
grounds to believe that the offense of domestic violence or the 1254
offense of violating a protection order has been committed and 1255
reasonable cause to believe that the person in question is guilty 1256
of committing the offense. 1257

(iii) No written statement of the type described in division 1258

(B)(3)(a)(i) of this section is executed, but the peace officer 1259
witnessed the person in question commit the offense of domestic 1260
violence or the offense of violating a protection order. 1261

(b) If pursuant to division (B)(3)(a) of this section a peace 1262
officer has reasonable grounds to believe that the offense of 1263
domestic violence or the offense of violating a protection order 1264
has been committed and reasonable cause to believe that a 1265
particular person is guilty of committing the offense, it is the 1266
preferred course of action in this state that the officer arrest 1267
and detain that person pursuant to division (B)(1) of this section 1268
until a warrant can be obtained. 1269

If pursuant to division (B)(3)(a) of this section a peace 1270
officer has reasonable grounds to believe that the offense of 1271
domestic violence or the offense of violating a protection order 1272
has been committed and reasonable cause to believe that family or 1273
household members have committed the offense against each other, 1274
it is the preferred course of action in this state that the 1275
officer, pursuant to division (B)(1) of this section, arrest and 1276
detain until a warrant can be obtained the family or household 1277
member who committed the offense and whom the officer has 1278
reasonable cause to believe is the primary physical aggressor. 1279
There is no preferred course of action in this state regarding any 1280
other family or household member who committed the offense and 1281
whom the officer does not have reasonable cause to believe is the 1282
primary physical aggressor, but, pursuant to division (B)(1) of 1283
this section, the peace officer may arrest and detain until a 1284
warrant can be obtained any other family or household member who 1285
committed the offense and whom the officer does not have 1286
reasonable cause to believe is the primary physical aggressor. 1287

(c) If a peace officer described in division (A) of this 1288
section does not arrest and detain a person whom the officer has 1289
reasonable cause to believe committed the offense of domestic 1290

violence or the offense of violating a protection order when it is 1291
the preferred course of action in this state pursuant to division 1292
(B)(3)(b) of this section that the officer arrest that person, the 1293
officer shall articulate in the written report of the incident 1294
required by section 2935.032 of the Revised Code a clear statement 1295
of the officer's reasons for not arresting and detaining that 1296
person until a warrant can be obtained. 1297

(d) In determining for purposes of division (B)(3)(b) of this 1298
section which family or household member is the primary physical 1299
aggressor in a situation in which family or household members have 1300
committed the offense of domestic violence or the offense of 1301
violating a protection order against each other, a peace officer 1302
described in division (A) of this section, in addition to any 1303
other relevant circumstances, should consider all of the 1304
following: 1305

(i) Any history of domestic violence or of any other violent 1306
acts by either person involved in the alleged offense that the 1307
officer reasonably can ascertain; 1308

(ii) If violence is alleged, whether the alleged violence was 1309
caused by a person acting in self-defense; 1310

(iii) Each person's fear of physical harm, if any, resulting 1311
from the other person's threatened use of force against any person 1312
or resulting from the other person's use or history of the use of 1313
force against any person, and the reasonableness of that fear; 1314

(iv) The comparative severity of any injuries suffered by the 1315
persons involved in the alleged offense. 1316

(e)(i) A peace officer described in division (A) of this 1317
section shall not require, as a prerequisite to arresting or 1318
charging a person who has committed the offense of domestic 1319
violence or the offense of violating a protection order, that the 1320
victim of the offense specifically consent to the filing of 1321

charges against the person who has committed the offense or sign a 1322
complaint against the person who has committed the offense. 1323

(ii) If a person is arrested for or charged with committing 1324
the offense of domestic violence or the offense of violating a 1325
protection order and if the victim of the offense does not 1326
cooperate with the involved law enforcement or prosecuting 1327
authorities in the prosecution of the offense or, subsequent to 1328
the arrest or the filing of the charges, informs the involved law 1329
enforcement or prosecuting authorities that the victim does not 1330
wish the prosecution of the offense to continue or wishes to drop 1331
charges against the alleged offender relative to the offense, the 1332
involved prosecuting authorities, in determining whether to 1333
continue with the prosecution of the offense or whether to dismiss 1334
charges against the alleged offender relative to the offense and 1335
notwithstanding the victim's failure to cooperate or the victim's 1336
wishes, shall consider all facts and circumstances that are 1337
relevant to the offense, including, but not limited to, the 1338
statements and observations of the peace officers who responded to 1339
the incident that resulted in the arrest or filing of the charges 1340
and of all witnesses to that incident. 1341

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 1342
this section whether to arrest a person pursuant to division 1343
(B)(1) of this section, a peace officer described in division (A) 1344
of this section shall not consider as a factor any possible 1345
shortage of cell space at the detention facility to which the 1346
person will be taken subsequent to the person's arrest or any 1347
possibility that the person's arrest might cause, contribute to, 1348
or exacerbate overcrowding at that detention facility or at any 1349
other detention facility. 1350

(g) If a peace officer described in division (A) of this 1351
section intends pursuant to divisions (B)(3)(a) to (g) of this 1352
section to arrest a person pursuant to division (B)(1) of this 1353

section and if the officer is unable to do so because the person 1354
is not present, the officer promptly shall seek a warrant for the 1355
arrest of the person. 1356

(h) If a peace officer described in division (A) of this 1357
section responds to a report of an alleged incident of the offense 1358
of domestic violence or an alleged incident of the offense of 1359
violating a protection order and if the circumstances of the 1360
incident involved the use or threatened use of a deadly weapon or 1361
any person involved in the incident brandished a deadly weapon 1362
during or in relation to the incident, the deadly weapon that was 1363
used, threatened to be used, or brandished constitutes contraband, 1364
and, to the extent possible, the officer shall seize the deadly 1365
weapon as contraband pursuant to Chapter 2981. of the Revised 1366
Code. Upon the seizure of a deadly weapon pursuant to division 1367
(B)(3)(h) of this section, section 2981.12 of the Revised Code 1368
shall apply regarding the treatment and disposition of the deadly 1369
weapon. For purposes of that section, the "underlying criminal 1370
offense" that was the basis of the seizure of a deadly weapon 1371
under division (B)(3)(h) of this section and to which the deadly 1372
weapon had a relationship is any of the following that is 1373
applicable: 1374

(i) The alleged incident of the offense of domestic violence 1375
or the alleged incident of the offense of violating a protection 1376
order to which the officer who seized the deadly weapon responded; 1377

(ii) Any offense that arose out of the same facts and 1378
circumstances as the report of the alleged incident of the offense 1379
of domestic violence or the alleged incident of the offense of 1380
violating a protection order to which the officer who seized the 1381
deadly weapon responded. 1382

(4) If, in the circumstances described in divisions (B)(3)(a) 1383
to (g) of this section, a peace officer described in division (A) 1384
of this section arrests and detains a person pursuant to division 1385

(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 1386
this section, a peace officer described in division (A) of this 1387
section seizes a deadly weapon, the officer, to the extent 1388
described in and in accordance with section 9.86 or 2744.03 of the 1389
Revised Code, is immune in any civil action for damages for 1390
injury, death, or loss to person or property that arises from or 1391
is related to the arrest and detention or the seizure. 1392

(C) When there is reasonable ground to believe that a 1393
violation of division (A)(1), (2), (3), (4), or (5) of section 1394
4506.15 or a violation of section 4511.19 of the Revised Code has 1395
been committed by a person operating a motor vehicle subject to 1396
regulation by the public utilities commission of Ohio under Title 1397
XLIX of the Revised Code, a peace officer with authority to 1398
enforce that provision of law may stop or detain the person whom 1399
the officer has reasonable cause to believe was operating the 1400
motor vehicle in violation of the division or section and, after 1401
investigating the circumstances surrounding the operation of the 1402
vehicle, may arrest and detain the person. 1403

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 1404
municipal police officer, member of a police force employed by a 1405
metropolitan housing authority under division (D) of section 1406
3735.31 of the Revised Code, member of a police force employed by 1407
a regional transit authority under division (Y) of section 306.35 1408
of the Revised Code, special police officer employed by a port 1409
authority under section 4582.04 or 4582.28 of the Revised Code, 1410
special police officer employed by a municipal corporation at a 1411
municipal airport or other municipal air navigation facility 1412
described in division (A) of this section, township constable, 1413
police officer of a township or joint township police district, 1414
state university law enforcement officer appointed under section 1415
3345.04 of the Revised Code, peace officer of the department of 1416
natural resources, individual designated to perform law 1417

enforcement duties under section 511.232, 1545.13, or 6101.75 of 1418
the Revised Code, the house sergeant at arms if the house sergeant 1419
at arms has arrest authority pursuant to division (E)(1) of 1420
section 101.311 of the Revised Code, or an assistant house 1421
sergeant at arms is authorized by division (A) or (B) of this 1422
section to arrest and detain, within the limits of the political 1423
subdivision, metropolitan housing authority housing project, 1424
regional transit authority facilities or those areas of a 1425
municipal corporation that have been agreed to by a regional 1426
transit authority and a municipal corporation located within its 1427
territorial jurisdiction, port authority, municipal airport or 1428
other municipal air navigation facility, college, or university in 1429
which the officer is appointed, employed, or elected or within the 1430
limits of the territorial jurisdiction of the peace officer, a 1431
person until a warrant can be obtained, the peace officer, outside 1432
the limits of that territory, may pursue, arrest, and detain that 1433
person until a warrant can be obtained if all of the following 1434
apply: 1435

(1) The pursuit takes place without unreasonable delay after 1436
the offense is committed; 1437

(2) The pursuit is initiated within the limits of the 1438
political subdivision, metropolitan housing authority housing 1439
project, regional transit authority facilities or those areas of a 1440
municipal corporation that have been agreed to by a regional 1441
transit authority and a municipal corporation located within its 1442
territorial jurisdiction, port authority, municipal airport or 1443
other municipal air navigation facility, college, or university in 1444
which the peace officer is appointed, employed, or elected or 1445
within the limits of the territorial jurisdiction of the peace 1446
officer; 1447

(3) The offense involved is a felony, a misdemeanor of the 1448
first degree or a substantially equivalent municipal ordinance, a 1449

misdemeanor of the second degree or a substantially equivalent 1450
municipal ordinance, or any offense for which points are 1451
chargeable pursuant to section 4510.036 of the Revised Code. 1452

(E) In addition to the authority granted under division (A) 1453
or (B) of this section: 1454

(1) A sheriff or deputy sheriff may arrest and detain, until 1455
a warrant can be obtained, any person found violating section 1456
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 1457
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 1458
portion of any street or highway that is located immediately 1459
adjacent to the boundaries of the county in which the sheriff or 1460
deputy sheriff is elected or appointed. 1461

(2) A member of the police force of a township police 1462
district created under section 505.48 of the Revised Code, a 1463
member of the police force of a joint township police district 1464
created under section 505.481 of the Revised Code, or a township 1465
constable appointed in accordance with section 509.01 of the 1466
Revised Code, who has received a certificate from the Ohio peace 1467
officer training commission under section 109.75 of the Revised 1468
Code, may arrest and detain, until a warrant can be obtained, any 1469
person found violating any section or chapter of the Revised Code 1470
listed in division (E)(1) of this section, other than sections 1471
4513.33 and 4513.34 of the Revised Code, on the portion of any 1472
street or highway that is located immediately adjacent to the 1473
boundaries of the township police district or joint township 1474
police district, in the case of a member of a township police 1475
district or joint township police district police force, or the 1476
unincorporated territory of the township, in the case of a 1477
township constable. However, if the population of the township 1478
that created the township police district served by the member's 1479
police force, or the townships that created the joint township 1480
police district served by the member's police force, or the 1481

township that is served by the township constable, is sixty 1482
thousand or less, the member of the township police district or 1483
joint police district police force or the township constable may 1484
not make an arrest under division (E)(2) of this section on a 1485
state highway that is included as part of the interstate system. 1486

(3) A police officer or village marshal appointed, elected, 1487
or employed by a municipal corporation may arrest and detain, 1488
until a warrant can be obtained, any person found violating any 1489
section or chapter of the Revised Code listed in division (E)(1) 1490
of this section on the portion of any street or highway that is 1491
located immediately adjacent to the boundaries of the municipal 1492
corporation in which the police officer or village marshal is 1493
appointed, elected, or employed. 1494

(4) A peace officer of the department of natural resources, a 1495
state fire marshal law enforcement officer described in division 1496
(A)(23) of section 109.71 of the Revised Code, or an individual 1497
designated to perform law enforcement duties under section 1498
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 1499
detain, until a warrant can be obtained, any person found 1500
violating any section or chapter of the Revised Code listed in 1501
division (E)(1) of this section, other than sections 4513.33 and 1502
4513.34 of the Revised Code, on the portion of any street or 1503
highway that is located immediately adjacent to the boundaries of 1504
the lands and waters that constitute the territorial jurisdiction 1505
of the peace officer or state fire marshal law enforcement 1506
officer. 1507

(F)(1) A department of mental health special police officer 1508
or a department of developmental disabilities special police 1509
officer may arrest without a warrant and detain until a warrant 1510
can be obtained any person found committing on the premises of any 1511
institution under the jurisdiction of the particular department a 1512
misdemeanor under a law of the state. 1513

A department of mental health special police officer or a 1514
department of developmental disabilities special police officer 1515
may arrest without a warrant and detain until a warrant can be 1516
obtained any person who has been hospitalized, institutionalized, 1517
or confined in an institution under the jurisdiction of the 1518
particular department pursuant to or under authority of section 1519
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1520
2945.402 of the Revised Code and who is found committing on the 1521
premises of any institution under the jurisdiction of the 1522
particular department a violation of section 2921.34 of the 1523
Revised Code that involves an escape from the premises of the 1524
institution. 1525

(2)(a) If a department of mental health special police 1526
officer or a department of developmental disabilities special 1527
police officer finds any person who has been hospitalized, 1528
institutionalized, or confined in an institution under the 1529
jurisdiction of the particular department pursuant to or under 1530
authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 1531
2945.401, or 2945.402 of the Revised Code committing a violation 1532
of section 2921.34 of the Revised Code that involves an escape 1533
from the premises of the institution, or if there is reasonable 1534
ground to believe that a violation of section 2921.34 of the 1535
Revised Code has been committed that involves an escape from the 1536
premises of an institution under the jurisdiction of the 1537
department of mental health or the department of developmental 1538
disabilities and if a department of mental health special police 1539
officer or a department of developmental disabilities special 1540
police officer has reasonable cause to believe that a particular 1541
person who has been hospitalized, institutionalized, or confined 1542
in the institution pursuant to or under authority of section 1543
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1544
2945.402 of the Revised Code is guilty of the violation, the 1545
special police officer, outside of the premises of the 1546

institution, may pursue, arrest, and detain that person for that 1547
violation of section 2921.34 of the Revised Code, until a warrant 1548
can be obtained, if both of the following apply: 1549

(i) The pursuit takes place without unreasonable delay after 1550
the offense is committed; 1551

(ii) The pursuit is initiated within the premises of the 1552
institution from which the violation of section 2921.34 of the 1553
Revised Code occurred. 1554

(b) For purposes of division (F)(2)(a) of this section, the 1555
execution of a written statement by the administrator of the 1556
institution in which a person had been hospitalized, 1557
institutionalized, or confined pursuant to or under authority of 1558
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1559
2945.402 of the Revised Code alleging that the person has escaped 1560
from the premises of the institution in violation of section 1561
2921.34 of the Revised Code constitutes reasonable ground to 1562
believe that the violation was committed and reasonable cause to 1563
believe that the person alleged in the statement to have committed 1564
the offense is guilty of the violation. 1565

(G) As used in this section: 1566

(1) A "department of mental health special police officer" 1567
means a special police officer of the department of mental health 1568
designated under section 5119.14 of the Revised Code who is 1569
certified by the Ohio peace officer training commission under 1570
section 109.77 of the Revised Code as having successfully 1571
completed an approved peace officer basic training program. 1572

(2) A "department of developmental disabilities special 1573
police officer" means a special police officer of the department 1574
of developmental disabilities designated under section 5123.13 of 1575
the Revised Code who is certified by the Ohio peace officer 1576
training council under section 109.77 of the Revised Code as 1577

having successfully completed an approved peace officer basic 1578
training program. 1579

(3) "Deadly weapon" has the same meaning as in section 1580
2923.11 of the Revised Code. 1581

(4) "Family or household member" has the same meaning as in 1582
section 2919.25 of the Revised Code. 1583

(5) "Street" or "highway" has the same meaning as in section 1584
4511.01 of the Revised Code. 1585

(6) "Interstate system" has the same meaning as in section 1586
5516.01 of the Revised Code. 1587

(7) "Peace officer of the department of natural resources" 1588
means an employee of the department of natural resources who is a 1589
natural resources law enforcement staff officer designated 1590
pursuant to section 1501.013 of the Revised Code, a forest officer 1591
designated pursuant to section 1503.29 of the Revised Code, a 1592
preserve officer designated pursuant to section 1517.10 of the 1593
Revised Code, a wildlife officer designated pursuant to section 1594
1531.13 of the Revised Code, a park officer designated pursuant to 1595
section 1541.10 of the Revised Code, or a state watercraft officer 1596
designated pursuant to section 1547.521 of the Revised Code. 1597

(8) "Portion of any street or highway" means all lanes of the 1598
street or highway irrespective of direction of travel, including 1599
designated turn lanes, and any berm, median, or shoulder. 1600

Sec. 4503.234. (A) If a court orders the criminal forfeiture 1601
of a vehicle pursuant to section 2903.06, 4503.233, 4503.236, 1602
4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, 1603
~~or~~ 4511.203, or 4511.251 of the Revised Code, the order shall be 1604
issued and enforced in accordance with this division, subject to 1605
division (B) of this section. An order of criminal forfeiture 1606
issued under this division shall authorize an appropriate law 1607

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

(B)(1) Prior to the issuance of an order of criminal 1628
forfeiture pursuant to this section, the law enforcement agency 1629
that employs the law enforcement officer who seized the vehicle 1630
shall conduct or cause to be conducted a search of the appropriate 1631
public records that relate to the vehicle and shall make or cause 1632
to be made reasonably diligent inquiries to identify any 1633
lienholder or any person or entity with an ownership interest in 1634
the vehicle. The court that is to issue the forfeiture order also 1635
shall cause a notice of the potential order relative to the 1636
vehicle and of the expected manner of disposition of the vehicle 1637
after its forfeiture to be sent to any lienholder or person who is 1638
known to the court to have any right, title, or interest in the 1639

vehicle. The court shall give the notice by certified mail, return receipt requested, or by personal service.

(2) No order of criminal forfeiture shall be issued pursuant to this section if a lienholder or other person with an ownership interest in the vehicle establishes to the court, by a preponderance of the evidence after filing a motion with the court, that the lienholder or other person neither knew nor should have known after a reasonable inquiry that the vehicle would be used or involved, or likely would be used or involved, in the violation resulting in the issuance of the order of criminal forfeiture or the violation of the order of immobilization issued under section 4503.233 of the Revised Code, that the lienholder or other person did not expressly or impliedly consent to the use or involvement of the vehicle in that violation, and that the lien or ownership interest was perfected pursuant to law prior to the seizure of the vehicle under section 4503.236, 4510.41, 4511.195, or 4511.203 of the Revised Code. If the lienholder or holder of the ownership interest satisfies the court that these criteria have been met, the court shall preserve the lienholder's or other person's lien or interest, and the court either shall return the vehicle to the holder, or shall order that the proceeds of any sale held pursuant to division (C)(2) of this section be paid to the lienholder or holder of the interest less the costs of seizure, storage, and maintenance of the vehicle. The court shall not return a vehicle to a lienholder or a holder of an ownership interest unless the lienholder or holder submits an affidavit to the court that states that the lienholder or holder will not return the vehicle to the person from whom the vehicle was seized pursuant to the order of criminal forfeiture or to any member of that person's family and will not otherwise knowingly permit that person or any member of that person's family to obtain possession of the vehicle.

(3) No order of criminal forfeiture shall be issued pursuant 1672
to this section if a person with an interest in the vehicle 1673
establishes to the court, by a preponderance of the evidence after 1674
filing a motion with the court, that the person neither knew nor 1675
should have known after a reasonable inquiry that the vehicle had 1676
been used or was involved in the violation resulting in the 1677
issuance of the order of criminal forfeiture or the violation of 1678
the order of immobilization issued under section 4503.233 of the 1679
Revised Code, that the person did not expressly or impliedly 1680
consent to the use or involvement of the vehicle in that 1681
violation, that the interest was perfected in good faith and for 1682
value pursuant to law between the time of the arrest of the 1683
offender and the final disposition of the criminal charge in 1684
question, and that the vehicle was in the possession of the 1685
interest holder at the time of the perfection of the interest. If 1686
the court is satisfied that the interest holder has met these 1687
criteria, the court shall preserve the interest holder's interest, 1688
and the court either shall return the vehicle to the interest 1689
holder or order that the proceeds of any sale held pursuant to 1690
division (C) of this section be paid to the holder of the interest 1691
less the costs of seizure, storage, and maintenance of the 1692
vehicle. The court shall not return a vehicle to an interest 1693
holder unless the holder submits an affidavit to the court stating 1694
that the holder will not return the vehicle to the person from 1695
whom the holder acquired the holder's interest, nor to any member 1696
of that person's family, and the holder will not otherwise 1697
knowingly permit that person or any member of that person's family 1698
to obtain possession of the vehicle. 1699

(C) A vehicle ordered criminally forfeited to the state 1700
pursuant to this section shall be disposed of as follows: 1701

(1) It shall be given to the law enforcement agency that 1702
employs the law enforcement officer who seized the vehicle, if 1703

that agency desires to have it; 1704

(2) If a vehicle is not disposed of pursuant to division 1705
(C)(1) of this section, the vehicle shall be sold, without 1706
appraisal, if the value of the vehicle is two thousand dollars or 1707
more as determined by publications of the national auto dealer's 1708
association, at a public auction to the highest bidder for cash. 1709
Prior to the sale, the prosecuting attorney in the case shall 1710
cause a notice of the proposed sale to be given in accordance with 1711
law. The court shall cause notice of the sale of the vehicle to be 1712
published in a newspaper of general circulation in the county in 1713
which the court is located at least seven days prior to the date 1714
of the sale. The proceeds of a sale under this division or 1715
division (F) of this section shall be applied in the following 1716
order: 1717

(a) First, they shall be applied to the payment of the costs 1718
incurred in connection with the seizure, storage, and maintenance 1719
of, and provision of security for, the vehicle, any proceeding 1720
arising out of the forfeiture, and if any, the sale. 1721

(b) Second, the remaining proceeds after compliance with 1722
division (C)(2)(a) of this section, shall be applied to the 1723
payment of the value of any lien or ownership interest in the 1724
vehicle preserved under division (B) of this section. 1725

(c) Third, the remaining proceeds, after compliance with 1726
divisions (C)(2)(a) and (b) of this section, shall be applied to 1727
the appropriate funds in accordance with divisions (B) and (C) of 1728
section 2981.13 of the Revised Code, provided that the total of 1729
the amount so deposited under this division shall not exceed one 1730
thousand dollars. The remaining proceeds deposited under this 1731
division shall be used only for the purposes authorized by those 1732
divisions and division (D) of that section. 1733

(d) Fourth, the remaining proceeds after compliance with 1734

divisions (C)(2)(a) and (b) of this section and after deposit of a 1735
total amount of one thousand dollars under division (C)(2)(c) of 1736
this section shall be applied so that fifty per cent of those 1737
remaining proceeds is paid into the reparation fund established by 1738
section 2743.191 of the Revised Code, twenty-five per cent is paid 1739
into the drug abuse resistance education programs fund created by 1740
division (F)(2)(e) of section 4511.191 of the Revised Code and 1741
shall be used only for the purposes authorized by division 1742
(F)(2)(e) of that section, and twenty-five per cent is applied to 1743
the appropriate funds in accordance with divisions (B) and (C) of 1744
section 2981.13 of the Revised Code. The proceeds deposited into 1745
any fund described in section 2981.13 of the Revised Code shall be 1746
used only for the purposes authorized by divisions (B)(4)(c), (C), 1747
and (D) of that section. 1748

(D) Except as provided in division (E) of section 4511.203 of 1749
the Revised Code and notwithstanding any other provision of law, 1750
neither the registrar of motor vehicles nor any deputy registrar 1751
shall accept an application for the registration of any motor 1752
vehicle in the name of any person, or register any motor vehicle 1753
in the name of any person, if both of the following apply: 1754

(1) Any vehicle registered in the person's name was 1755
criminally forfeited under this section and section 2903.06, 1756
4503.233, 4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.41, 1757
4511.19, 4511.193, ~~or~~ 4511.203, or 4511.251 of the Revised Code; 1758

(2) Less than five years have expired since the issuance of 1759
the most recent order of criminal forfeiture issued in relation to 1760
a vehicle registered in the person's name. 1761

(E) If a court orders the criminal forfeiture to the state of 1762
a vehicle pursuant to section 2903.06, 4503.233, 4503.236, 1763
4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 1764
4511.193, ~~or~~ 4511.203, or 4511.251 of the Revised Code, the title 1765
to the motor vehicle is assigned or transferred, and division 1766

(B)(2) or (3) of this section applies, in addition to or 1767
independent of any other penalty established by law, the court may 1768
fine the offender the value of the vehicle as determined by 1769
publications of the national auto dealer's association. The 1770
proceeds from any fine imposed under this division shall be 1771
distributed in accordance with division (C)(2) of this section. 1772

(F) As used in this section and divisions (B)(4)(c), (C), and 1773
(D) of section 2981.13 of the Revised Code in relation to proceeds 1774
of the sale of a vehicle under division (C) of this section, 1775
"prosecuting attorney" includes the prosecuting attorney, village 1776
solicitor, city director of law, or similar chief legal officer of 1777
a municipal corporation who prosecutes the case resulting in the 1778
conviction or guilty plea in question. 1779

(G) If the vehicle to be forfeited has an average retail 1780
value of less than two thousand dollars as determined by 1781
publications of the national auto dealer's association, no public 1782
auction is required to be held. In such a case, the court may 1783
direct that the vehicle be disposed of in any manner that it 1784
considers appropriate, including assignment of the certificate of 1785
title to the motor vehicle to a salvage dealer or a scrap metal 1786
processing facility. The court shall not transfer the vehicle to 1787
the person who is the vehicle's immediate previous owner. 1788

If the court assigns the motor vehicle to a salvage dealer or 1789
scrap metal processing facility and the court is in possession of 1790
the certificate of title to the motor vehicle, it shall send the 1791
assigned certificate of title to the motor vehicle to the clerk of 1792
the court of common pleas of the county in which the salvage 1793
dealer or scrap metal processing facility is located. The court 1794
shall mark the face of the certificate of title with the words 1795
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 1796
of title to the salvage dealer or scrap metal processing facility 1797
for its records. 1798

If the court is not in possession of the certificate of title 1799
to the motor vehicle, the court shall issue an order transferring 1800
ownership of the motor vehicle to a salvage dealer or scrap metal 1801
processing facility, send the order to the clerk of the court of 1802
common pleas of the county in which the salvage dealer or scrap 1803
metal processing facility is located, and send a photocopy of the 1804
order to the salvage dealer or scrap metal processing facility for 1805
its records. The clerk shall make the proper notations or entries 1806
in the clerk's records concerning the disposition of the motor 1807
vehicle. 1808

Sec. 4510.17. (A) The registrar of motor vehicles shall 1809
impose a class D suspension of the person's driver's license, 1810
commercial driver's license, temporary instruction permit, 1811
probationary license, or nonresident operating privilege for the 1812
period of time specified in division (B)(4) of section 4510.02 of 1813
the Revised Code on any person who is a resident of this state and 1814
is convicted of or pleads guilty to a violation of a statute of 1815
any other state or any federal statute that is substantially 1816
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1817
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 1818
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 1819
receipt of a report from a court, court clerk, or other official 1820
of any other state or from any federal authority that a resident 1821
of this state was convicted of or pleaded guilty to an offense 1822
described in this division, the registrar shall send a notice by 1823
regular first class mail to the person, at the person's last known 1824
address as shown in the records of the bureau of motor vehicles, 1825
informing the person of the suspension, that the suspension will 1826
take effect twenty-one days from the date of the notice, and that, 1827
if the person wishes to appeal the suspension or denial, the 1828
person must file a notice of appeal within twenty-one days of the 1829
date of the notice requesting a hearing on the matter. If the 1830

person requests a hearing, the registrar shall hold the hearing 1831
not more than forty days after receipt by the registrar of the 1832
notice of appeal. The filing of a notice of appeal does not stay 1833
the operation of the suspension that must be imposed pursuant to 1834
this division. The scope of the hearing shall be limited to 1835
whether the person actually was convicted of or pleaded guilty to 1836
the offense for which the suspension is to be imposed. 1837

The suspension the registrar is required to impose under this 1838
division shall end either on the last day of the class D 1839
suspension period or of the suspension of the person's nonresident 1840
operating privilege imposed by the state or federal court, 1841
whichever is earlier. 1842

The registrar shall subscribe to or otherwise participate in 1843
any information system or register, or enter into reciprocal and 1844
mutual agreements with other states and federal authorities, in 1845
order to facilitate the exchange of information with other states 1846
and the United States government regarding persons who plead 1847
guilty to or are convicted of offenses described in this division 1848
and therefore are subject to the suspension or denial described in 1849
this division. 1850

(B) The registrar shall impose a class D suspension of the 1851
person's driver's license, commercial driver's license, temporary 1852
instruction permit, probationary license, or nonresident operating 1853
privilege for the period of time specified in division (B)(4) of 1854
section 4510.02 of the Revised Code on any person who is a 1855
resident of this state and is convicted of or pleads guilty to a 1856
violation of a statute of any other state or a municipal ordinance 1857
of a municipal corporation located in any other state that is 1858
substantially similar to section 4511.19 of the Revised Code. Upon 1859
receipt of a report from another state made pursuant to section 1860
4510.61 of the Revised Code indicating that a resident of this 1861
state was convicted of or pleaded guilty to an offense described 1862

in this division, the registrar shall send a notice by regular 1863
first class mail to the person, at the person's last known address 1864
as shown in the records of the bureau of motor vehicles, informing 1865
the person of the suspension, that the suspension or denial will 1866
take effect twenty-one days from the date of the notice, and that, 1867
if the person wishes to appeal the suspension, the person must 1868
file a notice of appeal within twenty-one days of the date of the 1869
notice requesting a hearing on the matter. If the person requests 1870
a hearing, the registrar shall hold the hearing not more than 1871
forty days after receipt by the registrar of the notice of appeal. 1872
The filing of a notice of appeal does not stay the operation of 1873
the suspension that must be imposed pursuant to this division. The 1874
scope of the hearing shall be limited to whether the person 1875
actually was convicted of or pleaded guilty to the offense for 1876
which the suspension is to be imposed. 1877

The suspension the registrar is required to impose under this 1878
division shall end either on the last day of the class D 1879
suspension period or of the suspension of the person's nonresident 1880
operating privilege imposed by the state or federal court, 1881
whichever is earlier. 1882

(C) The registrar shall impose a class D suspension of the 1883
child's driver's license, commercial driver's license, temporary 1884
instruction permit, or nonresident operating privilege for the 1885
period of time specified in division (B)(4) of section 4510.02 of 1886
the Revised Code on any child who is a resident of this state and 1887
is convicted of or pleads guilty to a violation of a statute of 1888
any other state or any federal statute that is substantially 1889
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1890
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 1891
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 1892
receipt of a report from a court, court clerk, or other official 1893
of any other state or from any federal authority that a child who 1894

is a resident of this state was convicted of or pleaded guilty to 1895
an offense described in this division, the registrar shall send a 1896
notice by regular first class mail to the child, at the child's 1897
last known address as shown in the records of the bureau of motor 1898
vehicles, informing the child of the suspension, that the 1899
suspension or denial will take effect twenty-one days from the 1900
date of the notice, and that, if the child wishes to appeal the 1901
suspension, the child must file a notice of appeal within 1902
twenty-one days of the date of the notice requesting a hearing on 1903
the matter. If the child requests a hearing, the registrar shall 1904
hold the hearing not more than forty days after receipt by the 1905
registrar of the notice of appeal. The filing of a notice of 1906
appeal does not stay the operation of the suspension that must be 1907
imposed pursuant to this division. The scope of the hearing shall 1908
be limited to whether the child actually was convicted of or 1909
pleaded guilty to the offense for which the suspension is to be 1910
imposed. 1911

The suspension the registrar is required to impose under this 1912
division shall end either on the last day of the class D 1913
suspension period or of the suspension of the child's nonresident 1914
operating privilege imposed by the state or federal court, 1915
whichever is earlier. If the child is a resident of this state who 1916
is sixteen years of age or older and does not have a current, 1917
valid Ohio driver's or commercial driver's license or permit, the 1918
notice shall inform the child that the child will be denied 1919
issuance of a driver's or commercial driver's license or permit 1920
for six months beginning on the date of the notice. If the child 1921
has not attained the age of sixteen years on the date of the 1922
notice, the notice shall inform the child that the period of 1923
denial of six months shall commence on the date the child attains 1924
the age of sixteen years. 1925

The registrar shall subscribe to or otherwise participate in 1926

any information system or register, or enter into reciprocal and 1927
mutual agreements with other states and federal authorities, in 1928
order to facilitate the exchange of information with other states 1929
and the United States government regarding children who are 1930
residents of this state and plead guilty to or are convicted of 1931
offenses described in this division and therefore are subject to 1932
the suspension or denial described in this division. 1933

(D) The registrar shall impose a class D suspension of the 1934
child's driver's license, commercial driver's license, temporary 1935
instruction permit, probationary license, or nonresident operating 1936
privilege for the period of time specified in division (B)(4) of 1937
section 4510.02 of the Revised Code on any child who is a resident 1938
of this state and is convicted of or pleads guilty to a violation 1939
of a statute of any other state or a municipal ordinance of a 1940
municipal corporation located in any other state that is 1941
substantially similar to section 4511.19 of the Revised Code. Upon 1942
receipt of a report from another state made pursuant to section 1943
4510.61 of the Revised Code indicating that a child who is a 1944
resident of this state was convicted of or pleaded guilty to an 1945
offense described in this division, the registrar shall send a 1946
notice by regular first class mail to the child, at the child's 1947
last known address as shown in the records of the bureau of motor 1948
vehicles, informing the child of the suspension, that the 1949
suspension will take effect twenty-one days from the date of the 1950
notice, and that, if the child wishes to appeal the suspension, 1951
the child must file a notice of appeal within twenty-one days of 1952
the date of the notice requesting a hearing on the matter. If the 1953
child requests a hearing, the registrar shall hold the hearing not 1954
more than forty days after receipt by the registrar of the notice 1955
of appeal. The filing of a notice of appeal does not stay the 1956
operation of the suspension that must be imposed pursuant to this 1957
division. The scope of the hearing shall be limited to whether the 1958
child actually was convicted of or pleaded guilty to the offense 1959

for which the suspension is to be imposed. 1960

The suspension the registrar is required to impose under this 1961
division shall end either on the last day of the class D 1962
suspension period or of the suspension of the child's nonresident 1963
operating privilege imposed by the state or federal court, 1964
whichever is earlier. If the child is a resident of this state who 1965
is sixteen years of age or older and does not have a current, 1966
valid Ohio driver's or commercial driver's license or permit, the 1967
notice shall inform the child that the child will be denied 1968
issuance of a driver's or commercial driver's license or permit 1969
for six months beginning on the date of the notice. If the child 1970
has not attained the age of sixteen years on the date of the 1971
notice, the notice shall inform the child that the period of 1972
denial of six months shall commence on the date the child attains 1973
the age of sixteen years. 1974

(E) Any person whose license or permit has been suspended 1975
pursuant to this section may file a petition in the municipal or 1976
county court, or in case the person is under eighteen years of 1977
age, the juvenile court, in whose jurisdiction the person resides, 1978
agreeing to pay the cost of the proceedings and alleging that the 1979
suspension would seriously affect the person's ability to continue 1980
the person's employment. Upon satisfactory proof that there is 1981
reasonable cause to believe that the suspension would seriously 1982
affect the person's ability to continue the person's employment, 1983
the judge may grant the person limited driving privileges during 1984
the period during which the suspension otherwise would be imposed, 1985
except that the judge shall not grant limited driving privileges 1986
for employment as a driver of a commercial motor vehicle to any 1987
person who would be disqualified from operating a commercial motor 1988
vehicle under section 4506.16 of the Revised Code if the violation 1989
had occurred in this state, or during any of the following periods 1990
of time: 1991

(1) The first fifteen days of a suspension under division (B) 1992
or (D) of this section, if the person has not been convicted 1993
within six years of the date of the offense giving rise to the 1994
suspension under this section of a violation of any of the 1995
following: 1996

(a) Section 4511.19 of the Revised Code, or a municipal 1997
ordinance relating to operating a vehicle while under the 1998
influence of alcohol, a drug of abuse, or alcohol and a drug of 1999
abuse; 2000

(b) A municipal ordinance relating to operating a motor 2001
vehicle with a prohibited concentration of alcohol, a controlled 2002
substance, or a metabolite of a controlled substance in the whole 2003
blood, blood serum or plasma, breath, or urine; 2004

(c) Section 2903.04 of the Revised Code in a case in which 2005
the person was subject to the sanctions described in division (D) 2006
of that section; 2007

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 2008
section 2903.08 of the Revised Code or a municipal ordinance that 2009
is substantially similar to either of those divisions; 2010

(e) Division (A)(2), (3), ~~or (4)~~, or (5) of section 2903.06, 2011
division (A)(2) of section 2903.08, or as it existed prior to 2012
March 23, 2000, section 2903.07 of the Revised Code, or a 2013
municipal ordinance that is substantially similar to any of those 2014
divisions or that former section, in a case in which the jury or 2015
judge found that the person was under the influence of alcohol, a 2016
drug of abuse, or alcohol and a drug of abuse. 2017

(2) The first thirty days of a suspension under division (B) 2018
or (D) of this section, if the person has been convicted one time 2019
within six years of the date of the offense giving rise to the 2020
suspension under this section of any violation identified in 2021
division (E)(1) of this section. 2022

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

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

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

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

A person granted limited driving privileges who operates a
vehicle for other than limited purposes, in violation of any
condition imposed by the court or without having the permit in the

person's possession, is guilty of a violation of section 4510.11 2055
of the Revised Code. 2056

(F) As used in divisions (C) and (D) of this section: 2057

(1) "Child" means a person who is under the age of eighteen 2058
years, except that any person who violates a statute or ordinance 2059
described in division (C) or (D) of this section prior to 2060
attaining eighteen years of age shall be deemed a "child" 2061
irrespective of the person's age at the time the complaint or 2062
other equivalent document is filed in the other state or a 2063
hearing, trial, or other proceeding is held in the other state on 2064
the complaint or other equivalent document, and irrespective of 2065
the person's age when the period of license suspension or denial 2066
prescribed in division (C) or (D) of this section is imposed. 2067

(2) "Is convicted of or pleads guilty to" means, as it 2068
relates to a child who is a resident of this state, that in a 2069
proceeding conducted in a state or federal court located in 2070
another state for a violation of a statute or ordinance described 2071
in division (C) or (D) of this section, the result of the 2072
proceeding is any of the following: 2073

(a) Under the laws that govern the proceedings of the court, 2074
the child is adjudicated to be or admits to being a delinquent 2075
child or a juvenile traffic offender for a violation described in 2076
division (C) or (D) of this section that would be a crime if 2077
committed by an adult; 2078

(b) Under the laws that govern the proceedings of the court, 2079
the child is convicted of or pleads guilty to a violation 2080
described in division (C) or (D) of this section; 2081

(c) Under the laws that govern the proceedings of the court, 2082
irrespective of the terminology utilized in those laws, the result 2083
of the court's proceedings is the functional equivalent of 2084
division (F)(2)(a) or (b) of this section. 2085

Sec. 4510.41. (A) As used in this section: 2086

(1) "Arrested person" means a person who is arrested for a 2087
violation of division (A)(5) of section 2903.06 or of section 2088
4510.14, 4510.16, ~~or~~ 4511.203, or 4511.251 of the Revised Code, or 2089
a municipal ordinance that is substantially equivalent to that 2090
division or any of those sections, and whose arrest results in a 2091
vehicle being seized under division (B) of this section. 2092

(2) "Vehicle owner" means either of the following: 2093

(a) The person in whose name is registered, at the time of 2094
the seizure, a vehicle that is seized under division (B) of this 2095
section; 2096

(b) A person to whom the certificate of title to a vehicle 2097
that is seized under division (B) of this section has been 2098
assigned and who has not obtained a certificate of title to the 2099
vehicle in that person's name, but who is deemed by the court as 2100
being the owner of the vehicle at the time the vehicle was seized 2101
under division (B) of this section. 2102

(3) "Interested party" includes the owner of a vehicle seized 2103
under this section, all lienholders, the arrested person, the 2104
owner of the place of storage at which a vehicle seized under this 2105
section is stored, and the person or entity that caused the 2106
vehicle to be removed. 2107

(B)(1) If a person is arrested for a violation of division 2108
(A)(5) of section 2903.06 or of section 4510.14 ~~or~~, 4511.203, or 2109
4511.251 of the Revised Code or a municipal ordinance that is 2110
substantially equivalent to ~~either~~ that division or any of those 2111
sections or if a person is arrested for a violation of section 2112
4510.16 of the Revised Code or a municipal ordinance that is 2113
substantially equivalent to that section and if division (B)(3) of 2114
section 4510.16 or division (B)(2) of section 4510.161 of the 2115

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

(2) The arresting officer or a law enforcement officer of the 2145
agency that employs the arresting officer shall give written 2146
notice of the seizure under division (B)(1) of this section to the 2147
court that will conduct the initial appearance of the arrested 2148

person on the charges arising out of the arrest. Upon receipt of 2149
the notice, the court promptly shall determine whether the 2150
arrested person is the vehicle owner. If the court determines that 2151
the arrested person is not the vehicle owner, it promptly shall 2152
send by regular mail written notice of the seizure to the 2153
vehicle's registered owner. The written notice shall contain all 2154
of the information required by division (B)(1) of this section to 2155
be in a notice to be given to the arrested person and also shall 2156
specify the date, time, and place of the arrested person's initial 2157
appearance. The notice also shall inform the vehicle owner that if 2158
title to a motor vehicle that is subject to an order for criminal 2159
forfeiture under this section is assigned or transferred and 2160
division (B)(2) or (3) of section 4503.234 of the Revised Code 2161
applies, the court may fine the arrested person the value of the 2162
vehicle. The notice also shall state that if the vehicle is 2163
immobilized under division (A) of section 4503.233 of the Revised 2164
Code, seven days after the end of the period of immobilization a 2165
law enforcement agency will send the vehicle owner a notice, 2166
informing the owner that if the release of the vehicle is not 2167
obtained in accordance with division (D)(3) of section 4503.233 of 2168
the Revised Code, the vehicle shall be forfeited. The notice also 2169
shall inform the vehicle owner that the owner may be charged 2170
expenses or charges incurred under this section and section 2171
4503.233 of the Revised Code for the removal and storage of the 2172
vehicle. 2173

The written notice that is given to the arrested person also 2174
shall state that if the person is convicted of or pleads guilty to 2175
the offense and the court issues an immobilization and impoundment 2176
order relative to that vehicle, division (D)(4) of section 2177
4503.233 of the Revised Code prohibits the vehicle from being sold 2178
during the period of immobilization without the prior approval of 2179
the court. 2180

(3) At or before the initial appearance, the vehicle owner 2181
may file a motion requesting the court to order that the vehicle 2182
and its license plates be released to the vehicle owner. Except as 2183
provided in this division and subject to the payment of expenses 2184
or charges incurred in the removal and storage of the vehicle, the 2185
court, in its discretion, then may issue an order releasing the 2186
vehicle and its license plates to the vehicle owner. Such an order 2187
may be conditioned upon such terms as the court determines 2188
appropriate, including the posting of a bond in an amount 2189
determined by the court. If the arrested person is not the vehicle 2190
owner and if the vehicle owner is not present at the arrested 2191
person's initial appearance, and if the court believes that the 2192
vehicle owner was not provided with adequate notice of the initial 2193
appearance, the court, in its discretion, may allow the vehicle 2194
owner to file a motion within seven days of the initial 2195
appearance. If the court allows the vehicle owner to file such a 2196
motion after the initial appearance, the extension of time granted 2197
by the court does not extend the time within which the initial 2198
appearance is to be conducted. If the court issues an order for 2199
the release of the vehicle and its license plates, a copy of the 2200
order shall be made available to the vehicle owner. If the vehicle 2201
owner presents a copy of the order to the law enforcement agency 2202
that employs the law enforcement officer who arrested the arrested 2203
person, the law enforcement agency promptly shall release the 2204
vehicle and its license plates to the vehicle owner upon payment 2205
by the vehicle owner of any expenses or charges incurred in the 2206
removal or storage of the vehicle. 2207

(4) A vehicle seized under division (B)(1) of this section 2208
either shall be towed to a place specified by the law enforcement 2209
agency that employs the arresting officer to be safely kept by the 2210
agency at that place for the time and in the manner specified in 2211
this section or shall be otherwise immobilized for the time and in 2212
the manner specified in this section. A law enforcement officer of 2213

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

(a) The place is leased by or otherwise under the control of 2223
a law enforcement or other government agency. 2224

(b) The place is owned by the arrested person, the arrested 2225
person's spouse, or a parent or child of the arrested person. 2226

(c) The place is owned by a private person or entity, and, 2227
prior to the immobilization, the private entity or person that 2228
owns the place, or the authorized agent of that private entity or 2229
person, has given express written consent for the immobilization 2230
to be carried out at that place. 2231

(d) The place is a public street or highway on which the 2232
vehicle is parked in accordance with the law. 2233

(C)(1) A vehicle seized under division (B)(1) of this section 2234
shall be safely kept at the place to which it is towed or 2235
otherwise moved by the law enforcement agency that employs the 2236
arresting officer until the initial appearance of the arrested 2237
person relative to the charge in question. The license plates of 2238
the vehicle that are removed pursuant to division (B)(1) of this 2239
section shall be safely kept by the law enforcement agency that 2240
employs the arresting officer until at least the initial 2241
appearance of the arrested person relative to the charge in 2242
question. 2243

(2)(a) At the initial appearance or not less than seven days 2244

prior to the date of final disposition, the court shall notify the
arrested person that, if title to a motor vehicle that is subject
to an order for criminal forfeiture under this section is assigned
or transferred and division (B)(2) or (3) of section 4503.234 of
the Revised Code applies, the court may fine the arrested person
the value of the vehicle. If, at the initial appearance, the
arrested person pleads guilty to the violation of division (A)(5)
of section 2903.06 or of section 4510.14, 4510.16, ~~or~~ 4511.203, or
4511.251 of the Revised Code, or a municipal ordinance that is
substantially equivalent to that division or any of those sections
or pleads no contest to and is convicted of the violation, the
following sentencing provisions apply:

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

(ii) If the person violated section 4510.16 of the Revised

Code or a municipal ordinance that is substantially equivalent to 2277
that section and division (B)(2) of section 4510.16 or division 2278
(B)(1) of section 4510.161 applies, the court shall impose 2279
sentence upon the person as provided by law or ordinance and may 2280
order the immobilization of the vehicle the person was operating 2281
at the time of, or that was involved in, the offense if it is 2282
registered in the arrested person's name and the impoundment of 2283
its license plates under section 4503.233 and section 4510.16 or 2284
4510.161 of the Revised Code, and the vehicle and its license 2285
plates shall not be returned or released to the arrested person. 2286

(b) If, at any time, the charge that the arrested person 2287
violated section 2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 2288
4511.251 of the Revised Code, or a municipal ordinance that is 2289
substantially equivalent to any of those sections is dismissed for 2290
any reason, the court shall order that the vehicle seized at the 2291
time of the arrest and its license plates immediately be released 2292
to the person. 2293

(D) If a vehicle and its license plates are seized under 2294
division (B)(1) of this section and are not returned or released 2295
to the arrested person pursuant to division (C) of this section, 2296
the vehicle and its license plates shall be retained until the 2297
final disposition of the charge in question. Upon the final 2298
disposition of that charge, the court shall do whichever of the 2299
following is applicable: 2300

(1) If the arrested person is convicted of or pleads guilty 2301
to the violation of section 4510.14 or 4511.203 of the Revised 2302
Code, or a municipal ordinance that is substantially equivalent to 2303
either of those sections, or to the violation of section 4510.16 2304
of the Revised Code or a municipal ordinance that is substantially 2305
equivalent to that section and division (B)(3) of section 4510.16 2306
or division (B)(2) of section 4510.161 of the Revised Code 2307
applies, the court shall impose sentence upon the person as 2308

provided by law or ordinance and shall order the immobilization of 2309
the vehicle the person was operating at the time of, or that was 2310
involved in, the offense if it is registered in the arrested 2311
person's name and the impoundment of its license plates under 2312
section 4503.233 and section 4510.14, 4510.16, 4510.161, or 2313
4511.203 of the Revised Code or the criminal forfeiture of the 2314
vehicle if it is registered in the arrested person's name under 2315
section 4503.234 and section 2903.06, 4510.14, 4510.16, 4510.161, 2316
~~or~~ 4511.203, or 4511.251 of the Revised Code, whichever is 2317
applicable. 2318

(2) If the person violated section 4510.16 of the Revised 2319
Code or a municipal ordinance that is substantially equivalent to 2320
that section and division (B)(2) of section 4510.16 or division 2321
(B)(1) of section 4510.161 applies, the court shall impose 2322
sentence upon the person as provided by law or ordinance and may 2323
order the immobilization of the vehicle the person was operating 2324
at the time of, or that was involved in, the offense if it is 2325
registered in the person's name and the impoundment of its license 2326
plates under section 4503.233 and section 4510.16 or 4510.161 of 2327
the Revised Code. 2328

(3) If the arrested person is found not guilty of the 2329
violation of section 2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 2330
4511.251 of the Revised Code, or a municipal ordinance that is 2331
substantially equivalent to any of those sections, the court shall 2332
order that the vehicle and its license plates immediately be 2333
released to the arrested person. 2334

(4) If the charge that the arrested person violated section 2335
2903.06, 4510.14, 4510.16, ~~or~~ 4511.203, or 4511.251 of the Revised 2336
Code, or a municipal ordinance that is substantially equivalent to 2337
any of those sections is dismissed for any reason, the court shall 2338
order that the vehicle and its license plates immediately be 2339
released to the arrested person. 2340

(5) If the impoundment of the vehicle was not authorized 2341
under this section, the court shall order that the vehicle and its 2342
license plates be returned immediately to the arrested person or, 2343
if the arrested person is not the vehicle owner, to the vehicle 2344
owner and shall order that the state or political subdivision of 2345
the law enforcement agency served by the law enforcement officer 2346
who seized the vehicle pay all expenses and charges incurred in 2347
its removal and storage. 2348

(E) If a vehicle is seized under division (B)(2) of this 2349
section, the time between the seizure of the vehicle and either 2350
its release to the arrested person pursuant to division (C) of 2351
this section or the issuance of an order of immobilization of the 2352
vehicle under section 4503.233 of the Revised Code shall be 2353
credited against the period of immobilization ordered by the 2354
court. 2355

(F)(1) Except as provided in division (D)(4) of this section, 2356
the arrested person may be charged expenses or charges incurred in 2357
the removal and storage of the immobilized vehicle. The court with 2358
jurisdiction over the case, after notice to all interested 2359
parties, including lienholders, and after an opportunity for them 2360
to be heard, if the court finds that the arrested person does not 2361
intend to seek release of the vehicle at the end of the period of 2362
immobilization under section 4503.233 of the Revised Code or that 2363
the arrested person is not or will not be able to pay the expenses 2364
and charges incurred in its removal and storage, may order that 2365
title to the vehicle be transferred, in order of priority, first 2366
into the name of the person or entity that removed it, next into 2367
the name of a lienholder, or lastly into the name of the owner of 2368
the place of storage. 2369

Any lienholder that receives title under a court order shall 2370
do so on the condition that it pay any expenses or charges 2371
incurred in the vehicle's removal and storage. If the person or 2372

entity that receives title to the vehicle is the person or entity 2373
that removed it, the person or entity shall receive title on the 2374
condition that it pay any lien on the vehicle. The court shall not 2375
order that title be transferred to any person or entity other than 2376
the owner of the place of storage if the person or entity refuses 2377
to receive the title. Any person or entity that receives title 2378
either may keep title to the vehicle or may dispose of the vehicle 2379
in any legal manner that it considers appropriate, including 2380
assignment of the certificate of title to the motor vehicle to a 2381
salvage dealer or a scrap metal processing facility. The person or 2382
entity shall not transfer the vehicle to the person who is the 2383
vehicle's immediate previous owner. 2384

If the person or entity that receives title assigns the motor 2385
vehicle to a salvage dealer or scrap metal processing facility, 2386
the person or entity shall send the assigned certificate of title 2387
to the motor vehicle to the clerk of the court of common pleas of 2388
the county in which the salvage dealer or scrap metal processing 2389
facility is located. The person or entity shall mark the face of 2390
the certificate of title with the words "FOR DESTRUCTION" and 2391
shall deliver a photocopy of the certificate of title to the 2392
salvage dealer or scrap metal processing facility for its records. 2393

(2) Whenever a court issues an order under division (F)(1) of 2394
this section, the court also shall order removal of the license 2395
plates from the vehicle and cause them to be sent to the registrar 2396
if they have not already been sent to the registrar. Thereafter, 2397
no further proceedings shall take place under this section or 2398
under section 4503.233 of the Revised Code. 2399

(3) Prior to initiating a proceeding under division (F)(1) of 2400
this section, and upon payment of the fee under division (B) of 2401
section 4505.14, any interested party may cause a search to be 2402
made of the public records of the bureau of motor vehicles or the 2403
clerk of the court of common pleas, to ascertain the identity of 2404

any lienholder of the vehicle. The initiating party shall furnish 2405
this information to the clerk of the court with jurisdiction over 2406
the case, and the clerk shall provide notice to the arrested 2407
person, any lienholder, and any other interested parties listed by 2408
the initiating party, at the last known address supplied by the 2409
initiating party, by certified mail, or, at the option of the 2410
initiating party, by personal service or ordinary mail. 2411

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 2412
the Revised Code: 2413

(A) "Equivalent offense" means any of the following: 2414

(1) A violation of division (A) or (B) of section 4511.19 of 2415
the Revised Code; 2416

(2) A violation of a municipal OVI ordinance; 2417

(3) A violation of section 2903.04 of the Revised Code in a 2418
case in which the offender was subject to the sanctions described 2419
in division (D) of that section; 2420

(4) A violation of division (A)(1) of section 2903.06 or 2421
2903.08 of the Revised Code or a municipal ordinance that is 2422
substantially equivalent to either of those divisions; 2423

(5) A violation of division (A)(2), (3), ~~or (4)~~, or (5) of 2424
section 2903.06, division (A)(2) of section 2903.08, or former 2425
section 2903.07 of the Revised Code, or a municipal ordinance that 2426
is substantially equivalent to any of those divisions or that 2427
former section, in a case in which a judge or jury as the trier of 2428
fact found that the offender was under the influence of alcohol, a 2429
drug of abuse, or a combination of them; 2430

(6) A violation of division (A) or (B) of section 1547.11 of 2431
the Revised Code; 2432

(7) A violation of a municipal ordinance prohibiting a person 2433
from operating or being in physical control of any vessel underway 2434

or from manipulating any water skis, aquaplane, or similar device 2435
on the waters of this state while under the influence of alcohol, 2436
a drug of abuse, or a combination of them or prohibiting a person 2437
from operating or being in physical control of any vessel underway 2438
or from manipulating any water skis, aquaplane, or similar device 2439
on the waters of this state with a prohibited concentration of 2440
alcohol, a controlled substance, or a metabolite of a controlled 2441
substance in the whole blood, blood serum or plasma, breath, or 2442
urine; 2443

(8) A violation of an existing or former municipal ordinance, 2444
law of another state, or law of the United States that is 2445
substantially equivalent to division (A) or (B) of section 4511.19 2446
or division (A) or (B) of section 1547.11 of the Revised Code; 2447

(9) A violation of a former law of this state that was 2448
substantially equivalent to division (A) or (B) of section 4511.19 2449
or division (A) or (B) of section 1547.11 of the Revised Code. 2450

(B) "Mandatory jail term" means the mandatory term in jail of 2451
three, six, ten, twenty, thirty, or sixty days that must be 2452
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 2453
of the Revised Code upon an offender convicted of a violation of 2454
division (A) of that section and in relation to which all of the 2455
following apply: 2456

(1) Except as specifically authorized under section 4511.19 2457
of the Revised Code, the term must be served in a jail. 2458

(2) Except as specifically authorized under section 4511.19 2459
of the Revised Code, the term cannot be suspended, reduced, or 2460
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 2461
other provision of the Revised Code. 2462

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2463
mean any municipal ordinance prohibiting a person from operating a 2464
vehicle while under the influence of alcohol, a drug of abuse, or 2465

a combination of them or prohibiting a person from operating a 2466
vehicle with a prohibited concentration of alcohol, a controlled 2467
substance, or a metabolite of a controlled substance in the whole 2468
blood, blood serum or plasma, breath, or urine. 2469

(D) "Community residential sanction," "continuous alcohol 2470
monitoring," "jail," "mandatory prison term," "mandatory term of 2471
local incarceration," "sanction," and "prison term" have the same 2472
meanings as in section 2929.01 of the Revised Code. 2473

(E) "Drug of abuse" has the same meaning as in section 2474
4506.01 of the Revised Code. 2475

(F) "Equivalent offense that is vehicle-related" means an 2476
equivalent offense that is any of the following: 2477

(1) A violation described in division (A)(1), (2), (3), (4), 2478
or (5) of this section; 2479

(2) A violation of an existing or former municipal ordinance, 2480
law of another state, or law of the United States that is 2481
substantially equivalent to division (A) or (B) of section 4511.19 2482
of the Revised Code; 2483

(3) A violation of a former law of this state that was 2484
substantially equivalent to division (A) or (B) of section 4511.19 2485
of the Revised Code. 2486

Sec. 4511.251. (A)(1) As used in this section and section 2487
4510.036 of the Revised Code, "street racing" means the operation 2488
of two or more vehicles from a point side by side at accelerating 2489
speeds in a competitive attempt to out-distance each other or the 2490
operation of one or more vehicles over a common selected course, 2491
from the same point to the same point, wherein timing is made of 2492
the participating vehicles involving competitive accelerations or 2493
speeds. ~~Persons rendering assistance in any manner to such~~ 2494
~~competitive use of vehicles shall be equally charged as the~~ 2495

participants. The 2496

(2) The operation of two or more vehicles side by side either 2497
at speeds in excess of prima-facie lawful speeds established by 2498
divisions (B)(1)(a) to (B)(8) of section 4511.21 of the Revised 2499
Code or rapidly accelerating from a common starting point to a 2500
speed in excess of such prima-facie lawful speeds shall be 2501
prima-facie evidence of street racing. 2502

(B) No person shall participate in street racing upon any 2503
public road, street, or highway in this state. 2504

(C)(1) Whoever violates division (B) of this section is 2505
guilty of street racing. 2506

(2) Except as otherwise provided in divisions (C)(3) to (7) 2507
of this section, street racing is a misdemeanor of the first 2508
degree. In addition to any other sanctions, the court shall 2509
suspend the offender's driver's license, commercial driver's 2510
license, temporary instruction permit, probationary license, or 2511
nonresident operating privilege for not less than thirty days or 2512
more than three years. No judge shall suspend the first thirty 2513
days of any suspension of an offender's license, permit, or 2514
privilege imposed under this division 2515

(3) Except as otherwise provided in divisions (C)(4) to (7) 2516
of this section, street racing is a felony of the fifth degree if 2517
the offender knew or had reasonable cause to believe that a device 2518
or apparatus was connected to any vehicle participating in the 2519
street race so as to inject nitrous oxide into the fuel or the 2520
combustion chambers of the engine of the vehicle during the street 2521
race. 2522

(4) Except as otherwise provided in divisions (C)(5) to (7) 2523
of this section, street racing is a felony of the fourth degree if 2524
either of the following applies: 2525

(a) The offender previously has been convicted of or pleaded guilty to one or more violations of section 4511.20 of the Revised Code, division (B) of this section, or a municipal ordinance that is substantially equivalent to that section or division; 2526
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(b) The violation caused physical harm to property in an amount exceeding one thousand dollars or physical harm to any person, whether or not the physical harm was caused directly by the offender. 2530
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(5) Except as otherwise provided in division (C)(7) of this section, street racing is a felony of the third degree if the offender knew or had reasonable cause to believe that a device or apparatus was connected to any vehicle participating in the street race so as to inject nitrous oxide into the fuel or the combustion chambers of the engine of the vehicle during the street race and either of the following applies: 2534
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(a) The offender previously has been convicted of or pleaded guilty to one or more violations of section 4511.20 of the Revised Code, division (B) of this section, or a municipal ordinance that is substantially equivalent to that section or division; 2541
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(b) The violation caused physical harm to property in an amount exceeding one thousand dollars or physical harm to any person, whether or not the physical harm was caused directly by the offender. 2545
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(6) Except as otherwise provided in division (C)(7) of this section, street racing is a felony of the third degree if the violation caused serious physical harm to any person, whether or not the serious physical harm was caused directly by the offender. 2549
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(7) Street racing is a felony of the second degree if the offender knew or had reasonable cause to believe that a device or apparatus was connected to any vehicle participating in the street race so as to inject nitrous oxide into the fuel or the combustion 2553
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chambers of the engine of the vehicle during the street race and 2557
the violation caused serious physical harm to any person, whether 2558
or not the serious physical harm was caused directly by the 2559
offender. 2560

(D) In addition to any other penalty for a violation of 2561
division (B) of this section, the court shall suspend the 2562
offender's driver's license, commercial driver's license, 2563
temporary instruction permit, probationary license, or nonresident 2564
operating privilege for a period of not less than thirty days and 2565
not more than three years. 2566

(E)(1) In addition to any other sanctions and in accordance 2567
with divisions (E)(2) and (3) of this section, the court shall 2568
order the immobilization and impoundment of the license plates of 2569
or criminal forfeiture of the motor vehicle the offender was 2570
operating at the time the offender violated division (B) of this 2571
section if either of the following applies: 2572

(a) The motor vehicle the offender was operating at the time 2573
of the violation is registered in the offender's name. 2574

(b) The motor vehicle the offender was operating at the time 2575
of the violation is not registered in the offender's name but is 2576
registered in the name of another person, and the person in whose 2577
name the motor vehicle is registered knew or had reasonable cause 2578
to believe that the offender would operate the motor vehicle in 2579
violation of section 4511.251 of the Revised Code or a 2580
substantially equivalent municipal ordinance. 2581

(2) When division (E)(1) of this section applies, the court 2582
shall order the immobilization of the vehicle involved in the 2583
offense for a period of one hundred eighty days in accordance with 2584
section 4503.233 of the Revised Code and impoundment of the 2585
license plates of that vehicle for a period of one hundred eighty 2586
days in any case in which the penalty for a violation of division 2587

(B) of this section is a misdemeanor of the first degree. In all other cases in which division (E)(1) of this section applies, the court shall order the criminal forfeiture of the vehicle. 2588
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(3) Any forfeiture of a motor vehicle under this section shall be in accordance with section 4503.234 of the Revised Code. If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, the court, in addition to any other sanctions, may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section. 2591
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Sec. 4511.253. Every retailer who sells at retail nitrous oxide shall conspicuously post a sign that contains the following language: "Street racing on the public roads, streets, and highways of Ohio is illegal and punishable by a fine, a jail term or prison term, suspension of a person's driver's or commercial driver's license, and criminal forfeiture of any vehicle involved in a street race. Violators of Ohio's prohibition on street racing are subject to increased penalties if the motor vehicle operated by the individual in an illegal street race is enhanced by the use of nitrous oxide." The sign shall be of sufficient size to be clearly legible to a person of normal vision. The department of public safety shall make the sign available at no charge on its internet web site. 2601
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Section 2. That existing sections 2743.51, 2903.06, 2929.01, 2935.03, 4503.234, 4510.17, 4510.41, 4511.181, and 4511.251 of the Revised Code are hereby repealed. 2614
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Section 3. The "Ohio Uniform Traffic Ticket," described in 2617

Traffic Rule 3(A) and (B), shall be amended as needed in order to 2618
implement this act. 2619

Section 4. The General Assembly, applying the principle 2620
stated in division (B) of section 1.52 of the Revised Code that 2621
amendments are to be harmonized if reasonably capable of 2622
simultaneous operation, finds that the following sections, 2623
presented in this act as composites of the sections as amended by 2624
the acts indicated, are the resulting versions of the sections in 2625
effect prior to the effective date of the sections as presented in 2626
this act: 2627

Section 4503.234 of the Revised Code as amended by both Sub. 2628
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 2629

Section 4510.41 of the Revised Code as amended by both Sub. 2630
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 2631