

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 49

Representative Combs

Cosponsors: Representatives Grossman, Beck

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A B I L L

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

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

Section 1. That sections 120.36, 2937.22, 2949.091, 2949.094, 12
2949.111, 4507.45, 4510.22, and 4511.19 of the Revised Code be 13
amended to read as follows: 14

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 15
(5), or (6) of this section, if a person who is a defendant in a 16
criminal case or a party in a case in juvenile court requests or 17
is provided a state public defender, a county or joint county 18
public defender, or any other counsel appointed by the court, the 19

court in which the criminal case is initially filed or the juvenile court, whichever is applicable, shall assess, unless the application fee is waived or reduced, a non-refundable application fee of twenty-five dollars.

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

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

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

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

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

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

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

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

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

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

assessed against a person who is found to be able to contribute 82
toward the cost of the person's legal representation pursuant to 83
division (D) of section 2941.51 of the Revised Code. 84

(D) The (1) Except as otherwise provided in division (D)(2) 85
of this section, the clerk of the court that assessed the fees 86
shall forward all application fees collected pursuant to this 87
section to the county treasurer for deposit in the county 88
treasury. The county shall retain eighty per cent of the 89
application fees so collected to offset the costs of providing 90
legal representation to indigent persons. Not later than the last 91
day of each month, the county auditor shall remit twenty per cent 92
of the application fees so collected in the previous month to the 93
state public defender. The state public defender shall deposit the 94
remitted fees into the state treasury to the credit of the client 95
payment fund created pursuant to division (B)(5) of section 120.04 96
of the Revised Code. The state public defender may use that money 97
in accordance with that section. 98

(2) If the court that assessed the fees is a municipal court 99
that is not a county-operated municipal court and appoints counsel 100
for indigent defendants in a manner other than that provided in 101
section 120.33 of the Revised Code, the clerk of the court that 102
assessed the fees shall forward all application fees collected 103
pursuant to this section to the treasurer of the municipal 104
corporation, and the treasurer shall deposit them into a separate 105
account to be used to compensate counsel appointed by the court 106
for indigent defendants. 107

(E) On or before the twentieth day of each month beginning in 108
February of the year 2007, each clerk of court shall provide to 109
the state public defender a report including all of the following: 110

(1) The number of persons in the previous month who requested 111
or were provided a state public defender, county or joint county 112
public defender, or other counsel appointed by the court; 113

(2) The number of persons in the previous month for whom the court waived the application fee pursuant to division (A) of this section;	114 115 116
(3) The dollar value of the application fees assessed pursuant to division (A) of this section in the previous month;	117 118
(4) The amount of assessed application fees collected in the previous month;	119 120
(5) The balance of unpaid assessed application fees at the open and close of the previous month.	121 122
(F) As used in this section:	123
(1) "Clerk of court" means the clerk of the court of common pleas of the county, the clerk of the juvenile court of the county, the clerk of the domestic relations division of the court of common pleas of the county, the clerk of the probate court of the county, the clerk of a municipal court in the county, the clerk of a county-operated municipal court, or the clerk of a county court in the county, whichever is applicable.	124 125 126 127 128 129 130
(2) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.	131 132
Sec. 2937.22. (A) Bail is security for the appearance of an accused to appear and answer to a specific criminal or quasi-criminal charge in any court or before any magistrate at a specific time or at any time to which a case may be continued, and not depart without leave. It may take any of the following forms:	133 134 135 136 137
(1) The deposit of cash by the accused or by some other person for the accused;	138 139
(2) The deposit by the accused or by some other person for the accused in form of bonds of the United States, this state, or any political subdivision thereof in a face amount equal to the sum set by the court or magistrate. In case of bonds not	140 141 142 143

negotiable by delivery such bonds shall be properly endorsed for 144
transfer. 145

(3) The written undertaking by one or more persons to forfeit 146
the sum of money set by the court or magistrate, if the accused is 147
in default for appearance, which shall be known as a recognizance. 148

(B) Whenever a person is charged with any offense other than 149
a traffic offense that is not a moving violation and posts bail, 150
the person shall pay a surcharge of twenty-five dollars. The clerk 151
of the court shall retain the twenty-five dollars until the person 152
is convicted, pleads guilty, forfeits bail, is found not guilty, 153
or has the charges dismissed. If the person is convicted, pleads 154
guilty, or forfeits bail, except as otherwise provided in this 155
division, the clerk shall transmit the twenty-five dollars on or 156
before the twentieth day of the month following the month in which 157
the person was convicted, pleaded guilty, or forfeited bail to the 158
treasurer of state, and the treasurer of state shall deposit it 159
into the indigent defense support fund created under section 160
120.08 of the Revised Code. If the court is a municipal court that 161
is not a county-operated municipal court and appoints counsel for 162
indigent defendants in a manner other than that provided in 163
section 120.33 of the Revised Code, the clerk shall transmit the 164
twenty-five dollars on or before the twentieth day of the month 165
following the month in which the person was convicted, pleaded 166
guilty, or forfeited bail to the treasurer of the municipal 167
corporation, and the treasurer shall deposit it into a separate 168
account to be used to compensate counsel appointed by the court 169
for indigent defendants. If the person is found not guilty or the 170
charges are dismissed, the clerk shall return the twenty-five 171
dollars to the person. 172

(C) All bail shall be received by the clerk of the court, 173
deputy clerk of court, or by the magistrate, or by a special 174
referee appointed by the supreme court pursuant to section 2937.46 175

of the Revised Code, and, except in cases of recognizances, 176
receipt shall be given therefor. 177

(D) As used in this section, "moving violation" has the same 178
meaning as in section 2743.70 of the Revised Code. 179

Sec. 2949.091. (A)(1)(a) The court in which any person is 180
convicted of or pleads guilty to any offense shall impose one of 181
the following sums as costs in the case in addition to any other 182
court costs that the court is required by law to impose upon the 183
offender: 184

(i) Thirty dollars if the offense is a felony; 185

(ii) Twenty dollars if the offense is a misdemeanor other 186
than a traffic offense that is not a moving violation; 187

(iii) Ten dollars if the offense is a traffic offense that is 188
not a moving violation, excluding parking violations. 189

(b) All Except as otherwise provided in division (A)(1)(b) of 190
this section, all moneys collected pursuant to division (A)(1)(a) 191
of this section during a month shall be transmitted on or before 192
the twentieth day of the following month by the clerk of the court 193
to the treasurer of state and deposited by the treasurer of state 194
to the credit of the indigent defense support fund established 195
under section 120.08 of the Revised Code. If the court is a 196
municipal court that is not a county-operated municipal court and 197
appoints counsel for indigent defendants in a manner other than 198
that provided in section 120.33 of the Revised Code, on or before 199
the twentieth day of the following month the clerk of the court 200
shall transmit all moneys collected pursuant to division (A)(1)(a) 201
of this section during a month to the treasurer of the municipal 202
corporation, and the treasurer of the municipal corporation shall 203
deposit the money into a separate account to be used to compensate 204
counsel appointed by the court for indigent defendants. The court 205

shall not waive the payment of the additional thirty-, twenty-, or 206
ten-dollar court costs, unless the court determines that the 207
offender is indigent and waives the payment of all court costs 208
imposed upon the indigent offender. 209

(2)(a) The juvenile court in which a child is found to be a 210
delinquent child or a juvenile traffic offender for an act that, 211
if committed by an adult, would be an offense, shall impose one of 212
the following sums as costs in the case in addition to any other 213
court costs that the court is required or permitted by law to 214
impose upon the delinquent child or juvenile traffic offender: 215

(i) Thirty dollars if the offense is a felony; 216

(ii) Twenty dollars if the offense is a misdemeanor other 217
than a traffic offense that is not a moving violation; 218

(iii) Ten dollars if the offense is a traffic offense that is 219
not a moving violation, excluding parking violations. 220

(b) All Except as otherwise provided in division (A)(2)(b) of 221
this section, all moneys collected pursuant to division (A)(2)(a) 222
of this section during a month shall be transmitted on or before 223
the twentieth day of the following month by the clerk of the court 224
to the treasurer of state and deposited by the treasurer of state 225
to the credit of the indigent defense support fund established 226
under section 120.08 of the Revised Code. If the court is a 227
municipal court that is not a county-operated municipal court and 228
appoints counsel for indigent defendants in a manner other than 229
that provided in section 120.33 of the Revised Code, on or before 230
the twentieth day of the following month the clerk of the court 231
shall transmit all moneys collected pursuant to division (A)(2)(a) 232
of this section during a month to the treasurer of the municipal 233
corporation, and the treasurer of the municipal corporation shall 234
deposit the money into a separate account to be used to compensate 235
counsel appointed by the court for indigent defendants. The 236

thirty-, twenty-, or ten-dollar court costs shall be collected in 237
all cases unless the court determines the juvenile is indigent and 238
waives the payment of all court costs, or enters an order on its 239
journal stating that it has determined that the juvenile is 240
indigent, that no other court costs are to be taxed in the case, 241
and that the payment of the thirty-, twenty-, or ten-dollar court 242
costs is waived. 243

(B) Whenever a person is charged with any offense described 244
in division (A)(1) of this section, the court shall add to the 245
amount of the bail the thirty, twenty, or ten dollars required to 246
be paid by division (A)(1) of this section. The thirty, twenty, or 247
ten dollars shall be retained by the clerk of the court until the 248
person is convicted, pleads guilty, forfeits bail, is found not 249
guilty, or has the charges dismissed. If the person is convicted, 250
pleads guilty, or forfeits bail, except as otherwise provided in 251
this division, the clerk shall transmit the thirty, twenty, or ten 252
dollars on or before the twentieth day of the month following the 253
month in which the person was convicted, pleaded guilty, or 254
forfeited bail to the treasurer of state, who shall deposit it to 255
the credit of the indigent defense support fund established under 256
section 120.08 of the Revised Code. If the court is a municipal 257
court that is not a county-operated municipal court and appoints 258
counsel for indigent defendants in a manner other than that 259
provided in section 120.33 of the Revised Code, the clerk of the 260
court shall transmit the thirty, twenty, or ten dollars on or 261
before the twentieth day of the month following the month in which 262
the person was convicted, pleaded guilty, or forfeited bail to the 263
treasurer of the municipal corporation, and the treasurer of the 264
municipal corporation shall deposit it into a separate account to 265
be used to compensate counsel appointed by the court for indigent 266
defendants. If the person is found not guilty or the charges are 267
dismissed, the clerk shall return the thirty, twenty, or ten 268
dollars to the person. 269

(C) No person shall be placed or held in a detention facility 270
for failing to pay the additional thirty-, twenty-, or ten-dollar 271
court costs or bail that are required to be paid by this section. 272

(D) As used in this section: 273

(1) "Moving violation" and "bail" have the same meanings as 274
in section 2743.70 of the Revised Code. 275

(2) "Detention facility" has the same meaning as in section 276
2921.01 of the Revised Code. 277

Sec. 2949.094. (A) The court in which any person is convicted 278
of or pleads guilty to any moving violation shall impose an 279
additional court cost of ten dollars upon the offender. The court 280
shall not waive the payment of the ten dollars unless the court 281
determines that the offender is indigent and waives the payment of 282
all court costs imposed upon the indigent offender. 283

The clerk of the court shall transmit thirty-five per cent of 284
all additional court costs collected pursuant to this division 285
during a month on or before the twenty-third day of the following 286
month to the state treasury of which ninety-seven per cent shall 287
be credited to the drug law enforcement fund created under section 288
5502.68 of the Revised Code and the remaining three per cent shall 289
be credited to the justice program services fund created under 290
section 5502.67 of the Revised Code. The clerk shall transmit 291
fifteen per cent of all additional court costs so collected during 292
a month on or before the twenty-third day of the following month 293
to the county or municipal indigent drivers alcohol treatment fund 294
under the control of that court, as created by the county or 295
municipal corporation under division (H) of section 4511.191 of 296
the Revised Code. The clerk shall transmit fifty per cent of all 297
additional court costs so collected during a month on or before 298
the twenty-third day of the following month either to the state 299
treasury to be credited to the indigent defense support fund 300

created pursuant to section 120.08 of the Revised Code or if the 301
court is a municipal court that is not a county-operated municipal 302
court and appoints counsel for indigent defendants in a manner 303
other than that provided in section 120.33 of the Revised Code to 304
the treasurer of the municipal corporation, who shall deposit it 305
into a separate account to be used to compensate counsel appointed 306
by the court for indigent defendants. 307
308

(B) The juvenile court in which a child is found to be a 309
juvenile traffic offender for an act that is a moving violation 310
shall impose an additional court cost of ten dollars upon the 311
juvenile traffic offender. The juvenile court shall not waive the 312
payment of the ten dollars unless the court determines that the 313
juvenile is indigent and waives the payment of all court costs 314
imposed upon the indigent offender. 315

The clerk of the court shall transmit thirty-five per cent of 316
all additional court costs collected pursuant to this division 317
during a month on or before the twenty-third day of the following 318
month to the state treasury of which ninety-seven per cent shall 319
be credited to the drug law enforcement fund created under section 320
5502.68 of the Revised Code and the remaining three per cent shall 321
be credited to the justice program services fund created under 322
section 5502.67 of the Revised Code. The clerk shall transmit 323
fifteen per cent of all additional court costs so collected during 324
a month on or before the twenty-third day of the following month 325
to the county juvenile indigent drivers alcohol treatment fund 326
under the control of that court, as created by the county under 327
division (H) of section 4511.191 of the Revised Code. The clerk 328
shall transmit fifty per cent of all additional court costs so 329
collected during a month on or before the twenty-third day of the 330
following month to the state treasury to be credited to the 331
indigent defense support fund created pursuant to section 120.08 332

of the Revised Code. 333

(C) Whenever a person is charged with any offense that is a 334
moving violation and posts bail, the court shall add to the amount 335
of the bail the ten dollars required to be paid by division (A) of 336
this section. The clerk of the court shall retain the ten dollars 337
until the person is convicted, pleads guilty, forfeits bail, is 338
found not guilty, or has the charges dismissed. If the person is 339
convicted, pleads guilty, or forfeits bail, the clerk shall 340
transmit three dollars and fifty cents out of the ten dollars to 341
the state treasury of which ninety-seven per cent shall be 342
credited to the drug law enforcement fund created under section 343
5502.68 of the Revised Code and the remaining three per cent shall 344
be credited to the justice program services fund created under 345
section 5502.67 of the Revised Code, the clerk shall transmit one 346
dollar and fifty cents out of the ten dollars to the county, 347
municipal, or county juvenile indigent drivers alcohol treatment 348
fund under the control of that court, as created by the county or 349
municipal corporation under division (H) of section 4511.191 of 350
the Revised Code, and the clerk shall transmit five dollars out of 351
the ten dollars either to the state treasury to be credited to the 352
indigent defense support fund created under section 120.08 of the 353
Revised Code or if the court is a municipal court that is not a 354
county-operated municipal court and appoints counsel for indigent 355
defendants in a manner other than that provided in section 120.33 356
of the Revised Code to the treasurer of the municipal corporation, 357
who shall deposit it into a separate account to be used to 358
compensate counsel appointed by the court for indigent defendants. 359
If the person is found not guilty or the charges are dismissed, 360
the clerk shall return the ten dollars to the person. 361

(D) No person shall be placed or held in a detention facility 363
for failing to pay the court cost or bail that is required to be 364

paid by this section.	365
(E) As used in this section:	366
(1) "Bail" and "moving violation" have the same meanings as in section 2949.093 of the Revised Code.	367 368
(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	369 370
(3) "Division of criminal justice services" means the division of criminal justice services of the department of public safety, created by section 5502.62 of the Revised Code.	371 372 373
Sec. 2949.111. (A) As used in this section:	374
(1) "Court costs" means any assessment that the court requires an offender to pay to defray the costs of operating the court.	375 376 377
(2) "State fines or costs" means any costs imposed or forfeited bail collected by the court under section 2743.70 of the Revised Code for deposit into the reparations fund or <u>collected by the court</u> under section 2949.091 of the Revised Code for deposit into the indigent defense support fund established under section 120.08 of the Revised Code <u>or for transmission to the treasurer of a municipal corporation for compensation of counsel appointed for indigent defendants</u> and all fines, penalties, and forfeited bail collected by the court and paid to a law library association under section 307.515 of the Revised Code.	378 379 380 381 382 383 384 385 386 387
(3) "Reimbursement" means any reimbursement for the costs of confinement that the court orders an offender to pay pursuant to section 2929.28 of the Revised Code, any supervision fee, any fee for the costs of house arrest with electronic monitoring that an offender agrees to pay, any reimbursement for the costs of an investigation or prosecution that the court orders an offender to pay pursuant to section 2929.71 of the Revised Code, or any other	388 389 390 391 392 393 394

costs that the court orders an offender to pay. 395

(4) "Supervision fees" means any fees that a court, pursuant 396
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 397
requires an offender who is under a community control sanction to 398
pay for supervision services. 399

(5) "Community control sanction" has the same meaning as in 400
section 2929.01 of the Revised Code. 401

(B) Unless the court, in accordance with division (C) of this 402
section, enters in the record of the case a different method of 403
assigning payments, if a person who is charged with a misdemeanor 404
is convicted of or pleads guilty to the offense, if the court 405
orders the offender to pay any combination of court costs, state 406
fines or costs, restitution, a conventional fine, or any 407
reimbursement, and if the offender makes any payment of any of 408
them to a clerk of court, the clerk shall assign the offender's 409
payment in the following manner: 410

(1) If the court ordered the offender to pay any court costs, 411
the offender's payment shall be assigned toward the satisfaction 412
of those court costs until they have been entirely paid. 413

(2) If the court ordered the offender to pay any state fines 414
or costs and if all of the court costs that the court ordered the 415
offender to pay have been paid, the remainder of the offender's 416
payment shall be assigned on a pro rata basis toward the 417
satisfaction of the state fines or costs until they have been 418
entirely paid. 419

(3) If the court ordered the offender to pay any restitution 420
and if all of the court costs and state fines or costs that the 421
court ordered the offender to pay have been paid, the remainder of 422
the offender's payment shall be assigned toward the satisfaction 423
of the restitution until it has been entirely paid. 424

(4) If the court ordered the offender to pay any fine and if 425

all of the court costs, state fines or costs, and restitution that 426
the court ordered the offender to pay have been paid, the 427
remainder of the offender's payment shall be assigned toward the 428
satisfaction of the fine until it has been entirely paid. 429

(5) If the court ordered the offender to pay any 430
reimbursement and if all of the court costs, state fines or costs, 431
restitution, and fines that the court ordered the offender to pay 432
have been paid, the remainder of the offender's payment shall be 433
assigned toward the satisfaction of the reimbursements until they 434
have been entirely paid. 435

(C) If a person who is charged with a misdemeanor is 436
convicted of or pleads guilty to the offense and if the court 437
orders the offender to pay any combination of court costs, state 438
fines or costs, restitution, fines, or reimbursements, the court, 439
at the time it orders the offender to make those payments, may 440
prescribe an order of payments that differs from the order set 441
forth in division (B) of this section by entering in the record of 442
the case the order so prescribed. If a different order is entered 443
in the record, on receipt of any payment, the clerk of the court 444
shall assign the payment in the manner prescribed by the court. 445

Sec. 4507.45. If a person's driver's license, commercial 446
driver's license, or nonresident operating privilege is suspended, 447
disqualified, or canceled for an indefinite period of time or for 448
a period of at least ninety days, and if at the end of the period 449
of suspension, disqualification, or cancellation the person is 450
eligible to have the license or privilege reinstated, the 451
registrar of motor vehicles shall collect a reinstatement fee of 452
forty dollars when the person requests reinstatement. However, the 453
registrar shall not collect the fee prescribed by this section if 454
a different driver's license, commercial driver's license, or 455
nonresident operating privilege reinstatement fee is prescribed by 456

law. 457

The registrar either shall deposit ten dollars of each 458
forty-dollar fee into the state treasury to the credit of the 459
indigent defense support fund created by section 120.08 of the 460
Revised Code ~~and~~ or if the court that suspended, disqualified, or 461
canceled the person's driver's license, commercial driver's 462
license, or nonresident operating privilege is a municipal court 463
that is not a county-operated municipal court and appoints counsel 464
for indigent defendants in a manner other than that provided in 465
section 120.33 of the Revised Code shall transmit ten dollars of 466
each forty-dollar fee to the treasurer of the municipal 467
corporation, who shall deposit it into a separate account to be 468
used to compensate counsel appointed by the court for indigent 469
defendants. The registrar shall deposit thirty dollars of each fee 470
into the state treasury to the credit of the state bureau of motor 471
vehicles fund created by section 4501.25 of the Revised Code. 472

Sec. 4510.22. (A) If a person who has a current valid Ohio 473
driver's, commercial driver's license, or temporary instruction 474
permit is charged with a violation of any provision in sections 475
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 476
4549.65 of the Revised Code that is classified as a misdemeanor of 477
the first, second, third, or fourth degree or with a violation of 478
any substantially equivalent municipal ordinance and if the person 479
either fails to appear in court at the required time and place to 480
answer the charge or pleads guilty to or is found guilty of the 481
violation and fails within the time allowed by the court to pay 482
the fine imposed by the court, the court shall declare the 483
forfeiture of the person's license. Thirty days after the 484
declaration of forfeiture, the court shall inform the registrar of 485
motor vehicles of the forfeiture by entering information relative 486
to the of forfeiture on a form approved and furnished by the 487

registrar and sending the form to the registrar. The court also 488
shall forward the person's license, if it is in the possession of 489
the court, to the registrar. 490

The registrar shall impose a class F suspension of the 491
person's driver's or commercial driver's license, or temporary 492
instruction permit for the period of time specified in division 493
(B)(6) of section 4510.02 of the Revised Code on any person who is 494
named in a declaration received by the registrar under this 495
section. The registrar shall send written notification of the 496
suspension to the person at the person's last known address and, 497
if the person is in possession of the license, order the person to 498
surrender the person's license or permit to the registrar within 499
forty-eight hours. 500

No valid driver's or commercial driver's license shall be 501
granted to the person after the suspension, unless the court 502
having jurisdiction of the offense that led to the suspension 503
orders that the forfeiture be terminated. The court shall order 504
the termination of the forfeiture if the person thereafter appears 505
to answer the charge and pays any fine imposed by the court or 506
pays the fine originally imposed by the court. The court shall 507
inform the registrar of the termination of the forfeiture by 508
entering information relative to the termination on a form 509
approved and furnished by the registrar and sending the form to 510
the registrar. The person shall pay to the bureau of motor 511
vehicles a twenty-five-dollar reinstatement fee. The registrar 512
shall deposit fifteen dollars of the fee into the state treasury 513
to the credit of the state bureau of motor vehicles fund created 514
by section 4501.25 of the Revised Code to cover the costs of the 515
bureau in administering this section and either shall deposit ten 516
dollars of the fee into the state treasury to the credit of the 517
indigent defense support fund created by section 120.08 of the 518
Revised Code or if the court that declared the forfeiture is a 519

municipal court that is not a county-operated municipal court and 520
appoints counsel for indigent defendants in a manner other than 521
that provided in section 120.33 of the Revised Code, shall 522
transmit ten dollars of the fee to the treasurer of the municipal 523
corporation, who shall deposit it into a separate account to be 524
used to compensate counsel appointed by the court for indigent 525
defendants. 526

(B) In addition to suspending the driver's or commercial 527
driver's license or permit of the person named in a declaration of 528
forfeiture, the registrar, upon receipt from the court of the copy 529
of the declaration of forfeiture, shall take any measures that may 530
be necessary to ensure that neither the registrar nor any deputy 531
registrar accepts any application for the registration or transfer 532
of registration of any motor vehicle owned or leased by the person 533
named in the declaration of forfeiture. However, for a motor 534
vehicle leased by a person named in a declaration of forfeiture, 535
the registrar shall not implement the preceding sentence until the 536
registrar adopts procedures for that implementation under section 537
4503.39 of the Revised Code. The period of denial of registration 538
or transfer shall continue until such time as the court having 539
jurisdiction of the offense that led to the suspension orders the 540
forfeiture be terminated. Upon receipt by the registrar of an 541
order terminating the forfeiture, the registrar also shall take 542
any measures that may be necessary to permit the person to 543
register a motor vehicle owned or leased by the person or to 544
transfer the registration of such a motor vehicle, if the person 545
later makes application to take such action and otherwise is 546
eligible to register the motor vehicle or to transfer its 547
registration. 548

The registrar shall not be required to give effect to any 549
declaration of forfeiture or order terminating a forfeiture 550
provided by a court under this section unless the information 551

contained in the declaration or order is transmitted to the 552
registrar by means of an electronic transfer system. The registrar 553
shall not restore the person's driving or vehicle registration 554
privileges until the person pays the reinstatement fee as provided 555
in this section. 556

The period of denial relating to the issuance or transfer of 557
a certificate of registration for a motor vehicle imposed pursuant 558
to this division remains in effect until the person pays any fine 559
imposed by the court relative to the offense. 560

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 561
streetcar, or trackless trolley within this state, if, at the time 562
of the operation, any of the following apply: 563

(a) The person is under the influence of alcohol, a drug of 564
abuse, or a combination of them. 565

(b) The person has a concentration of eight-hundredths of one 566
per cent or more but less than seventeen-hundredths of one per 567
cent by weight per unit volume of alcohol in the person's whole 568
blood. 569

(c) The person has a concentration of ninety-six-thousandths 570
of one per cent or more but less than two hundred four-thousandths 571
of one per cent by weight per unit volume of alcohol in the 572
person's blood serum or plasma. 573

(d) The person has a concentration of eight-hundredths of one 574
gram or more but less than seventeen-hundredths of one gram by 575
weight of alcohol per two hundred ten liters of the person's 576
breath. 577

(e) The person has a concentration of eleven-hundredths of 578
one gram or more but less than two hundred 579
thirty-eight-thousandths of one gram by weight of alcohol per one 580
hundred milliliters of the person's urine. 581

(f) The person has a concentration of seventeen-hundredths of 582
one per cent or more by weight per unit volume of alcohol in the 583
person's whole blood. 584

(g) The person has a concentration of two hundred 585
four-thousandths of one per cent or more by weight per unit volume 586
of alcohol in the person's blood serum or plasma. 587

(h) The person has a concentration of seventeen-hundredths of 588
one gram or more by weight of alcohol per two hundred ten liters 589
of the person's breath. 590

(i) The person has a concentration of two hundred 591
thirty-eight-thousandths of one gram or more by weight of alcohol 592
per one hundred milliliters of the person's urine. 593

(j) Except as provided in division (K) of this section, the 594
person has a concentration of any of the following controlled 595
substances or metabolites of a controlled substance in the 596
person's whole blood, blood serum or plasma, or urine that equals 597
or exceeds any of the following: 598

(i) The person has a concentration of amphetamine in the 599
person's urine of at least five hundred nanograms of amphetamine 600
per milliliter of the person's urine or has a concentration of 601
amphetamine in the person's whole blood or blood serum or plasma 602
of at least one hundred nanograms of amphetamine per milliliter of 603
the person's whole blood or blood serum or plasma. 604

(ii) The person has a concentration of cocaine in the 605
person's urine of at least one hundred fifty nanograms of cocaine 606
per milliliter of the person's urine or has a concentration of 607
cocaine in the person's whole blood or blood serum or plasma of at 608
least fifty nanograms of cocaine per milliliter of the person's 609
whole blood or blood serum or plasma. 610

(iii) The person has a concentration of cocaine metabolite in 611
the person's urine of at least one hundred fifty nanograms of 612

cocaine metabolite per milliliter of the person's urine or has a 613
concentration of cocaine metabolite in the person's whole blood or 614
blood serum or plasma of at least fifty nanograms of cocaine 615
metabolite per milliliter of the person's whole blood or blood 616
serum or plasma. 617

(iv) The person has a concentration of heroin in the person's 618
urine of at least two thousand nanograms of heroin per milliliter 619
of the person's urine or has a concentration of heroin in the 620
person's whole blood or blood serum or plasma of at least fifty 621
nanograms of heroin per milliliter of the person's whole blood or 622
blood serum or plasma. 623

(v) The person has a concentration of heroin metabolite 624
(6-monoacetyl morphine) in the person's urine of at least ten 625
nanograms of heroin metabolite (6-monoacetyl morphine) per 626
milliliter of the person's urine or has a concentration of heroin 627
metabolite (6-monoacetyl morphine) in the person's whole blood or 628
blood serum or plasma of at least ten nanograms of heroin 629
metabolite (6-monoacetyl morphine) per milliliter of the person's 630
whole blood or blood serum or plasma. 631

(vi) The person has a concentration of L.S.D. in the person's 632
urine of at least twenty-five nanograms of L.S.D. per milliliter 633
of the person's urine or a concentration of L.S.D. in the person's 634
whole blood or blood serum or plasma of at least ten nanograms of 635
L.S.D. per milliliter of the person's whole blood or blood serum 636
or plasma. 637

(vii) The person has a concentration of marihuana in the 638
person's urine of at least ten nanograms of marihuana per 639
milliliter of the person's urine or has a concentration of 640
marihuana in the person's whole blood or blood serum or plasma of 641
at least two nanograms of marihuana per milliliter of the person's 642
whole blood or blood serum or plasma. 643

(viii) Either of the following applies: 644

(I) The person is under the influence of alcohol, a drug of 645
abuse, or a combination of them, and, as measured by gas 646
chromatography mass spectrometry, the person has a concentration 647
of marihuana metabolite in the person's urine of at least fifteen 648
nanograms of marihuana metabolite per milliliter of the person's 649
urine or has a concentration of marihuana metabolite in the 650
person's whole blood or blood serum or plasma of at least five 651
nanograms of marihuana metabolite per milliliter of the person's 652
whole blood or blood serum or plasma. 653

(II) As measured by gas chromatography mass spectrometry, the 654
person has a concentration of marihuana metabolite in the person's 655
urine of at least thirty-five nanograms of marihuana metabolite 656
per milliliter of the person's urine or has a concentration of 657
marihuana metabolite in the person's whole blood or blood serum or 658
plasma of at least fifty nanograms of marihuana metabolite per 659
milliliter of the person's whole blood or blood serum or plasma. 660

(ix) The person has a concentration of methamphetamine in the 661
person's urine of at least five hundred nanograms of 662
methamphetamine per milliliter of the person's urine or has a 663
concentration of methamphetamine in the person's whole blood or 664
blood serum or plasma of at least one hundred nanograms of 665
methamphetamine per milliliter of the person's whole blood or 666
blood serum or plasma. 667

(x) The person has a concentration of phencyclidine in the 668
person's urine of at least twenty-five nanograms of phencyclidine 669
per milliliter of the person's urine or has a concentration of 670
phencyclidine in the person's whole blood or blood serum or plasma 671
of at least ten nanograms of phencyclidine per milliliter of the 672
person's whole blood or blood serum or plasma. 673

(xi) The state board of pharmacy has adopted a rule pursuant 674

to section 4729.041 of the Revised Code that specifies the amount 675
of salvia divinorum and the amount of salvinorin A that constitute 676
concentrations of salvia divinorum and salvinorin A in a person's 677
urine, in a person's whole blood, or in a person's blood serum or 678
plasma at or above which the person is impaired for purposes of 679
operating any vehicle, streetcar, or trackless trolley within this 680
state, the rule is in effect, and the person has a concentration 681
of salvia divinorum or salvinorin A of at least that amount so 682
specified by rule in the person's urine, in the person's whole 683
blood, or in the person's blood serum or plasma. 684

(2) No person who, within twenty years of the conduct 685
described in division (A)(2)(a) of this section, previously has 686
been convicted of or pleaded guilty to a violation of this 687
division, a violation of division (A)(1) or (B) of this section, 688
or any other equivalent offense shall do both of the following: 689

(a) Operate any vehicle, streetcar, or trackless trolley 690
within this state while under the influence of alcohol, a drug of 691
abuse, or a combination of them; 692

(b) Subsequent to being arrested for operating the vehicle, 693
streetcar, or trackless trolley as described in division (A)(2)(a) 694
of this section, being asked by a law enforcement officer to 695
submit to a chemical test or tests under section 4511.191 of the 696
Revised Code, and being advised by the officer in accordance with 697
section 4511.192 of the Revised Code of the consequences of the 698
person's refusal or submission to the test or tests, refuse to 699
submit to the test or tests. 700

(B) No person under twenty-one years of age shall operate any 701
vehicle, streetcar, or trackless trolley within this state, if, at 702
the time of the operation, any of the following apply: 703

(1) The person has a concentration of at least two-hundredths 704
of one per cent but less than eight-hundredths of one per cent by 705

weight per unit volume of alcohol in the person's whole blood. 706

(2) The person has a concentration of at least 707
three-hundredths of one per cent but less than 708
ninety-six-thousandths of one per cent by weight per unit volume 709
of alcohol in the person's blood serum or plasma. 710

(3) The person has a concentration of at least two-hundredths 711
of one gram but less than eight-hundredths of one gram by weight 712
of alcohol per two hundred ten liters of the person's breath. 713

(4) The person has a concentration of at least twenty-eight 714
one-thousandths of one gram but less than eleven-hundredths of one 715
gram by weight of alcohol per one hundred milliliters of the 716
person's urine. 717

(C) In any proceeding arising out of one incident, a person 718
may be charged with a violation of division (A)(1)(a) or (A)(2) 719
and a violation of division (B)(1), (2), or (3) of this section, 720
but the person may not be convicted of more than one violation of 721
these divisions. 722

(D)(1)(a) In any criminal prosecution or juvenile court 723
proceeding for a violation of division (A)(1)(a) of this section 724
or for an equivalent offense that is vehicle-related, the result 725
of any test of any blood or urine withdrawn and analyzed at any 726
health care provider, as defined in section 2317.02 of the Revised 727
Code, may be admitted with expert testimony to be considered with 728
any other relevant and competent evidence in determining the guilt 729
or innocence of the defendant. 730

(b) In any criminal prosecution or juvenile court proceeding 731
for a violation of division (A) or (B) of this section or for an 732
equivalent offense that is vehicle-related, the court may admit 733
evidence on the concentration of alcohol, drugs of abuse, 734
controlled substances, metabolites of a controlled substance, or a 735
combination of them in the defendant's whole blood, blood serum or 736

plasma, breath, urine, or other bodily substance at the time of 737
the alleged violation as shown by chemical analysis of the 738
substance withdrawn within three hours of the time of the alleged 739
violation. The three-hour time limit specified in this division 740
regarding the admission of evidence does not extend or affect the 741
two-hour time limit specified in division (A) of section 4511.192 742
of the Revised Code as the maximum period of time during which a 743
person may consent to a chemical test or tests as described in 744
that section. The court may admit evidence on the concentration of 745
alcohol, drugs of abuse, or a combination of them as described in 746
this division when a person submits to a blood, breath, urine, or 747
other bodily substance test at the request of a law enforcement 748
officer under section 4511.191 of the Revised Code or a blood or 749
urine sample is obtained pursuant to a search warrant. Only a 750
physician, a registered nurse, an emergency medical 751
technician-intermediate, an emergency medical 752
technician-paramedic, or a qualified technician, chemist, or 753
phlebotomist shall withdraw a blood sample for the purpose of 754
determining the alcohol, drug, controlled substance, metabolite of 755
a controlled substance, or combination content of the whole blood, 756
blood serum, or blood plasma. This limitation does not apply to 757
the taking of breath or urine specimens. A person authorized to 758
withdraw blood under this division may refuse to withdraw blood 759
under this division, if in that person's opinion, the physical 760
welfare of the person would be endangered by the withdrawing of 761
blood. 762

The bodily substance withdrawn under division (D)(1)(b) of 763
this section shall be analyzed in accordance with methods approved 764
by the director of health by an individual possessing a valid 765
permit issued by the director pursuant to section 3701.143 of the 766
Revised Code. 767

(c) As used in division (D)(1)(b) of this section, "emergency 768

medical technician-intermediate" and "emergency medical 769
technician-paramedic" have the same meanings as in section 4765.01 770
of the Revised Code. 771

(2) In a criminal prosecution or juvenile court proceeding 772
for a violation of division (A) of this section or for an 773
equivalent offense that is vehicle-related, if there was at the 774
time the bodily substance was withdrawn a concentration of less 775
than the applicable concentration of alcohol specified in 776
divisions (A)(1)(b), (c), (d), and (e) of this section or less 777
than the applicable concentration of a listed controlled substance 778
or a listed metabolite of a controlled substance specified for a 779
violation of division (A)(1)(j) of this section, that fact may be 780
considered with other competent evidence in determining the guilt 781
or innocence of the defendant. This division does not limit or 782
affect a criminal prosecution or juvenile court proceeding for a 783
violation of division (B) of this section or for an equivalent 784
offense that is substantially equivalent to that division. 785

(3) Upon the request of the person who was tested, the 786
results of the chemical test shall be made available to the person 787
or the person's attorney, immediately upon the completion of the 788
chemical test analysis. 789

If the chemical test was obtained pursuant to division 790
(D)(1)(b) of this section, the person tested may have a physician, 791
a registered nurse, or a qualified technician, chemist, or 792
phlebotomist of the person's own choosing administer a chemical 793
test or tests, at the person's expense, in addition to any 794
administered at the request of a law enforcement officer. If the 795
person was under arrest as described in division (A)(5) of section 796
4511.191 of the Revised Code, the arresting officer shall advise 797
the person at the time of the arrest that the person may have an 798
independent chemical test taken at the person's own expense. If 799
the person was under arrest other than described in division 800

(A)(5) of section 4511.191 of the Revised Code, the form to be 801
read to the person to be tested, as required under section 802
4511.192 of the Revised Code, shall state that the person may have 803
an independent test performed at the person's expense. The failure 804
or inability to obtain an additional chemical test by a person 805
shall not preclude the admission of evidence relating to the 806
chemical test or tests taken at the request of a law enforcement 807
officer. 808

(4)(a) As used in divisions (D)(4)(b) and (c) of this 809
section, "national highway traffic safety administration" means 810
the national highway traffic safety administration established as 811
an administration of the United States department of 812
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 813

(b) In any criminal prosecution or juvenile court proceeding 814
for a violation of division (A) or (B) of this section, of a 815
municipal ordinance relating to operating a vehicle while under 816
the influence of alcohol, a drug of abuse, or alcohol and a drug 817
of abuse, or of a municipal ordinance relating to operating a 818
vehicle with a prohibited concentration of alcohol, a controlled 819
substance, or a metabolite of a controlled substance in the whole 820
blood, blood serum or plasma, breath, or urine, if a law 821
enforcement officer has administered a field sobriety test to the 822
operator of the vehicle involved in the violation and if it is 823
shown by clear and convincing evidence that the officer 824
administered the test in substantial compliance with the testing 825
standards for any reliable, credible, and generally accepted field 826
sobriety tests that were in effect at the time the tests were 827
administered, including, but not limited to, any testing standards 828
then in effect that were set by the national highway traffic 829
safety administration, all of the following apply: 830

(i) The officer may testify concerning the results of the 831
field sobriety test so administered. 832

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

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

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

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

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

(b) Any findings as to the identity and quantity of alcohol, 865
a drug of abuse, a controlled substance, a metabolite of a 866
controlled substance, or a combination of them that was found; 867

(c) A copy of a notarized statement by the laboratory 868
director or a designee of the director that contains the name of 869
each certified analyst or test performer involved with the report, 870
the analyst's or test performer's employment relationship with the 871
laboratory that issued the report, and a notation that performing 872
an analysis of the type involved is part of the analyst's or test 873
performer's regular duties; 874

(d) An outline of the analyst's or test performer's 875
education, training, and experience in performing the type of 876
analysis involved and a certification that the laboratory 877
satisfies appropriate quality control standards in general and, in 878
this particular analysis, under rules of the department of health. 879

(2) Notwithstanding any other provision of law regarding the 880
admission of evidence, a report of the type described in division 881
(E)(1) of this section is not admissible against the defendant to 882
whom it pertains in any proceeding, other than a preliminary 883
hearing or a grand jury proceeding, unless the prosecutor has 884
served a copy of the report on the defendant's attorney or, if the 885
defendant has no attorney, on the defendant. 886

(3) A report of the type described in division (E)(1) of this 887
section shall not be prima-facie evidence of the contents, 888
identity, or amount of any substance if, within seven days after 889
the defendant to whom the report pertains or the defendant's 890
attorney receives a copy of the report, the defendant or the 891
defendant's attorney demands the testimony of the person who 892
signed the report. The judge in the case may extend the seven-day 893
time limit in the interest of justice. 894

(F) Except as otherwise provided in this division, any 895

physician, registered nurse, emergency medical 896
technician-intermediate, emergency medical technician-paramedic, 897
or qualified technician, chemist, or phlebotomist who withdraws 898
blood from a person pursuant to this section or section 4511.191 899
or 4511.192 of the Revised Code, and any hospital, first-aid 900
station, or clinic at which blood is withdrawn from a person 901
pursuant to this section or section 4511.191 or 4511.192 of the 902
Revised Code, is immune from criminal liability and civil 903
liability based upon a claim of assault and battery or any other 904
claim that is not a claim of malpractice, for any act performed in 905
withdrawing blood from the person. The immunity provided in this 906
division also extends to an emergency medical service organization 907
that employs an emergency medical technician-intermediate or 908
emergency medical technician-paramedic who withdraws blood under 909
this section. The immunity provided in this division is not 910
available to a person who withdraws blood if the person engages in 911
willful or wanton misconduct. 912

As used in this division, "emergency medical 913
technician-intermediate" and "emergency medical 914
technician-paramedic" have the same meanings as in section 4765.01 915
of the Revised Code. 916

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 917
to (i) or (A)(2) of this section is guilty of operating a vehicle 918
under the influence of alcohol, a drug of abuse, or a combination 919
of them. Whoever violates division (A)(1)(j) of this section is 920
guilty of operating a vehicle while under the influence of a 921
listed controlled substance or a listed metabolite of a controlled 922
substance. The court shall sentence the offender for either 923
offense under Chapter 2929. of the Revised Code, except as 924
otherwise authorized or required by divisions (G)(1)(a) to (e) of 925
this section: 926

(a) Except as otherwise provided in division (G)(1)(b), (c), 927

(d), or (e) of this section, the offender is guilty of a 928
misdemeanor of the first degree, and the court shall sentence the 929
offender to all of the following: 930

(i) If the sentence is being imposed for a violation of 931
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 932
mandatory jail term of three consecutive days. As used in this 933
division, three consecutive days means seventy-two consecutive 934
hours. The court may sentence an offender to both an intervention 935
program and a jail term. The court may impose a jail term in 936
addition to the three-day mandatory jail term or intervention 937
program. However, in no case shall the cumulative jail term 938
imposed for the offense exceed six months. 939

The court may suspend the execution of the three-day jail 940
term under this division if the court, in lieu of that suspended 941
term, places the offender under a community control sanction 942
pursuant to section 2929.25 of the Revised Code and requires the 943
offender to attend, for three consecutive days, a drivers' 944
intervention program certified under section 3793.10 of the 945
Revised Code. The court also may suspend the execution of any part 946
of the three-day jail term under this division if it places the 947
offender under a community control sanction pursuant to section 948
2929.25 of the Revised Code for part of the three days, requires 949
the offender to attend for the suspended part of the term a 950
drivers' intervention program so certified, and sentences the 951
offender to a jail term equal to the remainder of the three 952
consecutive days that the offender does not spend attending the 953
program. The court may require the offender, as a condition of 954
community control and in addition to the required attendance at a 955
drivers' intervention program, to attend and satisfactorily 956
complete any treatment or education programs that comply with the 957
minimum standards adopted pursuant to Chapter 3793. of the Revised 958
Code by the director of alcohol and drug addiction services that 959

the operators of the drivers' intervention program determine that 960
the offender should attend and to report periodically to the court 961
on the offender's progress in the programs. The court also may 962
impose on the offender any other conditions of community control 963
that it considers necessary. 964

(ii) If the sentence is being imposed for a violation of 965
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 966
section, except as otherwise provided in this division, a 967
mandatory jail term of at least three consecutive days and a 968
requirement that the offender attend, for three consecutive days, 969
a drivers' intervention program that is certified pursuant to 970
section 3793.10 of the Revised Code. As used in this division, 971
three consecutive days means seventy-two consecutive hours. If the 972
court determines that the offender is not conducive to treatment 973
in a drivers' intervention program, if the offender refuses to 974
attend a drivers' intervention program, or if the jail at which 975
the offender is to serve the jail term imposed can provide a 976
driver's intervention program, the court shall sentence the 977
offender to a mandatory jail term of at least six consecutive 978
days. 979

The court may require the offender, under a community control 980
sanction imposed under section 2929.25 of the Revised Code, to 981
attend and satisfactorily complete any treatment or education 982
programs that comply with the minimum standards adopted pursuant 983
to Chapter 3793. of the Revised Code by the director of alcohol 984
and drug addiction services, in addition to the required 985
attendance at drivers' intervention program, that the operators of 986
the drivers' intervention program determine that the offender 987
should attend and to report periodically to the court on the 988
offender's progress in the programs. The court also may impose any 989
other conditions of community control on the offender that it 990
considers necessary. 991

(iii) In all cases, a fine of not less than three hundred 992
seventy-five and not more than one thousand seventy-five dollars; 993

(iv) In all cases, a class five license suspension of the 994
offender's driver's or commercial driver's license or permit or 995
nonresident operating privilege from the range specified in 996
division (A)(5) of section 4510.02 of the Revised Code. The court 997
may grant limited driving privileges relative to the suspension 998
under sections 4510.021 and 4510.13 of the Revised Code. 999

(b) Except as otherwise provided in division (G)(1)(e) of 1000
this section, an offender who, within six years of the offense, 1001
previously has been convicted of or pleaded guilty to one 1002
violation of division (A) or (B) of this section or one other 1003
equivalent offense is guilty of a misdemeanor of the first degree. 1004
The court shall sentence the offender to all of the following: 1005

(i) If the sentence is being imposed for a violation of 1006
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1007
mandatory jail term of ten consecutive days. The court shall 1008
impose the ten-day mandatory jail term under this division unless, 1009
subject to division (G)(3) of this section, it instead imposes a 1010
sentence under that division consisting of both a jail term and a 1011
term of house arrest with electronic monitoring, with continuous 1012
alcohol monitoring, or with both electronic monitoring and 1013
continuous alcohol monitoring. The court may impose a jail term in 1014
addition to the ten-day mandatory jail term. The cumulative jail 1015
term imposed for the offense shall not exceed six months. 1016

In addition to the jail term or the term of house arrest with 1017
electronic monitoring or continuous alcohol monitoring or both 1018
types of monitoring and jail term, the court shall require the 1019
offender to be assessed by an alcohol and drug treatment program 1020
that is authorized by section 3793.02 of the Revised Code, subject 1021
to division (I) of this section, and shall order the offender to 1022
follow the treatment recommendations of the program. The purpose 1023

of the assessment is to determine the degree of the offender's 1024
alcohol usage and to determine whether or not treatment is 1025
warranted. Upon the request of the court, the program shall submit 1026
the results of the assessment to the court, including all 1027
treatment recommendations and clinical diagnoses related to 1028
alcohol use. 1029

(ii) If the sentence is being imposed for a violation of 1030
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1031
section, except as otherwise provided in this division, a 1032
mandatory jail term of twenty consecutive days. The court shall 1033
impose the twenty-day mandatory jail term under this division 1034
unless, subject to division (G)(3) of this section, it instead 1035
imposes a sentence under that division consisting of both a jail 1036
term and a term of house arrest with electronic monitoring, with 1037
continuous alcohol monitoring, or with both electronic monitoring 1038
and continuous alcohol monitoring. The court may impose a jail 1039
term in addition to the twenty-day mandatory jail term. The 1040
cumulative jail term imposed for the offense shall not exceed six 1041
months. 1042

In addition to the jail term or the term of house arrest with 1043
electronic monitoring or continuous alcohol monitoring or both 1044
types of monitoring and jail term, the court shall require the 1045
offender to be assessed by an alcohol and drug treatment program 1046
that is authorized by section 3793.02 of the Revised Code, subject 1047
to division (I) of this section, and shall order the offender to 1048
follow the treatment recommendations of the program. The purpose 1049
of the assessment is to determine the degree of the offender's 1050
alcohol usage and to determine whether or not treatment is 1051
warranted. Upon the request of the court, the program shall submit 1052
the results of the assessment to the court, including all 1053
treatment recommendations and clinical diagnoses related to 1054
alcohol use. 1055

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

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

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

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

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term.

Notwithstanding the jail terms set forth in sections 2929.21 to 1088
2929.28 of the Revised Code, the additional jail term shall not 1089
exceed one year, and the cumulative jail term imposed for the 1090
offense shall not exceed one year. 1091

(ii) If the sentence is being imposed for a violation of 1092
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1093
section, a mandatory jail term of sixty consecutive days. The 1094
court shall impose the sixty-day mandatory jail term under this 1095
division unless, subject to division (G)(3) of this section, it 1096
instead imposes a sentence under that division consisting of both 1097
a jail term and a term of house arrest with electronic monitoring, 1098
with continuous alcohol monitoring, or with both electronic 1099
monitoring and continuous alcohol monitoring. The court may impose 1100
a jail term in addition to the sixty-day mandatory jail term. 1101
Notwithstanding the jail terms set forth in sections 2929.21 to 1102
2929.28 of the Revised Code, the additional jail term shall not 1103
exceed one year, and the cumulative jail term imposed for the 1104
offense shall not exceed one year. 1105

(iii) In all cases, notwithstanding the fines set forth in 1106
Chapter 2929. of the Revised Code, a fine of not less than eight 1107
hundred fifty and not more than two thousand seven hundred fifty 1108
dollars; 1109

(iv) In all cases, a class three license suspension of the 1110
offender's driver's license, commercial driver's license, 1111
temporary instruction permit, probationary license, or nonresident 1112
operating privilege from the range specified in division (A)(3) of 1113
section 4510.02 of the Revised Code. The court may grant limited 1114
driving privileges relative to the suspension under sections 1115
4510.021 and 4510.13 of the Revised Code. 1116

(v) In all cases, if the vehicle is registered in the 1117
offender's name, criminal forfeiture of the vehicle involved in 1118
the offense in accordance with section 4503.234 of the Revised 1119

Code. Division (G)(6) of this section applies regarding any 1120
vehicle that is subject to an order of criminal forfeiture under 1121
this division. 1122

(vi) In all cases, the court shall order the offender to 1123
participate in an alcohol and drug addiction program authorized by 1124
section 3793.02 of the Revised Code, subject to division (I) of 1125
this section, and shall order the offender to follow the treatment 1126
recommendations of the program. The operator of the program shall 1127
determine and assess the degree of the offender's alcohol 1128
dependency and shall make recommendations for treatment. Upon the 1129
request of the court, the program shall submit the results of the 1130
assessment to the court, including all treatment recommendations 1131
and clinical diagnoses related to alcohol use. 1132

(d) Except as otherwise provided in division (G)(1)(e) of 1133
this section, an offender who, within six years of the offense, 1134
previously has been convicted of or pleaded guilty to three or 1135
four violations of division (A) or (B) of this section or other 1136
equivalent offenses or an offender who, within twenty years of the 1137
offense, previously has been convicted of or pleaded guilty to 1138
five or more violations of that nature is guilty of a felony of 1139
the fourth degree. The court shall sentence the offender to all of 1140
the following: 1141

(i) If the sentence is being imposed for a violation of 1142
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1143
mandatory prison term of one, two, three, four, or five years as 1144
required by and in accordance with division (G)(2) of section 1145
2929.13 of the Revised Code if the offender also is convicted of 1146
or also pleads guilty to a specification of the type described in 1147
section 2941.1413 of the Revised Code or, in the discretion of the 1148
court, either a mandatory term of local incarceration of sixty 1149
consecutive days in accordance with division (G)(1) of section 1150
2929.13 of the Revised Code or a mandatory prison term of sixty 1151

consecutive days in accordance with division (G)(2) of that 1152
section if the offender is not convicted of and does not plead 1153
guilty to a specification of that type. If the court imposes a 1154
mandatory term of local incarceration, it may impose a jail term 1155
in addition to the sixty-day mandatory term, the cumulative total 1156
of the mandatory term and the jail term for the offense shall not 1157
exceed one year, and, except as provided in division (A)(1) of 1158
section 2929.13 of the Revised Code, no prison term is authorized 1159
for the offense. If the court imposes a mandatory prison term, 1160
notwithstanding division (A)(4) of section 2929.14 of the Revised 1161
Code, it also may sentence the offender to a definite prison term 1162
that shall be not less than six months and not more than thirty 1163
months and the prison terms shall be imposed as described in 1164
division (G)(2) of section 2929.13 of the Revised Code. If the 1165
court imposes a mandatory prison term or mandatory prison term and 1166
additional prison term, in addition to the term or terms so 1167
imposed, the court also may sentence the offender to a community 1168
control sanction for the offense, but the offender shall serve all 1169
of the prison terms so imposed prior to serving the community 1170
control sanction. 1171

(ii) If the sentence is being imposed for a violation of 1172
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1173
section, a mandatory prison term of one, two, three, four, or five 1174
years as required by and in accordance with division (G)(2) of 1175
section 2929.13 of the Revised Code if the offender also is 1176
convicted of or also pleads guilty to a specification of the type 1177
described in section 2941.1413 of the Revised Code or, in the 1178
discretion of the court, either a mandatory term of local 1179
incarceration of one hundred twenty consecutive days in accordance 1180
with division (G)(1) of section 2929.13 of the Revised Code or a 1181
mandatory prison term of one hundred twenty consecutive days in 1182
accordance with division (G)(2) of that section if the offender is 1183
not convicted of and does not plead guilty to a specification of 1184

that type. If the court imposes a mandatory term of local 1185
incarceration, it may impose a jail term in addition to the one 1186
hundred twenty-day mandatory term, the cumulative total of the 1187
mandatory term and the jail term for the offense shall not exceed 1188
one year, and, except as provided in division (A)(1) of section 1189
2929.13 of the Revised Code, no prison term is authorized for the 1190
offense. If the court imposes a mandatory prison term, 1191
notwithstanding division (A)(4) of section 2929.14 of the Revised 1192
Code, it also may sentence the offender to a definite prison term 1193
that shall be not less than six months and not more than thirty 1194
months and the prison terms shall be imposed as described in 1195
division (G)(2) of section 2929.13 of the Revised Code. If the 1196
court imposes a mandatory prison term or mandatory prison term and 1197
additional prison term, in addition to the term or terms so 1198
imposed, the court also may sentence the offender to a community 1199
control sanction for the offense, but the offender shall serve all 1200
of the prison terms so imposed prior to serving the community 1201
control sanction. 1202

(iii) In all cases, notwithstanding section 2929.18 of the 1203
Revised Code, a fine of not less than one thousand three hundred 1204
fifty nor more than ten thousand five hundred dollars; 1205

(iv) In all cases, a class two license suspension of the 1206
offender's driver's license, commercial driver's license, 1207
temporary instruction permit, probationary license, or nonresident 1208
operating privilege from the range specified in division (A)(2) of 1209
section 4510.02 of the Revised Code. The court may grant limited 1210
driving privileges relative to the suspension under sections 1211
4510.021 and 4510.13 of the Revised Code. 1212

(v) In all cases, if the vehicle is registered in the 1213
offender's name, criminal forfeiture of the vehicle involved in 1214
the offense in accordance with section 4503.234 of the Revised 1215
Code. Division (G)(6) of this section applies regarding any 1216

vehicle that is subject to an order of criminal forfeiture under 1217
this division. 1218

(vi) In all cases, the court shall order the offender to 1219
participate in an alcohol and drug addiction program authorized by 1220
section 3793.02 of the Revised Code, subject to division (I) of 1221
this section, and shall order the offender to follow the treatment 1222
recommendations of the program. The operator of the program shall 1223
determine and assess the degree of the offender's alcohol 1224
dependency and shall make recommendations for treatment. Upon the 1225
request of the court, the program shall submit the results of the 1226
assessment to the court, including all treatment recommendations 1227
and clinical diagnoses related to alcohol use. 1228

(vii) In all cases, if the court sentences the offender to a 1229
mandatory term of local incarceration, in addition to the 1230
mandatory term, the court, pursuant to section 2929.17 of the 1231
Revised Code, may impose a term of house arrest with electronic 1232
monitoring. The term shall not commence until after the offender 1233
has served the mandatory term of local incarceration. 1234

(e) An offender who previously has been convicted of or 1235
pleaded guilty to a violation of division (A) of this section that 1236
was a felony, regardless of when the violation and the conviction 1237
or guilty plea occurred, is guilty of a felony of the third 1238
degree. The court shall sentence the offender to all of the 1239
following: 1240

(i) If the offender is being sentenced for a violation of 1241
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1242
mandatory prison term of one, two, three, four, or five years as 1243
required by and in accordance with division (G)(2) of section 1244
2929.13 of the Revised Code if the offender also is convicted of 1245
or also pleads guilty to a specification of the type described in 1246
section 2941.1413 of the Revised Code or a mandatory prison term 1247
of sixty consecutive days in accordance with division (G)(2) of 1248

section 2929.13 of the Revised Code if the offender is not 1249
convicted of and does not plead guilty to a specification of that 1250
type. The court may impose a prison term in addition to the 1251
mandatory prison term. The cumulative total of a sixty-day 1252
mandatory prison term and the additional prison term for the 1253
offense shall not exceed five years. In addition to the mandatory 1254
prison term or mandatory prison term and additional prison term 1255
the court imposes, the court also may sentence the offender to a 1256
community control sanction for the offense, but the offender shall 1257
serve all of the prison terms so imposed prior to serving the 1258
community control sanction. 1259

(ii) If the sentence is being imposed for a violation of 1260
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1261
section, a mandatory prison term of one, two, three, four, or five 1262
years as required by and in accordance with division (G)(2) of 1263
section 2929.13 of the Revised Code if the offender also is 1264
convicted of or also pleads guilty to a specification of the type 1265
described in section 2941.1413 of the Revised Code or a mandatory 1266
prison term of one hundred twenty consecutive days in accordance 1267
with division (G)(2) of section 2929.13 of the Revised Code if the 1268
offender is not convicted of and does not plead guilty to a 1269
specification of that type. The court may impose a prison term in 1270
addition to the mandatory prison term. The cumulative total of a 1271
one hundred twenty-day mandatory prison term and the additional 1272
prison term for the offense shall not exceed five years. In 1273
addition to the mandatory prison term or mandatory prison term and 1274
additional prison term the court imposes, the court also may 1275
sentence the offender to a community control sanction for the 1276
offense, but the offender shall serve all of the prison terms so 1277
imposed prior to serving the community control sanction. 1278

(iii) In all cases, notwithstanding section 2929.18 of the 1279
Revised Code, a fine of not less than one thousand three hundred 1280

fifty nor more than ten thousand five hundred dollars; 1281

(iv) In all cases, a class two license suspension of the 1282
offender's driver's license, commercial driver's license, 1283
temporary instruction permit, probationary license, or nonresident 1284
operating privilege from the range specified in division (A)(2) of 1285
section 4510.02 of the Revised Code. The court may grant limited 1286
driving privileges relative to the suspension under sections 1287
4510.021 and 4510.13 of the Revised Code. 1288

(v) In all cases, if the vehicle is registered in the 1289
offender's name, criminal forfeiture of the vehicle involved in 1290
the offense in accordance with section 4503.234 of the Revised 1291
Code. Division (G)(6) of this section applies regarding any 1292
vehicle that is subject to an order of criminal forfeiture under 1293
this division. 1294

(vi) In all cases, the court shall order the offender to 1295
participate in an alcohol and drug addiction program authorized by 1296
section 3793.02 of the Revised Code, subject to division (I) of 1297
this section, and shall order the offender to follow the treatment 1298
recommendations of the program. The operator of the program shall 1299
determine and assess the degree of the offender's alcohol 1300
dependency and shall make recommendations for treatment. Upon the 1301
request of the court, the program shall submit the results of the 1302
assessment to the court, including all treatment recommendations 1303
and clinical diagnoses related to alcohol use. 1304

(2) An offender who is convicted of or pleads guilty to a 1305
violation of division (A) of this section and who subsequently 1306
seeks reinstatement of the driver's or occupational driver's 1307
license or permit or nonresident operating privilege suspended 1308
under this section as a result of the conviction or guilty plea 1309
shall pay a reinstatement fee as provided in division (F)(2) of 1310
section 4511.191 of the Revised Code. 1311

(3) If an offender is sentenced to a jail term under division 1312
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 1313
if, within sixty days of sentencing of the offender, the court 1314
issues a written finding on the record that, due to the 1315
unavailability of space at the jail where the offender is required 1316
to serve the term, the offender will not be able to begin serving 1317
that term within the sixty-day period following the date of 1318
sentencing, the court may impose an alternative sentence under 1319
this division that includes a term of house arrest with electronic 1320
monitoring, with continuous alcohol monitoring, or with both 1321
electronic monitoring and continuous alcohol monitoring. 1322

As an alternative to a mandatory jail term of ten consecutive 1323
days required by division (G)(1)(b)(i) of this section, the court, 1324
under this division, may sentence the offender to five consecutive 1325
days in jail and not less than eighteen consecutive days of house 1326
arrest with electronic monitoring, with continuous alcohol 1327
monitoring, or with both electronic monitoring and continuous 1328
alcohol monitoring. The cumulative total of the five consecutive 1329
days in jail and the period of house arrest with electronic 1330
monitoring, continuous alcohol monitoring, or both types of 1331
monitoring shall not exceed six months. The five consecutive days 1332
in jail do not have to be served prior to or consecutively to the 1333
period of house arrest. 1334

As an alternative to the mandatory jail term of twenty 1335
consecutive days required by division (G)(1)(b)(ii) of this 1336
section, the court, under this division, may sentence the offender 1337
to ten consecutive days in jail and not less than thirty-six 1338
consecutive days of house arrest with electronic monitoring, with 1339
continuous alcohol monitoring, or with both electronic monitoring 1340
and continuous alcohol monitoring. The cumulative total of the ten 1341
consecutive days in jail and the period of house arrest with 1342
electronic monitoring, continuous alcohol monitoring, or both 1343

types of monitoring shall not exceed six months. The ten 1344
consecutive days in jail do not have to be served prior to or 1345
consecutively to the period of house arrest. 1346

As an alternative to a mandatory jail term of thirty 1347
consecutive days required by division (G)(1)(c)(i) of this 1348
section, the court, under this division, may sentence the offender 1349
to fifteen consecutive days in jail and not less than fifty-five 1350
consecutive days of house arrest with electronic monitoring, with 1351
continuous alcohol monitoring, or with both electronic monitoring 1352
and continuous alcohol monitoring. The cumulative total of the 1353
fifteen consecutive days in jail and the period of house arrest 1354
with electronic monitoring, continuous alcohol monitoring, or both 1355
types of monitoring shall not exceed one year. The fifteen 1356
consecutive days in jail do not have to be served prior to or 1357
consecutively to the period of house arrest. 1358

As an alternative to the mandatory jail term of sixty 1359
consecutive days required by division (G)(1)(c)(ii) of this 1360
section, the court, under this division, may sentence the offender 1361
to thirty consecutive days in jail and not less than one hundred 1362
ten consecutive days of house arrest with electronic monitoring, 1363
with continuous alcohol monitoring, or with both electronic 1364
monitoring and continuous alcohol monitoring. The cumulative total 1365
of the thirty consecutive days in jail and the period of house 1366
arrest with electronic monitoring, continuous alcohol monitoring, 1367
or both types of monitoring shall not exceed one year. The thirty 1368
consecutive days in jail do not have to be served prior to or 1369
consecutively to the period of house arrest. 1370

(4) If an offender's driver's or occupational driver's 1371
license or permit or nonresident operating privilege is suspended 1372
under division (G) of this section and if section 4510.13 of the 1373
Revised Code permits the court to grant limited driving 1374
privileges, the court may grant the limited driving privileges in 1375

accordance with that section. If division (A)(7) of that section 1376
requires that the court impose as a condition of the privileges 1377
that the offender must display on the vehicle that is driven 1378
subject to the privileges restricted license plates that are 1379
issued under section 4503.231 of the Revised Code, except as 1380
provided in division (B) of that section, the court shall impose 1381
that condition as one of the conditions of the limited driving 1382
privileges granted to the offender, except as provided in division 1383
(B) of section 4503.231 of the Revised Code. 1384

(5) Fines imposed under this section for a violation of 1385
division (A) of this section shall be distributed as follows: 1386

(a) Twenty-five dollars of the fine imposed under division 1387
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 1388
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 1389
fine imposed under division (G)(1)(c)(iii), and two hundred ten 1390
dollars of the fine imposed under division (G)(1)(d)(iii) or 1391
(e)(iii) of this section shall be paid to an enforcement and 1392
education fund established by the legislative authority of the law 1393
enforcement agency in this state that primarily was responsible 1394
for the arrest of the offender, as determined by the court that 1395
imposes the fine. The agency shall use this share to pay only 1396
those costs it incurs in enforcing this section or a municipal OVI 1397
ordinance and in informing the public of the laws governing the 1398
operation of a vehicle while under the influence of alcohol, the 1399
dangers of the operation of a vehicle under the influence of 1400
alcohol, and other information relating to the operation of a 1401
vehicle under the influence of alcohol and the consumption of 1402
alcoholic beverages. 1403

(b) Fifty dollars of the fine imposed under division 1404
(G)(1)(a)(iii) of this section shall be paid to the political 1405
subdivision that pays the cost of housing the offender during the 1406
offender's term of incarceration. If the offender is being 1407

sentenced for a violation of division (A)(1)(a), (b), (c), (d), 1408
(e), or (j) of this section and was confined as a result of the 1409
offense prior to being sentenced for the offense but is not 1410
sentenced to a term of incarceration, the fifty dollars shall be 1411
paid to the political subdivision that paid the cost of housing 1412
the offender during that period of confinement. The political 1413
subdivision shall use the share under this division to pay or 1414
reimburse incarceration or treatment costs it incurs in housing or 1415
providing drug and alcohol treatment to persons who violate this 1416
section or a municipal OVI ordinance, costs of any immobilizing or 1417
disabling device used on the offender's vehicle, and costs of 1418
electronic house arrest equipment needed for persons who violate 1419
this section. 1420

(c) Twenty-five dollars of the fine imposed under division 1421
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 1422
division (G)(1)(b)(iii) of this section shall be deposited into 1423
the county or municipal indigent drivers' alcohol treatment fund 1424
under the control of that court, as created by the county or 1425
municipal corporation under division (F) of section 4511.191 of 1426
the Revised Code. 1427

(d) One hundred fifteen dollars of the fine imposed under 1428
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 1429
fine imposed under division (G)(1)(c)(iii), and four hundred forty 1430
dollars of the fine imposed under division (G)(1)(d)(iii) or 1431
(e)(iii) of this section shall be paid to the political 1432
subdivision that pays the cost of housing the offender during the 1433
offender's term of incarceration. The political subdivision shall 1434
use this share to pay or reimburse incarceration or treatment 1435
costs it incurs in housing or providing drug and alcohol treatment 1436
to persons who violate this section or a municipal OVI ordinance, 1437
costs for any immobilizing or disabling device used on the 1438
offender's vehicle, and costs of electronic house arrest equipment 1439

needed for persons who violate this section. 1440

(e) Fifty dollars of the fine imposed under divisions 1441
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 1442
and (G)(1)(e)(iii) of this section shall be deposited into the 1443
special projects fund of the court in which the offender was 1444
convicted and that is established under division (E)(1) of section 1445
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 1446
of section 1907.24 of the Revised Code, to be used exclusively to 1447
cover the cost of immobilizing or disabling devices, including 1448
certified ignition interlock devices, and remote alcohol 1449
monitoring devices for indigent offenders who are required by a 1450
judge to use either of these devices. If the court in which the 1451
offender was convicted does not have a special projects fund that 1452
is established under division (E)(1) of section 2303.201, division 1453
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 1454
of the Revised Code, the fifty dollars shall be deposited into the 1455
indigent drivers interlock and alcohol monitoring fund under 1456
division (I) of section 4511.191 of the Revised Code. 1457

(f) Seventy-five dollars of the fine imposed under division 1458
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 1459
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 1460
of the fine imposed under division (G)(1)(c)(iii), and five 1461
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 1462
or (e)(iii) of this section either shall be transmitted to the 1463
treasurer of state for deposit into the indigent defense support 1464
fund established under section 120.08 of the Revised Code or if 1465
the court that imposed the fine under division (G)(1)(a)(iii), 1466
(b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this section is a 1467
municipal court that is not a county-operated municipal court and 1468
appoints counsel for indigent defendants in a manner other than 1469
that provided in section 120.33 of the Revised Code shall be 1470
transmitted to the treasurer of the municipal corporation, who 1471

shall deposit the amounts into a separate account to be used to 1472
compensate counsel appointed by the court for indigent defendants. 1473

(g) The balance of the fine imposed under division 1474
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 1475
section shall be disbursed as otherwise provided by law. 1476

(6) If title to a motor vehicle that is subject to an order 1477
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 1478
this section is assigned or transferred and division (B)(2) or (3) 1479
of section 4503.234 of the Revised Code applies, in addition to or 1480
independent of any other penalty established by law, the court may 1481
fine the offender the value of the vehicle as determined by 1482
publications of the national auto dealers association. The 1483
proceeds of any fine so imposed shall be distributed in accordance 1484
with division (C)(2) of that section. 1485

(7) As used in division (G) of this section, "electronic 1486
monitoring," "mandatory prison term," and "mandatory term of local 1487
incarceration" have the same meanings as in section 2929.01 of the 1488
Revised Code. 1489

(H) Whoever violates division (B) of this section is guilty 1490
of operating a vehicle after underage alcohol consumption and 1491
shall be punished as follows: 1492

(1) Except as otherwise provided in division (H)(2) of this 1493
section, the offender is guilty of a misdemeanor of the fourth 1494
degree. In addition to any other sanction imposed for the offense, 1495
the court shall impose a class six suspension of the offender's 1496
driver's license, commercial driver's license, temporary 1497
instruction permit, probationary license, or nonresident operating 1498
privilege from the range specified in division (A)(6) of section 1499
4510.02 of the Revised Code. 1500

(2) If, within one year of the offense, the offender 1501
previously has been convicted of or pleaded guilty to one or more 1502

violations of division (A) or (B) of this section or other 1503
equivalent offenses, the offender is guilty of a misdemeanor of 1504
the third degree. In addition to any other sanction imposed for 1505
the offense, the court shall impose a class four suspension of the 1506
offender's driver's license, commercial driver's license, 1507
temporary instruction permit, probationary license, or nonresident 1508
operating privilege from the range specified in division (A)(4) of 1509
section 4510.02 of the Revised Code. 1510

(3) If the offender also is convicted of or also pleads 1511
guilty to a specification of the type described in section 1512
2941.1416 of the Revised Code and if the court imposes a jail term 1513
for the violation of division (B) of this section, the court shall 1514
impose upon the offender an additional definite jail term pursuant 1515
to division (E) of section 2929.24 of the Revised Code. 1516

(I)(1) No court shall sentence an offender to an alcohol 1517
treatment program under this section unless the treatment program 1518
complies with the minimum standards for alcohol treatment programs 1519
adopted under Chapter 3793. of the Revised Code by the director of 1520
alcohol and drug addiction services. 1521

(2) An offender who stays in a drivers' intervention program 1522
or in an alcohol treatment program under an order issued under 1523
this section shall pay the cost of the stay in the program. 1524
However, if the court determines that an offender who stays in an 1525
alcohol treatment program under an order issued under this section 1526
is unable to pay the cost of the stay in the program, the court 1527
may order that the cost be paid from the court's indigent drivers' 1528
alcohol treatment fund. 1529

(J) If a person whose driver's or commercial driver's license 1530
or permit or nonresident operating privilege is suspended under 1531
this section files an appeal regarding any aspect of the person's 1532
trial or sentence, the appeal itself does not stay the operation 1533
of the suspension. 1534

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

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

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

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

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

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

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern

felony violations of this section, the modified rules shall apply 1566
to felony violations of this section. 1567

Section 2. That existing sections 120.36, 2937.22, 2949.091, 1568
2949.094, 2949.111, 4507.45, 4510.22, and 4511.19 of the Revised 1569
Code are hereby repealed. 1570