

## As Passed by the House

**129th General Assembly**

**Regular Session**

**2011-2012**

**Am. Sub. H. B. No. 524**

**Representatives McGregor, Heard**

**Cosponsors: Representatives Williams, Sears, Garland, Driehaus, Brenner,  
Fedor, Yuko, Winburn, Antonio, Phillips, Letson, Conditt, Amstutz, Barnes,  
Beck, Blair, Boyd, Bubp, Butler, Celeste, Combs, DeVitis, Dovilla, Foley,  
Hagan, C., Hagan, R., Hayes, Hill, Johnson, Luckie, McClain, Milkovich,  
Murray, O'Brien, Patmon, Pillich, Ramos, Reece, Ruhl, Slaby, M., Sprague,  
Stebelton, Stinziano, Sykes, Thompson, Uecker Speaker Batchelder**

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### **A B I L L**

|  |    |
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| To amend sections 109.57, 109.572, 109.578, 307.932, | 1  |
| 2151.356, 2152.02, 2152.12, 2152.121, 2152.18,       | 2  |
| 2152.26, 2152.52, 2152.56, 2152.59, 2301.27,         | 3  |
| 2301.271, 2705.031, 2907.24, 2913.02, 2921.331,      | 4  |
| 2923.122, 2925.03, 2925.04, 2925.14, 2925.38,        | 5  |
| 2929.14, 2929.19, 2929.26, 2929.41, 2947.23,         | 6  |
| 2949.08, 2951.022, 2953.08, 2953.31, 2953.32,        | 7  |
| 2953.34, 2953.36, 2961.22, 2967.191, 2967.193,       | 8  |
| 2967.26, 3119.01, 3119.05, 3123.58, 3772.10,         | 9  |
| 4301.99, 4501.02, 4503.233, 4503.234, 4507.02,       | 10 |
| 4507.164, 4509.06, 4509.101, 4510.10, 4510.11,       | 11 |
| 4510.111, 4510.16, 4510.161, 4510.17, 4510.41,       | 12 |
| 4510.54, 4513.02, 4513.021, 4513.99, 4713.07,        | 13 |
| 4713.28, 4725.44, 4725.48, 4725.52, 4725.53,         | 14 |
| 4738.04, 4738.07, 4740.05, 4740.06, 4740.10,         | 15 |
| 4747.04, 4747.05, 4747.10, 4747.12, 4749.03,         | 16 |
| 4749.04, 4749.06, 4776.04, 5111.032, 5111.033,       | 17 |
| 5111.034, 5120.07, 5149.311, 5502.011, and           | 18 |

5743.99, and to enact sections 2925.141, 2953.25, 19  
4776.021, and 4776.10 of the Revised Code and to 20  
amend Section 5 of Am. Sub. H.B. 86 of the 129th 21  
General Assembly, to exclude most juvenile 22  
proceedings and adjudications from criminal 23  
records checks; to ensure that persons sentenced 24  
to confinement receive credit for time served in 25  
juvenile facilities; to expand eligibility for the 26  
sealing of criminal records and to eliminate the 27  
prohibition of the sealing of juvenile records in 28  
certain cases; to make the use or possession with 29  
purpose to use drug paraphernalia with marihuana a 30  
minor misdemeanor; to provide that a court's 31  
failure to warn an offender at sentencing about 32  
the possibility that the court may order community 33  
service if the offender fails to pay the costs of 34  
prosecution does not negate or limit the authority 35  
of the court to so order community service; to 36  
permit an individual subject to civil sanctions as 37  
a result of a conviction of or plea of guilty to a 38  
criminal offense to file a petition for relief 39  
from the sanctions and establish a procedure for 40  
the review of such petitions; to permit the court 41  
of common pleas of the individual's county of 42  
residence to issue a certificate of qualification 43  
for employment; to permit decision-makers to 44  
consider on a case-by-case basis whether to grant 45  
or deny the issuance or restoration of an 46  
occupational license or employment opportunity to 47  
an offender who has been issued such a certificate 48  
regardless of the offender's possession of the 49  
certificate and without reconsidering or rejecting 50  
any finding made by the issuing court; to provide 51

for the revocation of a certificate of 52  
qualification for employment; to increase from 53  
eighteen to twenty-one the age at which certain 54  
offenders may be held in places not authorized for 55  
the confinement of children; to increase the 56  
juvenile court's jurisdiction over certain 57  
specified cases solely for the purpose of 58  
detaining a person while the person's case is 59  
heard in adult court; to create a process by which 60  
a prosecutor may file a motion in juvenile court 61  
to request that a person be held in a place other 62  
than those specified for the placement for 63  
children while the person's case is heard in adult 64  
court; to amend the law governing child support; 65  
to modify the penalty for driving under suspension 66  
if the suspension was imposed as part of the 67  
penalty for certain violations that do not 68  
directly involve the operation of a motor vehicle; 69  
to make changes in certain other driver's license 70  
suspension provisions; to require the Department 71  
of Public Safety to study the advisability and 72  
feasibility of a one-time amnesty program for 73  
drivers who have not paid fees or fines owed by 74  
them for motor vehicle offenses and driver's 75  
license suspensions; to define the terms moral 76  
turpitude and disqualifying offense as applied to 77  
certain employment; to provide for criminal 78  
records checks and a license issuance restriction 79  
regarding applicants for a trainee license for a 80  
profession or occupation; to require the Casino 81  
Control Commission to notify each applicant for a 82  
license from the Commission who is denied the 83  
license of the reasons for the denial and to 84

provide an annual report to the General Assembly 85  
and Governor that specifies the number of license 86  
applications denied in the year and the reasons 87  
for the denial; to add an ex-offender appointed by 88  
the Director of Rehabilitation and Correction to 89  
the Ex-offender Reentry Coalition; to increase the 90  
time limit for a prosecutor to file a motion in 91  
juvenile court that objects to the imposition of a 92  
serious youthful offender dispositional sentence; 93  
to prohibit competency attainment reports and 94  
juvenile bindover evaluation reports from 95  
including details of the alleged offense as 96  
reported by the child; to require juvenile 97  
bindover evaluation reports to be completed within 98  
forty-five days unless an extension is granted; to 99  
require the Department of Youth Services to 100  
develop minimum standards for training of juvenile 101  
offender probation officers; to extend the 102  
deadline for the Ohio Interagency Task Force on 103  
Mental Health and Juvenile Justice to issue a 104  
report of its findings and recommendations; to 105  
revise the penalties for certain fifth degree 106  
felony drug offenses to generally favor not 107  
imposing a prison term; to permit the judges of 108  
the various courts of the state that supervise a 109  
concurrent supervision offender to authorize the 110  
chief probation officer to manage concurrent 111  
supervision offenders; to expand the availability 112  
of the probation improvement and incentive grants 113  
to municipal and county courts; to transfer 114  
control of the transitional control program from 115  
the Adult Parole Authority to the Division of 116  
Parole and Community Services; to amend the 117

penalty for failure to comply with an order or 118  
signal of a police officer; to eliminate the 119  
requirement that a court sentencing a felony 120  
offender provide notice of possible eligibility 121  
for earning days of credit; and to prohibit the 122  
preclusion of individuals from obtaining or 123  
renewing certain licenses, certifications, or 124  
permits due to any past criminal history unless 125  
the individual had committed a crime of moral 126  
turpitude or a disqualifying offense. 127

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

**Section 1.** That sections 109.57, 109.572, 109.578, 307.932, 128  
2151.356, 2152.02, 2152.12, 2152.121, 2152.18, 2152.26, 2152.52, 129  
2152.56, 2152.59, 2301.27, 2301.271, 2705.031, 2907.24, 2913.02, 130  
2921.331, 2923.122, 2925.03, 2925.04, 2925.14, 2925.38, 2929.14, 131  
2929.19, 2929.26, 2929.41, 2947.23, 2949.08, 2951.022, 2953.08, 132  
2953.31, 2953.32, 2953.34, 2953.36, 2961.22, 2967.191, 2961.193, 133  
2967.26, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 4501.02, 134  
4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 135  
4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 4510.54, 136  
4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 137  
4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 138  
4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 139  
4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5149.311, 140  
5502.011, and 5743.99 be amended, and sections 2925.141, 2953.25, 141  
4776.021, and 4776.10 of the Revised Code be enacted to read as 142  
follows: 143

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 144  
criminal identification and investigation shall procure from 145  
wherever procurable and file for record photographs, pictures, 146

descriptions, fingerprints, measurements, and other information 147  
that may be pertinent of all persons who have been convicted of 148  
committing within this state a felony, any crime constituting a 149  
misdemeanor on the first offense and a felony on subsequent 150  
offenses, or any misdemeanor described in division (A)(1)(a), 151  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 152  
of all children under eighteen years of age who have been 153  
adjudicated delinquent children for committing within this state 154  
an act that would be a felony or an offense of violence if 155  
committed by an adult or who have been convicted of or pleaded 156  
guilty to committing within this state a felony or an offense of 157  
violence, and of all well-known and habitual criminals. The person 158  
in charge of any county, multicounty, municipal, municipal-county, 159  
or multicounty-municipal jail or workhouse, community-based 160  
correctional facility, halfway house, alternative residential 161  
facility, or state correctional institution and the person in 162  
charge of any state institution having custody of a person 163  
suspected of having committed a felony, any crime constituting a 164  
misdemeanor on the first offense and a felony on subsequent 165  
offenses, or any misdemeanor described in division (A)(1)(a), 166  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 167  
having custody of a child under eighteen years of age with respect 168  
to whom there is probable cause to believe that the child may have 169  
committed an act that would be a felony or an offense of violence 170  
if committed by an adult shall furnish such material to the 171  
superintendent of the bureau. Fingerprints, photographs, or other 172  
descriptive information of a child who is under eighteen years of 173  
age, has not been arrested or otherwise taken into custody for 174  
committing an act that would be a felony or an offense of violence 175  
who is not in any other category of child specified in this 176  
division, if committed by an adult, has not been adjudicated a 177  
delinquent child for committing an act that would be a felony or 178  
an offense of violence if committed by an adult, has not been 179

convicted of or pleaded guilty to committing a felony or an 180  
offense of violence, and is not a child with respect to whom there 181  
is probable cause to believe that the child may have committed an 182  
act that would be a felony or an offense of violence if committed 183  
by an adult shall not be procured by the superintendent or 184  
furnished by any person in charge of any county, multicounty, 185  
municipal, municipal-county, or multicounty-municipal jail or 186  
workhouse, community-based correctional facility, halfway house, 187  
alternative residential facility, or state correctional 188  
institution, except as authorized in section 2151.313 of the 189  
Revised Code. 190

(2) Every clerk of a court of record in this state, other 191  
than the supreme court or a court of appeals, shall send to the 192  
superintendent of the bureau a weekly report containing a summary 193  
of each case involving a felony, involving any crime constituting 194  
a misdemeanor on the first offense and a felony on subsequent 195  
offenses, involving a misdemeanor described in division (A)(1)(a), 196  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 197  
or involving an adjudication in a case in which a child under 198  
eighteen years of age was alleged to be a delinquent child for 199  
committing an act that would be a felony or an offense of violence 200  
if committed by an adult. The clerk of the court of common pleas 201  
shall include in the report and summary the clerk sends under this 202  
division all information described in divisions (A)(2)(a) to (f) 203  
of this section regarding a case before the court of appeals that 204  
is served by that clerk. The summary shall be written on the 205  
standard forms furnished by the superintendent pursuant to 206  
division (B) of this section and shall include the following 207  
information: 208

(a) The incident tracking number contained on the standard 209  
forms furnished by the superintendent pursuant to division (B) of 210  
this section; 211

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| (b) The style and number of the case;                              | 212 |
| (c) The date of arrest, offense, summons, or arraignment;          | 213 |
| (d) The date that the person was convicted of or pleaded           | 214 |
| guilty to the offense, adjudicated a delinquent child for          | 215 |
| committing the act that would be a felony or an offense of         | 216 |
| violence if committed by an adult, found not guilty of the         | 217 |
| offense, or found not to be a delinquent child for committing an   | 218 |
| act that would be a felony or an offense of violence if committed  | 219 |
| by an adult, the date of an entry dismissing the charge, an entry  | 220 |
| declaring a mistrial of the offense in which the person is         | 221 |
| discharged, an entry finding that the person or child is not       | 222 |
| competent to stand trial, or an entry of a nolle prosequi, or the  | 223 |
| date of any other determination that constitutes final resolution  | 224 |
| of the case;   | 225 |
| (e) A statement of the original charge with the section of         | 226 |
| the Revised Code that was alleged to be violated;                  | 227 |
| (f) If the person or child was convicted, pleaded guilty, or       | 228 |
| was adjudicated a delinquent child, the sentence or terms of       | 229 |
| probation imposed or any other disposition of the offender or the  | 230 |
| delinquent child.  | 231 |
| If the offense involved the disarming of a law enforcement         | 232 |
| officer or an attempt to disarm a law enforcement officer, the     | 233 |
| clerk shall clearly state that fact in the summary, and the        | 234 |
| superintendent shall ensure that a clear statement of that fact is | 235 |
| placed in the bureau's records.                                    | 236 |
| (3) The superintendent shall cooperate with and assist             | 237 |
| sheriffs, chiefs of police, and other law enforcement officers in  | 238 |
| the establishment of a complete system of criminal identification  | 239 |
| and in obtaining fingerprints and other means of identification of | 240 |
| all persons arrested on a charge of a felony, any crime            | 241 |
| constituting a misdemeanor on the first offense and a felony on    | 242 |



subsequent offenses, or a misdemeanor described in division 243  
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 244  
Revised Code and of all children under eighteen years of age 245  
arrested or otherwise taken into custody for committing an act 246  
that would be a felony or an offense of violence if committed by 247  
an adult. The superintendent also shall file for record the 248  
fingerprint impressions of all persons confined in a county, 249  
multicounty, municipal, municipal-county, or multicounty-municipal 250  
jail or workhouse, community-based correctional facility, halfway 251  
house, alternative residential facility, or state correctional 252  
institution for the violation of state laws and of all children 253  
under eighteen years of age who are confined in a county, 254  
multicounty, municipal, municipal-county, or multicounty-municipal 255  
jail or workhouse, community-based correctional facility, halfway 256  
house, alternative residential facility, or state correctional 257  
institution or in any facility for delinquent children for 258  
committing an act that would be a felony or an offense of violence 259  
if committed by an adult, and any other information that the 260  
superintendent may receive from law enforcement officials of the 261  
state and its political subdivisions. 262

(4) The superintendent shall carry out Chapter 2950. of the 263  
Revised Code with respect to the registration of persons who are 264  
convicted of or plead guilty to a sexually oriented offense or a 265  
child-victim oriented offense and with respect to all other duties 266  
imposed on the bureau under that chapter. 267

(5) The bureau shall perform centralized recordkeeping 268  
functions for criminal history records and services in this state 269  
for purposes of the national crime prevention and privacy compact 270  
set forth in section 109.571 of the Revised Code and is the 271  
criminal history record repository as defined in that section for 272  
purposes of that compact. The superintendent or the 273  
superintendent's designee is the compact officer for purposes of 274

that compact and shall carry out the responsibilities of the 275  
compact officer specified in that compact. 276

(B) The superintendent shall prepare and furnish to every 277  
county, multicounty, municipal, municipal-county, or 278  
multicounty-municipal jail or workhouse, community-based 279  
correctional facility, halfway house, alternative residential 280  
facility, or state correctional institution and to every clerk of 281  
a court in this state specified in division (A)(2) of this section 282  
standard forms for reporting the information required under 283  
division (A) of this section. The standard forms that the 284  
superintendent prepares pursuant to this division may be in a 285  
tangible format, in an electronic format, or in both tangible 286  
formats and electronic formats. 287

(C)(1) The superintendent may operate a center for 288  
electronic, automated, or other data processing for the storage 289  
and retrieval of information, data, and statistics pertaining to 290  
criminals and to children under eighteen years of age who are 291  
adjudicated delinquent children for committing an act that would 292  
be a felony or an offense of violence if committed by an adult, 293  
criminal activity, crime prevention, law enforcement, and criminal 294  
justice, and may establish and operate a statewide communications 295  
network to be known as the Ohio law enforcement gateway to gather 296  
and disseminate information, data, and statistics for the use of 297  
law enforcement agencies and for other uses specified in this 298  
division. The superintendent may gather, store, retrieve, and 299  
disseminate information, data, and statistics that pertain to 300  
children who are under eighteen years of age and that are gathered 301  
pursuant to sections 109.57 to 109.61 of the Revised Code together 302  
with information, data, and statistics that pertain to adults and 303  
that are gathered pursuant to those sections. 304

(2) The superintendent or the superintendent's designee shall 305  
gather information of the nature described in division (C)(1) of 306

this section that pertains to the offense and delinquency history 307  
of a person who has been convicted of, pleaded guilty to, or been 308  
adjudicated a delinquent child for committing a sexually oriented 309  
offense or a child-victim oriented offense for inclusion in the 310  
state registry of sex offenders and child-victim offenders 311  
maintained pursuant to division (A)(1) of section 2950.13 of the 312  
Revised Code and in the internet database operated pursuant to 313  
division (A)(13) of that section and for possible inclusion in the 314  
internet database operated pursuant to division (A)(11) of that 315  
section. 316

(3) In addition to any other authorized use of information, 317  
data, and statistics of the nature described in division (C)(1) of 318  
this section, the superintendent or the superintendent's designee 319  
may provide and exchange the information, data, and statistics 320  
pursuant to the national crime prevention and privacy compact as 321  
described in division (A)(5) of this section. 322

(4) The attorney general may adopt rules under Chapter 119. 323  
of the Revised Code establishing guidelines for the operation of 324  
and participation in the Ohio law enforcement gateway. The rules 325  
may include criteria for granting and restricting access to 326  
information gathered and disseminated through the Ohio law 327  
enforcement gateway. The attorney general shall permit the state 328  
medical board and board of nursing to access and view, but not 329  
alter, information gathered and disseminated through the Ohio law 330  
enforcement gateway. 331

The attorney general may appoint a steering committee to 332  
advise the attorney general in the operation of the Ohio law 333  
enforcement gateway that is comprised of persons who are 334  
representatives of the criminal justice agencies in this state 335  
that use the Ohio law enforcement gateway and is chaired by the 336  
superintendent or the superintendent's designee. 337

(D)(1) The following are not public records under section 338

149.43 of the Revised Code: 339

(a) Information and materials furnished to the superintendent 340  
pursuant to division (A) of this section; 341

(b) Information, data, and statistics gathered or 342  
disseminated through the Ohio law enforcement gateway pursuant to 343  
division (C)(1) of this section; 344

(c) Information and materials furnished to any board or 345  
person under division (F) or (G) of this section. 346

(2) The superintendent or the superintendent's designee shall 347  
gather and retain information so furnished under division (A) of 348  
this section that pertains to the offense and delinquency history 349  
of a person who has been convicted of, pleaded guilty to, or been 350  
adjudicated a delinquent child for committing a sexually oriented 351  
offense or a child-victim oriented offense for the purposes 352  
described in division (C)(2) of this section. 353

(E)(1) The attorney general shall adopt rules, in accordance 354  
with Chapter 119. of the Revised Code and subject to division 355  
(E)(2) of this section, setting forth the procedure by which a 356  
person may receive or release information gathered by the 357  
superintendent pursuant to division (A) of this section. A 358  
reasonable fee may be charged for this service. If a temporary 359  
employment service submits a request for a determination of 360  
whether a person the service plans to refer to an employment 361  
position has been convicted of or pleaded guilty to an offense 362  
listed in division (A)(1), (3), (4), (5), or (6) of section 363  
109.572 of the Revised Code, the request shall be treated as a 364  
single request and only one fee shall be charged. 365

(2) Except as otherwise provided in this division, a rule 366  
adopted under division (E)(1) of this section may provide only for 367  
the release of information gathered pursuant to division (A) of 368  
this section that relates to the conviction of a person, or a 369

person's plea of guilty to, a criminal offense. The superintendent 370  
shall not release, and the attorney general shall not adopt any 371  
rule under division (E)(1) of this section that permits the 372  
release of, any information gathered pursuant to division (A) of 373  
this section that relates to an adjudication of a child as a 374  
delinquent child, or that relates to a criminal conviction of a 375  
person under eighteen years of age if the person's case was 376  
transferred back to a juvenile court under division (B)(2) or (3) 377  
of section 2152.121 of the Revised Code and the juvenile court 378  
imposed a disposition or serious youthful offender disposition 379  
upon the person under either division, unless either of the 380  
following applies with respect to the adjudication or conviction: 381

(a) The adjudication or conviction was for a violation of 382  
section 2903.01 or 2903.02 of the Revised Code. 383

(b) The adjudication or conviction was for a sexually 384  
oriented offense, the juvenile court was required to classify the 385  
child a juvenile offender registrant for that offense under 386  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 387  
classification has not been removed. 388

(F)(1) As used in division (F)(2) of this section, "head 389  
start agency" means an entity in this state that has been approved 390  
to be an agency for purposes of subchapter II of the "Community 391  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 392  
as amended. 393

(2)(a) In addition to or in conjunction with any request that 394  
is required to be made under section 109.572, 2151.86, 3301.32, 395  
3301.541, division (C) of section 3310.58, or section 3319.39, 396  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 397  
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 398  
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 399  
Revised Code, the board of education of any school district; the 400  
director of developmental disabilities; any county board of 401

developmental disabilities; any entity under contract with a 402  
county board of developmental disabilities; the chief 403  
administrator of any chartered nonpublic school; the chief 404  
administrator of a registered private provider that is not also a 405  
chartered nonpublic school; the chief administrator of any home 406  
health agency; the chief administrator of or person operating any 407  
child day-care center, type A family day-care home, or type B 408  
family day-care home licensed or certified under Chapter 5104. of 409  
the Revised Code; the administrator of any type C family day-care 410  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 411  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 412  
general assembly; the chief administrator of any head start 413  
agency; the executive director of a public children services 414  
agency; a private company described in section 3314.41, 3319.392, 415  
3326.25, or 3328.20 of the Revised Code; or an employer described 416  
in division (J)(2) of section 3327.10 of the Revised Code may 417  
request that the superintendent of the bureau investigate and 418  
determine, with respect to any individual who has applied for 419  
employment in any position after October 2, 1989, or any 420  
individual wishing to apply for employment with a board of 421  
education may request, with regard to the individual, whether the 422  
bureau has any information gathered under division (A) of this 423  
section that pertains to that individual. On receipt of the 424  
request, subject to division (E)(2) of this section, the 425  
superintendent shall determine whether that information exists 426  
and, upon request of the person, board, or entity requesting 427  
information, also shall request from the federal bureau of 428  
investigation any criminal records it has pertaining to that 429  
individual. The superintendent or the superintendent's designee 430  
also may request criminal history records from other states or the 431  
federal government pursuant to the national crime prevention and 432  
privacy compact set forth in section 109.571 of the Revised Code. 433  
Within thirty days of the date that the superintendent receives a 434

request, subject to division (E)(2) of this section, the 435  
superintendent shall send to the board, entity, or person a report 436  
of any information that the superintendent determines exists, 437  
including information contained in records that have been sealed 438  
under section 2953.32 of the Revised Code, and, within thirty days 439  
of its receipt, subject to division (E)(2) of this section, shall 440  
send the board, entity, or person a report of any information 441  
received from the federal bureau of investigation, other than 442  
information the dissemination of which is prohibited by federal 443  
law. 444

(b) When a board of education or a registered private 445  
provider is required to receive information under this section as 446  
a prerequisite to employment of an individual pursuant to division 447  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 448  
may accept a certified copy of records that were issued by the 449  
bureau of criminal identification and investigation and that are 450  
presented by an individual applying for employment with the 451  
district in lieu of requesting that information itself. In such a 452  
case, the board shall accept the certified copy issued by the 453  
bureau in order to make a photocopy of it for that individual's 454  
employment application documents and shall return the certified 455  
copy to the individual. In a case of that nature, a district or 456  
provider only shall accept a certified copy of records of that 457  
nature within one year after the date of their issuance by the 458  
bureau. 459

(c) Notwithstanding division (F)(2)(a) of this section, in 460  
the case of a request under section 3319.39, 3319.391, or 3327.10 461  
of the Revised Code only for criminal records maintained by the 462  
federal bureau of investigation, the superintendent shall not 463  
determine whether any information gathered under division (A) of 464  
this section exists on the person for whom the request is made. 465

(3) The state board of education may request, with respect to 466

any individual who has applied for employment after October 2, 467  
1989, in any position with the state board or the department of 468  
education, any information that a school district board of 469  
education is authorized to request under division (F)(2) of this 470  
section, and the superintendent of the bureau shall proceed as if 471  
the request has been received from a school district board of 472  
education under division (F)(2) of this section. 473

(4) When the superintendent of the bureau receives a request 474  
for information under section 3319.291 of the Revised Code, the 475  
superintendent shall proceed as if the request has been received 476  
from a school district board of education and shall comply with 477  
divisions (F)(2)(a) and (c) of this section. 478

(5) When a recipient of a classroom reading improvement grant 479  
paid under section 3301.86 of the Revised Code requests, with 480  
respect to any individual who applies to participate in providing 481  
any program or service funded in whole or in part by the grant, 482  
the information that a school district board of education is 483  
authorized to request under division (F)(2)(a) of this section, 484  
the superintendent of the bureau shall proceed as if the request 485  
has been received from a school district board of education under 486  
division (F)(2)(a) of this section. 487

(G) In addition to or in conjunction with any request that is 488  
required to be made under section 3701.881, 3712.09, 3721.121, 489  
5119.693, or 5119.85 of the Revised Code with respect to an 490  
individual who has applied for employment in a position that 491  
involves providing direct care to an older adult or adult 492  
resident, the chief administrator of a home health agency, hospice 493  
care program, home licensed under Chapter 3721. of the Revised 494  
Code, adult day-care program operated pursuant to rules adopted 495  
under section 3721.04 of the Revised Code, adult foster home, or 496  
adult care facility may request that the superintendent of the 497  
bureau investigate and determine, with respect to any individual 498



who has applied after January 27, 1997, for employment in a 499  
position that does not involve providing direct care to an older 500  
adult or adult resident, whether the bureau has any information 501  
gathered under division (A) of this section that pertains to that 502  
individual. 503

In addition to or in conjunction with any request that is 504  
required to be made under section 173.27 of the Revised Code with 505  
respect to an individual who has applied for employment in a 506  
position that involves providing ombudsperson services to 507  
residents of long-term care facilities or recipients of 508  
community-based long-term care services, the state long-term care 509  
ombudsperson, ombudsperson's designee, or director of health may 510  
request that the superintendent investigate and determine, with 511  
respect to any individual who has applied for employment in a 512  
position that does not involve providing such ombudsperson 513  
services, whether the bureau has any information gathered under 514  
division (A) of this section that pertains to that applicant. 515

In addition to or in conjunction with any request that is 516  
required to be made under section 173.394 of the Revised Code with 517  
respect to an individual who has applied for employment in a 518  
position that involves providing direct care to an individual, the 519  
chief administrator of a community-based long-term care agency may 520  
request that the superintendent investigate and determine, with 521  
respect to any individual who has applied for employment in a 522  
position that does not involve providing direct care, whether the 523  
bureau has any information gathered under division (A) of this 524  
section that pertains to that applicant. 525

On receipt of a request under this division, the 526  
superintendent shall determine whether that information exists 527  
and, on request of the individual requesting information, shall 528  
also request from the federal bureau of investigation any criminal 529  
records it has pertaining to the applicant. The superintendent or 530

the superintendent's designee also may request criminal history 531  
records from other states or the federal government pursuant to 532  
the national crime prevention and privacy compact set forth in 533  
section 109.571 of the Revised Code. Within thirty days of the 534  
date a request is received, subject to division (E)(2) of this 535  
section, the superintendent shall send to the requester a report 536  
of any information determined to exist, including information 537  
contained in records that have been sealed under section 2953.32 538  
of the Revised Code, and, within thirty days of its receipt, shall 539  
send the requester a report of any information received from the 540  
federal bureau of investigation, other than information the 541  
dissemination of which is prohibited by federal law. 542

(H) Information obtained by a government entity or person 543  
under this section is confidential and shall not be released or 544  
disseminated. 545

(I) The superintendent may charge a reasonable fee for 546  
providing information or criminal records under division (F)(2) or 547  
(G) of this section. 548

(J) As used in this section: 549

(1) "Sexually oriented offense" and "child-victim oriented 550  
offense" have the same meanings as in section 2950.01 of the 551  
Revised Code. 552

(2) "Registered private provider" means a nonpublic school or 553  
entity registered with the superintendent of public instruction 554  
under section 3310.41 of the Revised Code to participate in the 555  
autism scholarship program or section 3310.58 of the Revised Code 556  
to participate in the Jon Peterson special needs scholarship 557  
program. 558

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 559  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 560

a completed form prescribed pursuant to division (C)(1) of this 561  
section, and a set of fingerprint impressions obtained in the 562  
manner described in division (C)(2) of this section, the 563  
superintendent of the bureau of criminal identification and 564  
investigation shall conduct a criminal records check in the manner 565  
described in division (B) of this section to determine whether any 566  
information exists that indicates that the person who is the 567  
subject of the request previously has been convicted of or pleaded 568  
guilty to any of the following: 569

(a) A violation of section 2903.01, 2903.02, 2903.03, 570  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 571  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 572  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 573  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 574  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 575  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 576  
2925.06, or 3716.11 of the Revised Code, felonious sexual 577  
penetration in violation of former section 2907.12 of the Revised 578  
Code, a violation of section 2905.04 of the Revised Code as it 579  
existed prior to July 1, 1996, a violation of section 2919.23 of 580  
the Revised Code that would have been a violation of section 581  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 582  
had the violation been committed prior to that date, or a 583  
violation of section 2925.11 of the Revised Code that is not a 584  
minor drug possession offense; 585

(b) A violation of an existing or former law of this state, 586  
any other state, or the United States that is substantially 587  
equivalent to any of the offenses listed in division (A)(1)(a) of 588  
this section. 589

(2) On receipt of a request pursuant to section 5123.081 of 590  
the Revised Code with respect to an applicant for employment in 591  
any position with the department of developmental disabilities, 592

pursuant to section 5126.28 of the Revised Code with respect to an 593  
applicant for employment in any position with a county board of 594  
developmental disabilities, or pursuant to section 5126.281 of the 595  
Revised Code with respect to an applicant for employment in a 596  
direct services position with an entity contracting with a county 597  
board for employment, a completed form prescribed pursuant to 598  
division (C)(1) of this section, and a set of fingerprint 599  
impressions obtained in the manner described in division (C)(2) of 600  
this section, the superintendent of the bureau of criminal 601  
identification and investigation shall conduct a criminal records 602  
check. The superintendent shall conduct the criminal records check 603  
in the manner described in division (B) of this section to 604  
determine whether any information exists that indicates that the 605  
person who is the subject of the request has been convicted of or 606  
pleaded guilty to any of the following: 607

(a) A violation of section 2903.01, 2903.02, 2903.03, 608  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 609  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 610  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 611  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 612  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 613  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 614  
2925.03, or 3716.11 of the Revised Code; 615

(b) An existing or former municipal ordinance or law of this 616  
state, any other state, or the United States that is substantially 617  
equivalent to any of the offenses listed in division (A)(2)(a) of 618  
this section. 619

(3) On receipt of a request pursuant to section 173.27, 620  
173.394, 3712.09, 3721.121, 5119.693, or 5119.85 of the Revised 621  
Code, a completed form prescribed pursuant to division (C)(1) of 622  
this section, and a set of fingerprint impressions obtained in the 623  
manner described in division (C)(2) of this section, the 624

superintendent of the bureau of criminal identification and 625  
investigation shall conduct a criminal records check with respect 626  
to any person who has applied for employment in a position for 627  
which a criminal records check is required by those sections. The 628  
superintendent shall conduct the criminal records check in the 629  
manner described in division (B) of this section to determine 630  
whether any information exists that indicates that the person who 631  
is the subject of the request previously has been convicted of or 632  
pleaded guilty to any of the following: 633

(a) A violation of section 2903.01, 2903.02, 2903.03, 634  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 635  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 636  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 637  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 638  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 639  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 640  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 641  
2925.22, 2925.23, or 3716.11 of the Revised Code; 642

(b) An existing or former law of this state, any other state, 643  
or the United States that is substantially equivalent to any of 644  
the offenses listed in division (A)(3)(a) of this section. 645

(4) On receipt of a request pursuant to section 3701.881 of 646  
the Revised Code with respect to an applicant for employment with 647  
a home health agency as a person responsible for the care, 648  
custody, or control of a child, a completed form prescribed 649  
pursuant to division (C)(1) of this section, and a set of 650  
fingerprint impressions obtained in the manner described in 651  
division (C)(2) of this section, the superintendent of the bureau 652  
of criminal identification and investigation shall conduct a 653  
criminal records check. The superintendent shall conduct the 654  
criminal records check in the manner described in division (B) of 655  
this section to determine whether any information exists that 656

indicates that the person who is the subject of the request 657  
previously has been convicted of or pleaded guilty to any of the 658  
following: 659

(a) A violation of section 2903.01, 2903.02, 2903.03, 660  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 661  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 662  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 663  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 664  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 665  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 666  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 667  
violation of section 2925.11 of the Revised Code that is not a 668  
minor drug possession offense; 669

(b) An existing or former law of this state, any other state, 670  
or the United States that is substantially equivalent to any of 671  
the offenses listed in division (A)(4)(a) of this section. 672

(5) On receipt of a request pursuant to section 5111.032, 673  
5111.033, or 5111.034 of the Revised Code, a completed form 674  
prescribed pursuant to division (C)(1) of this section, and a set 675  
of fingerprint impressions obtained in the manner described in 676  
division (C)(2) of this section, the superintendent of the bureau 677  
of criminal identification and investigation shall conduct a 678  
criminal records check. The superintendent shall conduct the 679  
criminal records check in the manner described in division (B) of 680  
this section to determine whether any information exists that 681  
indicates that the person who is the subject of the request 682  
previously has been convicted of, has pleaded guilty to, or has 683  
been found eligible for intervention in lieu of conviction for any 684  
of the following, regardless of the date of the conviction, the 685  
date of entry of the guilty plea, or the date the person was found 686  
eligible for intervention in lieu of conviction: 687

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 688

2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 689  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 690  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 691  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 692  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 693  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 694  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 695  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 696  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 697  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 698  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 699  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 700  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 701  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 702  
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 703  
felonious sexual penetration in violation of former section 704  
2907.12 of the Revised Code, a violation of section 2905.04 of the 705  
Revised Code as it existed prior to July 1, 1996, a violation of 706  
section 2919.23 of the Revised Code that would have been a 707  
violation of section 2905.04 of the Revised Code as it existed 708  
prior to July 1, 1996, had the violation been committed prior to 709  
that date; 710

(b) A violation of an existing or former municipal ordinance 711  
or law of this state, any other state, or the United States that 712  
is substantially equivalent to any of the offenses listed in 713  
division (A)(5)(a) of this section. 714

(6) On receipt of a request pursuant to section 3701.881 of 715  
the Revised Code with respect to an applicant for employment with 716  
a home health agency in a position that involves providing direct 717  
care to an older adult, a completed form prescribed pursuant to 718  
division (C)(1) of this section, and a set of fingerprint 719  
impressions obtained in the manner described in division (C)(2) of 720

this section, the superintendent of the bureau of criminal 721  
identification and investigation shall conduct a criminal records 722  
check. The superintendent shall conduct the criminal records check 723  
in the manner described in division (B) of this section to 724  
determine whether any information exists that indicates that the 725  
person who is the subject of the request previously has been 726  
convicted of or pleaded guilty to any of the following: 727

(a) A violation of section 2903.01, 2903.02, 2903.03, 728  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 729  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 730  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 731  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 732  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 733  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 734  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 735  
2925.22, 2925.23, or 3716.11 of the Revised Code; 736

(b) An existing or former law of this state, any other state, 737  
or the United States that is substantially equivalent to any of 738  
the offenses listed in division (A)(6)(a) of this section. 739

(7) When conducting a criminal records check upon a request 740  
pursuant to section 3319.39 of the Revised Code for an applicant 741  
who is a teacher, in addition to the determination made under 742  
division (A)(1) of this section, the superintendent shall 743  
determine whether any information exists that indicates that the 744  
person who is the subject of the request previously has been 745  
convicted of or pleaded guilty to any offense specified in section 746  
3319.31 of the Revised Code. 747

(8) On receipt of a request pursuant to section 2151.86 of 748  
the Revised Code, a completed form prescribed pursuant to division 749  
(C)(1) of this section, and a set of fingerprint impressions 750  
obtained in the manner described in division (C)(2) of this 751  
section, the superintendent of the bureau of criminal 752



identification and investigation shall conduct a criminal records 753  
check in the manner described in division (B) of this section to 754  
determine whether any information exists that indicates that the 755  
person who is the subject of the request previously has been 756  
convicted of or pleaded guilty to any of the following: 757

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 758  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 759  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 760  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 761  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 762  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 763  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 764  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 765  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 766  
of the Revised Code, a violation of section 2905.04 of the Revised 767  
Code as it existed prior to July 1, 1996, a violation of section 768  
2919.23 of the Revised Code that would have been a violation of 769  
section 2905.04 of the Revised Code as it existed prior to July 1, 770  
1996, had the violation been committed prior to that date, a 771  
violation of section 2925.11 of the Revised Code that is not a 772  
minor drug possession offense, two or more OVI or OVUAC violations 773  
committed within the three years immediately preceding the 774  
submission of the application or petition that is the basis of the 775  
request, or felonious sexual penetration in violation of former 776  
section 2907.12 of the Revised Code; 777

(b) A violation of an existing or former law of this state, 778  
any other state, or the United States that is substantially 779  
equivalent to any of the offenses listed in division (A)(8)(a) of 780  
this section. 781

(9) Upon receipt of a request pursuant to section 5104.012 or 782  
5104.013 of the Revised Code, a completed form prescribed pursuant 783  
to division (C)(1) of this section, and a set of fingerprint 784

impressions obtained in the manner described in division (C)(2) of 785  
this section, the superintendent of the bureau of criminal 786  
identification and investigation shall conduct a criminal records 787  
check in the manner described in division (B) of this section to 788  
determine whether any information exists that indicates that the 789  
person who is the subject of the request has been convicted of or 790  
pleaded guilty to any of the following: 791

(a) A violation of section 2903.01, 2903.02, 2903.03, 792  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 793  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 794  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 795  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 796  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 797  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 798  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 799  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 800  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 801  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 802  
3716.11 of the Revised Code, felonious sexual penetration in 803  
violation of former section 2907.12 of the Revised Code, a 804  
violation of section 2905.04 of the Revised Code as it existed 805  
prior to July 1, 1996, a violation of section 2919.23 of the 806  
Revised Code that would have been a violation of section 2905.04 807  
of the Revised Code as it existed prior to July 1, 1996, had the 808  
violation been committed prior to that date, a violation of 809  
section 2925.11 of the Revised Code that is not a minor drug 810  
possession offense, a violation of section 2923.02 or 2923.03 of 811  
the Revised Code that relates to a crime specified in this 812  
division, or a second violation of section 4511.19 of the Revised 813  
Code within five years of the date of application for licensure or 814  
certification. 815

(b) A violation of an existing or former law of this state, 816

any other state, or the United States that is substantially 817  
equivalent to any of the offenses or violations described in 818  
division (A)(9)(a) of this section. 819

(10) Upon receipt of a request pursuant to section 5153.111 820  
of the Revised Code, a completed form prescribed pursuant to 821  
division (C)(1) of this section, and a set of fingerprint 822  
impressions obtained in the manner described in division (C)(2) of 823  
this section, the superintendent of the bureau of criminal 824  
identification and investigation shall conduct a criminal records 825  
check in the manner described in division (B) of this section to 826  
determine whether any information exists that indicates that the 827  
person who is the subject of the request previously has been 828  
convicted of or pleaded guilty to any of the following: 829

(a) A violation of section 2903.01, 2903.02, 2903.03, 830  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 831  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 832  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 833  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 834  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 835  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 836  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 837  
felonious sexual penetration in violation of former section 838  
2907.12 of the Revised Code, a violation of section 2905.04 of the 839  
Revised Code as it existed prior to July 1, 1996, a violation of 840  
section 2919.23 of the Revised Code that would have been a 841  
violation of section 2905.04 of the Revised Code as it existed 842  
prior to July 1, 1996, had the violation been committed prior to 843  
that date, or a violation of section 2925.11 of the Revised Code 844  
that is not a minor drug possession offense; 845

(b) A violation of an existing or former law of this state, 846  
any other state, or the United States that is substantially 847  
equivalent to any of the offenses listed in division (A)(10)(a) of 848

this section. 849

(11) On receipt of a request for a criminal records check 850  
from an individual pursuant to section 4749.03 or 4749.06 of the 851  
Revised Code, accompanied by a completed copy of the form 852  
prescribed in division (C)(1) of this section and a set of 853  
fingerprint impressions obtained in a manner described in division 854  
(C)(2) of this section, the superintendent of the bureau of 855  
criminal identification and investigation shall conduct a criminal 856  
records check in the manner described in division (B) of this 857  
section to determine whether any information exists indicating 858  
that the person who is the subject of the request has been 859  
convicted of or pleaded guilty to a felony in this state or in any 860  
other state. If the individual indicates that a firearm will be 861  
carried in the course of business, the superintendent shall 862  
require information from the federal bureau of investigation as 863  
described in division (B)(2) of this section. The Subject to 864  
division (F) of this section, the superintendent shall report the 865  
findings of the criminal records check and any information the 866  
federal bureau of investigation provides to the director of public 867  
safety. 868

(12) On receipt of a request pursuant to section 1321.37, 869  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 870  
Code, a completed form prescribed pursuant to division (C)(1) of 871  
this section, and a set of fingerprint impressions obtained in the 872  
manner described in division (C)(2) of this section, the 873  
superintendent of the bureau of criminal identification and 874  
investigation shall conduct a criminal records check with respect 875  
to any person who has applied for a license, permit, or 876  
certification from the department of commerce or a division in the 877  
department. The superintendent shall conduct the criminal records 878  
check in the manner described in division (B) of this section to 879  
determine whether any information exists that indicates that the 880

person who is the subject of the request previously has been 881  
convicted of or pleaded guilty to any of the following: a 882  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 883  
2925.03 of the Revised Code; any other criminal offense involving 884  
theft, receiving stolen property, embezzlement, forgery, fraud, 885  
passing bad checks, money laundering, or drug trafficking, or any 886  
criminal offense involving money or securities, as set forth in 887  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 888  
the Revised Code; or any existing or former law of this state, any 889  
other state, or the United States that is substantially equivalent 890  
to those offenses. 891

(13) On receipt of a request for a criminal records check 892  
from the treasurer of state under section 113.041 of the Revised 893  
Code or from an individual under section 4701.08, 4715.101, 894  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 895  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 896  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 897  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 898  
4762.031, 4762.06, 4776.021, or 4779.091 of the Revised Code, 899  
accompanied by a completed form prescribed under division (C)(1) 900  
of this section and a set of fingerprint impressions obtained in 901  
the manner described in division (C)(2) of this section, the 902  
superintendent of the bureau of criminal identification and 903  
investigation shall conduct a criminal records check in the manner 904  
described in division (B) of this section to determine whether any 905  
information exists that indicates that the person who is the 906  
subject of the request has been convicted of or pleaded guilty to 907  
any criminal offense in this state or any other state. ~~The Subject~~ 908  
to division (F) of this section, the superintendent shall send the 909  
results of a check requested under section 113.041 of the Revised 910  
Code to the treasurer of state and shall send the results of a 911  
check requested under any of the other listed sections to the 912  
licensing board specified by the individual in the request. 913

(14) On receipt of a request pursuant to section 1121.23, 914  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 915  
Code, a completed form prescribed pursuant to division (C)(1) of 916  
this section, and a set of fingerprint impressions obtained in the 917  
manner described in division (C)(2) of this section, the 918  
superintendent of the bureau of criminal identification and 919  
investigation shall conduct a criminal records check in the manner 920  
described in division (B) of this section to determine whether any 921  
information exists that indicates that the person who is the 922  
subject of the request previously has been convicted of or pleaded 923  
guilty to any criminal offense under any existing or former law of 924  
this state, any other state, or the United States. 925

(15) On receipt of a request for a criminal records check 926  
from an appointing or licensing authority under section 3772.07 of 927  
the Revised Code, a completed form prescribed under division 928  
(C)(1) of this section, and a set of fingerprint impressions 929  
obtained in the manner prescribed in division (C)(2) of this 930  
section, the superintendent of the bureau of criminal 931  
identification and investigation shall conduct a criminal records 932  
check in the manner described in division (B) of this section to 933  
determine whether any information exists that indicates that the 934  
person who is the subject of the request previously has been 935  
convicted of or pleaded guilty or no contest to any offense under 936  
any existing or former law of this state, any other state, or the 937  
United States that is a disqualifying offense as defined in 938  
section 3772.07 of the Revised Code or substantially equivalent to 939  
such an offense. 940

(16) ~~Not~~ Subject to division (F) of this section, not later 941  
than thirty days after the date the superintendent receives a 942  
request of a type described in division (A)(1), (2), (3), (4), 943  
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 944  
section, the completed form, and the fingerprint impressions, the 945

superintendent shall send the person, board, or entity that made 946  
the request any information, other than information the 947  
dissemination of which is prohibited by federal law, the 948  
superintendent determines exists with respect to the person who is 949  
the subject of the request that indicates that the person 950  
previously has been convicted of or pleaded guilty to any offense 951  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 952  
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 953  
appropriate. ~~The~~ Subject to division (F) of this section, the 954  
superintendent shall send the person, board, or entity that made 955  
the request a copy of the list of offenses specified in division 956  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 957  
(14), or (15) of this section, as appropriate. If the request was 958  
made under section 3701.881 of the Revised Code with regard to an 959  
applicant who may be both responsible for the care, custody, or 960  
control of a child and involved in providing direct care to an 961  
older adult, the superintendent shall provide a list of the 962  
offenses specified in divisions (A)(4) and (6) of this section. 963

~~Not~~ Subject to division (F) of this section, not later than 964  
thirty days after the superintendent receives a request for a 965  
criminal records check pursuant to section 113.041 of the Revised 966  
Code, the completed form, and the fingerprint impressions, the 967  
superintendent shall send the treasurer of state any information, 968  
other than information the dissemination of which is prohibited by 969  
federal law, the superintendent determines exist with respect to 970  
the person who is the subject of the request that indicates that 971  
the person previously has been convicted of or pleaded guilty to 972  
any criminal offense in this state or any other state. 973

(B) ~~The~~ Subject to division (F) of this section, the 974  
superintendent shall conduct any criminal records check requested 975  
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 976  
1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 977

1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 978  
3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 979  
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 980  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 981  
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 982  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 983  
4776.021, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 984  
5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 985  
5153.111 of the Revised Code as follows: 986

(1) The superintendent shall review or cause to be reviewed 987  
any relevant information gathered and compiled by the bureau under 988  
division (A) of section 109.57 of the Revised Code that relates to 989  
the person who is the subject of the request, including, if the 990  
criminal records check was requested under section 113.041, 991  
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 992  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 993  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 994  
3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 995  
5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 996  
5126.281, or 5153.111 of the Revised Code, any relevant 997  
information contained in records that have been sealed under 998  
section 2953.32 of the Revised Code; 999

(2) If the request received by the superintendent asks for 1000  
information from the federal bureau of investigation, the 1001  
superintendent shall request from the federal bureau of 1002  
investigation any information it has with respect to the person 1003  
who is the subject of the request, including fingerprint-based 1004  
checks of national crime information databases as described in 42 1005  
U.S.C. 671 if the request is made pursuant to section 2151.86, 1006  
5104.012, or 5104.013 of the Revised Code or if any other Revised 1007  
Code section requires fingerprint-based checks of that nature, and 1008  
shall review or cause to be reviewed any information the 1009



superintendent receives from that bureau. If a request under 1010  
section 3319.39 of the Revised Code asks only for information from 1011  
the federal bureau of investigation, the superintendent shall not 1012  
conduct the review prescribed by division (B)(1) of this section. 1013

(3) The superintendent or the superintendent's designee may 1014  
request criminal history records from other states or the federal 1015  
government pursuant to the national crime prevention and privacy 1016  
compact set forth in section 109.571 of the Revised Code. 1017

(C)(1) The superintendent shall prescribe a form to obtain 1018  
the information necessary to conduct a criminal records check from 1019  
any person for whom a criminal records check is requested under 1020  
section 113.041 of the Revised Code or required by section 121.08, 1021  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1022  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1023  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 1024  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1025  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1026  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1027  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1028  
4761.051, 4762.031, 4762.06, 4763.05, 4776.021, 4779.091, 1029  
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 1030  
5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1031  
Code. The form that the superintendent prescribes pursuant to this 1032  
division may be in a tangible format, in an electronic format, or 1033  
in both tangible and electronic formats. 1034

(2) The superintendent shall prescribe standard impression 1035  
sheets to obtain the fingerprint impressions of any person for 1036  
whom a criminal records check is requested under section 113.041 1037  
of the Revised Code or required by section 121.08, 173.27, 1038  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1039  
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1040  
3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 1041

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1042  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1043  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1044  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1045  
4761.051, 4762.031, 4762.06, 4763.05, 4776.021, 4779.091, 1046  
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 1047  
5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1048  
Code. Any person for whom a records check is requested under or 1049  
required by any of those sections shall obtain the fingerprint 1050  
impressions at a county sheriff's office, municipal police 1051  
department, or any other entity with the ability to make 1052  
fingerprint impressions on the standard impression sheets 1053  
prescribed by the superintendent. The office, department, or 1054  
entity may charge the person a reasonable fee for making the 1055  
impressions. The standard impression sheets the superintendent 1056  
prescribes pursuant to this division may be in a tangible format, 1057  
in an electronic format, or in both tangible and electronic 1058  
formats. 1059

(3) Subject to division (D) of this section, the 1060  
superintendent shall prescribe and charge a reasonable fee for 1061  
providing a criminal records check requested under section 1062  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1063  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1064  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1065  
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 1066  
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 1067  
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 1068  
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 1069  
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4776.021, 1070  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1071  
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 1072  
Revised Code. The person making a criminal records request under 1073  
any of those sections shall pay the fee prescribed pursuant to 1074

this division. A person making a request under section 3701.881 of 1075  
the Revised Code for a criminal records check for an applicant who 1076  
may be both responsible for the care, custody, or control of a 1077  
child and involved in providing direct care to an older adult 1078  
shall pay one fee for the request. In the case of a request under 1079  
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 1080  
5111.032 of the Revised Code, the fee shall be paid in the manner 1081  
specified in that section. 1082

(4) The superintendent of the bureau of criminal 1083  
identification and investigation may prescribe methods of 1084  
forwarding fingerprint impressions and information necessary to 1085  
conduct a criminal records check, which methods shall include, but 1086  
not be limited to, an electronic method. 1087

(D) A determination whether any information exists that 1088  
indicates that a person previously has been convicted of or 1089  
pleaded guilty to any offense listed or described in division 1090  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1091  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1092  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 1093  
of this section, or that indicates that a person previously has 1094  
been convicted of or pleaded guilty to any criminal offense in 1095  
this state or any other state regarding a criminal records check 1096  
of a type described in division (A)(13) of this section, and that 1097  
is made by the superintendent with respect to information 1098  
considered in a criminal records check in accordance with this 1099  
section is valid for the person who is the subject of the criminal 1100  
records check for a period of one year from the date upon which 1101  
the superintendent makes the determination. During the period in 1102  
which the determination in regard to a person is valid, if another 1103  
request under this section is made for a criminal records check 1104  
for that person, the superintendent shall provide the information 1105  
that is the basis for the superintendent's initial determination 1106

at a lower fee than the fee prescribed for the initial criminal 1107  
records check. 1108

(E) When the superintendent receives a request for 1109  
information from a registered private provider, the superintendent 1110  
shall proceed as if the request was received from a school 1111  
district board of education under section 3319.39 of the Revised 1112  
Code. The superintendent shall apply division (A)(7) of this 1113  
section to any such request for an applicant who is a teacher. 1114

(F)(1) All information regarding the results of a criminal 1115  
records check conducted under this section that the superintendent 1116  
reports or sends under division (A)(11), (13), or (16) of this 1117  
section to the director of public safety, the treasurer of state, 1118  
or the person, board, or entity that made the request for the 1119  
criminal records check shall relate to the conviction of the 1120  
subject person, or the subject person's plea of guilty to, a 1121  
criminal offense. 1122

(2) Division (F)(1) of this section does not limit, restrict, 1123  
or preclude the superintendent's release of information that 1124  
relates to an adjudication of a child as a delinquent child, or 1125  
that relates to a criminal conviction of a person under eighteen 1126  
years of age if the person's case was transferred back to a 1127  
juvenile court under division (B)(2) or (3) of section 2152.121 of 1128  
the Revised Code and the juvenile court imposed a disposition or 1129  
serious youthful offender disposition upon the person under either 1130  
division, if either of the following applies with respect to the 1131  
adjudication or conviction: 1132

(a) The adjudication or conviction was for a violation of 1133  
section 2903.01 or 2903.02 of the Revised Code. 1134

(b) The adjudication or conviction was for a sexually 1135  
oriented offense, as defined in section 2950.01 of the Revised 1136  
Code, the juvenile court was required to classify the child a 1137

juvenile offender registrant for that offense under section 1138  
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 1139  
classification has not been removed. 1140

(G) As used in this section: 1141

(1) "Criminal records check" means any criminal records check 1142  
conducted by the superintendent of the bureau of criminal 1143  
identification and investigation in accordance with division (B) 1144  
of this section. 1145

(2) "Minor drug possession offense" has the same meaning as 1146  
in section 2925.01 of the Revised Code. 1147

(3) "Older adult" means a person age sixty or older. 1148

(4) "OVI or OVUAC violation" means a violation of section 1149  
4511.19 of the Revised Code or a violation of an existing or 1150  
former law of this state, any other state, or the United States 1151  
that is substantially equivalent to section 4511.19 of the Revised 1152  
Code. 1153

(5) "Registered private provider" means a nonpublic school or 1154  
entity registered with the superintendent of public instruction 1155  
under section 3310.41 of the Revised Code to participate in the 1156  
autism scholarship program or section 3310.58 of the Revised Code 1157  
to participate in the Jon Peterson special needs scholarship 1158  
program. 1159

**Sec. 109.578.** (A) On receipt of a request pursuant to section 1160  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 1161  
completed form prescribed pursuant to division (C)(1) of this 1162  
section, and a set of fingerprint impressions obtained in the 1163  
manner described in division (C)(2) of this section, the 1164  
superintendent of the bureau of criminal identification and 1165  
investigation shall conduct a criminal records check in the manner 1166  
described in division (B) of this section to determine whether any 1167

information exists that indicates that the person who is the 1168  
subject of the request previously has been convicted of or pleaded 1169  
guilty to any of the following: 1170

(1) A felony; 1171

(2) A violation of section 2909.03 of the Revised Code; 1172

(3) A violation of an existing or former law of this state, 1173  
any other state, or the United States that is substantially 1174  
equivalent to any of the offenses listed in division (A)(1) or (2) 1175  
of this section. 1176

(B) The Subject to division (E) of this section, the 1177  
superintendent shall conduct any criminal records check pursuant 1178  
to division (A) of this section as follows: 1179

(1) The superintendent shall review or cause to be reviewed 1180  
any relevant information gathered and compiled by the bureau under 1181  
division (A) of section 109.57 of the Revised Code that relates to 1182  
the person who is the subject of the request, including any 1183  
relevant information contained in records that have been sealed 1184  
under section 2953.32 of the Revised Code. 1185

(2) If the request received by the superintendent asks for 1186  
information from the federal bureau of investigation, the 1187  
superintendent shall request from the federal bureau of 1188  
investigation any information it has with respect to the person 1189  
who is the subject of the request and shall review or cause to be 1190  
reviewed any information the superintendent receives from that 1191  
bureau. 1192

(C)(1) The superintendent shall prescribe a form to obtain 1193  
the information necessary to conduct a criminal records check from 1194  
any person for whom a criminal records check is requested pursuant 1195  
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1196  
Code. The form that the superintendent prescribes pursuant to this 1197  
division may be in a tangible format, in an electronic format, or 1198

in both tangible and electronic formats. 1199

(2) The superintendent shall prescribe standard impression 1200  
sheets to obtain the fingerprint impressions of any person for 1201  
whom a criminal records check is requested pursuant to section 1202  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1203  
person for whom a records check is requested pursuant to any of 1204  
those sections shall obtain the fingerprint impressions at a 1205  
county sheriff's office, a municipal police department, or any 1206  
other entity with the ability to make fingerprint impressions on 1207  
the standard impression sheets prescribed by the superintendent. 1208  
The office, department, or entity may charge the person a 1209  
reasonable fee for making the impressions. The standard impression 1210  
sheets the superintendent prescribes pursuant to this division may 1211  
be in a tangible format, in an electronic format, or in both 1212  
tangible and electronic formats. 1213

(3) Subject to division (D) of this section, the 1214  
superintendent shall prescribe and charge a reasonable fee for 1215  
providing a criminal records check requested under section 1216  
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1217  
person making the criminal records request shall pay the fee 1218  
prescribed pursuant to this division. 1219

(4) The superintendent may prescribe methods of forwarding 1220  
fingerprint impressions and information necessary to conduct a 1221  
criminal records check. The methods shall include, but are not 1222  
limited to, an electronic method. 1223

(D) A determination whether any information exists that 1224  
indicates that a person previously has been convicted of or 1225  
pleaded guilty to any offense listed or described in division (A) 1226  
of this section and that the superintendent made with respect to 1227  
information considered in a criminal records check in accordance 1228  
with this section is valid for the person who is the subject of 1229  
the criminal records check for a period of one year from the date 1230

upon which the superintendent makes the determination. During the 1231  
period in which the determination in regard to a person is valid, 1232  
if another request under this section is made for a criminal 1233  
records check for that person, the superintendent shall provide 1234  
the information that is the basis for the superintendent's initial 1235  
determination at a lower fee than the fee prescribed for the 1236  
initial criminal records check. 1237

(E)(1) All information regarding the results of a criminal 1238  
records check conducted under this section that the superintendent 1239  
reports or sends under this section to the person, board, or 1240  
entity that made the request for the criminal records check shall 1241  
relate to the conviction of the subject person, or the subject 1242  
person's plea of guilty to, a criminal offense. 1243

(2) Division (E)(1) of this section does not limit, restrict, 1244  
or preclude the superintendent's release of information that 1245  
relates to an adjudication of a child as a delinquent child, or 1246  
that relates to a criminal conviction of a person under eighteen 1247  
years of age if the person's case was transferred back to a 1248  
juvenile court under division (B)(2) or (3) of section 2152.121 of 1249  
the Revised Code and the juvenile court imposed a disposition or 1250  
serious youthful offender disposition upon the person under either 1251  
division, if either of the following applies with respect to the 1252  
adjudication or conviction: 1253

(a) The adjudication or conviction was for a violation of 1254  
section 2903.01 or 2903.02 of the Revised Code. 1255

(b) The adjudication or conviction was for a sexually 1256  
oriented offense, as defined in section 2950.01 of the Revised 1257  
Code, the juvenile court was required to classify the child a 1258  
juvenile offender registrant for that offense under section 1259  
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 1260  
classification has not been removed. 1261



(F) As used in this section, "criminal records check" means 1262  
any criminal records check conducted by the superintendent of the 1263  
bureau of criminal identification and investigation in accordance 1264  
with division (B) of this section. 1265

**Sec. 307.932.** (A) As used in this section: 1266

(1) "Division of parole and community services" means the 1267  
division of parole and community services of the department of 1268  
rehabilitation and correction. 1269

(2) "Eligible offender" means, in relation to a particular 1270  
community alternative sentencing center or district community 1271  
alternative sentencing center established and operated under 1272  
division (E) of this section, an offender who has been convicted 1273  
of or pleaded guilty to a qualifying misdemeanor offense, for whom 1274  
no provision of the Revised Code or ordinance of a municipal 1275  
corporation other than section 4511.19 of the Revised Code, both 1276  
section 4510.14 and 4511.19 of the Revised Code, or an ordinance 1277  
or ordinances of a municipal corporation that provide the 1278  
penalties for a municipal OVI offense or for both a municipal OVI 1279  
ordinance and a municipal DUS ordinance of the municipal 1280  
corporation requires the imposition of a mandatory jail term for 1281  
that qualifying misdemeanor offense, and who is eligible to be 1282  
sentenced directly to that center and admitted to it under rules 1283  
adopted under division (G) of this section by the board of county 1284  
commissioners or affiliated group of boards of county 1285  
commissioners that established and operates that center. 1286

(3) "Municipal OVI offense" has the same meaning as in 1287  
section 4511.181 of the Revised Code. 1288

(4) "OVI term of confinement" means a term of confinement 1289  
imposed for a violation of section 4511.19 of the Revised Code or 1290  
for a municipal OVI offense, including any mandatory jail term or 1291  
mandatory term of local incarceration imposed for that violation 1292

or offense. 1293

(5) "Community residential sanction" means a community 1294  
residential sanction imposed under section 2929.26 of the Revised 1295  
Code for a misdemeanor violation of a section of the Revised Code 1296  
or a term of confinement imposed for a misdemeanor violation of a 1297  
municipal ordinance that is not a jail term. 1298

(6) "Qualifying misdemeanor offense" means a violation of any 1299  
section of the Revised Code that is a misdemeanor or a violation 1300  
of any ordinance of a municipal corporation located in the county 1301  
that is a misdemeanor. 1302

(7) "Municipal DUS offense" means a violation of a municipal 1303  
ordinance that is substantially equivalent to section 4510.14 of 1304  
the Revised Code. 1305

(B)(1) The board of county commissioners of any county, in 1306  
consultation with the sheriff of the county, may formulate a 1307  
proposal for a community alternative sentencing center that, upon 1308  
implementation by the county or being subcontracted to or operated 1309  
by a nonprofit organization, would be used for the confinement of 1310  
eligible offenders sentenced directly to the center by a court 1311  
located in the county pursuant to a community residential sanction 1312  
of not more than thirty days or pursuant to an OVI term of 1313  
confinement of not more than sixty days, and for the purpose of 1314  
closely monitoring those eligible offenders' adjustment to 1315  
community supervision. A board that formulates a proposal pursuant 1316  
to this division shall do so by resolution. 1317

(2) The boards of county commissioners of two or more 1318  
adjoining or neighboring counties, in consultation with the 1319  
sheriffs of each of those counties, may affiliate and formulate by 1320  
resolution adopted by each of them a proposal for a district 1321  
community alternative sentencing center that, upon implementation 1322  
by the counties or being subcontracted to or operated by a 1323

nonprofit organization, would be used for the confinement of 1324  
eligible offenders sentenced directly to the center by a court 1325  
located in any of those counties pursuant to a community 1326  
residential sanction of not more than thirty days or pursuant to 1327  
an OVI term of confinement of not more than sixty days, and for 1328  
the purpose of closely monitoring those eligible offenders' 1329  
adjustment to community supervision. Each board that affiliates 1330  
with one or more other boards to formulate a proposal pursuant to 1331  
this division shall formulate the proposal by resolution. 1332

(C) Each proposal for a community alternative sentencing 1333  
center or a district community alternative sentencing center that 1334  
is formulated under division (B)(1) or (2) of this section shall 1335  
include proposals for operation of the center and for criteria to 1336  
define which offenders are eligible to be sentenced directly to 1337  
the center and admitted to it. At a minimum, the proposed criteria 1338  
that define which offenders are eligible to be sentenced directly 1339  
to the center and admitted to it shall provide all of the 1340  
following: 1341

(1) That an offender is eligible to be sentenced directly to 1342  
the center and admitted to it if the offender has been convicted 1343  
of or pleaded guilty to a qualifying misdemeanor offense and is 1344  
sentenced directly to the center for the qualifying misdemeanor 1345  
offense pursuant to a community residential sanction of not more 1346  
than thirty days or pursuant to an OVI term of confinement of not 1347  
more than sixty days by a court that is located in the county or 1348  
one of the counties served by the board of county commissioners or 1349  
by any of the affiliated group of boards of county commissioners 1350  
that submits the proposal; 1351

(2) That, except as otherwise provided in this division, no 1352  
offender is eligible to be sentenced directly to the center or 1353  
admitted to it if, in addition to the community residential 1354  
sanction or OVI term of confinement described in division (C)(1) 1355

of this section, the offender is serving or has been sentenced to 1356  
serve any other jail term, prison term, or community residential 1357  
sanction. A mandatory jail term or electronic monitoring imposed 1358  
in lieu of a mandatory jail term for a violation of section 1359  
4511.19 of the Revised Code, for a municipal OVI offense, or for 1360  
either such offense and a similar offense that exceeds sixty days 1361  
of confinement shall not disqualify the offender from serving 1362  
sixty days of the mandatory jail term at the center. 1363

(D) If a proposal for a community alternative sentencing 1364  
center or a district community alternative sentencing center that 1365  
is formulated under division (B)(1) or (2) of this section 1366  
contemplates the use of an existing facility, or a part of an 1367  
existing facility, as the center, nothing in this section limits, 1368  
restricts, or precludes the use of the facility, the part of the 1369  
facility, or any other part of the facility for any purpose other 1370  
than as a community alternative sentencing center or district 1371  
community alternative sentencing center. 1372

(E) The establishment and operation of a community 1373  
alternative sentencing center or district community alternative 1374  
sentencing center may be done by subcontracting with a nonprofit 1375  
organization for the operation of the center. 1376

If a board of county commissioners or an affiliated group of 1377  
boards of county commissioners establishes and operates a 1378  
community alternative sentencing center or district community 1379  
alternative sentencing center under this division, except as 1380  
otherwise provided in this division, the center is not a minimum 1381  
security jail under section 341.14, section 753.21, or any other 1382  
provision of the Revised Code, is not a jail or alternative 1383  
residential facility as defined in section 2929.01 of the Revised 1384  
Code, is not required to satisfy or comply with minimum standards 1385  
for minimum security jails or other jails that are promulgated 1386  
under division (A) of section 5120.10 of the Revised Code, is not 1387

a local detention facility as defined in section 2929.36 of the Revised Code, and is not a residential unit as defined in section 2950.01 of the Revised Code. The center is a detention facility as defined in sections 2921.01 and 2923.124 of the Revised Code, and an eligible offender confined in the center is under detention as defined in section 2921.01 of the Revised Code. Regarding persons sentenced directly to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense, the center shall be considered a "jail" or "local correctional facility" for purposes of any provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation that requires a mandatory jail term or mandatory term of local incarceration for the violation of section 4511.19 of the Revised Code, the violation of both section 4510.14 and 4511.19 of the Revised Code, the municipal OVI offense, or the municipal OVI offense and the municipal DUS offense, and a direct sentence of a person to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense shall be considered to be a sentence to a "jail" or "local correctional facility" for purposes of any such provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation.

(F)(1) If the board of county commissioners of a county that is being served by a community alternative sentencing center established pursuant to division (E) of this section determines that it no longer wants to be served by the center, the board may dissolve the center by adopting a resolution evidencing the determination to dissolve the center.

(2) If the boards of county commissioners of all of the counties served by any district community alternative sentencing

center established pursuant to division (E) of this section 1420  
determine that they no longer want to be served by the center, the 1421  
boards may dissolve the center by adopting in each county a 1422  
resolution evidencing the determination to dissolve the center. 1423

(3) If at least one, but not all, of the boards of county 1424  
commissioners of the counties being served by any district 1425  
community alternative sentencing center established pursuant to 1426  
division (E) of this section determines that it no longer wants to 1427  
be served by the center, the board may terminate its involvement 1428  
with the center by adopting a resolution evidencing the 1429  
determination to terminate its involvement with the center. If at 1430  
least one, but not all, of the boards of county commissioners of 1431  
the counties being served by any community alternative sentencing 1432  
center terminates its involvement with the center in accordance 1433  
with this division, the other boards of county commissioners of 1434  
the counties being served by the center may continue to be served 1435  
by the center. 1436

(G) Prior to establishing or operating a community 1437  
alternative sentencing center or a district community alternative 1438  
sentencing center, the board of county commissioners or the 1439  
affiliated group of boards of county commissioners that formulated 1440  
the proposal shall adopt rules for the operation of the center. 1441  
The rules shall include criteria that define which offenders are 1442  
eligible to be sentenced directly to the center and admitted to 1443  
it. 1444

(H) If a board of county commissioners establishes and 1445  
operates a community alternative sentencing center under division 1446  
(E) of this section, or an affiliated group of boards of county 1447  
commissioners establishes and operates a district community 1448  
alternative sentencing center under that division, all of the 1449  
following apply: 1450

(1) Any court located within the county served by the board 1451

that establishes and operates a community ~~correctional~~ alternative 1452  
sentencing center may directly sentence eligible offenders to the 1453  
center pursuant to a community residential sanction of not more 1454  
than thirty days or pursuant to an OVI term of confinement, a 1455  
combination of an OVI term of confinement and confinement for a 1456  
violation of section 4510.14 of the Revised Code, or confinement 1457  
for a municipal DUS offense of not more than sixty days. Any court 1458  
located within a county served by any of the boards that 1459  
establishes and operates a district community ~~correctional~~ 1460  
alternative sentencing center may directly sentence eligible 1461  
offenders to the center pursuant to a community residential 1462  
sanction of not more than thirty days or pursuant to an OVI term 1463  
of confinement, a combination of an OVI term of confinement and 1464  
confinement for a violation of section 4510.14 of the Revised 1465  
Code, or confinement for a municipal DUS offense of not more than 1466  
~~thirty~~ sixty days. 1467

(2) Each eligible offender who is sentenced to the center as 1468  
described in division (H)(1) of this section and admitted to it 1469  
shall be offered during the eligible offender's confinement at the 1470  
center educational and vocational services and reentry planning 1471  
and may be offered any other treatment and rehabilitative services 1472  
that are available and that the court that sentenced the 1473  
particular eligible offender to the center and the administrator 1474  
of the center determine are appropriate based upon the offense for 1475  
which the eligible offender was sentenced to the community 1476  
residential sanction and the length of the sanction. 1477

(3) Before accepting an eligible offender sentenced to the 1478  
center by a court, the board or the affiliated group of boards 1479  
shall enter into an agreement with a political subdivision that 1480  
operates that court that addresses the cost and payment of medical 1481  
treatment or services received by eligible offenders sentenced by 1482  
that court while they are confined in the center. The agreement 1483

may provide for the payment of the costs by the particular 1484  
eligible offender who receives the treatment or services, as 1485  
described in division (I) of this section. 1486

(4) If a court sentences an eligible offender to a center 1487  
under authority of division (H)(1) of this section, immediately 1488  
after the sentence is imposed, the eligible offender shall be 1489  
taken to the probation department that serves the court. The 1490  
department shall handle any preliminary matters regarding the 1491  
admission of the eligible offender to the center, including a 1492  
determination as to whether the eligible offender may be admitted 1493  
to the center under the criteria included in the rules adopted 1494  
under division (G) of this section that define which offenders are 1495  
eligible to be sentenced and admitted to the center. If the 1496  
eligible offender is accepted for admission to the center, the 1497  
department shall schedule the eligible offender for the admission 1498  
and shall provide for the transportation of the offender to the 1499  
center. If an eligible offender who is sentenced to the center 1500  
under a community residential sanction is not accepted for 1501  
admission to the center for any reason, the nonacceptance shall be 1502  
considered a violation of a condition of the community residential 1503  
sanction, the eligible offender shall be taken before the court 1504  
that imposed the sentence, and the court may proceed as specified 1505  
in division (C)(2) of section 2929.25 of the Revised Code based on 1506  
the violation or as provided by ordinance of the municipal 1507  
corporation based on the violation, whichever is applicable. If an 1508  
eligible offender who is sentenced to the center under an OVI term 1509  
of confinement is not accepted for admission to the center for any 1510  
reason, the eligible offender shall be taken before the court that 1511  
imposed the sentence, and the court shall determine the place at 1512  
which the offender is to serve the term of confinement. If the 1513  
eligible offender is admitted to the center, all of the following 1514  
apply: 1515



(a) The admission shall be under the terms and conditions 1516  
established by the court and the administrator of the center, and 1517  
the court and the administrator of the center shall provide for 1518  
the confinement of the eligible offender and supervise the 1519  
eligible offender as provided in divisions (H)(4)(b) to (f) of 1520  
this section. 1521

(b) The eligible offender shall be confined in the center 1522  
during any period of time that the eligible offender is not 1523  
actually working at the eligible offender's approved work release 1524  
described in division (H)(4)(c) of this section, engaged in 1525  
community service activities described in division (H)(4)(d) of 1526  
this section, engaged in authorized vocational training or another 1527  
authorized educational program, engaged in another program 1528  
designated by the administrator of the center, or engaged in other 1529  
activities approved by the court and the administrator of the 1530  
center. 1531

(c) If the court and the administrator of the center 1532  
determine that work release is appropriate based upon the offense 1533  
for which the eligible offender was sentenced to the community 1534  
residential sanction or OVI term of confinement and the length of 1535  
the sanction or term, the eligible offender may be offered work 1536  
release from confinement at the center and be released from 1537  
confinement while engaged in the work release. 1538

(d) If the administrator of the center determines that 1539  
community service is appropriate and if the eligible offender will 1540  
be confined for more than ten days at the center, the eligible 1541  
offender may be required to participate in community service 1542  
activities approved by the political subdivision served by the 1543  
court. Community service activities that may be required under 1544  
this division may take place in facilities of the political 1545  
subdivision that operates the court, in the community, or in both 1546  
such locales. The eligible offender shall be released from 1547

confinement while engaged in the community service activities. 1548  
Community service activities required under this division shall be 1549  
supervised by the court or an official designated by the board of 1550  
county commissioners or affiliated group of boards of county 1551  
commissioners that established and is operating the center. 1552  
Community service activities required under this division shall 1553  
not exceed in duration the period for which the eligible offender 1554  
will be confined at the center under the community residential 1555  
sanction or the OVI term of confinement. 1556

(e) The confinement of the eligible offender in the center 1557  
shall be considered for purposes of this division and division 1558  
(H)(4)(f) of this section as including any period of time 1559  
described in division (H)(4)(b) of this section when the eligible 1560  
offender may be outside of the center and shall continue until the 1561  
expiration of the community residential sanction, the OVI term of 1562  
confinement, or the combination of the OVI term of confinement and 1563  
the confinement for the violation of section 4510.14 of the 1564  
Revised Code or the municipal DUS ordinance that the eligible 1565  
offender is serving upon admission to the center. 1566

(f) After the admission and until the expiration of the 1567  
community residential sanction or OVI term of confinement that the 1568  
eligible offender is serving upon admission to the center, the 1569  
eligible offender shall be considered for purposes of any 1570  
provision in Title XXIX of the Revised Code to be serving the 1571  
community residential sanction or OVI term of confinement. 1572

(5) The administrator of the center, or the administrator's 1573  
designee, shall post a sign as described in division (A)(4) of 1574  
section 2923.1212 of the Revised Code in a conspicuous location at 1575  
the center. 1576

(I) The board of county commissioners that establishes and 1577  
operates a community alternative sentencing center under division 1578  
(E) of this section, or the affiliated group of boards of county 1579

commissioners that establishes and operates a district community 1580  
alternative sentencing center under that division, may require an 1581  
eligible offender who is sentenced directly to the center and 1582  
admitted to it to pay to the county served by the board or the 1583  
counties served by the affiliated group of boards or the entity 1584  
operating the center the reasonable expenses incurred by the 1585  
county or counties, whichever is applicable, in supervising or 1586  
confining the eligible offender after being sentenced to the 1587  
center and admitted. Inability to pay those reasonable expenses 1588  
shall not be grounds for refusing to admit an otherwise eligible 1589  
offender to the center. 1590

(J)(1) If an eligible offender who is directly sentenced to a 1591  
community alternative sentencing center or district community 1592  
alternative sentencing center and admitted to the center 1593  
successfully completes the service of the community residential 1594  
sanction in the center, the administrator of the center shall 1595  
notify the court that imposed the sentence, and the court shall 1596  
enter into the journal that the eligible offender successfully 1597  
completed the service of the sanction. 1598

(2) If an eligible offender who is directly sentenced to a 1599  
community alternative sentencing center or district community 1600  
alternative sentencing center and admitted to the center violates 1601  
any rule established under this section by the board of county 1602  
commissioners or the affiliated group of boards of county 1603  
commissioners that establishes and operates the center, violates 1604  
any condition of the community residential sanction, the OVI term 1605  
of confinement, or the combination of the OVI term of confinement 1606  
and the confinement for the violation of section 4510.14 of the 1607  
Revised Code or the municipal OVI ordinance imposed by the 1608  
sentencing court, or otherwise does not successfully complete the 1609  
service of the community residential sanction or OVI term of 1610  
confinement in the center, the administrator of the center shall 1611

report the violation or failure to successfully complete the 1612  
sanction or term directly to the court or to the probation 1613  
department or probation officer with general control and 1614  
supervision over the eligible offender. A failure to successfully 1615  
complete the service of the community residential sanction, the 1616  
OVI term of confinement, or the combination of the OVI term of 1617  
confinement and the confinement for the violation of section 1618  
4510.14 of the Revised Code or the municipal OVI ordinance in the 1619  
center shall be considered a violation of a condition of the 1620  
community residential sanction or the OVI term of confinement. If 1621  
the administrator reports the violation to the probation 1622  
department or probation officer, the department or officer shall 1623  
report the violation to the court. Upon its receipt under this 1624  
division of a report of a violation or failure to complete the 1625  
sanction by a person sentenced to the center under a community 1626  
residential sanction, the court may proceed as specified in 1627  
division (C)(2) of section 2929.25 of the Revised Code based on 1628  
the violation or as provided by ordinance of the municipal 1629  
corporation based on the violation, whichever is applicable. Upon 1630  
its receipt under this division of a report of a violation or 1631  
failure to complete the term by a person sentenced to the center 1632  
under an OVI term of confinement, the court shall determine the 1633  
place at which the offender is to serve the remainder of the term 1634  
of confinement. The eligible offender shall receive credit towards 1635  
completing the eligible offender's sentence for the time spent in 1636  
the center after admission to it. 1637

**Sec. 2151.356.** (A) The records of a case in which a person 1638  
was adjudicated a delinquent child for committing a violation of 1639  
section 2903.01, 2903.02, or 2907.02, ~~2907.03, or 2907.05~~ of the 1640  
Revised Code shall not be sealed under this section. 1641

(B)(1) The juvenile court shall promptly order the immediate 1642  
sealing of records pertaining to a juvenile in any of the 1643

following circumstances: 1644

(a) If the court receives a record from a public office or 1645  
agency under division (B)(2) of this section; 1646

(b) If a person was brought before or referred to the court 1647  
for allegedly committing a delinquent or unruly act and the case 1648  
was resolved without the filing of a complaint against the person 1649  
with respect to that act pursuant to section 2151.27 of the 1650  
Revised Code; 1651

(c) If a person was charged with violating division (E)(1) of 1652  
section 4301.69 of the Revised Code and the person has 1653  
successfully completed a diversion program under division 1654  
(E)(2)(a) of section 4301.69 of the Revised Code with respect to 1655  
that charge; 1656

(d) If a complaint was filed against a person alleging that 1657  
the person was a delinquent child, an unruly child, or a juvenile 1658  
traffic offender and the court dismisses the complaint after a 1659  
trial on the merits of the case or finds the person not to be a 1660  
delinquent child, an unruly child, or a juvenile traffic offender; 1661

(e) Notwithstanding division (C) of this section and subject 1662  
to section 2151.358 of the Revised Code, if a person has been 1663  
adjudicated an unruly child, that person has attained eighteen 1664  
years of age, and the person is not under the jurisdiction of the 1665  
court in relation to a complaint alleging the person to be a 1666  
delinquent child. 1667

(2) The appropriate public office or agency shall immediately 1668  
deliver all original records at that public office or agency 1669  
pertaining to a juvenile to the court, if the person was arrested 1670  
or taken into custody for allegedly committing a delinquent or 1671  
unruly act, no complaint was filed against the person with respect 1672  
to the commission of the act pursuant to section 2151.27 of the 1673  
Revised Code, and the person was not brought before or referred to 1674

the court for the commission of the act. The records delivered to 1675  
the court as required under this division shall not include 1676  
fingerprints, DNA specimens, and DNA records described under 1677  
division (A)(3) of section 2151.357 of the Revised Code. 1678

(C)(1) The juvenile court shall consider the sealing of 1679  
records pertaining to a juvenile upon the court's own motion or 1680  
upon the application of a person if the person has been 1681  
adjudicated a delinquent child for committing an act other than a 1682  
violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03, or~~ 1683  
~~2907.05~~ of the Revised Code, an unruly child, or a juvenile 1684  
traffic offender and if, at the time of the motion or application, 1685  
the person is not under the jurisdiction of the court in relation 1686  
to a complaint alleging the person to be a delinquent child. The 1687  
court shall not require a fee for the filing of the application. 1688  
The motion or application may be made at any time after ~~two years~~ 1689  
~~after the later of~~ six months after any of the following events 1690  
occur: 1691

(a) The termination of any order made by the court in 1692  
relation to the adjudication; 1693

(b) The unconditional discharge of the person from the 1694  
department of youth services with respect to a dispositional order 1695  
made in relation to the adjudication or from an institution or 1696  
facility to which the person was committed pursuant to a 1697  
dispositional order made in relation to the adjudication; 1698

(c) The court enters an order under section 2152.84 or 1699  
2152.85 of the Revised Code that contains a determination that the 1700  
child is no longer a juvenile offender registrant. 1701

(2) In making the determination whether to seal records 1702  
pursuant to division (C)(1) of this section, all of the following 1703  
apply: 1704

(a) The court may require a person filing an application 1705

under division (C)(1) of this section to submit any relevant 1706  
documentation to support the application. 1707

(b) The court may cause an investigation to be made to 1708  
determine if the person who is the subject of the proceedings has 1709  
been rehabilitated to a satisfactory degree. 1710

(c) The court shall promptly notify the prosecuting attorney 1711  
of any proceedings to seal records initiated pursuant to division 1712  
(C)(1) of this section. 1713

(d)(i) The prosecuting attorney may file a response with the 1714  
court within thirty days of receiving notice of the sealing 1715  
proceedings. 1716

(ii) If the prosecuting attorney does not file a response 1717  
with the court or if the prosecuting attorney files a response but 1718  
indicates that the prosecuting attorney does not object to the 1719  
sealing of the records, the court may order the records of the 1720  
person that are under consideration to be sealed without 1721  
conducting a hearing on the motion or application. If the court 1722  
decides in its discretion to conduct a hearing on the motion or 1723  
application, the court shall conduct the hearing within thirty 1724  
days after making that decision and shall give notice, by regular 1725  
mail, of the date, time, and location of the hearing to the 1726  
prosecuting attorney and to the person who is the subject of the 1727  
records under consideration. 1728

(iii) If the prosecuting attorney files a response with the 1729  
court that indicates that the prosecuting attorney objects to the 1730  
sealing of the records, the court shall conduct a hearing on the 1731  
motion or application within thirty days after the court receives 1732  
the response. The court shall give notice, by regular mail, of the 1733  
date, time, and location of the hearing to the prosecuting 1734  
attorney and to the person who is the subject of the records under 1735  
consideration. 1736

(e) After conducting a hearing in accordance with division 1737  
(C)(2)(d) of this section or after due consideration when a 1738  
hearing is not conducted, except as provided in division (B)(1)(c) 1739  
of this section, the court may order the records of the person 1740  
that are the subject of the motion or application to be sealed if 1741  
it finds that the person has been rehabilitated to a satisfactory 1742  
degree. In determining whether the person has been rehabilitated 1743  
to a satisfactory degree, the court may consider all of the 1744  
following: 1745

(i) The age of the person; 1746

(ii) The nature of the case; 1747

(iii) The cessation or continuation of delinquent, unruly, or 1748  
criminal behavior; 1749

(iv) The education and employment history of the person; 1750

(v) The granting of a new tier classification or 1751  
declassification from the juvenile offender registry pursuant to 1752  
section 2152.85 of the Revised Code, except for public 1753  
registry-qualified juvenile offender registrants; 1754

(vi) Any other circumstances that may relate to the 1755  
rehabilitation of the person who is the subject of the records 1756  
under consideration. 1757

(D)(1)(a) The juvenile court shall provide verbal notice to a 1758  
person whose records are sealed under division (B) of this 1759  
section, if that person is present in the court at the time the 1760  
court issues a sealing order, that explains what sealing a record 1761  
means, states that the person may apply to have those records 1762  
expunged under section 2151.358 of the Revised Code, and explains 1763  
what expunging a record means. 1764

(b) The juvenile court shall provide written notice to a 1765  
person whose records are sealed under division (B) of this section 1766



by regular mail to the person's last known address, if that person 1767  
is not present in the court at the time the court issues a sealing 1768  
order and if the court does not seal the person's record upon the 1769  
court's own motion, that explains what sealing a record means, 1770  
states that the person may apply to have those records expunged 1771  
under section 2151.358 of the Revised Code, and explains what 1772  
expunging a record means. 1773

(2) Upon final disposition of a case in which a person has 1774  
been adjudicated a delinquent child for committing an act other 1775  
than a violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03,~~ 1776  
~~or 2907.05~~ of the Revised Code, an unruly child, or a juvenile 1777  
traffic offender, the juvenile court shall provide written notice 1778  
to the person that does all of the following: 1779

(a) States that the person may apply to the court for an 1780  
order to seal the record; 1781

(b) Explains what sealing a record means; 1782

(c) States that the person may apply to the court for an 1783  
order to expunge the record under section 2151.358 of the Revised 1784  
Code; 1785

(d) Explains what expunging a record means. 1786

(3) The department of youth services and any other 1787  
institution or facility that unconditionally discharges a person 1788  
who has been adjudicated a delinquent child, an unruly child, or a 1789  
juvenile traffic offender shall immediately give notice of the 1790  
discharge to the court that committed the person. The court shall 1791  
note the date of discharge on a separate record of discharges of 1792  
those natures. 1793

**Sec. 2152.02.** As used in this chapter: 1794

(A) "Act charged" means the act that is identified in a 1795  
complaint, indictment, or information alleging that a child is a 1796

delinquent child. 1797

(B) "Admitted to a department of youth services facility" 1798  
includes admission to a facility operated, or contracted for, by 1799  
the department and admission to a comparable facility outside this 1800  
state by another state or the United States. 1801

(C)(1) "Child" means a person who is under eighteen years of 1802  
age, except as otherwise provided in divisions (C)(2) to ~~(7)~~(8) of 1803  
this section. 1804

(2) Subject to division (C)(3) of this section, any person 1805  
who violates a federal or state law or a municipal ordinance prior 1806  
to attaining eighteen years of age shall be deemed a "child" 1807  
irrespective of that person's age at the time the complaint with 1808  
respect to that violation is filed or the hearing on the complaint 1809  
is held. 1810

(3) Any person who, while under eighteen years of age, 1811  
commits an act that would be a felony if committed by an adult and 1812  
who is not taken into custody or apprehended for that act until 1813  
after the person attains twenty-one years of age is not a child in 1814  
relation to that act. 1815

(4) Except as otherwise provided in ~~division~~ divisions (C)(5) 1816  
and (7) of this section, any person whose case is transferred for 1817  
criminal prosecution pursuant to section 2152.12 of the Revised 1818  
Code shall be deemed after the transfer not to be a child in the 1819  
transferred case. 1820

(5) Any person whose case is transferred for criminal 1821  
prosecution pursuant to section 2152.12 of the Revised Code and 1822  
who subsequently is convicted of or pleads guilty to a felony in 1823  
that case, unless a serious youthful offender dispositional 1824  
sentence is imposed on the child for that offense under division 1825  
(B)(2) or (3) of section 2152.121 of the Revised Code and the 1826  
adult portion of that sentence is not invoked pursuant to section 1827

2152.14 of the Revised Code, and any person who is adjudicated a  
delinquent child for the commission of an act, who has a serious  
youthful offender dispositional sentence imposed for the act  
pursuant to section 2152.13 of the Revised Code, and whose adult  
portion of the dispositional sentence is invoked pursuant to  
section 2152.14 of the Revised Code, shall be deemed after the  
~~transfer~~ conviction, plea, or invocation not to be a child in any  
case in which a complaint is filed against the person.

(6) The juvenile court has jurisdiction over a person who is  
adjudicated a delinquent child or juvenile traffic offender prior  
to attaining eighteen years of age until the person attains  
twenty-one years of age, and, for purposes of that jurisdiction  
related to that adjudication, except as otherwise provided in this  
division, a person who is so adjudicated a delinquent child or  
juvenile traffic offender shall be deemed a "child" until the  
person attains twenty-one years of age. If a person is so  
adjudicated a delinquent child or juvenile traffic offender and  
the court makes a disposition of the person under this chapter, at  
any time after the person attains ~~eighteen~~ twenty-one years of  
age, the places at which the person may be held under that  
disposition are not limited to places authorized under this  
chapter solely for confinement of children, and the person may be  
confined under that disposition, in accordance with division  
(F)(2) of section 2152.26 of the Revised Code, in places other  
than those authorized under this chapter solely for confinement of  
children.

(7) The juvenile court has jurisdiction over any person whose  
case is transferred for criminal prosecution solely for the  
purpose of detaining the person as authorized in division (F)(1)  
or (4) of section 2152.26 of the Revised Code unless the person is  
convicted of or pleads guilty to a felony in the adult court.

(8) Any person who, while eighteen years of age, violates

division (A)(1) or (2) of section 2919.27 of the Revised Code by 1860  
violating a protection order issued or consent agreement approved 1861  
under section 2151.34 or 3113.31 of the Revised Code shall be 1862  
considered a child for the purposes of that violation of section 1863  
2919.27 of the Revised Code. 1864

(D) "Chronic truant" means any child of compulsory school age 1865  
who is absent without legitimate excuse for absence from the 1866  
public school the child is supposed to attend for seven or more 1867  
consecutive school days, ten or more school days in one school 1868  
month, or fifteen or more school days in a school year. 1869

(E) "Community corrections facility," "public safety beds," 1870  
"release authority," and "supervised release" have the same 1871  
meanings as in section 5139.01 of the Revised Code. 1872

(F) "Delinquent child" includes any of the following: 1873

(1) Any child, except a juvenile traffic offender, who 1874  
violates any law of this state or the United States, or any 1875  
ordinance of a political subdivision of the state, that would be 1876  
an offense if committed by an adult; 1877

(2) Any child who violates any lawful order of the court made 1878  
under this chapter or under Chapter 2151. of the Revised Code 1879  
other than an order issued under section 2151.87 of the Revised 1880  
Code; 1881

(3) Any child who violates division (C) of section 2907.39, 1882  
division (A) of section 2923.211, or division (C)(1) or (D) of 1883  
section 2925.55 of the Revised Code; 1884

(4) Any child who is a habitual truant and who previously has 1885  
been adjudicated an unruly child for being a habitual truant; 1886

(5) Any child who is a chronic truant. 1887

(G) "Discretionary serious youthful offender" means a person 1888  
who is eligible for a discretionary SYO and who is not transferred 1889

to adult court under a mandatory or discretionary transfer. 1890

(H) "Discretionary SYO" means a case in which the juvenile 1891  
court, in the juvenile court's discretion, may impose a serious 1892  
youthful offender disposition under section 2152.13 of the Revised 1893  
Code. 1894

(I) "Discretionary transfer" means that the juvenile court 1895  
has discretion to transfer a case for criminal prosecution under 1896  
division (B) of section 2152.12 of the Revised Code. 1897

(J) "Drug abuse offense," "felony drug abuse offense," and 1898  
"minor drug possession offense" have the same meanings as in 1899  
section 2925.01 of the Revised Code. 1900

(K) "Electronic monitoring" and "electronic monitoring 1901  
device" have the same meanings as in section 2929.01 of the 1902  
Revised Code. 1903

(L) "Economic loss" means any economic detriment suffered by 1904  
a victim of a delinquent act or juvenile traffic offense as a 1905  
direct and proximate result of the delinquent act or juvenile 1906  
traffic offense and includes any loss of income due to lost time 1907  
at work because of any injury caused to the victim and any 1908  
property loss, medical cost, or funeral expense incurred as a 1909  
result of the delinquent act or juvenile traffic offense. 1910  
"Economic loss" does not include non-economic loss or any punitive 1911  
or exemplary damages. 1912

(M) "Firearm" has the same meaning as in section 2923.11 of 1913  
the Revised Code. 1914

(N) "Juvenile traffic offender" means any child who violates 1915  
any traffic law, traffic ordinance, or traffic regulation of this 1916  
state, the United States, or any political subdivision of this 1917  
state, other than a resolution, ordinance, or regulation of a 1918  
political subdivision of this state the violation of which is 1919  
required to be handled by a parking violations bureau or a joint 1920

parking violations bureau pursuant to Chapter 4521. of the Revised Code. 1921  
1922

(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code. 1923  
1924  
1925

(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B)(3) of section 2152.121 of the Revised Code. 1926  
1927  
1928  
1929  
1930  
1931  
1932  
1933

(Q) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code. 1934  
1935  
1936

(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code. 1937  
1938  
1939

(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. 1940  
1941

(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 1942  
1943

(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code. 1944  
1945

(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 1946  
1947

(W) "Public record" has the same meaning as in section 149.43 of the Revised Code. 1948  
1949

(X) "Serious youthful offender" means a person who is 1950

eligible for a mandatory SYO or discretionary SYO but who is not 1951  
transferred to adult court under a mandatory or discretionary 1952  
transfer and also includes, for purposes of imposition of a 1953  
mandatory serious youthful dispositional sentence under section 1954  
2152.13 of the Revised Code, a person upon whom a juvenile court 1955  
is required to impose such a sentence under division (B)(3) of 1956  
section 2152.121 of the Revised Code. 1957

(Y) "Sexually oriented offense," "juvenile offender 1958  
registrant," "child-victim oriented offense," "tier I sex 1959  
offender/child-victim offender," "tier II sex 1960  
offender/child-victim offender," "tier III sex 1961  
offender/child-victim offender," and "public registry-qualified 1962  
juvenile offender registrant" have the same meanings as in section 1963  
2950.01 of the Revised Code. 1964

(Z) "Traditional juvenile" means a case that is not 1965  
transferred to adult court under a mandatory or discretionary 1966  
transfer, that is eligible for a disposition under sections 1967  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1968  
that is not eligible for a disposition under section 2152.13 of 1969  
the Revised Code. 1970

(AA) "Transfer" means the transfer for criminal prosecution 1971  
of a case involving the alleged commission by a child of an act 1972  
that would be an offense if committed by an adult from the 1973  
juvenile court to the appropriate court that has jurisdiction of 1974  
the offense. 1975

(BB) "Category one offense" means any of the following: 1976

(1) A violation of section 2903.01 or 2903.02 of the Revised 1977  
Code; 1978

(2) A violation of section 2923.02 of the Revised Code 1979  
involving an attempt to commit aggravated murder or murder. 1980

(CC) "Category two offense" means any of the following: 1981

|  |      |
|--|------|
| (1) A violation of section 2903.03, 2905.01, 2907.02,              | 1982 |
| 2909.02, 2911.01, or 2911.11 of the Revised Code;                  | 1983 |
| (2) A violation of section 2903.04 of the Revised Code that        | 1984 |
| is a felony of the first degree;                                   | 1985 |
| (3) A violation of section 2907.12 of the Revised Code as it       | 1986 |
| existed prior to September 3, 1996.                                | 1987 |
| (DD) "Non-economic loss" means nonpecuniary harm suffered by       | 1988 |
| a victim of a delinquent act or juvenile traffic offense as a      | 1989 |
| result of or related to the delinquent act or juvenile traffic     | 1990 |
| offense, including, but not limited to, pain and suffering; loss   | 1991 |
| of society, consortium, companionship, care, assistance,           | 1992 |
| attention, protection, advice, guidance, counsel, instruction,     | 1993 |
| training, or education; mental anguish; and any other intangible   | 1994 |
| loss.  | 1995 |
| <b>Sec. 2152.12.</b> (A)(1)(a) After a complaint has been filed    | 1996 |
| alleging that a child is a delinquent child for committing an act  | 1997 |
| that would be aggravated murder, murder, attempted aggravated      | 1998 |
| murder, or attempted murder if committed by an adult, the juvenile | 1999 |
| court at a hearing shall transfer the case if either of the        | 2000 |
| following applies:   | 2001 |
| (i) The child was sixteen or seventeen years of age at the         | 2002 |
| time of the act charged and there is probable cause to believe     | 2003 |
| that the child committed the act charged.                          | 2004 |
| (ii) The child was fourteen or fifteen years of age at the         | 2005 |
| time of the act charged, section 2152.10 of the Revised Code       | 2006 |
| provides that the child is eligible for mandatory transfer, and    | 2007 |
| there is probable cause to believe that the child committed the    | 2008 |
| act charged.   | 2009 |
| (b) After a complaint has been filed alleging that a child is      | 2010 |
| a delinquent child by reason of committing a category two offense, | 2011 |



the juvenile court at a hearing shall transfer the case if the 2012  
child was sixteen or seventeen years of age at the time of the act 2013  
charged and either of the following applies: 2014

(i) Division (A)(2)(a) of section 2152.10 of the Revised Code 2015  
requires the mandatory transfer of the case, and there is probable 2016  
cause to believe that the child committed the act charged. 2017

(ii) Division (A)(2)(b) of section 2152.10 of the Revised 2018  
Code requires the mandatory transfer of the case, and there is 2019  
probable cause to believe that the child committed the act 2020  
charged. 2021

(2) The juvenile court also shall transfer a case in the 2022  
circumstances described in division (C)(5) of section 2152.02 of 2023  
the Revised Code or if either of the following applies: 2024

(a) A complaint is filed against a child who is eligible for 2025  
a discretionary transfer under section 2152.10 of the Revised Code 2026  
and who previously was convicted of or pleaded guilty to a felony 2027  
in a case that was transferred to a criminal court. 2028

(b) A complaint is filed against a child who is domiciled in 2029  
another state alleging that the child is a delinquent child for 2030  
committing an act that would be a felony if committed by an adult, 2031  
and, if the act charged had been committed in that other state, 2032  
the child would be subject to criminal prosecution as an adult 2033  
under the law of that other state without the need for a transfer 2034  
of jurisdiction from a juvenile, family, or similar noncriminal 2035  
court to a criminal court. 2036

(3) If a complaint is filed against a child alleging that the 2037  
child is a delinquent child and the case is transferred pursuant 2038  
to division (A)(1)(a)(i) or (A)(1)(b)(ii) of this section and if 2039  
the child subsequently is convicted of or pleads guilty to an 2040  
offense in that case, the sentence to be imposed or disposition to 2041  
be made of the child shall be determined in accordance with 2042

section 2152.121 of the Revised Code. 2043

(B) Except as provided in division (A) of this section, after 2044  
a complaint has been filed alleging that a child is a delinquent 2045  
child for committing an act that would be a felony if committed by 2046  
an adult, the juvenile court at a hearing may transfer the case if 2047  
the court finds all of the following: 2048

(1) The child was fourteen years of age or older at the time 2049  
of the act charged. 2050

(2) There is probable cause to believe that the child 2051  
committed the act charged. 2052

(3) The child is not amenable to care or rehabilitation 2053  
within the juvenile system, and the safety of the community may 2054  
require that the child be subject to adult sanctions. In making 2055  
its decision under this division, the court shall consider whether 2056  
the applicable factors under division (D) of this section 2057  
indicating that the case should be transferred outweigh the 2058  
applicable factors under division (E) of this section indicating 2059  
that the case should not be transferred. The record shall indicate 2060  
the specific factors that were applicable and that the court 2061  
weighed. 2062

(C) Before considering a transfer under division (B) of this 2063  
section, the juvenile court shall order an investigation into the 2064  
child's social history, education, family situation, and any other 2065  
factor bearing on whether the child is amenable to juvenile 2066  
rehabilitation, including a mental examination of the child by a 2067  
public or private agency or a person qualified to make the 2068  
examination. The investigation shall be completed and a report on 2069  
the investigation shall be submitted to the court as soon as 2070  
possible but not more than forty-five calendar days after the 2071  
court orders the investigation. The court may grant one or more 2072  
extensions for a reasonable length of time. The child may waive 2073

the examination required by this division if the court finds that 2074  
the waiver is competently and intelligently made. Refusal to 2075  
submit to a mental examination by the child constitutes a waiver 2076  
of the examination. 2077

(D) In considering whether to transfer a child under division 2078  
(B) of this section, the juvenile court shall consider the 2079  
following relevant factors, and any other relevant factors, in 2080  
favor of a transfer under that division: 2081

(1) The victim of the act charged suffered physical or 2082  
psychological harm, or serious economic harm, as a result of the 2083  
alleged act. 2084

(2) The physical or psychological harm suffered by the victim 2085  
due to the alleged act of the child was exacerbated because of the 2086  
physical or psychological vulnerability or the age of the victim. 2087

(3) The child's relationship with the victim facilitated the 2088  
act charged. 2089

(4) The child allegedly committed the act charged for hire or 2090  
as a part of a gang or other organized criminal activity. 2091

(5) The child had a firearm on or about the child's person or 2092  
under the child's control at the time of the act charged, the act 2093  
charged is not a violation of section 2923.12 of the Revised Code, 2094  
and the child, during the commission of the act charged, allegedly 2095  
used or displayed the firearm, brandished the firearm, or 2096  
indicated that the child possessed a firearm. 2097

(6) At the time of the act charged, the child was awaiting 2098  
adjudication or disposition as a delinquent child, was under a 2099  
community control sanction, or was on parole for a prior 2100  
delinquent child adjudication or conviction. 2101

(7) The results of any previous juvenile sanctions and 2102  
programs indicate that rehabilitation of the child will not occur 2103

in the juvenile system. 2104

(8) The child is emotionally, physically, or psychologically 2105  
mature enough for the transfer. 2106

(9) There is not sufficient time to rehabilitate the child 2107  
within the juvenile system. 2108

(E) In considering whether to transfer a child under division 2109  
(B) of this section, the juvenile court shall consider the 2110  
following relevant factors, and any other relevant factors, 2111  
against a transfer under that division: 2112

(1) The victim induced or facilitated the act charged. 2113

(2) The child acted under provocation in allegedly committing 2114  
the act charged. 2115

(3) The child was not the principal actor in the act charged, 2116  
or, at the time of the act charged, the child was under the 2117  
negative influence or coercion of another person. 2118

(4) The child did not cause physical harm to any person or 2119  
property, or have reasonable cause to believe that harm of that 2120  
nature would occur, in allegedly committing the act charged. 2121

(5) The child previously has not been adjudicated a 2122  
delinquent child. 2123

(6) The child is not emotionally, physically, or 2124  
psychologically mature enough for the transfer. 2125

(7) The child has a mental illness or is a mentally retarded 2126  
person. 2127

(8) There is sufficient time to rehabilitate the child within 2128  
the juvenile system and the level of security available in the 2129  
juvenile system provides a reasonable assurance of public safety. 2130

(F) If one or more complaints are filed alleging that a child 2131  
is a delinquent child for committing two or more acts that would 2132

be offenses if committed by an adult, if a motion is made alleging 2133  
that division (A) of this section applies and requires that the 2134  
case or cases involving one or more of the acts charged be 2135  
transferred for, and if a motion also is made requesting that the 2136  
case or cases involving one or more of the acts charged be 2137  
transferred pursuant to division (B) of this section, the juvenile 2138  
court, in deciding the motions, shall proceed in the following 2139  
manner: 2140

(1) Initially, the court shall decide the motion alleging 2141  
that division (A) of this section applies and requires that the 2142  
case or cases involving one or more of the acts charged be 2143  
transferred. 2144

(2) If the court determines that division (A) of this section 2145  
applies and requires that the case or cases involving one or more 2146  
of the acts charged be transferred, the court shall transfer the 2147  
case or cases in accordance with that division. After the transfer 2148  
pursuant to division (A) of this section, the court shall decide, 2149  
in accordance with division (B) of this section, whether to grant 2150  
the motion requesting that the case or cases involving one or more 2151  
of the acts charged be transferred pursuant to that division. 2152  
Notwithstanding division (B) of this section, prior to 2153  
transferring a case pursuant to division (A) of this section, the 2154  
court is not required to consider any factor specified in division 2155  
(D) or (E) of this section or to conduct an investigation under 2156  
division (C) of this section. 2157

(3) If the court determines that division (A) of this section 2158  
does not require that the case or cases involving one or more of 2159  
the acts charged be transferred, the court shall decide in 2160  
accordance with division (B) of this section whether to grant the 2161  
motion requesting that the case or cases involving one or more of 2162  
the acts charged be transferred pursuant to that division. 2163

(4) No report on an investigation conducted pursuant to 2164

division (C) of this section shall include details of the alleged 2165  
offense as reported by the child. 2166

(G) The court shall give notice in writing of the time, 2167  
place, and purpose of any hearing held pursuant to division (A) or 2168  
(B) of this section to the child's parents, guardian, or other 2169  
custodian and to the child's counsel at least three days prior to 2170  
the hearing. 2171

(H) No person, either before or after reaching eighteen years 2172  
of age, shall be prosecuted as an adult for an offense committed 2173  
prior to becoming eighteen years of age, unless the person has 2174  
been transferred as provided in division (A) or (B) of this 2175  
section or unless division (J) of this section applies. Any 2176  
prosecution that is had in a criminal court on the mistaken belief 2177  
that the person who is the subject of the case was eighteen years 2178  
of age or older at the time of the commission of the offense shall 2179  
be deemed a nullity, and the person shall not be considered to 2180  
have been in jeopardy on the offense. 2181

(I) Upon the transfer of a case under division (A) or (B) of 2182  
this section, the juvenile court shall state the reasons for the 2183  
transfer on the record, and shall order the child to enter into a 2184  
recognizance with good and sufficient surety for the child's 2185  
appearance before the appropriate court for any disposition that 2186  
the court is authorized to make for a similar act committed by an 2187  
adult. The transfer abates the jurisdiction of the juvenile court 2188  
with respect to the delinquent acts alleged in the complaint, and, 2189  
upon the transfer, all further proceedings pertaining to the act 2190  
charged shall be discontinued in the juvenile court, and the case 2191  
then shall be within the jurisdiction of the court to which it is 2192  
transferred as described in division (H) of section 2151.23 of the 2193  
Revised Code. 2194

(J) If a person under eighteen years of age allegedly commits 2195  
an act that would be a felony if committed by an adult and if the 2196

person is not taken into custody or apprehended for that act until 2197  
after the person attains twenty-one years of age, the juvenile 2198  
court does not have jurisdiction to hear or determine any portion 2199  
of the case charging the person with committing that act. In those 2200  
circumstances, divisions (A) and (B) of this section do not apply 2201  
regarding the act, and the case charging the person with 2202  
committing the act shall be a criminal prosecution commenced and 2203  
heard in the appropriate court having jurisdiction of the offense 2204  
as if the person had been eighteen years of age or older when the 2205  
person committed the act. All proceedings pertaining to the act 2206  
shall be within the jurisdiction of the court having jurisdiction 2207  
of the offense, and that court has all the authority and duties in 2208  
the case as it has in other criminal cases in that court. 2209

**Sec. 2152.121.** (A) If a complaint is filed against a child 2210  
alleging that the child is a delinquent child and the case is 2211  
transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of 2212  
section 2152.12 of the Revised Code, the juvenile court that 2213  
transferred the case shall retain jurisdiction for purposes of 2214  
making disposition of the child when required under division (B) 2215  
of this section. 2216

(B) If a complaint is filed against a child alleging that the 2217  
child is a delinquent child, if the case is transferred pursuant 2218  
to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of 2219  
the Revised Code, and if the child subsequently is convicted of or 2220  
pleads guilty to an offense in that case, the sentence to be 2221  
imposed or disposition to be made of the child shall be determined 2222  
as follows: 2223

(1) The court in which the child is convicted of or pleads 2224  
guilty to the offense shall determine whether, had a complaint 2225  
been filed in juvenile court alleging that the child was a 2226  
delinquent child for committing an act that would be that offense 2227

if committed by an adult, division (A) of section 2152.12 of the Revised Code would have required mandatory transfer of the case or division (B) of that section would have allowed discretionary transfer of the case. The court shall not consider the factor specified in division (B)(3) of section 2152.12 of the Revised Code in making its determination under this division.

(2) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B)(1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would not have required mandatory transfer of the case, and division (B) of that section would not have allowed discretionary transfer of the case, the court shall transfer jurisdiction of the case back to the juvenile court that initially transferred the case, the court and all other agencies that have any record of the conviction of the child or the child's guilty plea shall expunge the conviction or guilty plea and all records of it, the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have never occurred, the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have been a delinquent child adjudication of the child, and the juvenile court shall impose one or more traditional juvenile dispositions upon the child under sections 2152.19 and 2152.20 of the Revised Code.

(3) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B)(1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would not have required



mandatory transfer of the case but division (B) of that section 2260  
would have allowed discretionary transfer of the case, the court 2261  
shall determine the sentence it believes should be imposed upon 2262  
the child under Chapter 2929. of the Revised Code, shall impose 2263  
that sentence upon the child, and shall stay that sentence pending 2264  
completion of the procedures specified in this division. Upon 2265  
imposition and staying of the sentence, the court shall transfer 2266  
jurisdiction of the case back to the juvenile court that initially 2267  
transferred the case and the juvenile court shall proceed in 2268  
accordance with this division. In no case may the child waive a 2269  
right to a hearing of the type described in division (B)(3)(b) of 2270  
this section, regarding a motion filed as described in that 2271  
division by the prosecuting attorney in the case. Upon transfer of 2272  
jurisdiction of the case back to the juvenile court, both of the 2273  
following apply: 2274

(a) Except as otherwise provided in division (B)(3)(b) of 2275  
this section, the juvenile court shall impose a serious youthful 2276  
offender dispositional sentence upon the child under division 2277  
(D)(1) of section 2152.13 of the Revised Code. In imposing the 2278  
adult portion of that sentence, the juvenile court shall consider 2279  
and give preference to the sentence imposed upon the child by the 2280  
court in which the child was convicted of or pleaded guilty to the 2281  
offense. Upon imposing a serious youthful offender dispositional 2282  
sentence upon the child as described in this division, the 2283  
juvenile court shall notify the court in which the child was 2284  
convicted of or pleaded guilty to the offense, the sentence 2285  
imposed upon the child by that court shall terminate, the court 2286  
and all other agencies that have any record of the conviction of 2287  
the child or the child's guilty plea shall expunge the conviction 2288  
or guilty plea and all records of it, the conviction or guilty 2289  
plea shall be considered and treated for all purposes other than 2290  
as provided in this section to have never occurred, and the 2291  
conviction or guilty plea shall be considered and treated for all 2292

purposes other than as provided in this section to have been a 2293  
delinquent child adjudication of the child. 2294

(b) ~~Upon~~ Within fourteen days after the filing of the journal 2295  
entry regarding the transfer, the prosecuting attorney in the case 2296  
may file a motion in the juvenile court that objects to the 2297  
imposition of a serious youthful offender dispositional sentence 2298  
upon the child and requests that the sentence imposed upon the 2299  
child by the court in which the child was convicted of or pleaded 2300  
guilty to the offense be invoked. Upon the filing of a motion 2301  
under this division, the juvenile court shall hold a hearing to 2302  
determine whether the child is not amenable to care or 2303  
rehabilitation within the juvenile system and whether the safety 2304  
of the community may require that the child be subject solely to 2305  
adult sanctions. If the juvenile court at the hearing finds that 2306  
the child is not amenable to care or rehabilitation within the 2307  
juvenile system or that the safety of the community may require 2308  
that the child be subject solely to adult sanctions, the court 2309  
shall grant the motion. Absent such a finding, the juvenile court 2310  
shall deny the motion. In making its decision under this division, 2311  
the juvenile court shall consider the factors listed in division 2312  
(D) of section 2152.12 of the Revised Code as factors indicating 2313  
that the motion should be granted, shall consider the factors 2314  
listed in division (E) of that section as factors indicating that 2315  
the motion should not be granted, and shall consider whether the 2316  
applicable factors listed in division (D) of that section outweigh 2317  
the applicable factors listed in division (E) of that section. 2318

If the juvenile court grants the motion of the prosecuting 2319  
attorney under this division, the juvenile court shall transfer 2320  
jurisdiction of the case back to the court in which the child was 2321  
convicted of or pleaded guilty to the offense, and the sentence 2322  
imposed by that court shall be invoked. If the juvenile court 2323  
denies the motion of the prosecuting attorney under this section, 2324

the juvenile court shall impose a serious youthful offender 2325  
dispositional sentence upon the child in accordance with division 2326  
(B)(3)(a) of this section. 2327

(4) If the court in which the child is convicted of or pleads 2328  
guilty to the offense determines under division (B)(1) of this 2329  
section that, had a complaint been filed in juvenile court 2330  
alleging that the child was a delinquent child for committing an 2331  
act that would be that offense if committed by an adult, division 2332  
(A) of section 2152.12 of the Revised Code would have required 2333  
mandatory transfer of the case, the court shall impose sentence 2334  
upon the child under Chapter 2929. of the Revised Code. 2335

**Sec. 2152.18.** (A) When a juvenile court commits a delinquent 2336  
child to the custody of the department of youth services pursuant 2337  
to this chapter, the court shall not designate the specific 2338  
institution in which the department is to place the child but 2339  
instead shall specify that the child is to be institutionalized in 2340  
a secure facility. 2341

(B) When a juvenile court commits a delinquent child to the 2342  
custody of the department of youth services pursuant to this 2343  
chapter, the court shall state in the order of commitment the 2344  
total number of days that the child has been ~~held in detention~~ 2345  
confined in connection with the delinquent child complaint upon 2346  
which the order of commitment is based. The court shall not 2347  
include days that the child has been under electronic monitoring 2348  
or house arrest or days that the child has been confined in a 2349  
halfway house. The department shall reduce the minimum period of 2350  
institutionalization that was ordered by both the total number of 2351  
days that the child has been so ~~held in detention~~ confined as 2352  
stated by the court in the order of commitment and the total 2353  
number of any additional days that the child has been ~~held in~~ 2354  
~~detention~~ confined subsequent to the order of commitment but prior 2355

to the transfer of physical custody of the child to the 2356  
department. 2357

(C)(1) When a juvenile court commits a delinquent child to 2358  
the custody of the department of youth services pursuant to this 2359  
chapter, the court shall provide the department with the child's 2360  
medical records, a copy of the report of any mental examination of 2361  
the child ordered by the court, the Revised Code section or 2362  
sections the child violated and the degree of each violation, the 2363  
warrant to convey the child to the department, a copy of the 2364  
court's journal entry ordering the commitment of the child to the 2365  
legal custody of the department, a copy of the arrest record 2366  
pertaining to the act for which the child was adjudicated a 2367  
delinquent child, a copy of any victim impact statement pertaining 2368  
to the act, and any other information concerning the child that 2369  
the department reasonably requests. The court also shall complete 2370  
the form for the standard predisposition investigation report that 2371  
the department furnishes pursuant to section 5139.04 of the 2372  
Revised Code and provide the department with the completed form. 2373

The department may refuse to accept physical custody of a 2374  
delinquent child who is committed to the legal custody of the 2375  
department until the court provides to the department the 2376  
documents specified in this division. No officer or employee of 2377  
the department who refuses to accept physical custody of a 2378  
delinquent child who is committed to the legal custody of the 2379  
department shall be subject to prosecution or contempt of court 2380  
for the refusal if the court fails to provide the documents 2381  
specified in this division at the time the court transfers the 2382  
physical custody of the child to the department. 2383

(2) Within twenty working days after the department of youth 2384  
services receives physical custody of a delinquent child from a 2385  
juvenile court, the court shall provide the department with a 2386  
certified copy of the child's birth certificate and the child's 2387

social security number or, if the court made all reasonable 2388  
efforts to obtain the information but was unsuccessful, with 2389  
documentation of the efforts it made to obtain the information. 2390

(3) If an officer is preparing pursuant to section 2947.06 or 2391  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 2392  
investigation report pertaining to a person, the department shall 2393  
make available to the officer, for use in preparing the report, 2394  
any records or reports it possesses regarding that person that it 2395  
received from a juvenile court pursuant to division (C)(1) of this 2396  
section or that pertain to the treatment of that person after the 2397  
person was committed to the custody of the department as a 2398  
delinquent child. 2399

(D)(1) Within ten days after an adjudication that a child is 2400  
a delinquent child, the court shall give written notice of the 2401  
adjudication to the superintendent of a city, local, exempted 2402  
village, or joint vocational school district, and to the principal 2403  
of the school the child attends, if the basis of the adjudication 2404  
was the commission of an act that would be a criminal offense if 2405  
committed by an adult, if the act was committed by the delinquent 2406  
child when the child was fourteen years of age or older, and if 2407  
the act is any of the following: 2408

(a) An act that would be a felony or an offense of violence 2409  
if committed by an adult, an act in the commission of which the 2410  
child used or brandished a firearm, or an act that is a violation 2411  
of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 2412  
2907.241 of the Revised Code and that would be a misdemeanor if 2413  
committed by an adult; 2414

(b) A violation of section 2923.12 of the Revised Code or of 2415  
a substantially similar municipal ordinance that would be a 2416  
misdemeanor if committed by an adult and that was committed on 2417  
property owned or controlled by, or at an activity held under the 2418  
auspices of, the board of education of that school district; 2419

(c) A violation of division (A) of section 2925.03 or 2925.11 2420  
of the Revised Code that would be a misdemeanor if committed by an 2421  
adult, that was committed on property owned or controlled by, or 2422  
at an activity held under the auspices of, the board of education 2423  
of that school district, and that is not a minor drug possession 2424  
offense; 2425

(d) An act that would be a criminal offense if committed by 2426  
an adult and that results in serious physical harm to persons or 2427  
serious physical harm to property while the child is at school, on 2428  
any other property owned or controlled by the board, or at an 2429  
interscholastic competition, an extracurricular event, or any 2430  
other school program or activity; 2431

(e) Complicity in any violation described in division 2432  
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 2433  
have been committed in the manner described in division (D)(1)(a), 2434  
(b), (c), or (d) of this section, regardless of whether the act of 2435  
complicity was committed on property owned or controlled by, or at 2436  
an activity held under the auspices of, the board of education of 2437  
that school district. 2438

(2) The notice given pursuant to division (D)(1) of this 2439  
section shall include the name of the child who was adjudicated to 2440  
be a delinquent child, the child's age at the time the child 2441  
committed the act that was the basis of the adjudication, and 2442  
identification of the violation of the law or ordinance that was 2443  
the basis of the adjudication. 2444

(3) Within fourteen days after committing a delinquent child 2445  
to the custody of the department of youth services, the court 2446  
shall give notice to the school attended by the child of the 2447  
child's commitment by sending to that school a copy of the court's 2448  
journal entry ordering the commitment. As soon as possible after 2449  
receipt of the notice described in this division, the school shall 2450  
provide the department with the child's school transcript. 2451

However, the department shall not refuse to accept a child 2452  
committed to it, and a child committed to it shall not be held in 2453  
a county or district detention facility, because of a school's 2454  
failure to provide the school transcript that it is required to 2455  
provide under this division. 2456

(4) Within fourteen days after discharging or releasing a 2457  
child from an institution under its control, the department of 2458  
youth services shall provide the court and the superintendent of 2459  
the school district in which the child is entitled to attend 2460  
school under section 3313.64 or 3313.65 of the Revised Code with 2461  
the following: 2462

(a) An updated copy of the child's school transcript; 2463

(b) A report outlining the child's behavior in school while 2464  
in the custody of the department; 2465

(c) The child's current individualized education program, as 2466  
defined in section 3323.01 of the Revised Code, if such a program 2467  
has been developed for the child; 2468

(d) A summary of the institutional record of the child's 2469  
behavior. 2470

The department also shall provide the court with a copy of 2471  
any portion of the child's institutional record that the court 2472  
specifically requests, within five working days of the request. 2473

(E) At any hearing at which a child is adjudicated a 2474  
delinquent child or as soon as possible after the hearing, the 2475  
court shall notify all victims of the delinquent act who may be 2476  
entitled to a recovery under any of the following sections of the 2477  
right of the victims to recover, pursuant to section 3109.09 of 2478  
the Revised Code, compensatory damages from the child's parents; 2479  
of the right of the victims to recover, pursuant to section 2480  
3109.10 of the Revised Code, compensatory damages from the child's 2481  
parents for willful and malicious assaults committed by the child; 2482

and of the right of the victims to recover an award of reparations 2483  
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 2484

**Sec. 2152.26.** (A) Except as provided in divisions (B) and (F) 2485  
of this section, a child alleged to be or adjudicated a delinquent 2486  
child or a juvenile traffic offender may be held only in the 2487  
following places: 2488

(1) A certified foster home or a home approved by the court; 2489

(2) A facility operated by a certified child welfare agency; 2490

(3) Any other suitable place designated by the court. 2491

(B) In addition to the places listed in division (A) of this 2492  
section, a child alleged to be or adjudicated a delinquent child 2493  
or a person described in division (C)(7) of section 2152.02 of the 2494  
Revised Code may be held in a detention facility for delinquent 2495  
children that is under the direction or supervision of the court 2496  
or other public authority or of a private agency and approved by 2497  
the court and a child adjudicated a delinquent child may be held 2498  
in accordance with division (F)(2) of this section in a facility 2499  
of a type specified in that division. Division (B) of this section 2500  
does not apply to a child alleged to be or adjudicated a 2501  
delinquent child for chronic truancy, unless the child violated a 2502  
lawful court order made pursuant to division (A)(6) of section 2503  
2152.19 of the Revised Code. Division (B) of this section also 2504  
does not apply to a child alleged to be or adjudicated a 2505  
delinquent child for being an habitual truant who previously has 2506  
been adjudicated an unruly child for being an habitual truant, 2507  
unless the child violated a lawful court order made pursuant to 2508  
division (C)(1)(e) of section 2151.354 of the Revised Code. 2509

(C)(1) Except as provided under division (C)(1) of section 2510  
2151.311 of the Revised Code or division (A)(5) of section 2152.21 2511  
of the Revised Code, a child alleged to be or adjudicated a 2512



juvenile traffic offender may not be held in any of the following 2513  
facilities: 2514

(a) A state correctional institution, county, multicounty, or 2515  
municipal jail or workhouse, or other place in which an adult 2516  
convicted of crime, under arrest, or charged with a crime is held. 2517

(b) A secure correctional facility. 2518

(2) Except as provided under this section, sections 2151.56 2519  
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the 2520  
Revised Code, a child alleged to be or adjudicated a juvenile 2521  
traffic offender may not be held for more than twenty-four hours 2522  
in a detention facility. 2523

(D) Except as provided in division (F) of this section or in 2524  
division (C) of section 2151.311, in division (C)(2) of section 2525  
5139.06 and section 5120.162, or in division (B) of section 2526  
5120.16 of the Revised Code, a child who is alleged to be or is 2527  
adjudicated a delinquent child or a person described in division 2528  
(C)(7) of section 2152.02 of the Revised Code may not be held in a 2529  
state correctional institution, county, multicounty, or municipal 2530  
jail or workhouse, or other place where an adult convicted of 2531  
crime, under arrest, or charged with crime is held. 2532

(E) Unless the detention is pursuant to division (F) of this 2533  
section or division (C) of section 2151.311, division (C)(2) of 2534  
section 5139.06 and section 5120.162, or division (B) of section 2535  
5120.16 of the Revised Code, the official in charge of the 2536  
institution, jail, workhouse, or other facility shall inform the 2537  
court immediately when a ~~child~~, person who is or appears to be 2538  
under the age of eighteen years, or a person who is charged with a 2539  
violation of an order of a juvenile court or a violation of 2540  
probation or parole conditions imposed by a juvenile court and who 2541  
is or appears to be between the ages of eighteen and twenty-one 2542  
years, is received at the facility, and shall deliver the ~~child~~ 2543

person to the court upon request or transfer the ~~child~~ person to a 2544  
detention facility designated by the court. 2545

(F)(1) If a case is transferred to another court for criminal 2546  
prosecution pursuant to section 2152.12 of the Revised Code and 2547  
the alleged offender is a person described in division (C)(7) of 2548  
section 2152.02 of the Revised Code, the ~~child~~ person may not be 2549  
transferred for detention pending the criminal prosecution in a 2550  
jail or other facility ~~in accordance with the law governing the~~ 2551  
~~detention of persons charged with crime~~ except under the 2552  
circumstances described in division (F)(4) of this section. Any 2553  
child ~~se~~ held in accordance with division (F)(3) of this section 2554  
shall be confined in a manner that keeps the child beyond the 2555  
~~range of touch~~ sight and sound of all adult detainees. The child 2556  
shall be supervised at all times during the detention. 2557

(2) If a person is adjudicated a delinquent child or juvenile 2558  
traffic offender or is a person described in division (C)(7) of 2559  
section 2152.02 of the Revised Code and the court makes a 2560  
disposition of the person under this chapter, at any time after 2561  
the person attains ~~eighteen~~ twenty-one years of age, the person 2562  
may be held under that disposition or under the circumstances 2563  
described in division (F)(4) of this section in places other than 2564  
those specified in division (A) of this section, including, but 2565  
not limited to, a county, multicounty, or municipal jail or 2566  
workhouse, or other place where an adult convicted of crime, under 2567  
arrest, or charged with crime is held. 2568

(3)(a) A person alleged to be a delinquent child may be held 2569  
in places other than those specified in division (A) of this 2570  
section, including, but not limited to, a county, multicounty, or 2571  
municipal jail, if the delinquent act that the child allegedly 2572  
committed would be a felony if committed by an adult, and if 2573  
either of the following applies: 2574

(i) The person attains ~~eighteen~~ twenty-one years of age 2575

before the person is arrested or apprehended for that act. 2576

(ii) The person is arrested or apprehended for that act 2577  
before the person attains ~~eighteen~~ twenty-one years of age, but 2578  
the person attains ~~eighteen~~ twenty-one years of age before the 2579  
court orders a disposition in the case. 2580

(b) If, pursuant to division (F)(3)(a) of this section, a 2581  
person is held in a place other than a place specified in division 2582  
(A) of this section, the person has the same rights to bail as an 2583  
adult charged with the same offense who is confined in a jail 2584  
pending trial. 2585

(4)(a) Any person whose case is transferred for criminal 2586  
prosecution pursuant to section 2151.10 or 2152.12 of the Revised 2587  
Code or any person who has attained the age of eighteen years but 2588  
has not attained the age of twenty-one years and who is being held 2589  
in a place specified in division (B) of this section may be held 2590  
under that disposition or charge in places other than those 2591  
specified in division (B) of this section, including a county, 2592  
multicounty, or municipal jail or workhouse, or other place where 2593  
an adult under arrest or charged with crime is held if the 2594  
juvenile court, upon its own motion or upon motion by the 2595  
prosecutor and after notice and hearing, establishes by a 2596  
preponderance of the evidence and makes written findings that the 2597  
youth is a threat to the safety and security of the facility. 2598  
Evidence that the youth is a threat to the safety and security of 2599  
the facility may include, but is not limited to, whether the youth 2600  
has done any of the following: 2601

(i) Injured or created an imminent danger to the life or 2602  
health of another youth or staff member in the facility or program 2603  
by violent behavior; 2604

(ii) Escaped from the facility or program in which the youth 2605  
is being held on more than one occasion; 2606

(iii) Established a pattern of disruptive behavior as 2607  
verified by a written record that the youth's behavior is not 2608  
conducive to the established policies and procedures of the 2609  
facility or program in which the youth is being held. 2610

(b) If the prosecutor submits a motion requesting that the 2611  
person be held in a place other than those specified in division 2612  
(B) of this section or if the court submits its own motion, the 2613  
juvenile court shall hold a hearing within five days of the filing 2614  
of the motion, and, in determining whether a place other than 2615  
those specified in division (B) of this section is the appropriate 2616  
place of confinement for the person, the court shall consider the 2617  
following factors: 2618

(i) The age of the person; 2619

(ii) Whether the person would be deprived of contact with 2620  
other people for a significant portion of the day or would not 2621  
have access to recreational facilities or age-appropriate 2622  
educational opportunities in order to provide physical separation 2623  
from adults; 2624

(iii) The person's current emotional state, intelligence, and 2625  
developmental maturity, including any emotional and psychological 2626  
trauma, and the risk to the person in an adult facility, which may 2627  
be evidenced by mental health or psychological assessments or 2628  
screenings made available to the prosecuting attorney and the 2629  
defense counsel; 2630

(iv) Whether detention in a juvenile facility would 2631  
adequately serve the need for community protection pending the 2632  
outcome of the criminal proceeding; 2633

(v) The relative ability of the available adult and juvenile 2634  
detention facilities to meet the needs of the person, including 2635  
the person's need for age-appropriate mental health and 2636  
educational services delivered by individuals specifically trained 2637

to deal with youth; 2638

(vi) Whether the person presents an imminent risk of 2639  
self-inflicted harm or an imminent risk of harm to others within a 2640  
juvenile facility; 2641

(vii) Any other factors the juvenile court considers to be 2642  
relevant. 2643

(c) If the juvenile court determines that a place other than 2644  
those specified in division (B) of this section is the appropriate 2645  
place for confinement of a person pursuant to division (F)(4)(a) 2646  
of this section, the person may petition the juvenile court for a 2647  
review hearing thirty days after the initial confinement decision, 2648  
thirty days after any subsequent review hearing, or at any time 2649  
after the initial confinement decision upon an emergency petition 2650  
by the youth due to the youth facing an imminent danger from 2651  
others or the youth's self. Upon receipt of the petition, the 2652  
juvenile court has discretion over whether to conduct the review 2653  
hearing and may set the matter for a review hearing if the youth 2654  
has alleged facts or circumstances that, if true, would warrant 2655  
reconsideration of the youth's placement in a place other than 2656  
those specified in division (B) of this section based on the 2657  
factors listed in division (F)(4)(b) of this section. 2658

(d) Upon the admission of a person described in division 2659  
(F)(4)(a) of this section to a place other than those specified in 2660  
division (B) of this section, the facility shall advise the person 2661  
of the person's right to request a review hearing as described in 2662  
division (F)(4)(d) of this section. 2663

(e) Any person transferred under division (F)(4)(a) of this 2664  
section to a place other than those specified in division (B) of 2665  
this section shall be confined in a manner that keeps the person 2666  
beyond sight and sound of all adult detainees. The person shall be 2667  
supervised at all times during the detention. 2668

**Sec. 2152.52.** (A)(1) In any proceeding under this chapter 2669  
other than a proceeding alleging that a child is an unruly child 2670  
or a juvenile traffic offender, any party or the court may move 2671  
for a determination regarding the child's competency to 2672  
participate in the proceeding. 2673

(2) In any proceeding under this chapter other than a 2674  
proceeding alleging that a child is an unruly child or a juvenile 2675  
traffic offender, if the child who is the subject of the 2676  
proceeding is fourteen years of age or older and if the child is 2677  
not otherwise found to be mentally ill, intellectually disabled, 2678  
or developmentally disabled, it is rebuttably presumed that the 2679  
child does not have a lack of mental capacity. This presumption 2680  
applies only in making a determination as to whether the child has 2681  
a lack of mental capacity and shall not be used or applicable for 2682  
any other purpose. 2683

(B) The court may find a child incompetent to proceed without 2684  
ordering an evaluation of the child's competency or holding a 2685  
hearing to determine the child's competency if either of the 2686  
following applies: 2687

(1) The prosecuting attorney, the child's attorney, and at 2688  
least one of the child's parents, guardians, or custodians agree 2689  
to the determination. 2690

(2) The court relies on a prior court determination that the 2691  
child was incompetent and could not attain competency even if the 2692  
child were to participate in competency attainment services. 2693

**Sec. 2152.56.** (A) Upon completing an evaluation ordered 2694  
pursuant to section 2152.53 of the Revised Code, an evaluator 2695  
shall submit to the court a written competency assessment report. 2696  
The report shall include the evaluator's opinion as to whether the 2697  
child, due to mental illness, intellectual disability, or 2698

developmental disability, or otherwise due to a lack of mental 2699  
capacity, is ~~presently~~ currently incapable of understanding the 2700  
nature and objective of the proceedings against the child or of 2701  
assisting in the child's defense. The report shall not include any 2702  
opinion as to the child's sanity at the time of the alleged 2703  
offense, details of the alleged offense as reported by the child, 2704  
or an opinion as to whether the child actually committed the 2705  
offense or could have been culpable for committing the offense. 2706

(B) A competency assessment report shall address the child's 2707  
capacity to do all of the following: 2708

(1) Comprehend and appreciate the charges or allegations 2709  
against the child; 2710

(2) Understand the adversarial nature of the proceedings, 2711  
including the role of the judge, defense counsel, prosecuting 2712  
attorney, guardian ad litem or court-appointed special assistant, 2713  
and witnesses; 2714

(3) Assist in the child's defense and communicate with 2715  
counsel; 2716

(4) Comprehend and appreciate the consequences that may be 2717  
imposed or result from the proceedings. 2718

(C) A competency assessment report shall include the 2719  
evaluator's opinion regarding the extent to which the child's 2720  
competency may be impaired by the child's failure to meet one or 2721  
more of the criteria listed in division (B) of this section. If 2722  
the evaluator concludes that the child's competency is impaired 2723  
but that the child may be enabled to understand the nature and 2724  
objectives of the proceeding against the child and to assist in 2725  
the child's defense with reasonable accommodations, the report 2726  
shall include recommendations for those reasonable accommodations 2727  
that the court might make. If the evaluator concludes that the 2728

child's competency is so impaired that the child would not be able 2729  
to understand the nature and objectives of the proceeding against 2730  
the child ~~and~~ or to assist in the child's defense, the report 2731  
shall include an opinion as to the likelihood that the child could 2732  
attain competency within the periods set forth in division (D)(2) 2733  
of section 2152.59 of the Revised Code. 2734

(D) If the evaluator concludes that the child could likely 2735  
attain competency within the periods set forth in division (D)(2) 2736  
of section 2152.59 of the Revised Code, the competency assessment 2737  
report shall include both of the following: 2738

(1) A recommendation as to the least restrictive setting for 2739  
child competency attainment services that is consistent with the 2740  
child's ability to attain competency and the safety of both the 2741  
child and the community; 2742

(2) A list of the providers of child competency attainment 2743  
services known to the evaluator that are located most closely to 2744  
the child's current residence. 2745

(E) If the evaluator is unable, within the maximum allowable 2746  
time for submission of a competency assessment report under 2747  
division (A) of section 2152.57 of the Revised Code, to form an 2748  
opinion regarding the extent to which the child's competency may 2749  
be impaired by the child's failure to meet one or more of the 2750  
criteria listed in division (B) of this section, the evaluator 2751  
shall so state in the report. The evaluator shall also include 2752  
recommendations for services to support the safety of the child or 2753  
the community. 2754

**Sec. 2152.59.** (A) If after a hearing held pursuant to section 2755  
2152.58 of the Revised Code the court determines that a child is 2756  
competent, the court shall proceed with the delinquent child's 2757  
proceeding as provided by law. No statement that a child makes 2758  
during an evaluation or hearing conducted under sections 2152.51 2759



through 2152.59 of the Revised Code shall be used against the 2760  
child on the issue of responsibility or guilt in any child or 2761  
adult proceeding. 2762

(B) If after a hearing held pursuant to section 2152.58 of 2763  
the Revised Code the court determines that the child is not 2764  
competent and cannot attain competency within the period of time 2765  
applicable under division (D)(2) of this section, the court shall 2766  
dismiss the charges without prejudice, except that the court may 2767  
delay dismissal for up to ninety calendar days and do either of 2768  
the following: 2769

(1) Refer the matter to a public children services agency and 2770  
request that agency determine whether to file an action in 2771  
accordance with section 2151.27 of the Revised Code alleging that 2772  
the child is a dependent, neglected, or abused child; 2773

(2) Assign court staff to refer the child or the child's 2774  
family to the local family and children first council or an agency 2775  
funded by the department of mental health or department of 2776  
developmental disabilities or otherwise secure services to reduce 2777  
the potential that the child would engage in behavior that could 2778  
result in delinquent child or other criminal charges. 2779

(C) If after a hearing held pursuant to section 2152.58 of 2780  
the Revised Code the court determines that a child is not 2781  
competent but could likely attain competency by participating in 2782  
services specifically designed to help the child develop 2783  
competency, the court may order the child to participate in 2784  
services specifically designed to help the child develop 2785  
competency at county expense. The court shall name a reliable 2786  
provider to deliver the competency attainment services and shall 2787  
order the child's parent, guardian, or custodian to contact that 2788  
provider by a specified date to arrange for services. 2789

(D) The competency attainment services provided to a child 2790

shall be based on a competency attainment plan described in 2791  
division (E)(2) of this section and approved by the court. 2792  
Services are subject to the following conditions and time periods 2793  
measured from the date the court approves the plan: 2794

(1) Services shall be provided in the least restrictive 2795  
setting that is consistent with the child's ability to attain 2796  
competency and the safety of both the child and the community. If 2797  
the child has been released on temporary or interim orders and 2798  
refuses or fails to cooperate with the service provider, the court 2799  
may reassess the orders and amend them to require a more 2800  
appropriate setting. 2801

(2) No child shall be required to participate in competency 2802  
attainment services for longer than is required for the child to 2803  
attain competency. The following maximum periods of participation 2804  
apply: 2805

(a) If a child is ordered to participate in competency 2806  
attainment services that are provided outside of a residential 2807  
setting, the child shall not participate in those services for a 2808  
period exceeding three months if the child is charged with an act 2809  
that would be a misdemeanor if committed by an adult, six months 2810  
if the child is charged with an act that would be a felony of the 2811  
third, fourth, or fifth degree if committed by an adult, or one 2812  
year if the child is charged with an act that would be a felony of 2813  
the first or second degree, aggravated murder, or murder if 2814  
committed by an adult. 2815

(b) If a child is ordered to receive competency attainment 2816  
services that are provided in a residential setting that is 2817  
operated solely or in part for the purpose of providing competency 2818  
attainment services, the child shall not participate in those 2819  
services for a period exceeding forty-five calendar days if the 2820  
child is charged with an act that would be a misdemeanor if 2821  
committed by an adult, three months if the child is charged with 2822

an act that would be a felony of the third, fourth, or fifth 2823  
degree if committed by an adult, six months if the child is 2824  
charged with an act that would be a felony of the first or second 2825  
degree if committed by an adult, or one year if the child is 2826  
charged with an act that would be aggravated murder or murder if 2827  
committed by an adult. 2828

(c) If a child is ordered into a residential, detention, or 2829  
other secured setting for reasons other than to participate in 2830  
competency attainment services and is also ordered to participate 2831  
in competency attainment services concurrently, the child shall 2832  
participate in the competency attainment services for not longer 2833  
than the relevant period set forth in division (D)(2)(a) of this 2834  
section. 2835

(d) If a child is ordered to participate in competency 2836  
attainment services that require the child to live for some but 2837  
not all of the duration of the services in a residential setting 2838  
that is operated solely or in part for the purpose of providing 2839  
competency attainment services, the child shall participate in the 2840  
competency attainment services for not longer than the relevant 2841  
period set forth in division (D)(2)(b) of this section. For the 2842  
purpose of calculating a time period under division (D)(2)(d) of 2843  
this section, two days of participation in a nonresidential 2844  
setting shall equal one day of participation in a residential 2845  
setting. 2846

(3) A child who receives competency attainment services in a 2847  
residential setting that is operated solely or partly for the 2848  
purpose of providing competency attainment services is in 2849  
detention for purposes of section 2921.34 and division (B) of 2850  
section 2152.18 of the Revised Code during the time that the child 2851  
resides in the residential setting. 2852

(E)(1) Within ten business days after the court names the 2853  
provider responsible for the child's competency attainment 2854

services under division (D) of this section, the court shall 2855  
deliver to that provider a copy of each competency assessment 2856  
report it has received for review. The provider shall return the 2857  
copies of the reports to the court upon the termination of the 2858  
services. 2859

(2) Not later than thirty calendar days after the child 2860  
contacts the competency attainment services provider under 2861  
division (C) of this section, the provider shall submit to the 2862  
court a plan for the child to attain competency. The court shall 2863  
provide copies of the plan to the prosecuting attorney, the 2864  
child's attorney, the child's guardian ad litem, if any, and the 2865  
child's parents, guardian, or custodian. 2866

(F) The provider that provides the child's competency 2867  
attainment services pursuant to the competency attainment plan 2868  
shall submit reports to the court on the following schedule: 2869

(1) A report on the child's progress every thirty calendar 2870  
days and on the termination of services~~+~~. The report shall not 2871  
include any details of the alleged offense as reported by the 2872  
child. 2873

(2) If the provider determines that the child is not 2874  
cooperating to a degree that would allow the services to be 2875  
effective to help the child attain competency, a report informing 2876  
the court of the determination within three business days after 2877  
making the determination; 2878

(3) If the provider determines that the current setting is no 2879  
longer the least restrictive setting that is consistent with the 2880  
child's ability to attain competency and the safety of both the 2881  
child and the community, a report informing the court of the 2882  
determination within three business days after making the 2883  
determination; 2884

(4) If the provider determines that the child has achieved 2885

the goals of the plan and would be able to understand the nature 2886  
and objectives of the proceeding against the child and to assist 2887  
in the child's defense, with or without reasonable accommodations 2888  
to meet the criteria set forth in division (B) of section 2152.56 2889  
of the Revised Code, a report informing the court of that 2890  
determination within three business days after making the 2891  
determination. If the provider believes that accommodations would 2892  
be necessary or desirable, the report shall include 2893  
recommendations for accommodations. 2894

(5) If the provider determines that the child will not 2895  
achieve the goals of the plan within the applicable period of time 2896  
under division (D)(2) of this section, a report informing the 2897  
court of the determination within three business days after making 2898  
the determination. The report shall include recommendations for 2899  
services for the child that would support the safety of the child 2900  
or the community. 2901

(G) The court shall provide copies of any report made under 2902  
division (F) of this section to the prosecuting attorney, the 2903  
child's attorney, and the child's guardian ad litem, if any. The 2904  
court shall provide copies of any report made under division (F) 2905  
of this section to the child's parents, guardian, or custodian 2906  
unless the court finds that doing so is not in the best interest 2907  
of the child. 2908

(H)(1) Within fifteen business days after receiving a report 2909  
under division (F) of this section, the court may hold a hearing 2910  
to determine if a new order is necessary. To assist in making a 2911  
determination under division (H) of this section, the court may 2912  
order a new competency evaluation in accordance with section 2913  
2152.53 of the Revised Code. Until a new order is issued or the 2914  
required period of participation expires, the child shall continue 2915  
to participate in competency attainment services. 2916

(2) If after a hearing held under division (H)(1) of this 2917

section the court determines that the child is not making progress 2918  
toward competency or is so uncooperative that attainment services 2919  
cannot be effective, the court may order a change in setting or 2920  
services that would help the child attain competency within the 2921  
relevant period of time under division (D)(2) of this section. 2922

(3) If after a hearing held under division (H)(1) of this 2923  
section the court determines that the child has not or will not 2924  
attain competency within the relevant period of time under 2925  
division (D)(2) of this section, the court shall dismiss the 2926  
delinquency complaint without prejudice, except that the court may 2927  
delay dismissal for up to ninety calendar days and do either of 2928  
the following: 2929

(a) Refer the matter to a public children services agency and 2930  
request that agency determine whether to file an action in 2931  
accordance with section 2151.27 of the Revised Code alleging that 2932  
the child is a dependent, neglected, or abused child; 2933

(b) Assign court staff to refer the child or the child's 2934  
family to the local family and children first council or an agency 2935  
funded by the department of mental health or department of 2936  
developmental disabilities or otherwise secure services to reduce 2937  
the potential that the child would engage in behavior that could 2938  
result in delinquency or other criminal charges. 2939

(4) A dismissal under division (H)(3) of this section does 2940  
not preclude a future delinquent child proceeding or criminal 2941  
prosecution as provided under section 2151.23 of the Revised Code 2942  
if the child eventually attains competency. 2943

(5) If after a hearing held under division (H)(1) of this 2944  
section the court determines that the child has attained 2945  
competency, the court shall proceed with the delinquent child's 2946  
proceeding in accordance with division (A) of this section. 2947

(6) A dismissal under this section does not bar a civil 2948

action based on the acts or omissions that formed the basis of the 2949  
complaint. 2950

**Sec. 2301.27.** (A)(1)(a) The court of common pleas may 2951  
establish a county department of probation. The establishment of 2952  
the department shall be entered upon the journal of the court, and 2953  
the clerk of the court of common pleas shall certify a copy of the 2954  
journal entry establishing the department to each elective officer 2955  
and board of the county. The department shall consist of a chief 2956  
probation officer and the number of other probation officers and 2957  
employees, clerks, and stenographers that is fixed from time to 2958  
time by the court. The court shall appoint those individuals, fix 2959  
their salaries, and supervise their work. 2960

(b) When appointing a chief probation officer, the court 2961  
shall do all of the following: 2962

(i) Publicly advertise the position on the court's web site, 2963  
including, but not limited to, the job description, qualifications 2964  
for the position, and the application requirements; 2965

(ii) Conduct a competitive hiring process that adheres to 2966  
state and federal equal employment opportunity laws; 2967

(iii) Review applicants who meet the posted qualifications 2968  
and comply with the application requirements. 2969

(c) The court shall not appoint as a probation officer any 2970  
person who does not possess the training, experience, and other 2971  
qualifications prescribed by the adult parole authority created by 2972  
section 5149.02 of the Revised Code or the department of youth 2973  
services, as applicable. Probation officers have all the powers of 2974  
regular police officers and shall perform any duties that are 2975  
designated by the judge or judges of the court. All positions 2976  
within the department of probation, except positions held by 2977  
probation officers in the juvenile division of a court of common 2978

pleas, shall be in the classified service of the civil service of 2979  
the county. 2980

(2) If two or more counties desire to jointly establish a 2981  
probation department for those counties, the judges of the courts 2982  
of common pleas of those counties may establish a probation 2983  
department for those counties. If a probation department is 2984  
established pursuant to division (A)(2) of this section to serve 2985  
more than one county, the judges of the courts of common pleas 2986  
that established the department shall designate the county 2987  
treasurer of one of the counties served by the department as the 2988  
treasurer to whom probation fees paid under section 2951.021 of 2989  
the Revised Code are to be appropriated and transferred under 2990  
division (A)(2) of section 321.44 of the Revised Code for deposit 2991  
into the multicounty probation services fund established under 2992  
division (B) of section 321.44 of the Revised Code. 2993

The cost of the administration and operation of a probation 2994  
department established for two or more counties shall be prorated 2995  
to the respective counties on the basis of population. 2996

(3) Probation officers shall receive, in addition to their 2997  
respective salaries, their necessary and reasonable travel and 2998  
other expenses incurred in the performance of their duties. Their 2999  
salaries and expenses shall be paid monthly from the county 3000  
treasury in the manner provided for the payment of the 3001  
compensation of other appointees of the court. 3002

(4) ~~Probation~~ Adult probation officers shall be trained in 3003  
accordance with a set of minimum standards that are established by 3004  
the adult parole authority of the department of rehabilitation and 3005  
correction. Probation officers in the juvenile division of a court 3006  
of common pleas shall be trained in accordance with a set of 3007  
minimum standards that are established by the department of youth 3008  
services. 3009



(B)(1)(a) In lieu of establishing a county department of 3010  
probation under division (A) of this section and in lieu of 3011  
entering into an agreement with the adult parole authority as 3012  
described in division (B) of section 2301.32 of the Revised Code, 3013  
the court of common pleas may request the board of county 3014  
commissioners to contract with, and upon that request the board 3015  
may contract with, any nonprofit, public or private agency, 3016  
association, or organization for the provision of probation 3017  
services and supervisory services for persons placed under 3018  
community control sanctions. The contract shall specify that each 3019  
individual providing the probation services and supervisory 3020  
services shall possess the training, experience, and other 3021  
qualifications prescribed by the adult parole authority or the 3022  
department of youth services, as applicable. The individuals who 3023  
provide the probation services and supervisory services shall not 3024  
be included in the classified or unclassified civil service of the 3025  
county. 3026

(b) A court of common pleas that has established a county 3027  
probation department or has entered into an agreement with the 3028  
adult parole authority as described in division (A) or (B) of 3029  
section 2301.32 of the Revised Code may request the board of 3030  
county commissioners to contract with, and upon that request the 3031  
board may contract with, any nonprofit, public or private agency, 3032  
association, or organization for the provision of probation 3033  
services and supervisory services, including the preparation of 3034  
presentence investigation reports to supplement the probation 3035  
services and supervisory services provided by the county probation 3036  
department or adult parole authority, as applicable. The contract 3037  
shall specify that each individual providing the probation 3038  
services and supervisory services shall possess the training, 3039  
experience, and other qualifications prescribed by the adult 3040  
parole authority. The individuals who provide the probation 3041  
services and supervisory services shall not be included in the 3042

classified or unclassified civil service of the county. A 3043  
nonprofit, public or private agency, association, or organization 3044  
providing probation services or supervisory services under this 3045  
division is hereby designated a criminal justice agency in the 3046  
provision of those services, and as such is authorized by this 3047  
state to apply for access to the computerized databases 3048  
administered by the national crime information center or the law 3049  
enforcement automated data system in Ohio and to other 3050  
computerized databases administered for the purpose of making 3051  
criminal justice information accessible to state criminal justice 3052  
agencies. 3053

(2)(a) In lieu of establishing a county department of 3054  
probation under division (A) of this section and in lieu of 3055  
entering into an agreement with the adult parole authority as 3056  
described in division (B) of section 2301.32 of the Revised Code, 3057  
the courts of common pleas of two or more adjoining counties 3058  
jointly may request the boards of county commissioners of those 3059  
counties to contract with, and upon that request the boards of 3060  
county commissioners of two or more adjoining counties jointly may 3061  
contract with, any nonprofit, public or private agency, 3062  
association, or organization for the provision of probation 3063  
services and supervisory services for persons placed under 3064  
community control sanctions for those counties. The contract shall 3065  
specify that each individual providing the probation services and 3066  
supervisory services shall possess the training, experience, and 3067  
other qualifications prescribed by the adult parole authority or 3068  
the department of youth services, as applicable. The individuals 3069  
who provide the probation services and supervisory services shall 3070  
not be included in the classified or unclassified civil service of 3071  
any of those counties. 3072

(b) The courts of common pleas of two or more adjoining 3073  
counties that have jointly established a probation department for 3074

those counties or have entered into an agreement with the adult 3075  
parole authority as described in division (A) or (B) of section 3076  
2301.32 of the Revised Code may jointly request the board of 3077  
county commissioners of each county to contract with, and upon 3078  
that request the board may contract with, any nonprofit, public or 3079  
private agency, association, or organization for the provision of 3080  
probation services and supervisory services, including the 3081  
preparation of presentence investigation reports to supplement the 3082  
probation services and supervisory services provided by the 3083  
probation department or adult parole authority, as applicable. The 3084  
contract shall specify that each individual providing the 3085  
probation services and supervisory services shall possess the 3086  
training, experience, and other qualifications prescribed by the 3087  
adult parole authority. The individuals who provide the probation 3088  
services and supervisory services shall not be included in the 3089  
classified or unclassified civil service of the county. A 3090  
nonprofit, public or private agency, association, or organization 3091  
providing probation services or supervisory services under this 3092  
division is hereby designated a criminal justice agency in the 3093  
provision of those services, and as such is authorized by this 3094  
state to apply for access to the computerized databases 3095  
administered by the national crime information center or the law 3096  
enforcement automated data system in Ohio and to other 3097  
computerized databases administered for the purpose of making 3098  
criminal justice information accessible to state criminal justice 3099  
agencies. 3100

(C) The chief probation officer may grant permission to a 3101  
probation officer to carry firearms when required in the discharge 3102  
of official duties if the probation officer has successfully 3103  
completed a basic firearm training program that is approved by the 3104  
executive director of the Ohio peace officer training commission. 3105  
A probation officer who has been granted permission to carry a 3106  
firearm in the discharge of official duties, annually shall 3107

successfully complete a firearms requalification program in 3108  
accordance with section 109.801 of the Revised Code. 3109

(D) As used in this section and sections 2301.28 to 2301.32 3110  
of the Revised Code, "community control sanction" has the same 3111  
meaning as in section 2929.01 of the Revised Code. 3112

**Sec. 2301.271.** (A) The adult parole authority of the 3113  
department of rehabilitation and correction shall develop minimum 3114  
standards for the training of adult probation officers as provided 3115  
by section 2301.27 of the Revised Code. The adult parole authority 3116  
shall consult and collaborate with the supreme court in developing 3117  
the standards. The department of youth services shall develop 3118  
minimum standards for the training of probation officers who 3119  
supervise juvenile offenders. 3120

(B) Within six months after ~~the effective date of this~~ 3121  
~~section~~ September 30, 2011, the department of rehabilitation and 3122  
correction and, within six months after the effective date of this 3123  
amendment, the department of youth services shall make available a 3124  
copy of the minimum standards developed by the department, as 3125  
applicable, to the following entities: 3126

(1) Every municipal court, county court, and court of common 3127  
pleas; 3128

(2) Every probation department. 3129

**Sec. 2705.031.** (A) As used in this section, "Title IV-D case" 3130  
has the same meaning as in section 3125.01 of the Revised Code. 3131  
3132

(B)(1) Any party who has a legal claim to any support ordered 3133  
for a child, spouse, or former spouse may initiate a contempt 3134  
action for failure to pay the support. In Title IV-D cases, the 3135  
contempt action for failure to pay support also may be initiated 3136  
by an attorney retained by the party who has the legal claim, the 3137

prosecuting attorney, or an attorney of the department of job and 3138  
family services or the child support enforcement agency. 3139

(2) Any parent who is granted parenting time rights under a 3140  
parenting time order or decree issued pursuant to section 3109.051 3141  
or 3109.12 of the Revised Code, any person who is granted 3142  
visitation rights under a visitation order or decree issued 3143  
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 3144  
Code or pursuant to any other provision of the Revised Code, or 3145  
any other person who is subject to any parenting time or 3146  
visitation order or decree, may initiate a contempt action for a 3147  
failure to comply with, or an interference with, the order or 3148  
decree. 3149

(C) In any contempt action initiated pursuant to division (B) 3150  
of this section, the accused shall appear upon the summons and 3151  
order to appear that is issued by the court. The summons shall 3152  
include all of the following: 3153

(1) Notice that failure to appear may result in the issuance 3154  
of an order of arrest, and in cases involving alleged failure to 3155  
pay support, the issuance of an order for the payment of support 3156  
by withholding an amount from the personal earnings of the accused 3157  
or by withholding or deducting an amount from some other asset of 3158  
the accused; 3159

(2) Notice that the accused has a right to counsel, and that 3160  
if indigent, the accused must apply for a public defender or court 3161  
appointed counsel within three business days after receipt of the 3162  
summons; 3163

(3) Notice that the court may refuse to grant a continuance 3164  
at the time of the hearing for the purpose of the accused 3165  
obtaining counsel, if the accused fails to make a good faith 3166  
effort to retain counsel or to obtain a public defender; 3167

(4) Notice of the potential penalties that could be imposed 3168

upon the accused, if the accused is found guilty of contempt for 3169  
failure to pay support or for a failure to comply with, or an 3170  
interference with, a parenting time or visitation order or decree; 3171

(5) Notice that the court may grant limited driving 3172  
privileges under section 4510.021 of the Revised Code pursuant to 3173  
a request made by the accused, if the driver's license was 3174  
suspended based on a notice issued pursuant to section 3123.54 of 3175  
the Revised Code by the child support enforcement agency and if 3176  
the request is accompanied by a recent noncertified copy of a 3177  
driver's abstract from the registrar of motor vehicles. 3178

(D) If the accused is served as required by the Rules of 3179  
Civil Procedure or by any special statutory proceedings that are 3180  
relevant to the case, the court may order the attachment of the 3181  
person of the accused upon failure to appear as ordered by the 3182  
court. 3183

(E) The imposition of any penalty for contempt under section 3184  
2705.05 of the Revised Code shall not eliminate any obligation of 3185  
the accused to pay any past, present, or future support obligation 3186  
or any obligation of the accused to comply with or refrain from 3187  
interfering with the parenting time or visitation order or decree. 3188  
The court shall have jurisdiction to make a finding of contempt 3189  
for the failure to pay support and to impose the penalties set 3190  
forth in section 2705.05 of the Revised Code in all cases in which 3191  
past due support is at issue even if the duty to pay support has 3192  
terminated, and shall have jurisdiction to make a finding of 3193  
contempt for a failure to comply with, or an interference with, a 3194  
parenting time or visitation order or decree and to impose the 3195  
penalties set forth in section 2705.05 of the Revised Code in all 3196  
cases in which the failure or interference is at issue even if the 3197  
parenting time or visitation order or decree no longer is in 3198  
effect. 3199

Sec. 2907.24. (A) No person shall solicit another to engage 3200  
with such other person in sexual activity for hire. 3201

(B) No person, with knowledge that the person has tested 3202  
positive as a carrier of a virus that causes acquired 3203  
immunodeficiency syndrome, shall engage in conduct in violation of 3204  
division (A) of this section. 3205

(C)(1) Whoever violates division (A) of this section is 3206  
guilty of soliciting, a misdemeanor of the third degree. 3207

(2) Whoever violates division (B) of this section is guilty 3208  
of engaging in solicitation after a positive HIV test. If the 3209  
offender commits the violation prior to July 1, 1996, engaging in 3210  
solicitation after a positive HIV test is a felony of the second 3211  
degree. If the offender commits the violation on or after July 1, 3212  
1996, engaging in solicitation after a positive HIV test is a 3213  
felony of the third degree. 3214

(D) If a person is convicted of or pleads guilty to a 3215  
violation of any provision of this section, an attempt to commit a 3216  
violation of any provision of this section, or a violation of or 3217  
an attempt to commit a violation of a municipal ordinance that is 3218  
substantially equivalent to any provision of this section and if 3219  
the person, in committing or attempting to commit the violation, 3220  
was in, was on, or used a motor vehicle, the court, in addition to 3221  
or independent of all other penalties imposed for the violation, 3222  
~~shall~~ may impose upon the offender a class six suspension of the 3223  
person's driver's license, commercial driver's license, temporary 3224  
instruction permit, probationary license, or nonresident operating 3225  
privilege from the range specified in division (A)(6) of section 3226  
4510.02 of the Revised Code. In lieu of imposing upon the offender 3227  
the class six suspension, the court instead may require the 3228  
offender to perform community service for a number of hours 3229  
determined by the court. 3230

**Sec. 2913.02.** (A) No person, with purpose to deprive the 3231  
owner of property or services, shall knowingly obtain or exert 3232  
control over either the property or services in any of the 3233  
following ways: 3234

(1) Without the consent of the owner or person authorized to 3235  
give consent; 3236

(2) Beyond the scope of the express or implied consent of the 3237  
owner or person authorized to give consent; 3238

(3) By deception; 3239

(4) By threat; 3240

(5) By intimidation. 3241

(B)(1) Whoever violates this section is guilty of theft. 3242

(2) Except as otherwise provided in this division or division 3243  
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 3244  
this section is petty theft, a misdemeanor of the first degree. If 3245  
the value of the property or services stolen is one thousand 3246  
dollars or more and is less than seven thousand five hundred 3247  
dollars or if the property stolen is any of the property listed in 3248  
section 2913.71 of the Revised Code, a violation of this section 3249  
is theft, a felony of the fifth degree. If the value of the 3250  
property or services stolen is seven thousand five hundred dollars 3251  
or more and is less than one hundred fifty thousand dollars, a 3252  
violation of this section is grand theft, a felony of the fourth 3253  
degree. If the value of the property or services stolen is one 3254  
hundred fifty thousand dollars or more and is less than seven 3255  
hundred fifty thousand dollars, a violation of this section is 3256  
aggravated theft, a felony of the third degree. If the value of 3257  
the property or services is seven hundred fifty thousand dollars 3258  
or more and is less than one million five hundred thousand 3259  
dollars, a violation of this section is aggravated theft, a felony 3260



of the second degree. If the value of the property or services 3261  
stolen is one million five hundred thousand dollars or more, a 3262  
violation of this section is aggravated theft of one million five 3263  
hundred thousand dollars or more, a felony of the first degree. 3264

(3) Except as otherwise provided in division (B)(4), (5), 3265  
(6), (7), or (8) of this section, if the victim of the offense is 3266  
an elderly person or disabled adult, a violation of this section 3267  
is theft from an elderly person or disabled adult, and division 3268  
(B)(3) of this section applies. Except as otherwise provided in 3269  
this division, theft from an elderly person or disabled adult is a 3270  
felony of the fifth degree. If the value of the property or 3271  
services stolen is one thousand dollars or more and is less than 3272  
seven thousand five hundred dollars, theft from an elderly person 3273  
or disabled adult is a felony of the fourth degree. If the value 3274  
of the property or services stolen is seven thousand five hundred 3275  
dollars or more and is less than thirty-seven thousand five 3276  
hundred dollars, theft from an elderly person or disabled adult is 3277  
a felony of the third degree. If the value of the property or 3278  
services stolen is thirty-seven thousand five hundred dollars or 3279  
more and is less than one hundred fifty thousand dollars, theft 3280  
from an elderly person or disabled adult is a felony of the second 3281  
degree. If the value of the property or services stolen is one 3282  
hundred fifty thousand dollars or more, theft from an elderly 3283  
person or disabled adult is a felony of the first degree. 3284

(4) If the property stolen is a firearm or dangerous 3285  
ordnance, a violation of this section is grand theft. Except as 3286  
otherwise provided in this division, grand theft when the property 3287  
stolen is a firearm or dangerous ordnance is a felony of the third 3288  
degree, and there is a presumption in favor of the court imposing 3289  
a prison term for the offense. If the firearm or dangerous 3290  
ordnance was stolen from a federally licensed firearms dealer, 3291  
grand theft when the property stolen is a firearm or dangerous 3292

ordnance is a felony of the first degree. The offender shall serve 3293  
a prison term imposed for grand theft when the property stolen is 3294  
a firearm or dangerous ordnance consecutively to any other prison 3295  
term or mandatory prison term previously or subsequently imposed 3296  
upon the offender. 3297

(5) If the property stolen is a motor vehicle, a violation of 3298  
this section is grand theft of a motor vehicle, a felony of the 3299  
fourth degree. 3300

(6) If the property stolen is any dangerous drug, a violation 3301  
of this section is theft of drugs, a felony of the fourth degree, 3302  
or, if the offender previously has been convicted of a felony drug 3303  
abuse offense, a felony of the third degree. 3304

(7) If the property stolen is a police dog or horse or an 3305  
assistance dog and the offender knows or should know that the 3306  
property stolen is a police dog or horse or an assistance dog, a 3307  
violation of this section is theft of a police dog or horse or an 3308  
assistance dog, a felony of the third degree. 3309

(8) If the property stolen is anhydrous ammonia, a violation 3310  
of this section is theft of anhydrous ammonia, a felony of the 3311  
third degree. 3312

(9) In addition to the penalties described in division (B)(2) 3313  
of this section, if the offender committed the violation by 3314  
causing a motor vehicle to leave the premises of an establishment 3315  
at which gasoline is offered for retail sale without the offender 3316  
making full payment for gasoline that was dispensed into the fuel 3317  
tank of the motor vehicle or into another container, the court may 3318  
do one of the following: 3319

(a) Unless division (B)(9)(b) of this section applies, 3320  
suspend for not more than six months the offender's driver's 3321  
license, probationary driver's license, commercial driver's 3322  
license, temporary instruction permit, or nonresident operating 3323

privilege; 3324

(b) If the offender's driver's license, probationary driver's 3325  
license, commercial driver's license, temporary instruction 3326  
permit, or nonresident operating privilege has previously been 3327  
suspended pursuant to division (B)(9)(a) of this section, impose a 3328  
class seven suspension of the offender's license, permit, or 3329  
privilege from the range specified in division (A)(7) of section 3330  
4510.02 of the Revised Code, provided that the suspension shall be 3331  
for at least six months. 3332

(c) The court, in lieu of suspending the offender's driver's 3333  
or commercial driver's license, probationary driver's license, 3334  
temporary instruction permit, or nonresident operating privilege 3335  
pursuant to division (B)(9)(a) or (b) of this section, instead may 3336  
require the offender to perform community service for a number of 3337  
hours determined by the court. 3338

(10) In addition to the penalties described in division 3339  
(B)(2) of this section, if the offender committed the violation by 3340  
stealing rented property or rental services, the court may order 3341  
that the offender make restitution pursuant to section 2929.18 or 3342  
2929.28 of the Revised Code. Restitution may include, but is not 3343  
limited to, the cost of repairing or replacing the stolen 3344  
property, or the cost of repairing the stolen property and any 3345  
loss of revenue resulting from deprivation of the property due to 3346  
theft of rental services that is less than or equal to the actual 3347  
value of the property at the time it was rented. Evidence of 3348  
intent to commit theft of rented property or rental services shall 3349  
be determined pursuant to the provisions of section 2913.72 of the 3350  
Revised Code. 3351

(C) The sentencing court that suspends an offender's license, 3352  
permit, or nonresident operating privilege under division (B)(9) 3353  
of this section may grant the offender limited driving privileges 3354  
during the period of the suspension in accordance with Chapter 3355

4510. of the Revised Code. 3356

**Sec. 2921.331.** (A) No person shall fail to comply with any 3357  
lawful order or direction of any police officer invested with 3358  
authority to direct, control, or regulate traffic. 3359

(B) No person shall operate a motor vehicle so as willfully 3360  
to elude or flee a police officer after receiving a visible or 3361  
audible signal from a police officer to bring the person's motor 3362  
vehicle to a stop. 3363

(C)(1) Whoever violates this section is guilty of failure to 3364  
comply with an order or signal of a police officer. 3365

(2) A violation of division (A) of this section is a 3366  
misdemeanor of the first degree. 3367

(3) Except as provided in divisions (C)(4) and (5) of this 3368  
section, a violation of division (B) of this section is a 3369  
misdemeanor of the first degree. 3370

(4) Except as provided in division (C)(5) of this section, a 3371  
violation of division (B) of this section is a felony of the 3372  
fourth degree if the jury or judge as trier of fact finds by proof 3373  
beyond a reasonable doubt that, in committing the offense, the 3374  
offender was fleeing immediately after the commission of a felony. 3375

(5)(a) A violation of division (B) of this section is a 3376  
felony of the third degree if the jury or judge as trier of fact 3377  
finds any of the following by proof beyond a reasonable doubt: 3378

(i) The operation of the motor vehicle by the offender was a 3379  
proximate cause of serious physical harm to persons or property. 3380

(ii) The operation of the motor vehicle by the offender 3381  
caused a substantial risk of serious physical harm to persons or 3382  
property. 3383

(b) If a police officer pursues an offender who is violating 3384

division (B) of this section and division (C)(5)(a) of this 3385  
section applies, the sentencing court, in determining the 3386  
seriousness of an offender's conduct for purposes of sentencing 3387  
the offender for a violation of division (B) of this section, 3388  
shall consider, along with the factors set forth in sections 3389  
2929.12 and 2929.13 of the Revised Code that are required to be 3390  
considered, all of the following: 3391

(i) The duration of the pursuit; 3392

(ii) The distance of the pursuit; 3393

(iii) The rate of speed at which the offender operated the 3394  
motor vehicle during the pursuit; 3395

(iv) Whether the offender failed to stop for traffic lights 3396  
or stop signs during the pursuit; 3397

(v) The number of traffic lights or stop signs for which the 3398  
offender failed to stop during the pursuit; 3399

(vi) Whether the offender operated the motor vehicle during 3400  
the pursuit without lighted lights during a time when lighted 3401  
lights are required; 3402

(vii) Whether the offender committed a moving violation 3403  
during the pursuit; 3404

(viii) The number of moving violations the offender committed 3405  
during the pursuit; 3406

(ix) Any other relevant factors indicating that the 3407  
offender's conduct is more serious than conduct normally 3408  
constituting the offense. 3409

(D) If an offender is sentenced pursuant to division (C)(4) 3410  
or (5) of this section for a violation of division (B) of this 3411  
section, and if the offender is sentenced to a prison term for 3412  
that violation, the offender shall serve the prison term 3413  
consecutively to any other prison term or mandatory prison term 3414

imposed upon the offender. 3415

(E) In addition to any other sanction imposed for a felony 3416  
violation of division (B) of this section, the court shall impose 3417  
a class two suspension from the range specified in division (A)(2) 3418  
of section 4510.02 of the Revised Code. In addition to any other 3419  
sanction imposed for a violation of division (A) of this section 3420  
or a misdemeanor violation of division (B) of this section, the 3421  
court shall impose a class five suspension from the range 3422  
specified in division (A)(5) of section 4510.02 of the Revised 3423  
Code. If the offender previously has been found guilty of an 3424  
offense under this section, in addition to any other sanction 3425  
imposed for the offense, the court shall impose a class one 3426  
suspension as described in division (A)(1) of that section. The 3427  
court shall not grant limited driving privileges to the offender 3428  
on a suspension imposed for a felony violation of this section. 3429  
The court may grant limited driving privileges to the offender on 3430  
a suspension imposed for a misdemeanor violation of this section 3431  
as set forth in section 4510.021 of the Revised Code. No judge 3432  
shall suspend the first three years of suspension under a class 3433  
two suspension of an offender's license, permit, or privilege 3434  
required by this division on any portion of the suspension under a 3435  
class one suspension of an offender's license, permit, or 3436  
privilege required by this division. 3437

(F) As used in this section: 3438

(1) "Moving violation" has the same meaning as in section 3439  
2743.70 of the Revised Code. 3440

(2) "Police officer" has the same meaning as in section 3441  
4511.01 of the Revised Code. 3442

**Sec. 2923.122.** (A) No person shall knowingly convey, or 3443  
attempt to convey, a deadly weapon or dangerous ordnance into a 3444  
school safety zone. 3445

(B) No person shall knowingly possess a deadly weapon or 3446  
dangerous ordnance in a school safety zone. 3447

(C) No person shall knowingly possess an object in a school 3448  
safety zone if both of the following apply: 3449

(1) The object is indistinguishable from a firearm, whether 3450  
or not the object is capable of being fired. 3451

(2) The person indicates that the person possesses the object 3452  
and that it is a firearm, or the person knowingly displays or 3453  
brandishes the object and indicates that it is a firearm. 3454

(D)(1) This section does not apply to any of the following: 3455

(a) An officer, agent, or employee of this or any other state 3456  
or the United States, or a law enforcement officer, who is 3457  
authorized to carry deadly weapons or dangerous ordnance and is 3458  
acting within the scope of the officer's, agent's, or employee's 3459  
duties, a security officer employed by a board of education or 3460  
governing body of a school during the time that the security 3461  
officer is on duty pursuant to that contract of employment, or any 3462  
other person who has written authorization from the board of 3463  
education or governing body of a school to convey deadly weapons 3464  
or dangerous ordnance into a school safety zone or to possess a 3465  
deadly weapon or dangerous ordnance in a school safety zone and 3466  
who conveys or possesses the deadly weapon or dangerous ordnance 3467  
in accordance with that authorization; 3468

(b) Any person who is employed in this state, who is 3469  
authorized to carry deadly weapons or dangerous ordnance, and who 3470  
is subject to and in compliance with the requirements of section 3471  
109.801 of the Revised Code, unless the appointing authority of 3472  
the person has expressly specified that the exemption provided in 3473  
division (D)(1)(b) of this section does not apply to the person. 3474

(2) Division (C) of this section does not apply to premises 3475  
upon which home schooling is conducted. Division (C) of this 3476

section also does not apply to a school administrator, teacher, or 3477  
employee who possesses an object that is indistinguishable from a 3478  
firearm for legitimate school purposes during the course of 3479  
employment, a student who uses an object that is indistinguishable 3480  
from a firearm under the direction of a school administrator, 3481  
teacher, or employee, or any other person who with the express 3482  
prior approval of a school administrator possesses an object that 3483  
is indistinguishable from a firearm for a legitimate purpose, 3484  
including the use of the object in a ceremonial activity, a play, 3485  
reenactment, or other dramatic presentation, or a ROTC activity or 3486  
another similar use of the object. 3487

(3) This section does not apply to a person who conveys or 3488  
attempts to convey a handgun into, or possesses a handgun in, a 3489  
school safety zone if, at the time of that conveyance, attempted 3490  
conveyance, or possession of the handgun, all of the following 3491  
apply: 3492

(a) The person does not enter into a school building or onto 3493  
school premises and is not at a school activity. 3494

(b) The person is carrying a valid license or temporary 3495  
emergency license to carry a concealed handgun issued to the 3496  
person under section 2923.125 or 2923.1213 of the Revised Code or 3497  
a license to carry a concealed handgun that was issued by another 3498  
state with which the attorney general has entered into a 3499  
reciprocity agreement under section 109.69 of the Revised Code. 3500

(c) The person is in the school safety zone in accordance 3501  
with 18 U.S.C. 922(q)(2)(B). 3502

(d) The person is not knowingly in a place described in 3503  
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 3504  
Revised Code. 3505

(4) This section does not apply to a person who conveys or 3506  
attempts to convey a handgun into, or possesses a handgun in, a 3507



school safety zone if at the time of that conveyance, attempted 3508  
conveyance, or possession of the handgun all of the following 3509  
apply: 3510

(a) The person is carrying a valid license or temporary 3511  
emergency license to carry a concealed handgun issued to the 3512  
person under section 2923.125 or 2923.1213 of the Revised Code or 3513  
a license to carry a concealed handgun that was issued by another 3514  
state with which the attorney general has entered into a 3515  
reciprocity agreement under section 109.69 of the Revised Code. 3516

(b) The person is the driver or passenger in a motor vehicle 3517  
and is in the school safety zone while immediately in the process 3518  
of picking up or dropping off a child. 3519

(c) The person is not in violation of section 2923.16 of the 3520  
Revised Code. 3521

(E)(1) Whoever violates division (A) or (B) of this section 3522  
is guilty of illegal conveyance or possession of a deadly weapon 3523  
or dangerous ordnance in a school safety zone. Except as otherwise 3524  
provided in this division, illegal conveyance or possession of a 3525  
deadly weapon or dangerous ordnance in a school safety zone is a 3526  
felony of the fifth degree. If the offender previously has been 3527  
convicted of a violation of this section, illegal conveyance or 3528  
possession of a deadly weapon or dangerous ordnance in a school 3529  
safety zone is a felony of the fourth degree. 3530

(2) Whoever violates division (C) of this section is guilty 3531  
of illegal possession of an object indistinguishable from a 3532  
firearm in a school safety zone. Except as otherwise provided in 3533  
this division, illegal possession of an object indistinguishable 3534  
from a firearm in a school safety zone is a misdemeanor of the 3535  
first degree. If the offender previously has been convicted of a 3536  
violation of this section, illegal possession of an object 3537  
indistinguishable from a firearm in a school safety zone is a 3538

felony of the fifth degree. 3539

(F)(1) In addition to any other penalty imposed upon a person 3540  
who is convicted of or pleads guilty to a violation of this 3541  
section and subject to division (F)(2) of this section, if the 3542  
offender has not attained nineteen years of age, regardless of 3543  
whether the offender is attending or is enrolled in a school 3544  
operated by a board of education or for which the state board of 3545  
education prescribes minimum standards under section 3301.07 of 3546  
the Revised Code, the court shall impose upon the offender a class 3547  
four suspension of the offender's probationary driver's license, 3548  
restricted license, driver's license, commercial driver's license, 3549  
temporary instruction permit, or probationary commercial driver's 3550  
license that then is in effect from the range specified in 3551  
division (A)(4) of section 4510.02 of the Revised Code and shall 3552  
deny the offender the issuance of any permit or license of that 3553  
type during the period of the suspension. 3554

If the offender is not a resident of this state, the court 3555  
shall impose a class four suspension of the nonresident operating 3556  
privilege of the offender from the range specified in division 3557  
(A)(4) of section 4510.02 of the Revised Code. 3558

(2) If the offender shows good cause why the court should not 3559  
suspend one of the types of licenses, permits, or privileges 3560  
specified in division (F)(1) of this section or deny the issuance 3561  
of one of the temporary instruction permits specified in that 3562  
division, the court in its discretion may choose not to impose the 3563  
suspension, revocation, or denial required in that division, but 3564  
the court, in its discretion, instead may require the offender to 3565  
perform community service for a number of hours determined by the 3566  
court. 3567

(G) As used in this section, "object that is 3568  
indistinguishable from a firearm" means an object made, 3569  
constructed, or altered so that, to a reasonable person without 3570

specialized training in firearms, the object appears to be a 3571  
firearm. 3572

**Sec. 2925.03.** (A) No person shall knowingly do any of the 3573  
following: 3574

(1) Sell or offer to sell a controlled substance; 3575

(2) Prepare for shipment, ship, transport, deliver, prepare 3576  
for distribution, or distribute a controlled substance, when the 3577  
offender knows or has reasonable cause to believe that the 3578  
controlled substance is intended for sale or resale by the 3579  
offender or another person. 3580

(B) This section does not apply to any of the following: 3581

(1) Manufacturers, licensed health professionals authorized 3582  
to prescribe drugs, pharmacists, owners of pharmacies, and other 3583  
persons whose conduct is in accordance with Chapters 3719., 4715., 3584  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 3585

(2) If the offense involves an anabolic steroid, any person 3586  
who is conducting or participating in a research project involving 3587  
the use of an anabolic steroid if the project has been approved by 3588  
the United States food and drug administration; 3589

(3) Any person who sells, offers for sale, prescribes, 3590  
dispenses, or administers for livestock or other nonhuman species 3591  
an anabolic steroid that is expressly intended for administration 3592  
through implants to livestock or other nonhuman species and 3593  
approved for that purpose under the "Federal Food, Drug, and 3594  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 3595  
and is sold, offered for sale, prescribed, dispensed, or 3596  
administered for that purpose in accordance with that act. 3597

(C) Whoever violates division (A) of this section is guilty 3598  
of one of the following: 3599

(1) If the drug involved in the violation is any compound, 3600

mixture, preparation, or substance included in schedule I or 3601  
schedule II, with the exception of marihuana, 3602  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 3603  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 3604  
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 3605  
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 3606  
cocaine, L.S.D., heroin, and hashish, whoever violates division 3607  
(A) of this section is guilty of aggravated trafficking in drugs. 3608  
The penalty for the offense shall be determined as follows: 3609

(a) Except as otherwise provided in division (C)(1)(b), (c), 3610  
(d), (e), or (f) of this section, aggravated trafficking in drugs 3611  
is a felony of the fourth degree, and division (C) of section 3612  
2929.13 of the Revised Code applies in determining whether to 3613  
impose a prison term on the offender. 3614

(b) Except as otherwise provided in division (C)(1)(c), (d), 3615  
(e), or (f) of this section, if the offense was committed in the 3616  
vicinity of a school or in the vicinity of a juvenile, aggravated 3617  
trafficking in drugs is a felony of the third degree, and division 3618  
(C) of section 2929.13 of the Revised Code applies in determining 3619  
whether to impose a prison term on the offender. 3620

(c) Except as otherwise provided in this division, if the 3621  
amount of the drug involved equals or exceeds the bulk amount but 3622  
is less than five times the bulk amount, aggravated trafficking in 3623  
drugs is a felony of the third degree, and, except as otherwise 3624  
provided in this division, there is a presumption for a prison 3625  
term for the offense. If aggravated trafficking in drugs is a 3626  
felony of the third degree under this division and if the offender 3627  
two or more times previously has been convicted of or pleaded 3628  
guilty to a felony drug abuse offense, the court shall impose as a 3629  
mandatory prison term one of the prison terms prescribed for a 3630  
felony of the third degree. If the amount of the drug involved is 3631  
within that range and if the offense was committed in the vicinity 3632

of a school or in the vicinity of a juvenile, aggravated 3633  
trafficking in drugs is a felony of the second degree, and the 3634  
court shall impose as a mandatory prison term one of the prison 3635  
terms prescribed for a felony of the second degree. 3636

(d) Except as otherwise provided in this division, if the 3637  
amount of the drug involved equals or exceeds five times the bulk 3638  
amount but is less than fifty times the bulk amount, aggravated 3639  
trafficking in drugs is a felony of the second degree, and the 3640  
court shall impose as a mandatory prison term one of the prison 3641  
terms prescribed for a felony of the second degree. If the amount 3642  
of the drug involved is within that range and if the offense was 3643  
committed in the vicinity of a school or in the vicinity of a 3644  
juvenile, aggravated trafficking in drugs is a felony of the first 3645  
degree, and the court shall impose as a mandatory prison term one 3646  
of the prison terms prescribed for a felony of the first degree. 3647

(e) If the amount of the drug involved equals or exceeds 3648  
fifty times the bulk amount but is less than one hundred times the 3649  
bulk amount and regardless of whether the offense was committed in 3650  
the vicinity of a school or in the vicinity of a juvenile, 3651  
aggravated trafficking in drugs is a felony of the first degree, 3652  
and the court shall impose as a mandatory prison term one of the 3653  
prison terms prescribed for a felony of the first degree. 3654

(f) If the amount of the drug involved equals or exceeds one 3655  
hundred times the bulk amount and regardless of whether the 3656  
offense was committed in the vicinity of a school or in the 3657  
vicinity of a juvenile, aggravated trafficking in drugs is a 3658  
felony of the first degree, the offender is a major drug offender, 3659  
and the court shall impose as a mandatory prison term the maximum 3660  
prison term prescribed for a felony of the first degree. 3661

(2) If the drug involved in the violation is any compound, 3662  
mixture, preparation, or substance included in schedule III, IV, 3663  
or V, whoever violates division (A) of this section is guilty of 3664

trafficking in drugs. The penalty for the offense shall be 3665  
determined as follows: 3666

(a) Except as otherwise provided in division (C)(2)(b), (c), 3667  
(d), or (e) of this section, trafficking in drugs is a felony of 3668  
the fifth degree, and division ~~(C)~~(B) of section 2929.13 of the 3669  
Revised Code applies in determining whether to impose a prison 3670  
term on the offender. 3671

(b) Except as otherwise provided in division (C)(2)(c), (d), 3672  
or (e) of this section, if the offense was committed in the 3673  
vicinity of a school or in the vicinity of a juvenile, trafficking 3674  
in drugs is a felony of the fourth degree, and division (C) of 3675  
section 2929.13 of the Revised Code applies in determining whether 3676  
to impose a prison term on the offender. 3677

(c) Except as otherwise provided in this division, if the 3678  
amount of the drug involved equals or exceeds the bulk amount but 3679  
is less than five times the bulk amount, trafficking in drugs is a 3680  
felony of the fourth degree, and division (B) of section 2929.13 3681  
of the Revised Code applies in determining whether to impose a 3682  
prison term for the offense. If the amount of the drug involved is 3683  
within that range and if the offense was committed in the vicinity 3684  
of a school or in the vicinity of a juvenile, trafficking in drugs 3685  
is a felony of the third degree, and there is a presumption for a 3686  
prison term for the offense. 3687

(d) Except as otherwise provided in this division, if the 3688  
amount of the drug involved equals or exceeds five times the bulk 3689  
amount but is less than fifty times the bulk amount, trafficking 3690  
in drugs is a felony of the third degree, and there is a 3691  
presumption for a prison term for the offense. If the amount of 3692  
the drug involved is within that range and if the offense was 3693  
committed in the vicinity of a school or in the vicinity of a 3694  
juvenile, trafficking in drugs is a felony of the second degree, 3695  
and there is a presumption for a prison term for the offense. 3696

(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty times the bulk  
amount, trafficking in drugs is a felony of the second degree, and  
the court shall impose as a mandatory prison term one of the  
prison terms prescribed for a felony of the second degree. If the  
amount of the drug involved equals or exceeds fifty times the bulk  
amount and if the offense was committed in the vicinity of a  
school or in the vicinity of a juvenile, trafficking in drugs is a  
felony of the first degree, and the court shall impose as a  
mandatory prison term one of the prison terms prescribed for a  
felony of the first degree.

(3) If the drug involved in the violation is marihuana or a  
compound, mixture, preparation, or substance containing marihuana  
other than hashish, whoever violates division (A) of this section  
is guilty of trafficking in marihuana. The penalty for the offense  
shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c),  
(d), (e), (f), (g), or (h) of this section, trafficking in  
marihuana is a felony of the fifth degree, and division (B) of  
section 2929.13 of the Revised Code applies in determining whether  
to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d),  
(e), (f), (g), or (h) of this section, if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in marihuana is a felony of the fourth  
degree, and division (B) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender.

(c) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds two hundred grams  
but is less than one thousand grams, trafficking in marihuana is a  
felony of the fourth degree, and division (B) of section 2929.13

of the Revised Code applies in determining whether to impose a 3729  
prison term on the offender. If the amount of the drug involved is 3730  
within that range and if the offense was committed in the vicinity 3731  
of a school or in the vicinity of a juvenile, trafficking in 3732  
marihuana is a felony of the third degree, and division (C) of 3733  
section 2929.13 of the Revised Code applies in determining whether 3734  
to impose a prison term on the offender. 3735

(d) Except as otherwise provided in this division, if the 3736  
amount of the drug involved equals or exceeds one thousand grams 3737  
but is less than five thousand grams, trafficking in marihuana is 3738  
a felony of the third degree, and division (C) of section 2929.13 3739  
of the Revised Code applies in determining whether to impose a 3740  
prison term on the offender. If the amount of the drug involved is 3741  
within that range and if the offense was committed in the vicinity 3742  
of a school or in the vicinity of a juvenile, trafficking in 3743  
marihuana is a felony of the second degree, and there is a 3744  
presumption that a prison term shall be imposed for the offense. 3745

(e) Except as otherwise provided in this division, if the 3746  
amount of the drug involved equals or exceeds five thousand grams 3747  
but is less than twenty thousand grams, trafficking in marihuana 3748  
is a felony of the third degree, and there is a presumption that a 3749  
prison term shall be imposed for the offense. If the amount of the 3750  
drug involved is within that range and if the offense was 3751  
committed in the vicinity of a school or in the vicinity of a 3752  
juvenile, trafficking in marihuana is a felony of the second 3753  
degree, and there is a presumption that a prison term shall be 3754  
imposed for the offense. 3755

(f) Except as otherwise provided in this division, if the 3756  
amount of the drug involved equals or exceeds twenty thousand 3757  
grams but is less than forty thousand grams, trafficking in 3758  
marihuana is a felony of the second degree, and the court shall 3759  
impose a mandatory prison term of five, six, seven, or eight 3760



years. If the amount of the drug involved is within that range and 3761  
if the offense was committed in the vicinity of a school or in the 3762  
vicinity of a juvenile, trafficking in marihuana is a felony of 3763  
the first degree, and the court shall impose as a mandatory prison 3764  
term the maximum prison term prescribed for a felony of the first 3765  
degree. 3766

(g) Except as otherwise provided in this division, if the 3767  
amount of the drug involved equals or exceeds forty thousand 3768  
grams, trafficking in marihuana is a felony of the second degree, 3769  
and the court shall impose as a mandatory prison term the maximum 3770  
prison term prescribed for a felony of the second degree. If the 3771  
amount of the drug involved equals or exceeds forty thousand grams 3772  
and if the offense was committed in the vicinity of a school or in 3773  
the vicinity of a juvenile, trafficking in marihuana is a felony 3774  
of the first degree, and the court shall impose as a mandatory 3775  
prison term the maximum prison term prescribed for a felony of the 3776  
first degree. 3777

(h) Except as otherwise provided in this division, if the 3778  
offense involves a gift of twenty grams or less of marihuana, 3779  
trafficking in marihuana is a minor misdemeanor upon a first 3780  
offense and a misdemeanor of the third degree upon a subsequent 3781  
offense. If the offense involves a gift of twenty grams or less of 3782  
marihuana and if the offense was committed in the vicinity of a 3783  
school or in the vicinity of a juvenile, trafficking in marihuana 3784  
is a misdemeanor of the third degree. 3785

(4) If the drug involved in the violation is cocaine or a 3786  
compound, mixture, preparation, or substance containing cocaine, 3787  
whoever violates division (A) of this section is guilty of 3788  
trafficking in cocaine. The penalty for the offense shall be 3789  
determined as follows: 3790

(a) Except as otherwise provided in division (C)(4)(b), (c), 3791  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 3792

felony of the fifth degree, and division ~~(C)~~(B) of section 2929.13 3793  
of the Revised Code applies in determining whether to impose a 3794  
prison term on the offender. 3795

(b) Except as otherwise provided in division (C)(4)(c), (d), 3796  
(e), (f), or (g) of this section, if the offense was committed in 3797  
the vicinity of a school or in the vicinity of a juvenile, 3798  
trafficking in cocaine is a felony of the fourth degree, and 3799  
division (C) of section 2929.13 of the Revised Code applies in 3800  
determining whether to impose a prison term on the offender. 3801

(c) Except as otherwise provided in this division, if the 3802  
amount of the drug involved equals or exceeds five grams but is 3803  
less than ten grams of cocaine, trafficking in cocaine is a felony 3804  
of the fourth degree, and division (B) of section 2929.13 of the 3805  
Revised Code applies in determining whether to impose a prison 3806  
term for the offense. If the amount of the drug involved is within 3807  
that range and if the offense was committed in the vicinity of a 3808  
school or in the vicinity of a juvenile, trafficking in cocaine is 3809  
a felony of the third degree, and there is a presumption for a 3810  
prison term for the offense. 3811

(d) Except as otherwise provided in this division, if the 3812  
amount of the drug involved equals or exceeds ten grams but is 3813  
less than twenty grams of cocaine, trafficking in cocaine is a 3814  
felony of the third degree, and, except as otherwise provided in 3815  
this division, there is a presumption for a prison term for the 3816  
offense. If trafficking in cocaine is a felony of the third degree 3817  
under this division and if the offender two or more times 3818  
previously has been convicted of or pleaded guilty to a felony 3819  
drug abuse offense, the court shall impose as a mandatory prison 3820  
term one of the prison terms prescribed for a felony of the third 3821  
degree. If the amount of the drug involved is within that range 3822  
and if the offense was committed in the vicinity of a school or in 3823  
the vicinity of a juvenile, trafficking in cocaine is a felony of 3824

the second degree, and the court shall impose as a mandatory 3825  
prison term one of the prison terms prescribed for a felony of the 3826  
second degree. 3827

(e) Except as otherwise provided in this division, if the 3828  
amount of the drug involved equals or exceeds twenty grams but is 3829  
less than twenty-seven grams of cocaine, trafficking in cocaine is 3830  
a felony of the second degree, and the court shall impose as a 3831  
mandatory prison term one of the prison terms prescribed for a 3832  
felony of the second degree. If the amount of the drug involved is 3833  
within that range and if the offense was committed in the vicinity 3834  
of a school or in the vicinity of a juvenile, trafficking in 3835  
cocaine is a felony of the first degree, and the court shall 3836  
impose as a mandatory prison term one of the prison terms 3837  
prescribed for a felony of the first degree. 3838

(f) If the amount of the drug involved equals or exceeds 3839  
twenty-seven grams but is less than one hundred grams of cocaine 3840  
and regardless of whether the offense was committed in the 3841  
vicinity of a school or in the vicinity of a juvenile, trafficking 3842  
in cocaine is a felony of the first degree, and the court shall 3843  
impose as a mandatory prison term one of the prison terms 3844  
prescribed for a felony of the first degree. 3845

(g) If the amount of the drug involved equals or exceeds one 3846  
hundred grams of cocaine and regardless of whether the offense was 3847  
committed in the vicinity of a school or in the vicinity of a 3848  
juvenile, trafficking in cocaine is a felony of the first degree, 3849  
the offender is a major drug offender, and the court shall impose 3850  
as a mandatory prison term the maximum prison term prescribed for 3851  
a felony of the first degree. 3852

(5) If the drug involved in the violation is L.S.D. or a 3853  
compound, mixture, preparation, or substance containing L.S.D., 3854  
whoever violates division (A) of this section is guilty of 3855  
trafficking in L.S.D. The penalty for the offense shall be 3856

determined as follows: 3857

(a) Except as otherwise provided in division (C)(5)(b), (c), 3858  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 3859  
felony of the fifth degree, and division ~~(C)~~(B) of section 2929.13 3860  
of the Revised Code applies in determining whether to impose a 3861  
prison term on the offender. 3862

(b) Except as otherwise provided in division (C)(5)(c), (d), 3863  
(e), (f), or (g) of this section, if the offense was committed in 3864  
the vicinity of a school or in the vicinity of a juvenile, 3865  
trafficking in L.S.D. is a felony of the fourth degree, and 3866  
division (C) of section 2929.13 of the Revised Code applies in 3867  
determining whether to impose a prison term on the offender. 3868

(c) Except as otherwise provided in this division, if the 3869  
amount of the drug involved equals or exceeds ten unit doses but 3870  
is less than fifty unit doses of L.S.D. in a solid form or equals 3871  
or exceeds one gram but is less than five grams of L.S.D. in a 3872  
liquid concentrate, liquid extract, or liquid distillate form, 3873  
trafficking in L.S.D. is a felony of the fourth degree, and 3874  
division (B) of section 2929.13 of the Revised Code applies in 3875  
determining whether to impose a prison term for the offense. If 3876  
the amount of the drug involved is within that range and if the 3877  
offense was committed in the vicinity of a school or in the 3878  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 3879  
third degree, and there is a presumption for a prison term for the 3880  
offense. 3881

(d) Except as otherwise provided in this division, if the 3882  
amount of the drug involved equals or exceeds fifty unit doses but 3883  
is less than two hundred fifty unit doses of L.S.D. in a solid 3884  
form or equals or exceeds five grams but is less than twenty-five 3885  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 3886  
distillate form, trafficking in L.S.D. is a felony of the third 3887  
degree, and, except as otherwise provided in this division, there 3888

is a presumption for a prison term for the offense. If trafficking 3889  
in L.S.D. is a felony of the third degree under this division and 3890  
if the offender two or more times previously has been convicted of 3891  
or pleaded guilty to a felony drug abuse offense, the court shall 3892  
impose as a mandatory prison term one of the prison terms 3893  
prescribed for a felony of the third degree. If the amount of the 3894  
drug involved is within that range and if the offense was 3895  
committed in the vicinity of a school or in the vicinity of a 3896  
juvenile, trafficking in L.S.D. is a felony of the second degree, 3897  
and the court shall impose as a mandatory prison term one of the 3898  
prison terms prescribed for a felony of the second degree. 3899

(e) Except as otherwise provided in this division, if the 3900  
amount of the drug involved equals or exceeds two hundred fifty 3901  
unit doses but is less than one thousand unit doses of L.S.D. in a 3902  
solid form or equals or exceeds twenty-five grams but is less than 3903  
one hundred grams of L.S.D. in a liquid concentrate, liquid 3904  
extract, or liquid distillate form, trafficking in L.S.D. is a 3905  
felony of the second degree, and the court shall impose as a 3906  
mandatory prison term one of the prison terms prescribed for a 3907  
felony of the second degree. If the amount of the drug involved is 3908  
within that range and if the offense was committed in the vicinity 3909  
of a school or in the vicinity of a juvenile, trafficking in 3910  
L.S.D. is a felony of the first degree, and the court shall impose 3911  
as a mandatory prison term one of the prison terms prescribed for 3912  
a felony of the first degree. 3913

(f) If the amount of the drug involved equals or exceeds one 3914  
thousand unit doses but is less than five thousand unit doses of 3915  
L.S.D. in a solid form or equals or exceeds one hundred grams but 3916  
is less than five hundred grams of L.S.D. in a liquid concentrate, 3917  
liquid extract, or liquid distillate form and regardless of 3918  
whether the offense was committed in the vicinity of a school or 3919  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 3920

of the first degree, and the court shall impose as a mandatory 3921  
prison term one of the prison terms prescribed for a felony of the 3922  
first degree. 3923

(g) If the amount of the drug involved equals or exceeds five 3924  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 3925  
five hundred grams of L.S.D. in a liquid concentrate, liquid 3926  
extract, or liquid distillate form and regardless of whether the 3927  
offense was committed in the vicinity of a school or in the 3928  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 3929  
first degree, the offender is a major drug offender, and the court 3930  
shall impose as a mandatory prison term the maximum prison term 3931  
prescribed for a felony of the first degree. 3932

(6) If the drug involved in the violation is heroin or a 3933  
compound, mixture, preparation, or substance containing heroin, 3934  
whoever violates division (A) of this section is guilty of 3935  
trafficking in heroin. The penalty for the offense shall be 3936  
determined as follows: 3937

(a) Except as otherwise provided in division (C)(6)(b), (c), 3938  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 3939  
felony of the fifth degree, and division ~~(C)~~(B) of section 2929.13 3940  
of the Revised Code applies in determining whether to impose a 3941  
prison term on the offender. 3942

(b) Except as otherwise provided in division (C)(6)(c), (d), 3943  
(e), (f), or (g) of this section, if the offense was committed in 3944  
the vicinity of a school or in the vicinity of a juvenile, 3945  
trafficking in heroin is a felony of the fourth degree, and 3946  
division (C) of section 2929.13 of the Revised Code applies in 3947  
determining whether to impose a prison term on the offender. 3948

(c) Except as otherwise provided in this division, if the 3949  
amount of the drug involved equals or exceeds ten unit doses but 3950  
is less than fifty unit doses or equals or exceeds one gram but is 3951

less than five grams, trafficking in heroin is a felony of the 3952  
fourth degree, and division (B) of section 2929.13 of the Revised 3953  
Code applies in determining whether to impose a prison term for 3954  
the offense. If the amount of the drug involved is within that 3955  
range and if the offense was committed in the vicinity of a school 3956  
or in the vicinity of a juvenile, trafficking in heroin is a 3957  
felony of the third degree, and there is a presumption for a 3958  
prison term for the offense. 3959

(d) Except as otherwise provided in this division, if the 3960  
amount of the drug involved equals or exceeds fifty unit doses but 3961  
is less than one hundred unit doses or equals or exceeds five 3962  
grams but is less than ten grams, trafficking in heroin is a 3963  
felony of the third degree, and there is a presumption for a 3964  
prison term for the offense. If the amount of the drug involved is 3965  
within that range and if the offense was committed in the vicinity 3966  
of a school or in the vicinity of a juvenile, trafficking in 3967  
heroin is a felony of the second degree, and there is a 3968  
presumption for a prison term for the offense. 3969

(e) Except as otherwise provided in this division, if the 3970  
amount of the drug involved equals or exceeds one hundred unit 3971  
doses but is less than five hundred unit doses or equals or 3972  
exceeds ten grams but is less than fifty grams, trafficking in 3973  
heroin is a felony of the second degree, and the court shall 3974  
impose as a mandatory prison term one of the prison terms 3975  
prescribed for a felony of the second degree. If the amount of the 3976  
drug involved is within that range and if the offense was 3977  
committed in the vicinity of a school or in the vicinity of a 3978  
juvenile, trafficking in heroin is a felony of the first degree, 3979  
and the court shall impose as a mandatory prison term one of the 3980  
prison terms prescribed for a felony of the first degree. 3981

(f) If the amount of the drug involved equals or exceeds five 3982  
hundred unit doses but is less than two thousand five hundred unit 3983

doses or equals or exceeds fifty grams but is less than two 3984  
hundred fifty grams and regardless of whether the offense was 3985  
committed in the vicinity of a school or in the vicinity of a 3986  
juvenile, trafficking in heroin is a felony of the first degree, 3987  
and the court shall impose as a mandatory prison term one of the 3988  
prison terms prescribed for a felony of the first degree. 3989

(g) If the amount of the drug involved equals or exceeds two 3990  
thousand five hundred unit doses or equals or exceeds two hundred 3991  
fifty grams and regardless of whether the offense was committed in 3992  
the vicinity of a school or in the vicinity of a juvenile, 3993  
trafficking in heroin is a felony of the first degree, the 3994  
offender is a major drug offender, and the court shall impose as a 3995  
mandatory prison term the maximum prison term prescribed for a 3996  
felony of the first degree. 3997

(7) If the drug involved in the violation is hashish or a 3998  
compound, mixture, preparation, or substance containing hashish, 3999  
whoever violates division (A) of this section is guilty of 4000  
trafficking in hashish. The penalty for the offense shall be 4001  
determined as follows: 4002

(a) Except as otherwise provided in division (C)(7)(b), (c), 4003  
(d), (e), (f), or (g) of this section, trafficking in hashish is a 4004  
felony of the fifth degree, and division (B) of section 2929.13 of 4005  
the Revised Code applies in determining whether to impose a prison 4006  
term on the offender. 4007

(b) Except as otherwise provided in division (C)(7)(c), (d), 4008  
(e), (f), or (g) of this section, if the offense was committed in 4009  
the vicinity of a school or in the vicinity of a juvenile, 4010  
trafficking in hashish is a felony of the fourth degree, and 4011  
division (B) of section 2929.13 of the Revised Code applies in 4012  
determining whether to impose a prison term on the offender. 4013

(c) Except as otherwise provided in this division, if the 4014



amount of the drug involved equals or exceeds ten grams but is 4015  
less than fifty grams of hashish in a solid form or equals or 4016  
exceeds two grams but is less than ten grams of hashish in a 4017  
liquid concentrate, liquid extract, or liquid distillate form, 4018  
trafficking in hashish is a felony of the fourth degree, and 4019  
division (B) of section 2929.13 of the Revised Code applies in 4020  
determining whether to impose a prison term on the offender. If 4021  
the amount of the drug involved is within that range and if the 4022  
offense was committed in the vicinity of a school or in the 4023  
vicinity of a juvenile, trafficking in hashish is a felony of the 4024  
third degree, and division (C) of section 2929.13 of the Revised 4025  
Code applies in determining whether to impose a prison term on the 4026  
offender. 4027

(d) Except as otherwise provided in this division, if the 4028  
amount of the drug involved equals or exceeds fifty grams but is 4029  
less than two hundred fifty grams of hashish in a solid form or 4030  
equals or exceeds ten grams but is less than fifty grams of 4031  
hashish in a liquid concentrate, liquid extract, or liquid 4032  
distillate form, trafficking in hashish is a felony of the third 4033  
degree, and division (C) of section 2929.13 of the Revised Code 4034  
applies in determining whether to impose a prison term on the 4035  
offender. If the amount of the drug involved is within that range 4036  
and if the offense was committed in the vicinity of a school or in 4037  
the vicinity of a juvenile, trafficking in hashish is a felony of 4038  
the second degree, and there is a presumption that a prison term 4039  
shall be imposed for the offense. 4040

(e) Except as otherwise provided in this division, if the 4041  
amount of the drug involved equals or exceeds two hundred fifty 4042  
grams but is less than one thousand grams of hashish in a solid 4043  
form or equals or exceeds fifty grams but is less than two hundred 4044  
grams of hashish in a liquid concentrate, liquid extract, or 4045  
liquid distillate form, trafficking in hashish is a felony of the 4046

third degree, and there is a presumption that a prison term shall 4047  
be imposed for the offense. If the amount of the drug involved is 4048  
within that range and if the offense was committed in the vicinity 4049  
of a school or in the vicinity of a juvenile, trafficking in 4050  
hashish is a felony of the second degree, and there is a 4051  
presumption that a prison term shall be imposed for the offense. 4052

(f) Except as otherwise provided in this division, if the 4053  
amount of the drug involved equals or exceeds one thousand grams 4054  
but is less than two thousand grams of hashish in a solid form or 4055  
equals or exceeds two hundred grams but is less than four hundred 4056  
grams of hashish in a liquid concentrate, liquid extract, or 4057  
liquid distillate form, trafficking in hashish is a felony of the 4058  
second degree, and the court shall impose a mandatory prison term 4059  
of five, six, seven, or eight years. If the amount of the drug 4060  
involved is within that range and if the offense was committed in 4061  
the vicinity of a school or in the vicinity of a juvenile, 4062  
trafficking in hashish is a felony of the first degree, and the 4063  
court shall impose as a mandatory prison term the maximum prison 4064  
term prescribed for a felony of the first degree. 4065

(g) Except as otherwise provided in this division, if the 4066  
amount of the drug involved equals or exceeds two thousand grams 4067  
of hashish in a solid form or equals or exceeds four hundred grams 4068  
of hashish in a liquid concentrate, liquid extract, or liquid 4069  
distillate form, trafficking in hashish is a felony of the second 4070  
degree, and the court shall impose as a mandatory prison term the 4071  
maximum prison term prescribed for a felony of the second degree. 4072  
If the amount of the drug involved equals or exceeds two thousand 4073  
grams of hashish in a solid form or equals or exceeds four hundred 4074  
grams of hashish in a liquid concentrate, liquid extract, or 4075  
liquid distillate form and if the offense was committed in the 4076  
vicinity of a school or in the vicinity of a juvenile, trafficking 4077  
in hashish is a felony of the first degree, and the court shall 4078

impose as a mandatory prison term the maximum prison term 4079  
prescribed for a felony of the first degree. 4080

(8) If the drug involved in the violation is 4081  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4082  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 4083  
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 4084  
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a 4085  
compound, mixture, preparation, or substance containing 4086  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4087  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 4088  
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 4089  
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4090  
whoever violates division (A) of this section is guilty of 4091  
trafficking in spice. The penalty for the offense shall be 4092  
determined as follows: 4093

(a) Except as otherwise provided in division (C)(8)(b) of 4094  
this section, trafficking in spice is a felony of the fifth 4095  
degree, and division (C) of section 2929.13 of the Revised Code 4096  
applies in determining whether to impose a prison term on the 4097  
offender. 4098

(b) If the offense was committed in the vicinity of a school 4099  
or in the vicinity of a juvenile, trafficking in spice is a felony 4100  
of the fourth degree, and division (C) of section 2929.13 of the 4101  
Revised Code applies in determining whether to impose a prison 4102  
term on the offender. 4103

(D) In addition to any prison term authorized or required by 4104  
division (C) of this section and sections 2929.13 and 2929.14 of 4105  
the Revised Code, and in addition to any other sanction imposed 4106  
for the offense under this section or sections 2929.11 to 2929.18 4107  
of the Revised Code, the court that sentences an offender who is 4108  
convicted of or pleads guilty to a violation of division (A) of 4109  
this section shall do all of the following that are applicable 4110

regarding the offender: 4111

(1) If the violation of division (A) of this section is a 4112  
felony of the first, second, or third degree, the court shall 4113  
impose upon the offender the mandatory fine specified for the 4114  
offense under division (B)(1) of section 2929.18 of the Revised 4115  
Code unless, as specified in that division, the court determines 4116  
that the offender is indigent. Except as otherwise provided in 4117  
division (H)(1) of this section, a mandatory fine or any other 4118  
fine imposed for a violation of this section is subject to 4119  
division (F) of this section. If a person is charged with a 4120  
violation of this section that is a felony of the first, second, 4121  
or third degree, posts bail, and forfeits the bail, the clerk of 4122  
the court shall pay the forfeited bail pursuant to divisions 4123  
(D)(1) and (F) of this section, as if the forfeited bail was a 4124  
fine imposed for a violation of this section. If any amount of the 4125  
forfeited bail remains after that payment and if a fine is imposed 4126  
under division (H)(1) of this section, the clerk of the court 4127  
shall pay the remaining amount of the forfeited bail pursuant to 4128  
divisions (H)(2) and (3) of this section, as if that remaining 4129  
amount was a fine imposed under division (H)(1) of this section. 4130

(2) The court shall suspend the driver's or commercial 4131  
driver's license or permit of the offender in accordance with 4132  
division (G) of this section. 4133

(3) If the offender is a professionally licensed person, the 4134  
court immediately shall comply with section 2925.38 of the Revised 4135  
Code. 4136

(E) When a person is charged with the sale of or offer to 4137  
sell a bulk amount or a multiple of a bulk amount of a controlled 4138  
substance, the jury, or the court trying the accused, shall 4139  
determine the amount of the controlled substance involved at the 4140  
time of the offense and, if a guilty verdict is returned, shall 4141  
return the findings as part of the verdict. In any such case, it 4142

is unnecessary to find and return the exact amount of the 4143  
controlled substance involved, and it is sufficient if the finding 4144  
and return is to the effect that the amount of the controlled 4145  
substance involved is the requisite amount, or that the amount of 4146  
the controlled substance involved is less than the requisite 4147  
amount. 4148

(F)(1) Notwithstanding any contrary provision of section 4149  
3719.21 of the Revised Code and except as provided in division (H) 4150  
of this section, the clerk of the court shall pay any mandatory 4151  
fine imposed pursuant to division (D)(1) of this section and any 4152  
fine other than a mandatory fine that is imposed for a violation 4153  
of this section pursuant to division (A) or (B)(5) of section 4154  
2929.18 of the Revised Code to the county, township, municipal 4155  
corporation, park district, as created pursuant to section 511.18 4156  
or 1545.04 of the Revised Code, or state law enforcement agencies 4157  
in this state that primarily were responsible for or involved in 4158  
making the arrest of, and in prosecuting, the offender. However, 4159  
the clerk shall not pay a mandatory fine so imposed to a law 4160  
enforcement agency unless the agency has adopted a written 4161  
internal control policy under division (F)(2) of this section that 4162  
addresses the use of the fine moneys that it receives. Each agency 4163  
shall use the mandatory fines so paid to subsidize the agency's 4164  
law enforcement efforts that pertain to drug offenses, in 4165  
accordance with the written internal control policy adopted by the 4166  
recipient agency under division (F)(2) of this section. 4167

(2)(a) Prior to receiving any fine moneys under division 4168  
(F)(1) of this section or division (B) of section 2925.42 of the 4169  
Revised Code, a law enforcement agency shall adopt a written 4170  
internal control policy that addresses the agency's use and 4171  
disposition of all fine moneys so received and that provides for 4172  
the keeping of detailed financial records of the receipts of those 4173  
fine moneys, the general types of expenditures made out of those 4174

fine moneys, and the specific amount of each general type of 4175  
expenditure. The policy shall not provide for or permit the 4176  
identification of any specific expenditure that is made in an 4177  
ongoing investigation. All financial records of the receipts of 4178  
those fine moneys, the general types of expenditures made out of 4179  
those fine moneys, and the specific amount of each general type of 4180  
expenditure by an agency are public records open for inspection 4181  
under section 149.43 of the Revised Code. Additionally, a written 4182  
internal control policy adopted under this division is such a 4183  
public record, and the agency that adopted it shall comply with 4184  
it. 4185

(b) Each law enforcement agency that receives in any calendar 4186  
year any fine moneys under division (F)(1) of this section or 4187  
division (B) of section 2925.42 of the Revised Code shall prepare 4188  
a report covering the calendar year that cumulates all of the 4189  
information contained in all of the public financial records kept 4190  
by the agency pursuant to division (F)(2)(a) of this section for 4191  
that calendar year, and shall send a copy of the cumulative 4192  
report, no later than the first day of March in the calendar year 4193  
following the calendar year covered by the report, to the attorney 4194  
general. Each report received by the attorney general is a public 4195  
record open for inspection under section 149.43 of the Revised 4196  
Code. Not later than the fifteenth day of April in the calendar 4197  
year in which the reports are received, the attorney general shall 4198  
send to the president of the senate and the speaker of the house 4199  
of representatives a written notification that does all of the 4200  
following: 4201

(i) Indicates that the attorney general has received from law 4202  
enforcement agencies reports of the type described in this 4203  
division that cover the previous calendar year and indicates that 4204  
the reports were received under this division; 4205

(ii) Indicates that the reports are open for inspection under 4206

section 149.43 of the Revised Code; 4207

(iii) Indicates that the attorney general will provide a copy 4208  
of any or all of the reports to the president of the senate or the 4209  
speaker of the house of representatives upon request. 4210

(3) As used in division (F) of this section: 4211

(a) "Law enforcement agencies" includes, but is not limited 4212  
to, the state board of pharmacy and the office of a prosecutor. 4213

(b) "Prosecutor" has the same meaning as in section 2935.01 4214  
of the Revised Code. 4215

(G) When required under division (D)(2) of this section or 4216  
any other provision of this chapter, the court shall suspend for 4217  
not less than six months or more than five years the driver's or 4218  
commercial driver's license or permit of any person who is 4219  
convicted of or pleads guilty to any violation of this section or 4220  
any other specified provision of this chapter. If an offender's 4221  
driver's or commercial driver's license or permit is suspended 4222  
pursuant to this division, the offender, at any time after the 4223  
expiration of two years from the day on which the offender's 4224  
sentence was imposed or from the day on which the offender finally 4225  
was released from a prison term under the sentence, whichever is 4226  
later, may file a motion with the sentencing court requesting 4227  
termination of the suspension; upon the filing of such a motion 4228  
and the court's finding of good cause for the termination, the 4229  
court may terminate the suspension. 4230

(H)(1) In addition to any prison term authorized or required 4231  
by division (C) of this section and sections 2929.13 and 2929.14 4232  
of the Revised Code, in addition to any other penalty or sanction 4233  
imposed for the offense under this section or sections 2929.11 to 4234  
2929.18 of the Revised Code, and in addition to the forfeiture of 4235  
property in connection with the offense as prescribed in Chapter 4236  
2981. of the Revised Code, the court that sentences an offender 4237

who is convicted of or pleads guilty to a violation of division 4238  
(A) of this section may impose upon the offender an additional 4239  
fine specified for the offense in division (B)(4) of section 4240  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 4241  
of this section is not subject to division (F) of this section and 4242  
shall be used solely for the support of one or more eligible 4243  
alcohol and drug addiction programs in accordance with divisions 4244  
(H)(2) and (3) of this section. 4245

(2) The court that imposes a fine under division (H)(1) of 4246  
this section shall specify in the judgment that imposes the fine 4247  
one or more eligible alcohol and drug addiction programs for the 4248  
support of which the fine money is to be used. No alcohol and drug 4249  
addiction program shall receive or use money paid or collected in 4250  
satisfaction of a fine imposed under division (H)(1) of this 4251  
section unless the program is specified in the judgment that 4252  
imposes the fine. No alcohol and drug addiction program shall be 4253  
specified in the judgment unless the program is an eligible 4254  
alcohol and drug addiction program and, except as otherwise 4255  
provided in division (H)(2) of this section, unless the program is 4256  
located in the county in which the court that imposes the fine is 4257  
located or in a county that is immediately contiguous to the 4258  
county in which that court is located. If no eligible alcohol and 4259  
drug addiction program is located in any of those counties, the 4260  
judgment may specify an eligible alcohol and drug addiction 4261  
program that is located anywhere within this state. 4262

(3) Notwithstanding any contrary provision of section 3719.21 4263  
of the Revised Code, the clerk of the court shall pay any fine 4264  
imposed under division (H)(1) of this section to the eligible 4265  
alcohol and drug addiction program specified pursuant to division 4266  
(H)(2) of this section in the judgment. The eligible alcohol and 4267  
drug addiction program that receives the fine moneys shall use the 4268  
moneys only for the alcohol and drug addiction services identified 4269



in the application for certification under section 3793.06 of the 4270  
Revised Code or in the application for a license under section 4271  
3793.11 of the Revised Code filed with the department of alcohol 4272  
and drug addiction services by the alcohol and drug addiction 4273  
program specified in the judgment. 4274

(4) Each alcohol and drug addiction program that receives in 4275  
a calendar year any fine moneys under division (H)(3) of this 4276  
section shall file an annual report covering that calendar year 4277  
with the court of common pleas and the board of county 4278  
commissioners of the county in which the program is located, with 4279  
the court of common pleas and the board of county commissioners of 4280  
each county from which the program received the moneys if that 4281  
county is different from the county in which the program is 4282  
located, and with the attorney general. The alcohol and drug 4283  
addiction program shall file the report no later than the first 4284  
day of March in the calendar year following the calendar year in 4285  
which the program received the fine moneys. The report shall 4286  
include statistics on the number of persons served by the alcohol 4287  
and drug addiction program, identify the types of alcohol and drug 4288  
addiction services provided to those persons, and include a 4289  
specific accounting of the purposes for which the fine moneys 4290  
received were used. No information contained in the report shall 4291  
identify, or enable a person to determine the identity of, any 4292  
person served by the alcohol and drug addiction program. Each 4293  
report received by a court of common pleas, a board of county 4294  
commissioners, or the attorney general is a public record open for 4295  
inspection under section 149.43 of the Revised Code. 4296

(5) As used in divisions (H)(1) to (5) of this section: 4297

(a) "Alcohol and drug addiction program" and "alcohol and 4298  
drug addiction services" have the same meanings as in section 4299  
3793.01 of the Revised Code. 4300

(b) "Eligible alcohol and drug addiction program" means an 4301

alcohol and drug addiction program that is certified under section 4302  
3793.06 of the Revised Code or licensed under section 3793.11 of 4303  
the Revised Code by the department of alcohol and drug addiction 4304  
services. 4305

(I) As used in this section, "drug" includes any substance 4306  
that is represented to be a drug. 4307

**Sec. 2925.04.** (A) No person shall knowingly cultivate 4308  
marihuana or knowingly manufacture or otherwise engage in any part 4309  
of the production of a controlled substance. 4310

(B) This section does not apply to any person listed in 4311  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 4312  
Code to the extent and under the circumstances described in those 4313  
divisions. 4314

(C)(1) Whoever commits a violation of division (A) of this 4315  
section that involves any drug other than marihuana is guilty of 4316  
illegal manufacture of drugs, and whoever commits a violation of 4317  
division (A) of this section that involves marihuana is guilty of 4318  
illegal cultivation of marihuana. 4319

(2) Except as otherwise provided in this division, if the 4320  
drug involved in the violation of division (A) of this section is 4321  
any compound, mixture, preparation, or substance included in 4322  
schedule I or II, with the exception of methamphetamine or 4323  
marihuana, illegal manufacture of drugs is a felony of the second 4324  
degree, and, subject to division (E) of this section, the court 4325  
shall impose as a mandatory prison term one of the prison terms 4326  
prescribed for a felony of the second degree. 4327

If the drug involved in the violation is any compound, 4328  
mixture, preparation, or substance included in schedule I or II, 4329  
with the exception of methamphetamine or marihuana, and if the 4330  
offense was committed in the vicinity of a juvenile or in the 4331

vicinity of a school, illegal manufacture of drugs is a felony of 4332  
the first degree, and, subject to division (E) of this section, 4333  
the court shall impose as a mandatory prison term one of the 4334  
prison terms prescribed for a felony of the first degree. 4335

(3) If the drug involved in the violation of division (A) of 4336  
this section is methamphetamine, the penalty for the violation 4337  
shall be determined as follows: 4338

(a) Except as otherwise provided in division (C)(3)(b) of 4339  
this section, if the drug involved in the violation is 4340  
methamphetamine, illegal manufacture of drugs is a felony of the 4341  
second degree, and, subject to division (E) of this section, the 4342  
court shall impose a mandatory prison term on the offender 4343  
determined in accordance with this division. Except as otherwise 4344  
provided in this division, the court shall impose as a mandatory 4345  
prison term one of the prison terms prescribed for a felony of the 4346  
second degree that is not less than three years. If the offender 4347  
previously has been convicted of or pleaded guilty to a violation 4348  
of division (A) of this section, a violation of division (B)(6) of 4349  
section 2919.22 of the Revised Code, or a violation of division 4350  
(A) of section 2925.041 of the Revised Code, the court shall 4351  
impose as a mandatory prison term one of the prison terms 4352  
prescribed for a felony of the second degree that is not less than 4353  
five years. 4354

(b) If the drug involved in the violation is methamphetamine 4355  
and if the offense was committed in the vicinity of a juvenile, in 4356  
the vicinity of a school, or on public premises, illegal 4357  
manufacture of drugs is a felony of the first degree, and, subject 4358  
to division (E) of this section, the court shall impose a 4359  
mandatory prison term on the offender determined in accordance 4360  
with this division. Except as otherwise provided in this division, 4361  
the court shall impose as a mandatory prison term one of the 4362  
prison terms prescribed for a felony of the first degree that is 4363

not less than four years. If the offender previously has been 4364  
convicted of or pleaded guilty to a violation of division (A) of 4365  
this section, a violation of division (B)(6) of section 2919.22 of 4366  
the Revised Code, or a violation of division (A) of section 4367  
2925.041 of the Revised Code, the court shall impose as a 4368  
mandatory prison term one of the prison terms prescribed for a 4369  
felony of the first degree that is not less than five years. 4370

(4) If the drug involved in the violation of division (A) of 4371  
this section is any compound, mixture, preparation, or substance 4372  
included in schedule III, IV, or V, illegal manufacture of drugs 4373  
is a felony of the third degree or, if the offense was committed 4374  
in the vicinity of a school or in the vicinity of a juvenile, a 4375  
felony of the second degree, and there is a presumption for a 4376  
prison term for the offense. 4377

(5) If the drug involved in the violation is marihuana, the 4378  
penalty for the offense shall be determined as follows: 4379

(a) Except as otherwise provided in division (C)(5)(b), (c), 4380  
(d), (e), or (f) of this section, illegal cultivation of marihuana 4381  
is a minor misdemeanor or, if the offense was committed in the 4382  
vicinity of a school or in the vicinity of a juvenile, a 4383  
misdemeanor of the fourth degree. 4384

(b) If the amount of marihuana involved equals or exceeds one 4385  
hundred grams but is less than two hundred grams, illegal 4386  
cultivation of marihuana is a misdemeanor of the fourth degree or, 4387  
if the offense was committed in the vicinity of a school or in the 4388  
vicinity of a juvenile, a misdemeanor of the third degree. 4389

(c) If the amount of marihuana involved equals or exceeds two 4390  
hundred grams but is less than one thousand grams, illegal 4391  
cultivation of marihuana is a felony of the fifth degree or, if 4392  
the offense was committed in the vicinity of a school or in the 4393  
vicinity of a juvenile, a felony of the fourth degree, and 4394

division (B) of section 2929.13 of the Revised Code applies in 4395  
determining whether to impose a prison term on the offender. 4396

(d) If the amount of marihuana involved equals or exceeds one 4397  
thousand grams but is less than five thousand grams, illegal 4398  
cultivation of marihuana is a felony of the third degree or, if 4399  
the offense was committed in the vicinity of a school or in the 4400  
vicinity of a juvenile, a felony of the second degree, and 4401  
division (C) of section 2929.13 of the Revised Code applies in 4402  
determining whether to impose a prison term on the offender. 4403

(e) If the amount of marihuana involved equals or exceeds 4404  
five thousand grams but is less than twenty thousand grams, 4405  
illegal cultivation of marihuana is a felony of the third degree 4406  
or, if the offense was committed in the vicinity of a school or in 4407  
the vicinity of a juvenile, a felony of the second degree, and 4408  
there is a presumption for a prison term for the offense. 4409

(f) Except as otherwise provided in this division, if the 4410  
amount of marihuana involved equals or exceeds twenty thousand 4411  
grams, illegal cultivation of marihuana is a felony of the second 4412  
degree, and the court shall impose as a mandatory prison term the 4413  
maximum prison term prescribed for a felony of the second degree. 4414  
If the amount of the drug involved equals or exceeds twenty 4415  
thousand grams and if the offense was committed in the vicinity of 4416  
a school or in the vicinity of a juvenile, illegal cultivation of 4417  
marihuana is a felony of the first degree, and the court shall 4418  
impose as a mandatory prison term the maximum prison term 4419  
prescribed for a felony of the first degree. 4420

(D) In addition to any prison term authorized or required by 4421  
division (C) or (E) of this section and sections 2929.13 and 4422  
2929.14 of the Revised Code and in addition to any other sanction 4423  
imposed for the offense under this section or sections 2929.11 to 4424  
2929.18 of the Revised Code, the court that sentences an offender 4425  
who is convicted of or pleads guilty to a violation of division 4426

(A) of this section shall do all of the following that are 4427  
applicable regarding the offender: 4428

(1) If the violation of division (A) of this section is a 4429  
felony of the first, second, or third degree, the court shall 4430  
impose upon the offender the mandatory fine specified for the 4431  
offense under division (B)(1) of section 2929.18 of the Revised 4432  
Code unless, as specified in that division, the court determines 4433  
that the offender is indigent. The clerk of the court shall pay a 4434  
mandatory fine or other fine imposed for a violation of this 4435  
section pursuant to division (A) of section 2929.18 of the Revised 4436  
Code in accordance with and subject to the requirements of 4437  
division (F) of section 2925.03 of the Revised Code. The agency 4438  
that receives the fine shall use the fine as specified in division 4439  
(F) of section 2925.03 of the Revised Code. If a person is charged 4440  
with a violation of this section that is a felony of the first, 4441  
second, or third degree, posts bail, and forfeits the bail, the 4442  
clerk shall pay the forfeited bail as if the forfeited bail were a 4443  
fine imposed for a violation of this section. 4444

(2) The court shall suspend the offender's driver's or 4445  
commercial driver's license or permit in accordance with division 4446  
(G) of section 2925.03 of the Revised Code. If an offender's 4447  
driver's or commercial driver's license or permit is suspended in 4448  
accordance with that division, the offender may request 4449  
termination of, and the court may terminate, the suspension in 4450  
accordance with that division. 4451

(3) If the offender is a professionally licensed person, the 4452  
court immediately shall comply with section 2925.38 of the Revised 4453  
Code. 4454

(E) Notwithstanding the prison term otherwise authorized or 4455  
required for the offense under division (C) of this section and 4456  
sections 2929.13 and 2929.14 of the Revised Code, if the violation 4457  
of division (A) of this section involves the sale, offer to sell, 4458

or possession of a schedule I or II controlled substance, with the 4459  
exception of marihuana, and if the court imposing sentence upon 4460  
the offender finds that the offender as a result of the violation 4461  
is a major drug offender and is guilty of a specification of the 4462  
type described in section 2941.1410 of the Revised Code, the 4463  
court, in lieu of the prison term otherwise authorized or 4464  
required, shall impose upon the offender the mandatory prison term 4465  
specified in division (B)(3)~~(a)~~ of section 2929.14 of the Revised 4466  
Code. 4467

(F) It is an affirmative defense, as provided in section 4468  
2901.05 of the Revised Code, to a charge under this section for a 4469  
fifth degree felony violation of illegal cultivation of marihuana 4470  
that the marihuana that gave rise to the charge is in an amount, 4471  
is in a form, is prepared, compounded, or mixed with substances 4472  
that are not controlled substances in a manner, or is possessed or 4473  
cultivated under any other circumstances that indicate that the 4474  
marihuana was solely for personal use. 4475

Notwithstanding any contrary provision of division (F) of 4476  
this section, if, in accordance with section 2901.05 of the 4477  
Revised Code, a person who is charged with a violation of illegal 4478  
cultivation of marihuana that is a felony of the fifth degree 4479  
sustains the burden of going forward with evidence of and 4480  
establishes by a preponderance of the evidence the affirmative 4481  
defense described in this division, the person may be prosecuted 4482  
for and may be convicted of or plead guilty to a misdemeanor 4483  
violation of illegal cultivation of marihuana. 4484

(G) Arrest or conviction for a minor misdemeanor violation of 4485  
this section does not constitute a criminal record and need not be 4486  
reported by the person so arrested or convicted in response to any 4487  
inquiries about the person's criminal record, including any 4488  
inquiries contained in an application for employment, a license, 4489  
or any other right or privilege or made in connection with the 4490

person's appearance as a witness. 4491

**Sec. 2925.14.** (A) As used in this section, "drug 4492  
paraphernalia" means any equipment, product, or material of any 4493  
kind that is used by the offender, intended by the offender for 4494  
use, or designed for use, in propagating, cultivating, growing, 4495  
harvesting, manufacturing, compounding, converting, producing, 4496  
processing, preparing, testing, analyzing, packaging, repackaging, 4497  
storing, containing, concealing, injecting, ingesting, inhaling, 4498  
or otherwise introducing into the human body, a controlled 4499  
substance in violation of this chapter. "Drug paraphernalia" 4500  
includes, but is not limited to, any of the following equipment, 4501  
products, or materials that are used by the offender, intended by 4502  
the offender for use, or designed by the offender for use, in any 4503  
of the following manners: 4504

(1) A kit for propagating, cultivating, growing, or 4505  
harvesting any species of a plant that is a controlled substance 4506  
or from which a controlled substance can be derived; 4507

(2) A kit for manufacturing, compounding, converting, 4508  
producing, processing, or preparing a controlled substance; 4509

(3) Any object, instrument, or device for manufacturing, 4510  
compounding, converting, producing, processing, or preparing 4511  
methamphetamine; 4512

(4) An isomerization device for increasing the potency of any 4513  
species of a plant that is a controlled substance; 4514

(5) Testing equipment for identifying, or analyzing the 4515  
strength, effectiveness, or purity of, a controlled substance; 4516

(6) A scale or balance for weighing or measuring a controlled 4517  
substance; 4518

(7) A diluent or adulterant, such as quinine hydrochloride, 4519  
mannitol, mannite, dextrose, or lactose, for cutting a controlled 4520



substance; 4521

(8) A separation gin or sifter for removing twigs and seeds 4522  
from, or otherwise cleaning or refining, marihuana; 4523

(9) A blender, bowl, container, spoon, or mixing device for 4524  
compounding a controlled substance; 4525

(10) A capsule, balloon, envelope, or container for packaging 4526  
small quantities of a controlled substance; 4527

(11) A container or device for storing or concealing a 4528  
controlled substance; 4529

(12) A hypodermic syringe, needle, or instrument for 4530  
parenterally injecting a controlled substance into the human body; 4531

(13) An object, instrument, or device for ingesting, 4532  
inhaling, or otherwise introducing into the human body, marihuana, 4533  
cocaine, hashish, or hashish oil, such as a metal, wooden, 4534  
acrylic, glass, stone, plastic, or ceramic pipe, with or without a 4535  
screen, permanent screen, hashish head, or punctured metal bowl; 4536  
water pipe; carburetion tube or device; smoking or carburetion 4537  
mask; roach clip or similar object used to hold burning material, 4538  
such as a marihuana cigarette, that has become too small or too 4539  
short to be held in the hand; miniature cocaine spoon, or cocaine 4540  
vial; chamber pipe; carburetor pipe; electric pipe; air driver 4541  
pipe; chillum; bong; or ice pipe or chiller. 4542

(B) In determining if any equipment, product, or material is 4543  
drug paraphernalia, a court or law enforcement officer shall 4544  
consider, in addition to other relevant factors, the following: 4545

(1) Any statement by the owner, or by anyone in control, of 4546  
the equipment, product, or material, concerning its use; 4547

(2) The proximity in time or space of the equipment, product, 4548  
or material, or of the act relating to the equipment, product, or 4549  
material, to a violation of any provision of this chapter; 4550

- (3) The proximity of the equipment, product, or material to any controlled substance; 4551  
4552
- (4) The existence of any residue of a controlled substance on the equipment, product, or material; 4553  
4554
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. 4555  
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- (6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 4565  
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- (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 4567  
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- (8) National or local advertising concerning the use of the equipment, product, or material; 4569  
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- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 4571  
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- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 4573  
4574  
4575
- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 4576  
4577
- (12) Expert testimony concerning the use of the equipment, product, or material. 4578  
4579
- (C)(1) ~~No~~ Subject to division (D)(2) of this section, no 4580

person shall knowingly use, or possess with purpose to use, drug 4581  
paraphernalia. 4582

(2) No person shall knowingly sell, or possess or manufacture 4583  
with purpose to sell, drug paraphernalia, if the person knows or 4584  
reasonably should know that the equipment, product, or material 4585  
will be used as drug paraphernalia. 4586

(3) No person shall place an advertisement in any newspaper, 4587  
magazine, handbill, or other publication that is published and 4588  
printed and circulates primarily within this state, if the person 4589  
knows that the purpose of the advertisement is to promote the 4590  
illegal sale in this state of the equipment, product, or material 4591  
that the offender intended or designed for use as drug 4592  
paraphernalia. 4593

(D)(1) This section does not apply to manufacturers, licensed 4594  
health professionals authorized to prescribe drugs, pharmacists, 4595  
owners of pharmacies, and other persons whose conduct is in 4596  
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4597  
and 4741. of the Revised Code. This section shall not be construed 4598  
to prohibit the possession or use of a hypodermic as authorized by 4599  
section 3719.172 of the Revised Code. 4600

(2) Division (C)(1) of this section does not apply to a 4601  
person's use, or possession with purpose to use, any drug 4602  
paraphernalia that is equipment, a product, or material of any 4603  
kind that is used by the person, intended by the person for use, 4604  
or designed for use in storing, containing, concealing, injecting, 4605  
ingesting, inhaling, or otherwise introducing into the human body 4606  
marihuana. 4607

(E) Notwithstanding Chapter 2981. of the Revised Code, any 4608  
drug paraphernalia that was used, possessed, sold, or manufactured 4609  
in a violation of this section shall be seized, after a conviction 4610  
for that violation shall be forfeited, and upon forfeiture shall 4611

be disposed of pursuant to division (B) of section 2981.12 of the  
Revised Code.

(F)(1) Whoever violates division (C)(1) of this section is  
guilty of illegal use or possession of drug paraphernalia, a  
misdemeanor of the fourth degree.

(2) Except as provided in division (F)(3) of this section,  
whoever violates division (C)(2) of this section is guilty of  
dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates division (C)(2) of this section by  
selling drug paraphernalia to a juvenile is guilty of selling drug  
paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates division (C)(3) of this section is  
guilty of illegal advertising of drug paraphernalia, a misdemeanor  
of the second degree.

(G) In addition to any other sanction imposed upon an  
offender for a violation of this section, the court shall suspend  
for not less than six months or more than five years the  
offender's driver's or commercial driver's license or permit. If  
the offender is a professionally licensed person, in addition to  
any other sanction imposed for a violation of this section, the  
court immediately shall comply with section 2925.38 of the Revised  
Code.

**Sec. 2925.141.** (A) As used in this section, "drug  
paraphernalia" has the same meaning as in section 2925.14 of the  
Revised Code.

(B) In determining if any equipment, product, or material is  
drug paraphernalia, a court or law enforcement officer shall  
consider, in addition to other relevant factors, all factors  
identified in division (B) of section 2925.14 of the Revised Code.

(C) No person shall knowingly use, or possess with purpose to

use, any drug paraphernalia that is equipment, a product, or 4642  
material of any kind that is used by the person, intended by the 4643  
person for use, or designed for use in storing, containing, 4644  
concealing, injecting, ingesting, inhaling, or otherwise 4645  
introducing into the human body marihuana. 4646

(D) This section does not apply to any person identified in 4647  
division (D)(1) of section 2925.14 of the Revised Code, and it 4648  
shall not be construed to prohibit the possession or use of a 4649  
hypodermic as authorized by section 3719.172 of the Revised Code. 4650

(E) Division (E) of section 2925.14 of the Revised Code 4651  
applies with respect to any drug paraphernalia that was used or 4652  
possessed in violation of this section. 4653

(F) Whoever violates division (C) of this section is guilty 4654  
of illegal use or possession of marihuana drug paraphernalia, a 4655  
minor misdemeanor. 4656

(G) In addition to any other sanction imposed upon an 4657  
offender for a violation of this section, the court shall suspend 4658  
for not less than six months or more than five years the 4659  
offender's driver's or commercial driver's license or permit. If 4660  
the offender is a professionally licensed person, in addition to 4661  
any other sanction imposed for a violation of this section, the 4662  
court immediately shall comply with section 2925.38 of the Revised 4663  
Code. 4664

**Sec. 2925.38.** If a person who is convicted of or pleads 4665  
guilty to a violation of section 2925.02, 2925.03, 2925.04, 4666  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 4667  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 4668  
of the Revised Code is a professionally licensed person, in 4669  
addition to any other sanctions imposed for the violation, the 4670  
court, except as otherwise provided in this section, immediately 4671  
shall transmit a certified copy of the judgment entry of 4672

conviction to the regulatory or licensing board or agency that has 4673  
the administrative authority to suspend or revoke the offender's 4674  
professional license. If the professionally licensed person who is 4675  
convicted of or pleads guilty to a violation of any section listed 4676  
in this section is a person who has been admitted to the bar by 4677  
order of the supreme court in compliance with its prescribed and 4678  
published rules, in addition to any other sanctions imposed for 4679  
the violation, the court immediately shall transmit a certified 4680  
copy of the judgment entry of conviction to the secretary of the 4681  
board of commissioners on grievances and discipline of the supreme 4682  
court and to either the disciplinary counsel or the president, 4683  
secretary, and chairperson of each certified grievance committee. 4684

**Sec. 2929.14.** (A) Except as provided in division (B)(1), 4685  
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), (G), 4686  
(H), or (J) of this section or in division (D)(6) of section 4687  
2919.25 of the Revised Code and except in relation to an offense 4688  
for which a sentence of death or life imprisonment is to be 4689  
imposed, if the court imposing a sentence upon an offender for a 4690  
felony elects or is required to impose a prison term on the 4691  
offender pursuant to this chapter, the court shall impose a 4692  
definite prison term that shall be one of the following: 4693

(1) For a felony of the first degree, the prison term shall 4694  
be three, four, five, six, seven, eight, nine, ten, or eleven 4695  
years. 4696

(2) For a felony of the second degree, the prison term shall 4697  
be two, three, four, five, six, seven, or eight years. 4698

(3)(a) For a felony of the third degree that is a violation 4699  
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 4700  
Revised Code or that is a violation of section 2911.02 or 2911.12 4701  
of the Revised Code if the offender previously has been convicted 4702  
of or pleaded guilty in two or more separate proceedings to two or 4703

more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 4704  
of the Revised Code, the prison term shall be twelve, eighteen, 4705  
twenty-four, thirty, thirty-six, forty-two, forty-eight, 4706  
fifty-four, or sixty months. 4707

(b) For a felony of the third degree that is not an offense 4708  
for which division (A)(3)(a) of this section applies, the prison 4709  
term shall be nine, twelve, eighteen, twenty-four, thirty, or 4710  
thirty-six months. 4711

(4) For a felony of the fourth degree, the prison term shall 4712  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 4713  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 4714

(5) For a felony of the fifth degree, the prison term shall 4715  
be six, seven, eight, nine, ten, eleven, or twelve months. 4716

(B)(1)(a) Except as provided in division (B)(1)(e) of this 4717  
section, if an offender who is convicted of or pleads guilty to a 4718  
felony also is convicted of or pleads guilty to a specification of 4719  
the type described in section 2941.141, 2941.144, or 2941.145 of 4720  
the Revised Code, the court shall impose on the offender one of 4721  
the following prison terms: 4722

(i) A prison term of six years if the specification is of the 4723  
type described in section 2941.144 of the Revised Code that 4724  
charges the offender with having a firearm that is an automatic 4725  
firearm or that was equipped with a firearm muffler or silencer on 4726  
or about the offender's person or under the offender's control 4727  
while committing the felony; 4728

(ii) A prison term of three years if the specification is of 4729  
the type described in section 2941.145 of the Revised Code that 4730  
charges the offender with having a firearm on or about the 4731  
offender's person or under the offender's control while committing 4732  
the offense and displaying the firearm, brandishing the firearm, 4733  
indicating that the offender possessed the firearm, or using it to 4734

facilitate the offense; 4735

(iii) A prison term of one year if the specification is of 4736  
the type described in section 2941.141 of the Revised Code that 4737  
charges the offender with having a firearm on or about the 4738  
offender's person or under the offender's control while committing 4739  
the felony. 4740

(b) If a court imposes a prison term on an offender under 4741  
division (B)(1)(a) of this section, the prison term shall not be 4742  
reduced pursuant to section 2967.19, section 2929.20, section 4743  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 4744  
of the Revised Code. Except as provided in division (B)(1)(g) of 4745  
this section, a court shall not impose more than one prison term 4746  
on an offender under division (B)(1)(a) of this section for 4747  
felonies committed as part of the same act or transaction. 4748

(c) Except as provided in division (B)(1)(e) of this section, 4749  
if an offender who is convicted of or pleads guilty to a violation 4750  
of section 2923.161 of the Revised Code or to a felony that 4751  
includes, as an essential element, purposely or knowingly causing 4752  
or attempting to cause the death of or physical harm to another, 4753  
also is convicted of or pleads guilty to a specification of the 4754  
type described in section 2941.146 of the Revised Code that 4755  
charges the offender with committing the offense by discharging a 4756  
firearm from a motor vehicle other than a manufactured home, the 4757  
court, after imposing a prison term on the offender for the 4758  
violation of section 2923.161 of the Revised Code or for the other 4759  
felony offense under division (A), (B)(2), or (B)(3) of this 4760  
section, shall impose an additional prison term of five years upon 4761  
the offender that shall not be reduced pursuant to section 4762  
2929.20, section 2967.19, section 2967.193, or any other provision 4763  
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 4764  
shall not impose more than one additional prison term on an 4765  
offender under division (B)(1)(c) of this section for felonies 4766



committed as part of the same act or transaction. If a court 4767  
imposes an additional prison term on an offender under division 4768  
(B)(1)(c) of this section relative to an offense, the court also 4769  
shall impose a prison term under division (B)(1)(a) of this 4770  
section relative to the same offense, provided the criteria 4771  
specified in that division for imposing an additional prison term 4772  
are satisfied relative to the offender and the offense. 4773

(d) If an offender who is convicted of or pleads guilty to an 4774  
offense of violence that is a felony also is convicted of or 4775  
pleads guilty to a specification of the type described in section 4776  
2941.1411 of the Revised Code that charges the offender with 4777  
wearing or carrying body armor while committing the felony offense 4778  
of violence, the court shall impose on the offender a prison term 4779  
of two years. The prison term so imposed, subject to divisions (C) 4780  
to (I) of section 2967.19 of the Revised Code, shall not be 4781  
reduced pursuant to section 2929.20, section 2967.19, section 4782  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 4783  
of the Revised Code. A court shall not impose more than one prison 4784  
term on an offender under division (B)(1)(d) of this section for 4785  
felonies committed as part of the same act or transaction. If a 4786  
court imposes an additional prison term under division (B)(1)(a) 4787  
or (c) of this section, the court is not precluded from imposing 4788  
an additional prison term under division (B)(1)(d) of this 4789  
section. 4790

(e) The court shall not impose any of the prison terms 4791  
described in division (B)(1)(a) of this section or any of the 4792  
additional prison terms described in division (B)(1)(c) of this 4793  
section upon an offender for a violation of section 2923.12 or 4794  
2923.123 of the Revised Code. The court shall not impose any of 4795  
the prison terms described in division (B)(1)(a) or (b) of this 4796  
section upon an offender for a violation of section 2923.122 that 4797  
involves a deadly weapon that is a firearm other than a dangerous 4798

ordnance, section 2923.16, or section 2923.121 of the Revised 4799  
Code. The court shall not impose any of the prison terms described 4800  
in division (B)(1)(a) of this section or any of the additional 4801  
prison terms described in division (B)(1)(c) of this section upon 4802  
an offender for a violation of section 2923.13 of the Revised Code 4803  
unless all of the following apply: 4804

(i) The offender previously has been convicted of aggravated 4805  
murder, murder, or any felony of the first or second degree. 4806

(ii) Less than five years have passed since the offender was 4807  
released from prison or post-release control, whichever is later, 4808  
for the prior offense. 4809

(f) If an offender is convicted of or pleads guilty to a 4810  
felony that includes, as an essential element, causing or 4811  
attempting to cause the death of or physical harm to another and 4812  
also is convicted of or pleads guilty to a specification of the 4813  
type described in section 2941.1412 of the Revised Code that 4814  
charges the offender with committing the offense by discharging a 4815  
firearm at a peace officer as defined in section 2935.01 of the 4816  
Revised Code or a corrections officer, as defined in section 4817  
2941.1412 of the Revised Code, the court, after imposing a prison 4818  
term on the offender for the felony offense under division (A), 4819  
(B)(2), or (B)(3) of this section, shall impose an additional 4820  
prison term of seven years upon the offender that shall not be 4821  
reduced pursuant to section 2929.20, section 2967.19, section 4822  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 4823  
of the Revised Code. If an offender is convicted of or pleads 4824  
guilty to two or more felonies that include, as an essential 4825  
element, causing or attempting to cause the death or physical harm 4826  
to another and also is convicted of or pleads guilty to a 4827  
specification of the type described under division (B)(1)(f) of 4828  
this section in connection with two or more of the felonies of 4829  
which the offender is convicted or to which the offender pleads 4830

guilty, the sentencing court shall impose on the offender the 4831  
prison term specified under division (B)(1)(f) of this section for 4832  
each of two of the specifications of which the offender is 4833  
convicted or to which the offender pleads guilty and, in its 4834  
discretion, also may impose on the offender the prison term 4835  
specified under that division for any or all of the remaining 4836  
specifications. If a court imposes an additional prison term on an 4837  
offender under division (B)(1)(f) of this section relative to an 4838  
offense, the court shall not impose a prison term under division 4839  
(B)(1)(a) or (c) of this section relative to the same offense. 4840

(g) If an offender is convicted of or pleads guilty to two or 4841  
more felonies, if one or more of those felonies are aggravated 4842  
murder, murder, attempted aggravated murder, attempted murder, 4843  
aggravated robbery, felonious assault, or rape, and if the 4844  
offender is convicted of or pleads guilty to a specification of 4845  
the type described under division (B)(1)(a) of this section in 4846  
connection with two or more of the felonies, the sentencing court 4847  
shall impose on the offender the prison term specified under 4848  
division (B)(1)(a) of this section for each of the two most 4849  
serious specifications of which the offender is convicted or to 4850  
which the offender pleads guilty and, in its discretion, also may 4851  
impose on the offender the prison term specified under that 4852  
division for any or all of the remaining specifications. 4853

(2)(a) If division (B)(2)(b) of this section does not apply, 4854  
the court may impose on an offender, in addition to the longest 4855  
prison term authorized or required for the offense, an additional 4856  
definite prison term of one, two, three, four, five, six, seven, 4857  
eight, nine, or ten years if all of the following criteria are 4858  
met: 4859

(i) The offender is convicted of or pleads guilty to a 4860  
specification of the type described in section 2941.149 of the 4861  
Revised Code that the offender is a repeat violent offender. 4862

(ii) The offense of which the offender currently is convicted 4863  
or to which the offender currently pleads guilty is aggravated 4864  
murder and the court does not impose a sentence of death or life 4865  
imprisonment without parole, murder, terrorism and the court does 4866  
not impose a sentence of life imprisonment without parole, any 4867  
felony of the first degree that is an offense of violence and the 4868  
court does not impose a sentence of life imprisonment without 4869  
parole, or any felony of the second degree that is an offense of 4870  
violence and the trier of fact finds that the offense involved an 4871  
attempt to cause or a threat to cause serious physical harm to a 4872  
person or resulted in serious physical harm to a person. 4873

(iii) The court imposes the longest prison term for the 4874  
offense that is not life imprisonment without parole. 4875

(iv) The court finds that the prison terms imposed pursuant 4876  
to division ~~(D)~~(B)(2)(a)(iii) of this section and, if applicable, 4877  
division ~~(D)~~(B)(1) or (3) of this section are inadequate to punish 4878  
the offender and protect the public from future crime, because the 4879  
applicable factors under section 2929.12 of the Revised Code 4880  
indicating a greater likelihood of recidivism outweigh the 4881  
applicable factors under that section indicating a lesser 4882  
likelihood of recidivism. 4883

(v) The court finds that the prison terms imposed pursuant to 4884  
division ~~(D)~~(B)(2)(a)(iii) of this section and, if applicable, 4885  
division ~~(D)~~(B)(1) or (3) of this section are demeaning to the 4886  
seriousness of the offense, because one or more of the factors 4887  
under section 2929.12 of the Revised Code indicating that the 4888  
offender's conduct is more serious than conduct normally 4889  
constituting the offense are present, and they outweigh the 4890  
applicable factors under that section indicating that the 4891  
offender's conduct is less serious than conduct normally 4892  
constituting the offense. 4893

(b) The court shall impose on an offender the longest prison 4894

term authorized or required for the offense and shall impose on 4895  
the offender an additional definite prison term of one, two, 4896  
three, four, five, six, seven, eight, nine, or ten years if all of 4897  
the following criteria are met: 4898

(i) The offender is convicted of or pleads guilty to a 4899  
specification of the type described in section 2941.149 of the 4900  
Revised Code that the offender is a repeat violent offender. 4901

(ii) The offender within the preceding twenty years has been 4902  
convicted of or pleaded guilty to three or more offenses described 4903  
in division (CC)(1) of section 2929.01 of the Revised Code, 4904  
including all offenses described in that division of which the 4905  
offender is convicted or to which the offender pleads guilty in 4906  
the current prosecution and all offenses described in that 4907  
division of which the offender previously has been convicted or to 4908  
which the offender previously pleaded guilty, whether prosecuted 4909  
together or separately. 4910

(iii) The offense or offenses of which the offender currently 4911  
is convicted or to which the offender currently pleads guilty is 4912  
aggravated murder and the court does not impose a sentence of 4913  
death or life imprisonment without parole, murder, terrorism and 4914  
the court does not impose a sentence of life imprisonment without 4915  
parole, any felony of the first degree that is an offense of 4916  
violence and the court does not impose a sentence of life 4917  
imprisonment without parole, or any felony of the second degree 4918  
that is an offense of violence and the trier of fact finds that 4919  
the offense involved an attempt to cause or a threat to cause 4920  
serious physical harm to a person or resulted in serious physical 4921  
harm to a person. 4922

(c) For purposes of division (B)(2)(b) of this section, two 4923  
or more offenses committed at the same time or as part of the same 4924  
act or event shall be considered one offense, and that one offense 4925  
shall be the offense with the greatest penalty. 4926

(d) A sentence imposed under division (B)(2)(a) or (b) of 4927  
this section shall not be reduced pursuant to section 2929.20, 4928  
section 2967.19, or section 2967.193, or any other provision of 4929  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4930  
shall serve an additional prison term imposed under this section 4931  
consecutively to and prior to the prison term imposed for the 4932  
underlying offense. 4933

(e) When imposing a sentence pursuant to division (B)(2)(a) 4934  
or (b) of this section, the court shall state its findings 4935  
explaining the imposed sentence. 4936

(3) Except when an offender commits a violation of section 4937  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 4938  
the violation is life imprisonment or commits a violation of 4939  
section 2903.02 of the Revised Code, if the offender commits a 4940  
violation of section 2925.03 or 2925.11 of the Revised Code and 4941  
that section classifies the offender as a major drug offender ~~and~~ 4942  
~~requires the imposition of a ten-year prison term on the offender,~~ 4943  
if the offender commits a felony violation of section 2925.02, 4944  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4945  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 4946  
division (C) of section 4729.51, or division (J) of section 4947  
4729.54 of the Revised Code that includes the sale, offer to sell, 4948  
or possession of a schedule I or II controlled substance, with the 4949  
exception of marihuana, and the court imposing sentence upon the 4950  
offender finds that the offender is guilty of a specification of 4951  
the type described in section 2941.1410 of the Revised Code 4952  
charging that the offender is a major drug offender, if the court 4953  
imposing sentence upon an offender for a felony finds that the 4954  
offender is guilty of corrupt activity with the most serious 4955  
offense in the pattern of corrupt activity being a felony of the 4956  
first degree, or if the offender is guilty of an attempted 4957  
violation of section 2907.02 of the Revised Code and, had the 4958

offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a ~~ten-year~~ mandatory prison term of the maximum prison term prescribed for a felony of the first degree that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division ~~(D)~~(B)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B)(4) of this section, the offender shall serve the additional prison

term after the offender has served the mandatory prison term 4992  
required for the offense. In addition to the mandatory prison term 4993  
or mandatory and additional prison term imposed as described in 4994  
division (B)(4) of this section, the court also may sentence the 4995  
offender to a community control sanction under section 2929.16 or 4996  
2929.17 of the Revised Code, but the offender shall serve all of 4997  
the prison terms so imposed prior to serving the community control 4998  
sanction. 4999

If the offender is being sentenced for a fourth degree felony 5000  
OVI offense under division (G)(1) of section 2929.13 of the 5001  
Revised Code and the court imposes a mandatory term of local 5002  
incarceration, the court may impose a prison term as described in 5003  
division (A)(1) of that section. 5004

(5) If an offender is convicted of or pleads guilty to a 5005  
violation of division (A)(1) or (2) of section 2903.06 of the 5006  
Revised Code and also is convicted of or pleads guilty to a 5007  
specification of the type described in section 2941.1414 of the 5008  
Revised Code that charges that the victim of the offense is a 5009  
peace officer, as defined in section 2935.01 of the Revised Code, 5010  
or an investigator of the bureau of criminal identification and 5011  
investigation, as defined in section 2903.11 of the Revised Code, 5012  
the court shall impose on the offender a prison term of five 5013  
years. If a court imposes a prison term on an offender under 5014  
division (B)(5) of this section, the prison term, subject to 5015  
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 5016  
not be reduced pursuant to section 2929.20, section 2967.19, 5017  
section 2967.193, or any other provision of Chapter 2967. or 5018  
Chapter 5120. of the Revised Code. A court shall not impose more 5019  
than one prison term on an offender under division (B)(5) of this 5020  
section for felonies committed as part of the same act. 5021

(6) If an offender is convicted of or pleads guilty to a 5022  
violation of division (A)(1) or (2) of section 2903.06 of the 5023



Revised Code and also is convicted of or pleads guilty to a 5024  
specification of the type described in section 2941.1415 of the 5025  
Revised Code that charges that the offender previously has been 5026  
convicted of or pleaded guilty to three or more violations of 5027  
division (A) or (B) of section 4511.19 of the Revised Code or an 5028  
equivalent offense, as defined in section 2941.1415 of the Revised 5029  
Code, or three or more violations of any combination of those 5030  
divisions and offenses, the court shall impose on the offender a 5031  
prison term of three years. If a court imposes a prison term on an 5032  
offender under division (B)(6) of this section, the prison term, 5033  
subject to divisions (C) to (I) of section 2967.19 of the Revised 5034  
Code, shall not be reduced pursuant to section 2929.20, section 5035  
2967.19, section 2967.193, or any other provision of Chapter 2967. 5036  
or Chapter 5120. of the Revised Code. A court shall not impose 5037  
more than one prison term on an offender under division (B)(6) of 5038  
this section for felonies committed as part of the same act. 5039

(7)(a) If an offender is convicted of or pleads guilty to a 5040  
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 5041  
2923.32, division (A)(1) or (2) of section 2907.323, or division 5042  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 5043  
Code and also is convicted of or pleads guilty to a specification 5044  
of the type described in section 2941.1422 of the Revised Code 5045  
that charges that the offender knowingly committed the offense in 5046  
furtherance of human trafficking, the court shall impose on the 5047  
offender a mandatory prison term that is one of the following: 5048

(i) If the offense is a felony of the first degree, a 5049  
definite prison term of not less than five years and not greater 5050  
than ten years; 5051

(ii) If the offense is a felony of the second or third 5052  
degree, a definite prison term of not less than three years and 5053  
not greater than the maximum prison term allowed for the offense 5054  
by division (A) of section 2929.14 of the Revised Code; 5055

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B)(7)(a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(7)(a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range of prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the same degree as the violation.

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison

terms are imposed, the offender shall serve any mandatory prison 5088  
term imposed under either division consecutively to any other 5089  
mandatory prison term imposed under either division or under 5090  
division (B)(1)(d) of this section, consecutively to and prior to 5091  
any prison term imposed for the underlying felony pursuant to 5092  
division (A), (B)(2), or (B)(3) of this section or any other 5093  
section of the Revised Code, and consecutively to any other prison 5094  
term or mandatory prison term previously or subsequently imposed 5095  
upon the offender. 5096

(b) If a mandatory prison term is imposed upon an offender 5097  
pursuant to division (B)(1)(d) of this section for wearing or 5098  
carrying body armor while committing an offense of violence that 5099  
is a felony, the offender shall serve the mandatory term so 5100  
imposed consecutively to any other mandatory prison term imposed 5101  
under that division or under division (B)(1)(a) or (c) of this 5102  
section, consecutively to and prior to any prison term imposed for 5103  
the underlying felony under division (A), (B)(2), or (B)(3) of 5104  
this section or any other section of the Revised Code, and 5105  
consecutively to any other prison term or mandatory prison term 5106  
previously or subsequently imposed upon the offender. 5107

(c) If a mandatory prison term is imposed upon an offender 5108  
pursuant to division (B)(1)(f) of this section, the offender shall 5109  
serve the mandatory prison term so imposed consecutively to and 5110  
prior to any prison term imposed for the underlying felony under 5111  
division (A), (B)(2), or (B)(3) of this section or any other 5112  
section of the Revised Code, and consecutively to any other prison 5113  
term or mandatory prison term previously or subsequently imposed 5114  
upon the offender. 5115

(d) If a mandatory prison term is imposed upon an offender 5116  
pursuant to division (B)(7) or (8) of this section, the offender 5117  
shall serve the mandatory prison term so imposed consecutively to 5118  
any other mandatory prison term imposed under that division or 5119

under any other provision of law and consecutively to any other 5120  
prison term or mandatory prison term previously or subsequently 5121  
imposed upon the offender. 5122

(2) If an offender who is an inmate in a jail, prison, or 5123  
other residential detention facility violates section 2917.02, 5124  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 5125  
of section 2921.34 of the Revised Code, if an offender who is 5126  
under detention at a detention facility commits a felony violation 5127  
of section 2923.131 of the Revised Code, or if an offender who is 5128  
an inmate in a jail, prison, or other residential detention 5129  
facility or is under detention at a detention facility commits 5130  
another felony while the offender is an escapee in violation of 5131  
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 5132  
prison term imposed upon the offender for one of those violations 5133  
shall be served by the offender consecutively to the prison term 5134  
or term of imprisonment the offender was serving when the offender 5135  
committed that offense and to any other prison term previously or 5136  
subsequently imposed upon the offender. 5137

(3) If a prison term is imposed for a violation of division 5138  
(B) of section 2911.01 of the Revised Code, a violation of 5139  
division (A) of section 2913.02 of the Revised Code in which the 5140  
stolen property is a firearm or dangerous ordnance, or a felony 5141  
violation of division (B) of section 2921.331 of the Revised Code, 5142  
the offender shall serve that prison term consecutively to any 5143  
other prison term or mandatory prison term previously or 5144  
subsequently imposed upon the offender. 5145

(4) If multiple prison terms are imposed on an offender for 5146  
convictions of multiple offenses, the court may require the 5147  
offender to serve the prison terms consecutively if the court 5148  
finds that the consecutive service is necessary to protect the 5149  
public from future crime or to punish the offender and that 5150  
consecutive sentences are not disproportionate to the seriousness 5151

of the offender's conduct and to the danger the offender poses to 5152  
the public, and if the court also finds any of the following: 5153

(a) The offender committed one or more of the multiple 5154  
offenses while the offender was awaiting trial or sentencing, was 5155  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 5156  
2929.18 of the Revised Code, or was under post-release control for 5157  
a prior offense. 5158

(b) At least two of the multiple offenses were committed as 5159  
part of one or more courses of conduct, and the harm caused by two 5160  
or more of the multiple offenses so committed was so great or 5161  
unusual that no single prison term for any of the offenses 5162  
committed as part of any of the courses of conduct adequately 5163  
reflects the seriousness of the offender's conduct. 5164

(c) The offender's history of criminal conduct demonstrates 5165  
that consecutive sentences are necessary to protect the public 5166  
from future crime by the offender. 5167

(5) If a mandatory prison term is imposed upon an offender 5168  
pursuant to division (B)(5) or (6) of this section, the offender 5169  
shall serve the mandatory prison term consecutively to and prior 5170  
to any prison term imposed for the underlying violation of 5171  
division (A)(1) or (2) of section 2903.06 of the Revised Code 5172  
pursuant to division (A) of this section or section 2929.142 of 5173  
the Revised Code. If a mandatory prison term is imposed upon an 5174  
offender pursuant to division (B)(5) of this section, and if a 5175  
mandatory prison term also is imposed upon the offender pursuant 5176  
to division (B)(6) of this section in relation to the same 5177  
violation, the offender shall serve the mandatory prison term 5178  
imposed pursuant to division (B)(5) of this section consecutively 5179  
to and prior to the mandatory prison term imposed pursuant to 5180  
division (B)(6) of this section and consecutively to and prior to 5181  
any prison term imposed for the underlying violation of division 5182  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 5183

division (A) of this section or section 2929.142 of the Revised 5184  
Code. 5185

(6) When consecutive prison terms are imposed pursuant to 5186  
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) 5187  
of this section, the term to be served is the aggregate of all of 5188  
the terms so imposed. 5189

(D)(1) If a court imposes a prison term for a felony of the 5190  
first degree, for a felony of the second degree, for a felony sex 5191  
offense, or for a felony of the third degree that is not a felony 5192  
sex offense and in the commission of which the offender caused or 5193  
threatened to cause physical harm to a person, it shall include in 5194  
the sentence a requirement that the offender be subject to a 5195  
period of post-release control after the offender's release from 5196  
imprisonment, in accordance with that division. If a court imposes 5197  
a sentence including a prison term of a type described in this 5198  
division on or after July 11, 2006, the failure of a court to 5199  
include a post-release control requirement in the sentence 5200  
pursuant to this division does not negate, limit, or otherwise 5201  
affect the mandatory period of post-release control that is 5202  
required for the offender under division (B) of section 2967.28 of 5203  
the Revised Code. Section 2929.191 of the Revised Code applies if, 5204  
prior to July 11, 2006, a court imposed a sentence including a 5205  
prison term of a type described in this division and failed to 5206  
include in the sentence pursuant to this division a statement 5207  
regarding post-release control. 5208

(2) If a court imposes a prison term for a felony of the 5209  
third, fourth, or fifth degree that is not subject to division 5210  
(D)(1) of this section, it shall include in the sentence a 5211  
requirement that the offender be subject to a period of 5212  
post-release control after the offender's release from 5213  
imprisonment, in accordance with that division, if the parole 5214  
board determines that a period of post-release control is 5215

necessary. Section 2929.191 of the Revised Code applies if, prior 5216  
to July 11, 2006, a court imposed a sentence including a prison 5217  
term of a type described in this division and failed to include in 5218  
the sentence pursuant to this division a statement regarding 5219  
post-release control. 5220

~~(3) If a court imposes a prison term on or after the 5221  
effective date of this amendment for a felony, it shall include in 5222  
the sentence a statement notifying the offender that the offender 5223  
may be eligible to earn days of credit under the circumstances 5224  
specified in section 2967.193 of the Revised Code. The statement 5225  
also shall notify the offender that days of credit are not 5226  
automatically awarded under that section, but that they must be 5227  
earned in the manner specified in that section. If a court fails 5228  
to include the statement in the sentence, the failure does not 5229  
affect the eligibility of the offender under section 2967.193 of 5230  
the Revised Code to earn any days of credit as a deduction from 5231  
the offender's stated prison term or otherwise render any part of 5232  
that section or any action taken under that section void or 5233  
voidable. The failure of a court to include in a sentence the 5234  
statement described in this division does not constitute grounds 5235  
for setting aside the offender's conviction or sentence or for 5236  
granting postconviction relief to the offender. 5237~~

(E) The court shall impose sentence upon the offender in 5238  
accordance with section 2971.03 of the Revised Code, and Chapter 5239  
2971. of the Revised Code applies regarding the prison term or 5240  
term of life imprisonment without parole imposed upon the offender 5241  
and the service of that term of imprisonment if any of the 5242  
following apply: 5243

(1) A person is convicted of or pleads guilty to a violent 5244  
sex offense or a designated homicide, assault, or kidnapping 5245  
offense, and, in relation to that offense, the offender is 5246  
adjudicated a sexually violent predator. 5247

(2) A person is convicted of or pleads guilty to a violation 5248  
of division (A)(1)(b) of section 2907.02 of the Revised Code 5249  
committed on or after January 2, 2007, and either the court does 5250  
not impose a sentence of life without parole when authorized 5251  
pursuant to division (B) of section 2907.02 of the Revised Code, 5252  
or division (B) of section 2907.02 of the Revised Code provides 5253  
that the court shall not sentence the offender pursuant to section 5254  
2971.03 of the Revised Code. 5255

(3) A person is convicted of or pleads guilty to attempted 5256  
rape committed on or after January 2, 2007, and a specification of 5257  
the type described in section 2941.1418, 2941.1419, or 2941.1420 5258  
of the Revised Code. 5259

(4) A person is convicted of or pleads guilty to a violation 5260  
of section 2905.01 of the Revised Code committed on or after 5261  
January 1, 2008, and that section requires the court to sentence 5262  
the offender pursuant to section 2971.03 of the Revised Code. 5263

(5) A person is convicted of or pleads guilty to aggravated 5264  
murder committed on or after January 1, 2008, and division 5265  
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 5266  
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 5267  
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 5268  
2929.06 of the Revised Code requires the court to sentence the 5269  
offender pursuant to division (B)(3) of section 2971.03 of the 5270  
Revised Code. 5271

(6) A person is convicted of or pleads guilty to murder 5272  
committed on or after January 1, 2008, and division (B)(2) of 5273  
section 2929.02 of the Revised Code requires the court to sentence 5274  
the offender pursuant to section 2971.03 of the Revised Code. 5275

(F) If a person who has been convicted of or pleaded guilty 5276  
to a felony is sentenced to a prison term or term of imprisonment 5277  
under this section, sections 2929.02 to 2929.06 of the Revised 5278



Code, section 2929.142 of the Revised Code, section 2971.03 of the 5279  
Revised Code, or any other provision of law, section 5120.163 of 5280  
the Revised Code applies regarding the person while the person is 5281  
confined in a state correctional institution. 5282

(G) If an offender who is convicted of or pleads guilty to a 5283  
felony that is an offense of violence also is convicted of or 5284  
pleads guilty to a specification of the type described in section 5285  
2941.142 of the Revised Code that charges the offender with having 5286  
committed the felony while participating in a criminal gang, the 5287  
court shall impose upon the offender an additional prison term of 5288  
one, two, or three years. 5289

(H)(1) If an offender who is convicted of or pleads guilty to 5290  
aggravated murder, murder, or a felony of the first, second, or 5291  
third degree that is an offense of violence also is convicted of 5292  
or pleads guilty to a specification of the type described in 5293  
section 2941.143 of the Revised Code that charges the offender 5294  
with having committed the offense in a school safety zone or 5295  
towards a person in a school safety zone, the court shall impose 5296  
upon the offender an additional prison term of two years. The 5297  
offender shall serve the additional two years consecutively to and 5298  
prior to the prison term imposed for the underlying offense. 5299

(2)(a) If an offender is convicted of or pleads guilty to a 5300  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 5301  
of the Revised Code and to a specification of the type described 5302  
in section 2941.1421 of the Revised Code and if the court imposes 5303  
a prison term on the offender for the felony violation, the court 5304  
may impose upon the offender an additional prison term as follows: 5305

(i) Subject to division (H)(2)(a)(ii) of this section, an 5306  
additional prison term of one, two, three, four, five, or six 5307  
months; 5308

(ii) If the offender previously has been convicted of or 5309

pleaded guilty to one or more felony or misdemeanor violations of 5310  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 5311  
Revised Code and also was convicted of or pleaded guilty to a 5312  
specification of the type described in section 2941.1421 of the 5313  
Revised Code regarding one or more of those violations, an 5314  
additional prison term of one, two, three, four, five, six, seven, 5315  
eight, nine, ten, eleven, or twelve months. 5316

(b) In lieu of imposing an additional prison term under 5317  
division (H)(2)(a) of this section, the court may directly impose 5318  
on the offender a sanction that requires the offender to wear a 5319  
real-time processing, continual tracking electronic monitoring 5320  
device during the period of time specified by the court. The 5321  
period of time specified by the court shall equal the duration of 5322  
an additional prison term that the court could have imposed upon 5323  
the offender under division (H)(2)(a) of this section. A sanction 5324  
imposed under this division shall commence on the date specified 5325  
by the court, provided that the sanction shall not commence until 5326  
after the offender has served the prison term imposed for the 5327  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 5328  
of the Revised Code and any residential sanction imposed for the 5329  
violation under section 2929.16 of the Revised Code. A sanction 5330  
imposed under this division shall be considered to be a community 5331  
control sanction for purposes of section 2929.15 of the Revised 5332  
Code, and all provisions of the Revised Code that pertain to 5333  
community control sanctions shall apply to a sanction imposed 5334  
under this division, except to the extent that they would by their 5335  
nature be clearly inapplicable. The offender shall pay all costs 5336  
associated with a sanction imposed under this division, including 5337  
the cost of the use of the monitoring device. 5338

(I)~~(1)~~ At the time of sentencing, the court may recommend the 5339  
offender for placement in a program of shock incarceration under 5340  
section 5120.031 of the Revised Code or for placement in an 5341

intensive program prison under section 5120.032 of the Revised 5342  
Code, disapprove placement of the offender in a program of shock 5343  
incarceration or an intensive program prison of that nature, or 5344  
make no recommendation on placement of the offender. In no case 5345  
shall the department of rehabilitation and correction place the 5346  
offender in a program or prison of that nature unless the 5347  
department determines as specified in section 5120.031 or 5120.032 5348  
of the Revised Code, whichever is applicable, that the offender is 5349  
eligible for the placement. 5350

If the court disapproves placement of the offender in a 5351  
program or prison of that nature, the department of rehabilitation 5352  
and correction shall not place the offender in any program of 5353  
shock incarceration or intensive program prison. 5354

If the court recommends placement of the offender in a 5355  
program of shock incarceration or in an intensive program prison, 5356  
and if the offender is subsequently placed in the recommended 5357  
program or prison, the department shall notify the court of the 5358  
placement and shall include with the notice a brief description of 5359  
the placement. 5360

If the court recommends placement of the offender in a 5361  
program of shock incarceration or in an intensive program prison 5362  
and the department does not subsequently place the offender in the 5363  
recommended program or prison, the department shall send a notice 5364  
to the court indicating why the offender was not placed in the 5365  
recommended program or prison. 5366

If the court does not make a recommendation under this 5367  
division with respect to an offender and if the department 5368  
determines as specified in section 5120.031 or 5120.032 of the 5369  
Revised Code, whichever is applicable, that the offender is 5370  
eligible for placement in a program or prison of that nature, the 5371  
department shall screen the offender and determine if there is an 5372  
available program of shock incarceration or an intensive program 5373

prison for which the offender is suited. If there is an available 5374  
program of shock incarceration or an intensive program prison for 5375  
which the offender is suited, the department shall notify the 5376  
court of the proposed placement of the offender as specified in 5377  
section 5120.031 or 5120.032 of the Revised Code and shall include 5378  
with the notice a brief description of the placement. The court 5379  
shall have ten days from receipt of the notice to disapprove the 5380  
placement. 5381

~~(I)~~(J) If a person is convicted of or pleads guilty to 5382  
aggravated vehicular homicide in violation of division (A)(1) of 5383  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 5384  
section applies, the person shall be sentenced pursuant to section 5385  
2929.142 of the Revised Code. 5386

**Sec. 2929.19.** (A) The court shall hold a sentencing hearing 5387  
before imposing a sentence under this chapter upon an offender who 5388  
was convicted of or pleaded guilty to a felony and before 5389  
resentencing an offender who was convicted of or pleaded guilty to 5390  
a felony and whose case was remanded pursuant to section 2953.07 5391  
or 2953.08 of the Revised Code. At the hearing, the offender, the 5392  
prosecuting attorney, the victim or the victim's representative in 5393  
accordance with section 2930.14 of the Revised Code, and, with the 5394  
approval of the court, any other person may present information 5395  
relevant to the imposition of sentence in the case. The court 5396  
shall inform the offender of the verdict of the jury or finding of 5397  
the court and ask the offender whether the offender has anything 5398  
to say as to why sentence should not be imposed upon the offender. 5399

(B)(1) At the sentencing hearing, the court, before imposing 5400  
sentence, shall consider the record, any information presented at 5401  
the hearing by any person pursuant to division (A) of this 5402  
section, and, if one was prepared, the presentence investigation 5403  
report made pursuant to section 2951.03 of the Revised Code or 5404

Criminal Rule 32.2, and any victim impact statement made pursuant 5405  
to section 2947.051 of the Revised Code. 5406

(2) Subject to division (B)(3) of this section, if the 5407  
sentencing court determines at the sentencing hearing that a 5408  
prison term is necessary or required, the court shall do all of 5409  
the following: 5410

(a) Impose a stated prison term and, if the court imposes a 5411  
mandatory prison term, notify the offender that the prison term is 5412  
a mandatory prison term; 5413

(b) In addition to any other information, include in the 5414  
sentencing entry the name and section reference to the offense or 5415  
offenses, the sentence or sentences imposed and whether the 5416  
sentence or sentences contain mandatory prison terms, if sentences 5417  
are imposed for multiple counts whether the sentences are to be 5418  
served concurrently or consecutively, and the name and section 5419  
reference of any specification or specifications for which 5420  
sentence is imposed and the sentence or sentences imposed for the 5421  
specification or specifications; 5422

(c) Notify the offender that the offender will be supervised 5423  
under section 2967.28 of the Revised Code after the offender 5424  
leaves prison if the offender is being sentenced for a felony of 5425  
the first degree or second degree, for a felony sex offense, or 5426  
for a felony of the third degree that is not a felony sex offense 5427  
and in the commission of which the offender caused or threatened 5428  
to cause physical harm to a person. This division applies with 5429  
respect to all prison terms imposed for an offense of a type 5430  
described in this division, including a term imposed for any such 5431  
offense that is a risk reduction sentence, as defined in section 5432  
2967.28 of the Revised Code. If a court imposes a sentence 5433  
including a prison term of a type described in division (B)(2)(c) 5434  
of this section on or after July 11, 2006, the failure of a court 5435  
to notify the offender pursuant to division (B)(2)(c) of this 5436

section that the offender will be supervised under section 2967.28 5437  
of the Revised Code after the offender leaves prison or to include 5438  
in the judgment of conviction entered on the journal a statement 5439  
to that effect does not negate, limit, or otherwise affect the 5440  
mandatory period of supervision that is required for the offender 5441  
under division (B) of section 2967.28 of the Revised Code. Section 5442  
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 5443  
court imposed a sentence including a prison term of a type 5444  
described in division (B)(2)(c) of this section and failed to 5445  
notify the offender pursuant to division (B)(2)(c) of this section 5446  
regarding post-release control or to include in the judgment of 5447  
conviction entered on the journal or in the sentence a statement 5448  
regarding post-release control. 5449

(d) Notify the offender that the offender may be supervised 5450  
under section 2967.28 of the Revised Code after the offender 5451  
leaves prison if the offender is being sentenced for a felony of 5452  
the third, fourth, or fifth degree that is not subject to division 5453  
(B)(2)(c) of this section. This division applies with respect to 5454  
all prison terms imposed for an offense of a type described in 5455  
this division, including a term imposed for any such offense that 5456  
is a risk reduction sentence, as defined in section 2967.28 of the 5457  
Revised Code. Section 2929.191 of the Revised Code applies if, 5458  
prior to July 11, 2006, a court imposed a sentence including a 5459  
prison term of a type described in division (B)(2)(d) of this 5460  
section and failed to notify the offender pursuant to division 5461  
(B)(2)(d) of this section regarding post-release control or to 5462  
include in the judgment of conviction entered on the journal or in 5463  
the sentence a statement regarding post-release control. 5464

(e) Notify the offender that, if a period of supervision is 5465  
imposed following the offender's release from prison, as described 5466  
in division (B)(2)(c) or (d) of this section, and if the offender 5467  
violates that supervision or a condition of post-release control 5468

imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender. If a court imposes a sentence including a prison term on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(e) of this section that the parole board may impose a prison term as described in division (B)(2)(e) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B)(2)(e) of this section regarding the possibility of the parole board imposing a prison term for a violation of supervision or a condition of post-release control.

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was not injected with a drug of abuse.

~~(g) Include in the offender's sentence a statement notifying the offender of the information described in division (F)(3) of section 2929.14 of the Revised Code regarding earned credits under~~

~~section 2967.193 of the Revised Code.~~

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(i) Determine, notify the offender of, and include in the  
sentencing entry the number of days that the offender has been  
confined for any reason arising out of the offense for which the  
offender is being sentenced and by which the department of  
rehabilitation and correction must reduce the stated prison term  
under section 2967.191 of the Revised Code. The court's  
calculation shall not include the number of days, if any, that the  
offender previously served in the custody of the department of  
rehabilitation and correction arising out of the offense for which  
the prisoner was convicted and sentenced.

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(ii) In making a determination under division (B)(2)(g)(i) of  
this section, the court shall consider the arguments of the  
parties and conduct a hearing if one is requested.

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(iii) The sentencing court retains continuing jurisdiction to  
correct any error not previously raised at sentencing in making a  
determination under division (B)(2)(g)(i) of this section. The  
offender may, at any time after sentencing, file a motion in the  
sentencing court to correct any error made in making a  
determination under division (B)(2)(g)(i) of this section, and the  
court may in its discretion grant or deny that motion. If the  
court changes the number of days in its determination or  
redetermination, the court shall cause the entry granting that  
change to be delivered to the department of rehabilitation and  
correction without delay. Sections 2931.15 and 2953.21 of the  
Revised Code do not apply to a motion made under this section.

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(iv) An inaccurate determination under division (B)(2)(g)(i)  
of this section is not grounds for setting aside the offender's  
conviction or sentence and does not otherwise render the sentence  
void or voidable.

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(3)(a) The court shall include in the offender's sentence a

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statement that the offender is a tier III sex 5532  
offender/child-victim offender, and the court shall comply with 5533  
the requirements of section 2950.03 of the Revised Code if any of 5534  
the following apply: 5535

(i) The offender is being sentenced for a violent sex offense 5536  
or designated homicide, assault, or kidnapping offense that the 5537  
offender committed on or after January 1, 1997, and the offender 5538  
is adjudicated a sexually violent predator in relation to that 5539  
offense. 5540

(ii) The offender is being sentenced for a sexually oriented 5541  
offense that the offender committed on or after January 1, 1997, 5542  
and the offender is a tier III sex offender/child-victim offender 5543  
relative to that offense. 5544

(iii) The offender is being sentenced on or after July 31, 5545  
2003, for a child-victim oriented offense, and the offender is a 5546  
tier III sex offender/child-victim offender relative to that 5547  
offense. 5548

(iv) The offender is being sentenced under section 2971.03 of 5549  
the Revised Code for a violation of division (A)(1)(b) of section 5550  
2907.02 of the Revised Code committed on or after January 2, 2007. 5551

(v) The offender is sentenced to a term of life without 5552  
parole under division (B) of section 2907.02 of the Revised Code. 5553

(vi) The offender is being sentenced for attempted rape 5554  
committed on or after January 2, 2007, and a specification of the 5555  
type described in section 2941.1418, 2941.1419, or 2941.1420 of 5556  
the Revised Code. 5557

(vii) The offender is being sentenced under division 5558  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 5559  
for an offense described in those divisions committed on or after 5560  
January 1, 2008. 5561

(b) Additionally, if any criterion set forth in divisions 5562  
(B)(3)(a)(i) to (vii) of this section is satisfied, in the 5563  
circumstances described in division (E) of section 2929.14 of the 5564  
Revised Code, the court shall impose sentence on the offender as 5565  
described in that division. 5566

(4) If the sentencing court determines at the sentencing 5567  
hearing that a community control sanction should be imposed and 5568  
the court is not prohibited from imposing a community control 5569  
sanction, the court shall impose a community control sanction. The 5570  
court shall notify the offender that, if the conditions of the 5571  
sanction are violated, if the offender commits a violation of any 5572  
law, or if the offender leaves this state without the permission 5573  
of the court or the offender's probation officer, the court may 5574  
impose a longer time under the same sanction, may impose a more 5575  
restrictive sanction, or may impose a prison term on the offender 5576  
and shall indicate the specific prison term that may be imposed as 5577  
a sanction for the violation, as selected by the court from the 5578  
range of prison terms for the offense pursuant to section 2929.14 5579  
of the Revised Code. 5580

(5) Before imposing a financial sanction under section 5581  
2929.18 of the Revised Code or a fine under section 2929.32 of the 5582  
Revised Code, the court shall consider the offender's present and 5583  
future ability to pay the amount of the sanction or fine. 5584

(6) If the sentencing court sentences the offender to a 5585  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 5586  
the Revised Code that is to be served in a local detention 5587  
facility, as defined in section 2929.36 of the Revised Code, and 5588  
if the local detention facility is covered by a policy adopted 5589  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 5590  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 5591  
and section 2929.37 of the Revised Code, both of the following 5592  
apply: 5593

(a) The court shall specify both of the following as part of the sentence:

(i) If the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the offender is required to pay the bill in accordance with that section.

(ii) If the offender does not dispute the bill described in division (B)(6)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section.

(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(6)(a)(ii) of this section.

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B)(2)(a) of this section or to include in the sentencing entry any information required by division (B)(2)(b) of this section does not affect the validity of the imposed sentence or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

(C)(1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local

incarceration in accordance with that division, shall impose a 5625  
mandatory fine in accordance with division (B)(3) of section 5626  
2929.18 of the Revised Code, and, in addition, may impose 5627  
additional sanctions as specified in sections 2929.15, 2929.16, 5628  
2929.17, and 2929.18 of the Revised Code. The court shall not 5629  
impose a prison term on the offender except that the court may 5630  
impose a prison term upon the offender as provided in division 5631  
(A)(1) of section 2929.13 of the Revised Code. 5632

(2) If the offender is being sentenced for a third or fourth 5633  
degree felony OVI offense under division (G)(2) of section 2929.13 5634  
of the Revised Code, the court shall impose the mandatory prison 5635  
term in accordance with that division, shall impose a mandatory 5636  
fine in accordance with division (B)(3) of section 2929.18 of the 5637  
Revised Code, and, in addition, may impose an additional prison 5638  
term as specified in section 2929.14 of the Revised Code. In 5639  
addition to the mandatory prison term or mandatory prison term and 5640  
additional prison term the court imposes, the court also may 5641  
impose a community control sanction on the offender, but the 5642  
offender shall serve all of the prison terms so imposed prior to 5643  
serving the community control sanction. 5644

(D) The sentencing court, pursuant to division (I)(1) of 5645  
section 2929.14 of the Revised Code, may recommend placement of 5646  
the offender in a program of shock incarceration under section 5647  
5120.031 of the Revised Code or an intensive program prison under 5648  
section 5120.032 of the Revised Code, disapprove placement of the 5649  
offender in a program or prison of that nature, or make no 5650  
recommendation. If the court recommends or disapproves placement, 5651  
it shall make a finding that gives its reasons for its 5652  
recommendation or disapproval. 5653

**Sec. 2929.26.** (A) Except when a mandatory jail term is 5654  
required by law, the court imposing a sentence for a misdemeanor, 5655

other than a minor misdemeanor, may impose upon the offender any  
community residential sanction or combination of community  
residential sanctions under this section. Community residential  
sanctions include, but are not limited to, the following:

(1) A term of up to one hundred eighty days in a halfway  
house or a term in a halfway house not to exceed the longest jail  
term available for the offense, whichever is shorter, if the  
political subdivision that would have responsibility for paying  
the costs of confining the offender in a jail has entered into a  
contract with the halfway house for use of the facility for  
misdemeanor offenders;

~~(2) A term of up to one hundred eighty days in an alternative  
residential facility or a term in an alternative residential  
facility not to exceed the longest jail term available for the  
offense, whichever is shorter. The court may specify the level of  
security in the alternative residential facility that is needed  
for the offender.~~

~~(3)~~ If the offender is an eligible offender, as defined in  
section 307.932 of the Revised Code, a term of up to sixty days in  
a community alternative sentencing center or district community  
alternative sentencing center established and operated in  
accordance with that section, in the circumstances specified in  
that section, with one of the conditions of the sanction being  
that the offender complete in the center the entire term imposed.

(B) A sentence to a community residential sanction under  
division (A)(3) of this section shall be in accordance with  
section 307.932 of the Revised Code. In all other cases, the court  
that sentences an offender to a community residential sanction  
under this section may do either or both of the following:

(1) Permit the offender to serve the offender's sentence in  
intermittent confinement, overnight, on weekends or at any other

time or times that will allow the offender to continue at the 5687  
offender's occupation or care for the offender's family; 5688

(2) Authorize the offender to be released so that the 5689  
offender may seek or maintain employment, receive education or 5690  
training, receive treatment, perform community service, or 5691  
otherwise fulfill an obligation imposed by law or by the court. A 5692  
release pursuant to this division shall be only for the duration 5693  
of time that is needed to fulfill the purpose of the release and 5694  
for travel that reasonably is necessary to fulfill the purposes of 5695  
the release. 5696

(C) The court may order that a reasonable portion of the 5697  
income earned by the offender upon a release pursuant to division 5698  
(B) of this section be applied to any financial sanction imposed 5699  
under section 2929.28 of the Revised Code. 5700

(D) No court shall sentence any person to a prison term for a 5701  
misdemeanor or minor misdemeanor or to a jail term for a minor 5702  
misdemeanor. 5703

(E) If a court sentences a person who has been convicted of 5704  
or pleaded guilty to a misdemeanor to a community residential 5705  
sanction as described in division (A) of this section, at the time 5706  
of reception and at other times the person in charge of the 5707  
operation of the halfway house, ~~alternative residential facility,~~ 5708  
community alternative sentencing center, district community 5709  
alternative sentencing center, or other place at which the 5710  
offender will serve the residential sanction determines to be 5711  
appropriate, the person in charge of the operation of the halfway 5712  
house, ~~alternative residential facility,~~ community alternative 5713  
sentencing center, district community alternative sentencing 5714  
center, or other place may cause the convicted offender to be 5715  
examined and tested for tuberculosis, HIV infection, hepatitis, 5716  
including, but not limited to, hepatitis A, B, and C, and other 5717  
contagious diseases. The person in charge of the operation of the 5718

halfway house, ~~alternative residential facility~~, community 5719  
alternative sentencing center, district community alternative 5720  
sentencing center, or other place at which the offender will serve 5721  
the residential sanction may cause a convicted offender in the 5722  
halfway house, ~~alternative residential facility~~, community 5723  
alternative sentencing center, district community alternative 5724  
sentencing center, or other place who refuses to be tested or 5725  
treated for tuberculosis, HIV infection, hepatitis, including, but 5726  
not limited to, hepatitis A, B, and C, or another contagious 5727  
disease to be tested and treated involuntarily. 5728

(F) A political subdivision may enter into a contract with a 5729  
halfway house for use of the halfway house to house misdemeanor 5730  
offenders under a sanction imposed under division (A)(1) of this 5731  
section. 5732

**Sec. 2929.41.** (A) Except as provided in division (B) of this 5733  
section, division ~~(E)~~(C) of section 2929.14, or division (D) or 5734  
(E) of section 2971.03 of the Revised Code, a prison term, jail 5735  
term, or sentence of imprisonment shall be served concurrently 5736  
with any other prison term, jail term, or sentence of imprisonment 5737  
imposed by a court of this state, another state, or the United 5738  
States. Except as provided in division (B)(3) of this section, a 5739  
jail term or sentence of imprisonment for misdemeanor shall be 5740  
served concurrently with a prison term or sentence of imprisonment 5741  
for felony served in a state or federal correctional institution. 5742

(B)(1) A jail term or sentence of imprisonment for a 5743  
misdemeanor shall be served consecutively to any other prison 5744  
term, jail term, or sentence of imprisonment when the trial court 5745  
specifies that it is to be served consecutively or when it is 5746  
imposed for a misdemeanor violation of section 2907.322, 2921.34, 5747  
or 2923.131 of the Revised Code. 5748

When consecutive sentences are imposed for misdemeanor under 5749

this division, the term to be served is the aggregate of the 5750  
consecutive terms imposed, except that the aggregate term to be 5751  
served shall not exceed eighteen months. 5752

(2) If a court of this state imposes a prison term upon the 5753  
offender for the commission of a felony and a court of another 5754  
state or the United States also has imposed a prison term upon the 5755  
offender for the commission of a felony, the court of this state 5756  
may order that the offender serve the prison term it imposes 5757  
consecutively to any prison term imposed upon the offender by the 5758  
court of another state or the United States. 5759

(3) A jail term or sentence of imprisonment imposed for a 5760  
misdemeanor violation of section 4510.11, 4510.14, 4510.16, 5761  
4510.21, or 4511.19 of the Revised Code shall be served 5762  
consecutively to a prison term that is imposed for a felony 5763  
violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of the 5764  
Revised Code or a felony violation of section 2903.04 of the 5765  
Revised Code involving the operation of a motor vehicle by the 5766  
offender and that is served in a state correctional institution 5767  
when the trial court specifies that it is to be served 5768  
consecutively. 5769

When consecutive jail terms or sentences of imprisonment and 5770  
prison terms are imposed for one or more misdemeanors and one or 5771  
more felonies under this division, the term to be served is the 5772  
aggregate of the consecutive terms imposed, and the offender shall 5773  
serve all terms imposed for a felony before serving any term 5774  
imposed for a misdemeanor. 5775

**Sec. 2947.23.** (A)(1)(a) In all criminal cases, including 5776  
violations of ordinances, the judge or magistrate shall include in 5777  
the sentence the costs of prosecution, including any costs under 5778  
section 2947.231 of the Revised Code, and render a judgment 5779  
against the defendant for such costs. At the time the judge or 5780



magistrate imposes sentence, the judge or magistrate shall notify 5781  
the defendant of both of the following: 5782

~~(a)~~(i) If the defendant fails to pay that judgment or fails 5783  
to timely make payments towards that judgment under a payment 5784  
schedule approved by the court, the court may order the defendant 5785  
to perform community service in an amount of not more than forty 5786  
hours per month until the judgment is paid or until the court is 5787  
satisfied that the defendant is in compliance with the approved 5788  
payment schedule. 5789

~~(b)~~(ii) If the court orders the defendant to perform the 5790  
community service, the defendant will receive credit upon the 5791  
judgment at the specified hourly credit rate per hour of community 5792  
service performed, and each hour of community service performed 5793  
will reduce the judgment by that amount. 5794

(b) The failure of a judge or magistrate to notify the 5795  
defendant pursuant to division (A)(1)(a) of this section does not 5796  
negate or limit the authority of the court to order the defendant 5797  
to perform community service if the defendant fails to pay the 5798  
judgment described in that division or to timely make payments 5799  
toward that judgment under an approved payment plan. 5800

(2) The following shall apply in all criminal cases: 5801

(a) If a jury has been sworn at the trial of a case, the fees 5802  
of the jurors shall be included in the costs, which shall be paid 5803  
to the public treasury from which the jurors were paid. 5804

(b) If a jury has not been sworn at the trial of a case 5805  
because of a defendant's failure to appear without good cause, the 5806  
costs incurred in summoning jurors for that particular trial may 5807  
be included in the costs of prosecution. If the costs incurred in 5808  
summoning jurors are assessed against the defendant, those costs 5809  
shall be paid to the public treasury from which the jurors were 5810  
paid. 5811

(B) If a judge or magistrate has reason to believe that a  
defendant has failed to pay the judgment described in division (A)  
of this section or has failed to timely make payments towards that  
judgment under a payment schedule approved by the judge or  
magistrate, the judge or magistrate shall hold a hearing to  
determine whether to order the offender to perform community  
service for that failure. The judge or magistrate shall notify  
both the defendant and the prosecuting attorney of the place,  
time, and date of the hearing and shall give each an opportunity  
to present evidence. If, after the hearing, the judge or  
magistrate determines that the defendant has failed to pay the  
judgment or to timely make payments under the payment schedule and  
that imposition of community service for the failure is  
appropriate, the judge or magistrate may order the offender to  
perform community service in an amount of not more than forty  
hours per month until the judgment is paid or until the judge or  
magistrate is satisfied that the offender is in compliance with  
the approved payment schedule. If the judge or magistrate orders  
the defendant to perform community service under this division,  
the defendant shall receive credit upon the judgment at the  
specified hourly credit rate per hour of community service  
performed, and each hour of community service performed shall  
reduce the judgment by that amount. Except for the credit and  
reduction provided in this division, ordering an offender to  
perform community service under this division does not lessen the  
amount of the judgment and does not preclude the state from taking  
any other action to execute the judgment.

(C) As used in this section, "specified hourly credit rate"  
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1)  
under the federal Fair Labor Standards Act of 1938, that then is  
in effect, and that an employer subject to that provision must pay  
per hour to each of the employer's employees who is subject to  
that provision.

**Sec. 2949.08.** (A) When a person who is convicted of or pleads 5845  
guilty to a felony is sentenced to a community residential 5846  
sanction in a community-based correctional facility pursuant to 5847  
section 2929.16 of the Revised Code or when a person who is 5848  
convicted of or pleads guilty to a felony or a misdemeanor is 5849  
sentenced to a term of imprisonment in a jail, the judge or 5850  
magistrate shall order the person into the custody of the sheriff 5851  
or constable, and the sheriff or constable shall deliver the 5852  
person with the record of the person's conviction to the jailer, 5853  
administrator, or keeper, in whose custody the person shall remain 5854  
until the term of imprisonment expires or the person is otherwise 5855  
legally discharged. 5856

(B) The record of the person's conviction shall specify the 5857  
total number of days, if any, that the person was confined for any 5858  
reason arising out of the offense for which the person was 5859  
convicted and sentenced prior to delivery to the jailer, 5860  
administrator, or keeper under this section. The record shall be 5861  
used to determine any reduction of sentence under division (C) of 5862  
this section. 5863

(C)(1) If the person is sentenced to a jail for a felony or a 5864  
misdemeanor, the jailer in charge of a jail shall reduce the 5865  
sentence of a person delivered into the jailer's custody pursuant 5866  
to division (A) of this section by the total number of days the 5867  
person was confined for any reason arising out of the offense for 5868  
which the person was convicted and sentenced, including 5869  
confinement in lieu of bail while awaiting trial, confinement for 5870  
examination to determine the person's competence to stand trial or 5871  
to determine sanity, ~~and~~ confinement while awaiting transportation 5872  
to the place where the person is to serve the sentence, and 5873  
confinement in a juvenile facility. 5874

(2) If the person is sentenced to a community-based 5875

correctional facility for a felony, the total amount of time that 5876  
a person shall be confined in a community-based correctional 5877  
facility, in a jail, and for any reason arising out of the offense 5878  
for which the person was convicted and sentenced prior to delivery 5879  
to the jailer, administrator, or keeper shall not exceed the 5880  
maximum prison term available for that offense. Any term in a jail 5881  
shall be reduced first pursuant to division (C)(1) of this section 5882  
by the total number of days the person was confined prior to 5883  
delivery to the jailer, administrator, or keeper. Only after the 5884  
term in a jail has been entirely reduced may the term in a 5885  
community-based correctional facility be reduced pursuant to this 5886  
division. This division does not affect the limitations placed on 5887  
the duration of a term in a jail or a community-based correctional 5888  
facility under divisions (A)(1), (2), and (3) of section 2929.16 5889  
of the Revised Code. 5890

(D) For purposes of divisions (B) and (C) of this section, a 5891  
person shall be considered to have been confined for a day if the 5892  
person was confined for any period or periods of time totaling 5893  
more than eight hours during that day. 5894

(E) As used in this section, "community-based correctional 5895  
facility" and "jail" have the same meanings as in section 2929.01 5896  
of the Revised Code. 5897

**Sec. 2951.022.** (A) As used in this section: 5898

(1) "Concurrent supervision offender" means any offender who 5899  
has been sentenced to community control for one or more 5900  
misdemeanor violations or has been placed under a community 5901  
control sanction pursuant to section 2929.16, 2929.17, 2929.18, or 5902  
2929.20 of the Revised Code and who is simultaneously subject to 5903  
supervision by any of the following: 5904

(a) Two or more municipal courts or county courts in this 5905  
state; 5906

(b) Two or more courts of common pleas in this state; 5907

(c) One or more courts of common pleas in this state and one 5908  
or more municipal courts or county courts in this state. 5909

"Concurrent supervision offender" does not include a parolee 5910  
or releasee. 5911

(2) "Parolee" and "releasee" have the same meanings as in 5912  
section 2967.01 of the Revised Code. 5913

(B)(1) Except as otherwise provided in divisions (B)(2), (3), 5914  
and (4) of this section, a concurrent supervision offender shall 5915  
be supervised by the court of conviction that imposed the longest 5916  
possible sentence of incarceration and shall not be supervised by 5917  
any other court. 5918

(2) In the case of a concurrent supervision offender subject 5919  
to supervision by two or more municipal or county courts in the 5920  
same county, the municipal or county court in the territorial 5921  
jurisdiction in which the offender resides shall supervise the 5922  
offender. In the case of a concurrent supervision offender subject 5923  
to supervision by a municipal court or county court and a court of 5924  
common pleas for two or more equal possible sentences, the 5925  
municipal or county court shall supervise the offender. In the 5926  
case of a concurrent supervision offender subject to supervision 5927  
by two or more courts of common pleas in separate counties in this 5928  
state, the court that lies within the same territorial 5929  
jurisdiction in which the offender resides shall supervise the 5930  
offender. 5931

(3) Separate courts within the same county may enter into an 5932  
agreement or adopt local rules of procedure specifying, generally, 5933  
that concurrent supervision offenders will be supervised in a 5934  
manner other than that provided for in divisions (B)(1) and (2) of 5935  
this section. The judges of the various courts of this state 5936  
having authority to supervise a concurrent supervision offender 5937

may by local rule authorize the chief probation officer of that 5938  
court to manage concurrent supervision offenders under such terms 5939  
and guidelines as are consistent with division (C) of this 5940  
section. 5941

(4)(a) The judges of the various courts of this state having 5942  
jurisdiction over a concurrent supervision offender may agree by 5943  
journal entry to transfer jurisdiction over a concurrent 5944  
supervision offender from one court to another court in any manner 5945  
the courts consider appropriate, if the offender is supervised by 5946  
only a single supervising authority at all times. An agreement to 5947  
transfer supervision of an offender under division (B)(4)(a) of 5948  
this section shall not take effect until approved by every court 5949  
having authority to supervise the offender and may provide for the 5950  
transfer of supervision to the offender's jurisdiction of 5951  
residence whether or not the offender was subject to supervision 5952  
in that jurisdiction prior to transfer. In the case of a 5953  
subsequent conviction in a court other than the supervising court, 5954  
the supervising court may agree to accept a transfer of 5955  
jurisdiction from the court of conviction prior to sentencing and 5956  
proceed to sentence the offender according to law. 5957

(b) If the judges of the various courts of this state having 5958  
authority to supervise a concurrent supervision offender cannot 5959  
reach agreement with respect to the supervision of the offender, 5960  
the offender may be subject to concurrent supervision in the 5961  
interest of justice upon the courts' consideration of the 5962  
provisions set forth in division (C) of this section. 5963

(C) In determining whether a court maintains authority to 5964  
supervise an offender or transfers authority to supervise the 5965  
offender pursuant to division (B)(3) or (4) of this section, the 5966  
court shall consider all of the following: 5967

(1) The safety of the community; 5968

|  |  |
|--|--|
| (2) The risk that the offender might reoffend;   | 5969   |
| (3) The nature of the offenses committed by the offender;  | 5970   |
| (4) The likelihood that the offender will remain in the jurisdiction;  | 5971<br>5972   |
| (5) The ability of the offender to travel to and from the offender's residence and place of employment or school to the offices of the supervising authority;  | 5973<br>5974<br>5975   |
| (6) The resources for residential and nonresidential sanctions or rehabilitative treatment available to the various courts having supervising authority;   | 5976<br>5977<br>5978   |
| (7) Any other factors consistent with the purposes of sentencing.  | 5979<br>5980   |
| (D) The court having sole authority over a concurrent supervision offender pursuant to this section shall have complete authority for enforcement of any financial obligations imposed by any other court, shall set a payment schedule consistent with the offender's ability to pay, and shall cause payments of the offender's financial obligations to be directed to the sentencing court in proportion to the total amounts ordered by all sentencing courts, or as otherwise agreed by the sentencing courts. Financial obligations include financial sanctions imposed pursuant to sections 2929.18 and 2929.28 of the Revised Code, court costs, and any other financial order or fee imposed by a sentencing court. A supervision fee may be charged only by the agency providing supervision of the case. | 5981<br>5982<br>5983<br>5984<br>5985<br>5986<br>5987<br>5988<br>5989<br>5990<br>5991<br>5992<br>5993 |
| (E) Unless the local residential sanction is suspended, the offender shall complete any local residential sanction before jurisdiction is transferred in accordance with this section. The supervising court shall respect all conditions of supervision established by a sentencing court, but any conflicting or inconsistent order of the supervising court shall supersede any   | 5994<br>5995<br>5996<br>5997<br>5998<br>5999   |

other order of a sentencing court. In the case of a concurrent 6000  
supervision offender, the supervising court shall determine when 6001  
supervision will be terminated but shall not terminate supervision 6002  
until all financial obligations are paid or otherwise resolved. 6003  
Any unpaid financial obligation is a judgment in favor of the 6004  
state or a political subdivision in which the court that imposed 6005  
the financial sanction is located, and the offender subject to the 6006  
financial sanction is the judgment debtor pursuant to sections 6007  
2929.18 and 2929.28 of the Revised Code. 6008

(F) The adult parole authority and one or more courts may 6009  
enter into an agreement whereby a releasee or parolee who is 6010  
simultaneously under the supervision of the adult parole authority 6011  
and the court or courts is supervised exclusively by either the 6012  
authority or a court. 6013

**Sec. 2953.08.** (A) In addition to any other right to appeal 6014  
and except as provided in division (D) of this section, a 6015  
defendant who is convicted of or pleads guilty to a felony may 6016  
appeal as a matter of right the sentence imposed upon the 6017  
defendant on one of the following grounds: 6018

(1) The sentence consisted of or included the maximum prison 6019  
term allowed for the offense by division (A) of section 2929.14 or 6020  
section 2929.142 of the Revised Code, the maximum prison term was 6021  
not required for the offense pursuant to Chapter 2925. or any 6022  
other provision of the Revised Code, and the court imposed the 6023  
sentence under one of the following circumstances: 6024

(a) The sentence was imposed for only one offense. 6025

(b) The sentence was imposed for two or more offenses arising 6026  
out of a single incident, and the court imposed the maximum prison 6027  
term for the offense of the highest degree. 6028

(2) The sentence consisted of or included a prison term, the 6029



offense for which it was imposed is a felony of the fourth or 6030  
fifth degree or is a felony drug offense that is a violation of a 6031  
provision of Chapter 2925. of the Revised Code and that is 6032  
specified as being subject to division (B) of section 2929.13 of 6033  
the Revised Code for purposes of sentencing, and the court did not 6034  
specify at sentencing that it found one or more factors specified 6035  
in divisions (B)~~(1)~~(2)(a) to (i) of section 2929.13 of the Revised 6036  
Code to apply relative to the defendant. If the court specifies 6037  
that it found one or more of those factors to apply relative to 6038  
the defendant, the defendant is not entitled under this division 6039  
to appeal as a matter of right the sentence imposed upon the 6040  
offender. 6041

(3) The person was convicted of or pleaded guilty to a 6042  
violent sex offense or a designated homicide, assault, or 6043  
kidnapping offense, was adjudicated a sexually violent predator in 6044  
relation to that offense, and was sentenced pursuant to division 6045  
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 6046  
of the indefinite term imposed pursuant to division (A)(3) of 6047  
section 2971.03 of the Revised Code is the longest term available 6048  
for the offense from among the range of terms listed in section 6049  
2929.14 of the Revised Code. As used in this division, "designated 6050  
homicide, assault, or kidnapping offense" and "violent sex 6051  
offense" have the same meanings as in section 2971.01 of the 6052  
Revised Code. As used in this division, "adjudicated a sexually 6053  
violent predator" has the same meaning as in section 2929.01 of 6054  
the Revised Code, and a person is "adjudicated a sexually violent 6055  
predator" in the same manner and the same circumstances as are 6056  
described in that section. 6057

(4) The sentence is contrary to law. 6058

(5) The sentence consisted of an additional prison term of 6059  
ten years imposed pursuant to division (B)(2)(a) of section 6060  
2929.14 of the Revised Code. 6061

(B) In addition to any other right to appeal and except as  
provided in division (D) of this section, a prosecuting attorney,  
a city director of law, village solicitor, or similar chief legal  
officer of a municipal corporation, or the attorney general, if  
one of those persons prosecuted the case, may appeal as a matter  
of right a sentence imposed upon a defendant who is convicted of  
or pleads guilty to a felony or, in the circumstances described in  
division (B)(3) of this section the modification of a sentence  
imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a  
presumption favoring a prison term for the offense for which it  
was imposed, as set forth in section 2929.13 or Chapter 2925. of  
the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of  
the Revised Code of a sentence that was imposed for a felony of  
the first or second degree.

(C)(1) In addition to the right to appeal a sentence granted  
under division (A) or (B) of this section, a defendant who is  
convicted of or pleads guilty to a felony may seek leave to appeal  
a sentence imposed upon the defendant on the basis that the  
sentencing judge has imposed consecutive sentences under division  
(C)(3) of section 2929.14 of the Revised Code and that the  
consecutive sentences exceed the maximum prison term allowed by  
division (A) of that section for the most serious offense of which  
the defendant was convicted. Upon the filing of a motion under  
this division, the court of appeals may grant leave to appeal the  
sentence if the court determines that the allegation included as  
the basis of the motion is true.

(2) A defendant may seek leave to appeal an additional  
sentence imposed upon the defendant pursuant to division (B)(2)(a)

or (b) of section 2929.14 of the Revised Code if the additional 6093  
sentence is for a definite prison term that is longer than five 6094  
years. 6095

(D)(1) A sentence imposed upon a defendant is not subject to 6096  
review under this section if the sentence is authorized by law, 6097  
has been recommended jointly by the defendant and the prosecution 6098  
in the case, and is imposed by a sentencing judge. 6099

(2) Except as provided in division (C)(2) of this section, a 6100  
sentence imposed upon a defendant is not subject to review under 6101  
this section if the sentence is imposed pursuant to division 6102  
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 6103  
otherwise provided in this division, a defendant retains all 6104  
rights to appeal as provided under this chapter or any other 6105  
provision of the Revised Code. A defendant has the right to appeal 6106  
under this chapter or any other provision of the Revised Code the 6107  
court's application of division (B)(2)(c) of section 2929.14 of 6108  
the Revised Code. 6109

(3) A sentence imposed for aggravated murder or murder 6110  
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 6111  
subject to review under this section. 6112

(E) A defendant, prosecuting attorney, city director of law, 6113  
village solicitor, or chief municipal legal officer shall file an 6114  
appeal of a sentence under this section to a court of appeals 6115  
within the time limits specified in Rule 4(B) of the Rules of 6116  
Appellate Procedure, provided that if the appeal is pursuant to 6117  
division (B)(3) of this section, the time limits specified in that 6118  
rule shall not commence running until the court grants the motion 6119  
that makes the sentence modification in question. A sentence 6120  
appeal under this section shall be consolidated with any other 6121  
appeal in the case. If no other appeal is filed, the court of 6122  
appeals may review only the portions of the trial record that 6123  
pertain to sentencing. 6124

(F) On the appeal of a sentence under this section, the 6125  
record to be reviewed shall include all of the following, as 6126  
applicable: 6127

(1) Any presentence, psychiatric, or other investigative 6128  
report that was submitted to the court in writing before the 6129  
sentence was imposed. An appellate court that reviews a 6130  
presentence investigation report prepared pursuant to section 6131  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 6132  
connection with the appeal of a sentence under this section shall 6133  
comply with division (D)(3) of section 2951.03 of the Revised Code 6134  
when the appellate court is not using the presentence 6135  
investigation report, and the appellate court's use of a 6136  
presentence investigation report of that nature in connection with 6137  
the appeal of a sentence under this section does not affect the 6138  
otherwise confidential character of the contents of that report as 6139  
described in division (D)(1) of section 2951.03 of the Revised 6140  
Code and does not cause that report to become a public record, as 6141  
defined in section 149.43 of the Revised Code, following the 6142  
appellate court's use of the report. 6143

(2) The trial record in the case in which the sentence was 6144  
imposed; 6145

(3) Any oral or written statements made to or by the court at 6146  
the sentencing hearing at which the sentence was imposed; 6147

(4) Any written findings that the court was required to make 6148  
in connection with the modification of the sentence pursuant to a 6149  
judicial release under division (I) of section 2929.20 of the 6150  
Revised Code. 6151

(G)(1) If the sentencing court was required to make the 6152  
findings required by division (B) or (D) of section 2929.13 or 6153  
division (I) of section 2929.20 of the Revised Code, or to state 6154  
the findings of the trier of fact required by division (B)(2)(e) 6155

of section 2929.14 of the Revised Code, relative to the imposition 6156  
or modification of the sentence, and if the sentencing court 6157  
failed to state the required findings on the record, the court 6158  
hearing an appeal under division (A), (B), or (C) of this section 6159  
shall remand the case to the sentencing court and instruct the 6160  
sentencing court to state, on the record, the required findings. 6161

(2) The court hearing an appeal under division (A), (B), or 6162  
(C) of this section shall review the record, including the 6163  
findings underlying the sentence or modification given by the 6164  
sentencing court. 6165

The appellate court may increase, reduce, or otherwise modify 6166  
a sentence that is appealed under this section or may vacate the 6167  
sentence and remand the matter to the sentencing court for 6168  
resentencing. The appellate court's standard for review is not 6169  
whether the sentencing court abused its discretion. The appellate 6170  
court may take any action authorized by this division if it 6171  
clearly and convincingly finds either of the following: 6172

(a) That the record does not support the sentencing court's 6173  
findings under division (B) or (D) of section 2929.13, division 6174  
(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 6175  
2929.20 of the Revised Code, whichever, if any, is relevant; 6176

(b) That the sentence is otherwise contrary to law. 6177

(H) A judgment or final order of a court of appeals under 6178  
this section may be appealed, by leave of court, to the supreme 6179  
court. 6180

(I)(1) There is hereby established the felony sentence appeal 6181  
cost oversight committee, consisting of eight members. One member 6182  
shall be the chief justice of the supreme court or a 6183  
representative of the court designated by the chief justice, one 6184  
member shall be a member of the senate appointed by the president 6185  
of the senate, one member shall be a member of the house of 6186

representatives appointed by the speaker of the house of 6187  
representatives, one member shall be the director of budget and 6188  
management or a representative of the office of budget and 6189  
management designated by the director, one member shall be a judge 6190  
of a court of appeals, court of common pleas, municipal court, or 6191  
county court appointed by the chief justice of the supreme court, 6192  
one member shall be the state public defender or a representative 6193  
of the office of the state public defender designated by the state 6194  
public defender, one member shall be a prosecuting attorney 6195  
appointed by the Ohio prosecuting attorneys association, and one 6196  
member shall be a county commissioner appointed by the county 6197  
commissioners association of Ohio. No more than three of the 6198  
appointed members of the committee may be members of the same 6199  
political party. 6200

The president of the senate, the speaker of the house of 6201  
representatives, the chief justice of the supreme court, the Ohio 6202  
prosecuting attorneys association, and the county commissioners 6203  
association of Ohio shall make the initial appointments to the 6204  
committee of the appointed members no later than ninety days after 6205  
July 1, 1996. Of those initial appointments to the committee, the 6206  
members appointed by the speaker of the house of representatives 6207  
and the Ohio prosecuting attorneys association shall serve a term 6208  
ending two years after July 1, 1996, the member appointed by the 6209  
chief justice of the supreme court shall serve a term ending three 6210  
years after July 1, 1996, and the members appointed by the 6211  
president of the senate and the county commissioners association 6212  
of Ohio shall serve terms ending four years after July 1, 1996. 6213  
Thereafter, terms of office of the appointed members shall be for 6214  
four years, with each term ending on the same day of the same 6215  
month as did the term that it succeeds. Members may be 6216  
reappointed. Vacancies shall be filled in the same manner provided 6217  
for original appointments. A member appointed to fill a vacancy 6218  
occurring prior to the expiration of the term for which that 6219

member's predecessor was appointed shall hold office as a member 6220  
for the remainder of the predecessor's term. An appointed member 6221  
shall continue in office subsequent to the expiration date of that 6222  
member's term until that member's successor takes office or until 6223  
a period of sixty days has elapsed, whichever occurs first. 6224

If the chief justice of the supreme court, the director of 6225  
the office of budget and management, or the state public defender 6226  
serves as a member of the committee, that person's term of office 6227  
as a member shall continue for as long as that person holds office 6228  
as chief justice, director of the office of budget and management, 6229  
or state public defender. If the chief justice of the supreme 6230  
court designates a representative of the court to serve as a 6231  
member, the director of budget and management designates a 6232  
representative of the office of budget and management to serve as 6233  
a member, or the state public defender designates a representative 6234  
of the office of the state public defender to serve as a member, 6235  
the person so designated shall serve as a member of the commission 6236  
for as long as the official who made the designation holds office 6237  
as chief justice, director of the office of budget and management, 6238  
or state public defender or until that official revokes the 6239  
designation. 6240

The chief justice of the supreme court or the representative 6241  
of the supreme court appointed by the chief justice shall serve as 6242  
chairperson of the committee. The committee shall meet within two 6243  
weeks after all appointed members have been appointed and shall 6244  
organize as necessary. Thereafter, the committee shall meet at 6245  
least once every six months or more often upon the call of the 6246  
chairperson or the written request of three or more members, 6247  
provided that the committee shall not meet unless moneys have been 6248  
appropriated to the judiciary budget administered by the supreme 6249  
court specifically for the purpose of providing financial 6250  
assistance to counties under division (I)(2) of this section and 6251

the moneys so appropriated then are available for that purpose. 6252

The members of the committee shall serve without 6253  
compensation, but, if moneys have been appropriated to the 6254  
judiciary budget administered by the supreme court specifically 6255  
for the purpose of providing financial assistance to counties 6256  
under division (I)(2) of this section, each member shall be 6257  
reimbursed out of the moneys so appropriated that then are 6258  
available for actual and necessary expenses incurred in the 6259  
performance of official duties as a committee member. 6260

(2) The state criminal sentencing commission periodically 6261  
shall provide to the felony sentence appeal cost oversight 6262  
committee all data the commission collects pursuant to division 6263  
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 6264  
data from the state criminal sentencing commission, the felony 6265  
sentence appeal cost oversight committee periodically shall review 6266  
the data; determine whether any money has been appropriated to the 6267  
judiciary budget administered by the supreme court specifically 6268  
for the purpose of providing state financial assistance to 6269  
counties in accordance with this division for the increase in 6270  
expenses the counties experience as a result of the felony 6271  
sentence appeal provisions set forth in this section or as a 6272  
result of a postconviction relief proceeding brought under 6273  
division (A)(2) of section 2953.21 of the Revised Code or an 6274  
appeal of a judgment in that proceeding; if it determines that any 6275  
money has been so appropriated, determine the total amount of 6276  
moneys that have been so appropriated specifically for that 6277  
purpose and that then are available for that purpose; and develop 6278  
a recommended method of distributing those moneys to the counties. 6279  
The committee shall send a copy of its recommendation to the 6280  
supreme court. Upon receipt of the committee's recommendation, the 6281  
supreme court shall distribute to the counties, based upon that 6282  
recommendation, the moneys that have been so appropriated 6283



specifically for the purpose of providing state financial 6284  
assistance to counties under this division and that then are 6285  
available for that purpose. 6286

Sec. 2953.25. (A) As used in this section: 6287

(1) "Collateral sanction" means a penalty, disability, or 6288  
disadvantage that is related to employment or occupational 6289  
licensing, however denominated, as a result of the individual's 6290  
conviction of or plea of guilty to an offense and that applies by 6291  
operation of law in this state whether or not the penalty, 6292  
disability, or disadvantage is included in the sentence or 6293  
judgment imposed. 6294

"Collateral sanction" does not include imprisonment, 6295  
probation, parole, supervised release, forfeiture, restitution, 6296  
fine, assessment, or costs of prosecution. 6297

(2) "Decision-maker" includes, but is not limited to, the 6298  
state acting through a department, agency, board, commission, or 6299  
instrumentality established by the law of this state for the 6300  
exercise of any function of government, a political subdivision, 6301  
an educational institution, or a government contractor or 6302  
subcontractor made subject to this section by contract, law, or 6303  
ordinance. 6304

(3) "Department-funded program" means a residential or 6305  
nonresidential program that is not a term in a state correctional 6306  
institution, that is funded in whole or part by the department of 6307  
rehabilitation and correction, and that is imposed as a sanction 6308  
for an offense, as part of a sanction that is imposed for an 6309  
offense, or as a term or condition of any sanction that is imposed 6310  
for an offense. 6311

(4) "Designee" means the person designated by the deputy 6312  
director of the division of parole and community services to 6313

perform the duties designated in division (B) of this section. 6314

(5) "Division of parole and community services" means the 6315  
division of parole and community services of the department of 6316  
rehabilitation and correction. 6317

(6) "Offense" means any felony or misdemeanor under the laws 6318  
of this state. 6319

(7) "Political subdivision" has the same meaning as in 6320  
section 2969.21 of the Revised Code. 6321

(B)(1) After the provisions of this division become operative 6322  
as described in division (J) of this section, an individual who is 6323  
subject to one or more collateral sanctions as a result of being 6324  
convicted of or pleading guilty to an offense and who either has 6325  
served a term in a state correctional institution for any offense 6326  
or has spent time in a department-funded program for any offense 6327  
may file a petition with the designee of the deputy director of 6328  
the division of parole and community services for a certificate of 6329  
qualification for employment. 6330

(2) After the provisions of this division become operative as 6331  
described in division (J) of this section, an individual who is 6332  
subject to one or more collateral sanctions as a result of being 6333  
convicted of or pleading guilty to an offense and who is not in a 6334  
category described in division (B)(1) of this section may file a 6335  
petition with the court of common pleas of the county in which the 6336  
person resides or with the designee of the deputy director of the 6337  
division of parole and community services for a certificate of 6338  
qualification for employment. 6339

(3) A petition under division (B)(1) or (2) of this section 6340  
shall be made on a copy of the form prescribed by the division of 6341  
parole and community services under division (J) of this section 6342  
and shall contain all of the information described in division (F) 6343  
of this section. 6344

(4) An individual may file a petition under division (B)(1) 6345  
or (2) of this section at any time after the expiration of 6346  
whichever of the following is applicable: 6347

(a) If the offense that resulted in the collateral sanction 6348  
from which the individual seeks relief is a felony, at any time 6349  
after the expiration of one year from the date of release of the 6350  
individual from any period of incarceration in a state or local 6351  
correctional facility that was imposed for that offense and all 6352  
periods of supervision imposed after release from the period of 6353  
incarceration or, if the individual was not incarcerated for that 6354  
offense, at any time after the expiration of one year from the 6355  
date of the individual's final release from all other sanctions 6356  
imposed for that offense. 6357

(b) If the offense that resulted in the collateral sanction 6358  
from which the individual seeks relief is a misdemeanor, at any 6359  
time after the expiration of six months from the date of release 6360  
of the individual from any period of incarceration in a local 6361  
correctional facility that was imposed for that offense and all 6362  
periods of supervision imposed after release from the period of 6363  
incarceration or, if the individual was not incarcerated for that 6364  
offense, at any time after the expiration of six months from the 6365  
date of the final release of the individual from all sanctions 6366  
imposed for that offense including any period of supervision. 6367

(5)(a) A designee that receives a petition for a 6368  
certification of qualification for employment from an individual 6369  
under division (B)(1) or (2) of this section shall review the 6370  
petition to determine whether it is complete. If the petition is 6371  
complete, the designee shall forward the petition, and any other 6372  
information the designee possesses that relates to the petition, 6373  
to the court of common pleas of the county in which the individual 6374  
resides. 6375

(b) A court of common pleas that receives a petition for a 6376

certificate of qualification for employment from an individual 6377  
under division (B)(2) of this section, or that is forwarded a 6378  
petition for such a certificate under division (B)(5)(a) of this 6379  
section, shall attempt to determine all other courts in this state 6380  
in which the individual was convicted of or pleaded guilty to an 6381  
offense other than the offense from which the individual is 6382  
seeking relief. The court that receives or is forwarded the 6383  
petition shall notify all other courts in this state that it 6384  
determines under this division were courts in which the individual 6385  
was convicted of or pleaded guilty to an offense other than the 6386  
offense from which the individual is seeking relief that the 6387  
individual has filed the petition and that the court may send 6388  
comments regarding the possible issuance of the certificate. 6389

A court of common pleas that receives a petition for a 6390  
certificate of qualification for employment under division (B)(2) 6391  
of this section shall notify the prosecuting attorney of the 6392  
county in which the individual resides that the individual has 6393  
filed the petition. 6394

(C)(1) Upon receiving a petition for a certificate of 6395  
qualification for employment filed by an individual under division 6396  
(B)(2) of this section or being forwarded a petition for such a 6397  
certificate under division (B)(5)(a) of this section, the court 6398  
shall review the individual's petition, the individual's criminal 6399  
history, all filings submitted by the prosecutor or by the victim 6400  
in accordance with rules adopted by the division of parole and 6401  
community services, and all other relevant evidence. The court may 6402  
order any report, investigation, or disclosure by the individual 6403  
that the court believes is necessary for the court to reach a 6404  
decision on whether to approve the individual's petition for a 6405  
certificate of qualification for employment. 6406

(2) Upon receiving a petition for a certificate of 6407  
qualification for employment filed by an individual under division 6408

(B)(2) of this section or being forwarded a petition for such a 6409  
certificate under division (B)(5)(a) of this section, except as 6410  
otherwise provided in this division, the court shall decide 6411  
whether to issue the certificate within sixty days after the court 6412  
receives or is forwarded the completed petition and all 6413  
information requested for the court to make that decision. Upon 6414  
request of the individual who filed the petition, the court may 6415  
extend the sixty-day period specified in this division. 6416

(3) Subject to division (C)(5) of this section, a court that 6417  
receives an individual's petition for a certificate of 6418  
qualification for employment under division (B)(2) of this section 6419  
or that is forwarded a petition for such a certificate under 6420  
division (B)(5)(a) of this section may issue a certificate of 6421  
qualification for employment, at the court's discretion, if the 6422  
court finds that the individual has established all of the 6423  
following by a preponderance of the evidence: 6424

(a) Granting the petition will materially assist the 6425  
individual in obtaining employment or occupational licensing. 6426

(b) The individual has a substantial need for the relief 6427  
requested in order to live a law-abiding life. 6428

(c) Granting the petition would not pose an unreasonable risk 6429  
to the safety of the public or any individual. 6430

(4) The submission of an incomplete petition by an individual 6431  
shall not be grounds for the designee or court to deny the 6432  
petition. 6433

(5) A court that receives an individual's petition for a 6434  
certificate of qualification for employment under division (B)(2) 6435  
of this section or that is forwarded a petition for such a 6436  
certificate under division (B)(5)(a) of this section shall not 6437  
issue a certificate of qualification for employment that grants 6438  
the individual relief from any of the following collateral 6439

|   |      |
|---|------|
| <u>sanctions:</u>   | 6440 |
| <u>(a) Requirements imposed by Chapter 2950. of the Revised Code</u>      | 6441 |
| <u>and rules adopted under sections 2950.13 and 2950.132 of the</u>       | 6442 |
| <u>Revised Code;</u>  | 6443 |
| <u>(b) A driver's license, commercial driver's license, or</u>            | 6444 |
| <u>probationary license suspension, cancellation, or revocation</u>       | 6445 |
| <u>pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the</u> | 6446 |
| <u>Revised Code if the relief sought is available pursuant to section</u> | 6447 |
| <u>4510.021 or division (B) of section 4510.13 of the Revised Code;</u>   | 6448 |
| <u>(c) Restrictions on employment as a prosecutor or law</u>              | 6449 |
| <u>enforcement officer;</u>   | 6450 |
| <u>(d) The denial, ineligibility, or automatic suspension of a</u>        | 6451 |
| <u>license that is imposed upon an individual applying for or holding</u> | 6452 |
| <u>a license as a health care professional under Title XLVII of the</u>   | 6453 |
| <u>Revised Code if the individual is convicted of, pleads guilty to,</u>  | 6454 |
| <u>is subject to a judicial finding of eligibility for intervention</u>   | 6455 |
| <u>in lieu of conviction in this state under section 2951.041 of the</u>  | 6456 |
| <u>Revised Code, or is subject to treatment or intervention in lieu</u>   | 6457 |
| <u>of conviction for a violation of section 2903.01, 2903.02,</u>         | 6458 |
| <u>2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02,</u>     | 6459 |
| <u>2911.01, 2911.11, or 2919.123 of the Revised Code;</u>                 | 6460 |
| <u>(e) The immediate suspension of a license, certificate, or</u>         | 6461 |
| <u>evidence of registration that is imposed upon an individual</u>        | 6462 |
| <u>holding a license as a health care professional under Title XLVII</u>  | 6463 |
| <u>of the Revised Code pursuant to division (C) of section 3719.121</u>   | 6464 |
| <u>of the Revised Code;</u>   | 6465 |
| <u>(f) The denial or ineligibility for employment in a pain</u>           | 6466 |
| <u>clinic under division (B)(4) of section 4729.552 of the Revised</u>    | 6467 |
| <u>Code;</u>  | 6468 |
| <u>(g) The mandatory suspension of a license that is imposed on</u>       | 6469 |
| <u>an individual applying for or holding a license as a health care</u>   | 6470 |

professional under Title XLVII of the Revised Code pursuant to 6471  
section 3123.43 of the Revised Code. 6472

(6) If a court that receives an individual's petition for a 6473  
certificate of qualification for employment under division (B)(2) 6474  
of this section or that is forwarded a petition for such a 6475  
certificate under division (B)(5)(a) of this section denies the 6476  
petition, the court shall provide written notice to the individual 6477  
of the court's denial. The court may place conditions on the 6478  
individual regarding the individual's filing of any subsequent 6479  
petition for a certificate of qualification for employment. The 6480  
written notice must notify the individual of any conditions placed 6481  
on the individual's filing of a subsequent petition for a 6482  
certificate of qualification for employment. 6483

If a court of common pleas that receives an individual's 6484  
petition for a certificate of qualification for employment under 6485  
division (B)(2) of this section or that is forwarded a petition 6486  
for such a certificate under division (B)(5)(a) of this section 6487  
denies the petition, the individual may appeal the decision to the 6488  
court of appeals only if the individual alleges that the denial 6489  
was an abuse of discretion on the part of the court of common 6490  
pleas. 6491

(D) A certificate of qualification for employment issued to 6492  
an individual lifts the automatic bar of a collateral sanction, 6493  
and a decision-maker shall consider on a case-by-case basis 6494  
whether to grant or deny the issuance or restoration of an 6495  
occupational license or an employment opportunity, notwithstanding 6496  
the individual's possession of the certificate, without, however, 6497  
reconsidering or rejecting any finding made by a designee or court 6498  
under division (C)(3) of this section. 6499

(E) A certificate of qualification for employment does not 6500  
grant the individual to whom the certificate was issued relief 6501  
from the mandatory civil impacts identified in division (A)(1) of 6502

section 2961.01 or division (B) of section 2961.02 of the Revised 6503  
Code. 6504

(F) A petition for a certificate of qualification for 6505  
employment filed by an individual under division (B)(1) or (2) of 6506  
this section shall include all of the following: 6507

(1) The individual's name, date of birth, and social security 6508  
number; 6509

(2) All aliases of the individual and all social security 6510  
numbers associated with those aliases; 6511

(3) The individual's residence address, including the city, 6512  
county, and state of residence and zip code; 6513

(4) The length of time that the individual has been a 6514  
resident of this state, expressed in years and months of 6515  
residence; 6516

(5) The name or type of each collateral sanction from which 6517  
the individual is requesting a certificate of qualification for 6518  
employment; 6519

(6) A summary of the individual's criminal history with 6520  
respect to each offense that is a disqualification from employment 6521  
or licensing in an occupation or profession, including the years 6522  
of each conviction or plea of guilty for each of those offenses; 6523

(7) A summary of the individual's employment history, 6524  
specifying the name of, and dates of employment with, each 6525  
employer; 6526

(8) Verifiable references and endorsements; 6527

(9) The name of one or more immediate family members of the 6528  
individual, or other persons with whom the individual has a close 6529  
relationship, who support the individual's reentry plan; 6530

(10) A summary of the reason the individual believes the 6531  
certificate of qualification for employment should be granted; 6532



(11) Any other information required by rule by the department 6533  
of rehabilitation and correction. 6534

(G)(1) In a judicial or administrative proceeding alleging 6535  
negligence or other fault, a certificate of qualification for 6536  
employment issued to an individual under this section may be 6537  
introduced as evidence of a person's due care in hiring, 6538  
retaining, licensing, leasing to, admitting to a school or 6539  
program, or otherwise transacting business or engaging in activity 6540  
with the individual to whom the certificate of qualification for 6541  
employment was issued if the person knew of the certificate at the 6542  
time of the alleged negligence or other fault. 6543

(2) In any proceeding on a claim against an employer for 6544  
negligent hiring, a certificate of qualification for employment 6545  
issued to an individual under this section shall provide immunity 6546  
for the employer as to the claim if the employer knew of the 6547  
certificate at the time of the alleged negligence. 6548

(3) If an employer hires an individual who has been issued a 6549  
certificate of qualification for employment under this section, if 6550  
the individual, after being hired, subsequently demonstrates 6551  
dangerousness or is convicted of or pleads guilty to a felony, and 6552  
if the employer retains the individual as an employee after the 6553  
demonstration of dangerousness or the conviction or guilty plea, 6554  
the employer may be held liable in a civil action that is based on 6555  
or relates to the retention of the individual as an employee only 6556  
if it is proved by a preponderance of the evidence that the person 6557  
having hiring and firing responsibility for the employer had 6558  
actual knowledge that the employee was dangerous or had been 6559  
convicted of or pleaded guilty to the felony and was willful in 6560  
retaining the individual as an employee after the demonstration of 6561  
dangerousness or the conviction or guilty plea of which the person 6562  
has actual knowledge. 6563

(H) A certificate of qualification for employment issued 6564

under this section shall be presumptively revoked if the 6565  
individual to whom the certificate of qualification for employment 6566  
was issued is convicted of or pleads guilty to a felony offense 6567  
committed subsequent to the issuance of the certificate of 6568  
qualification for employment. 6569

(I) A designee's forwarding, or failure to forward, a 6570  
petition for a certificate of qualification for employment to a 6571  
court or a court's issuance, or failure to issue, a petition for a 6572  
certificate of qualification for employment to an individual under 6573  
division (B) of this section does not give rise to a claim for 6574  
damages against the department of rehabilitation and correction or 6575  
court. 6576

(J) Not later than ninety days after the effective date of 6577  
this section, the division of parole and community services shall 6578  
adopt rules in accordance with Chapter 119. of the Revised Code 6579  
for the implementation and administration of this section and 6580  
shall prescribe the form for the petition to be used under 6581  
division (B)(1) or (2) of this section. The form for the petition 6582  
shall include places for all of the information specified in 6583  
division (F) of this section. Upon the adoption of the rules, the 6584  
provisions of divisions (A) to (I) of this section become 6585  
operative. 6586

(K) The department of rehabilitation and correction shall 6587  
conduct a study to determine the manner for transferring the 6588  
mechanism for the issuance of a certificate of qualification for 6589  
employment created by this section to an electronic database 6590  
established and maintained by the department. The database to 6591  
which the mechanism is to be transferred shall include granted 6592  
certificates and revoked certificates and shall be designed to 6593  
track the number of certificates granted and revoked, the 6594  
industries, occupations, and professions with respect to which the 6595  
certificates have been most applicable, the types of employers 6596

that have accepted the certificates, and the recidivism rates of 6597  
individuals who have been issued the certificates. Not later than 6598  
the date that is one year after the effective date of this 6599  
section, the department of rehabilitation and correction shall 6600  
submit to the general assembly and the governor a report that 6601  
contains the results of the study and recommendations for 6602  
transferring the mechanism for the issuance of certificate of 6603  
qualification for employment created by this section to an 6604  
electronic database established and maintained by the department. 6605

(L) The department of rehabilitation and correction, in 6606  
conjunction with the Ohio judicial conference, shall conduct a 6607  
study to determine whether the application process for 6608  
certificates of qualification for employment created by this 6609  
section is feasible based upon the caseload capacity of the 6610  
department and the courts of common pleas. Not later than the date 6611  
that is one year after the effective date of this section, the 6612  
department shall submit to the general assembly a report that 6613  
contains the results of the study and any recommendations for 6614  
improvement of the application process. 6615

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of the 6616  
Revised Code: 6617

(A) "~~First~~ Eligible offender" means anyone who has been 6618  
convicted of an offense in this state or any other jurisdiction 6619  
and who ~~previously or subsequently has not been convicted of the~~ 6620  
~~same or a different offense~~ has not more than one felony 6621  
conviction, not more than two misdemeanor convictions if the 6622  
convictions are not of the same offense, or not more than one 6623  
felony conviction and one misdemeanor conviction in this state or 6624  
any other jurisdiction. When two or more convictions result from 6625  
or are connected with the same act or result from offenses 6626  
committed at the same time, they shall be counted as one 6627

conviction. When two or three convictions result from the same 6628  
indictment, information, or complaint, from the same plea of 6629  
guilty, or from the same official proceeding, and result from 6630  
related criminal acts that were committed within a three-month 6631  
period but do not result from the same act or from offenses 6632  
committed at the same time, they shall be counted as one 6633  
conviction, provided that a court may decide as provided in 6634  
division (C)(1)(a) of section 2953.32 of the Revised Code that it 6635  
is not in the public interest for the two or three convictions to 6636  
be counted as one conviction. 6637

For purposes of, and except as otherwise provided in, this 6638  
division, a conviction for a minor misdemeanor, for a violation of 6639  
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 6640  
Revised Code, or for a violation of a municipal ordinance that is 6641  
substantially similar to any section in those chapters is not a 6642  
~~previous or subsequent~~ conviction. However, a conviction for a 6643  
violation of section 4511.19, 4511.251, 4549.02, 4549.021, 6644  
4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of 6645  
the Revised Code, for a violation of section 4510.11 or 4510.14 of 6646  
the Revised Code that is based upon the offender's operation of a 6647  
vehicle during a suspension imposed under section 4511.191 or 6648  
4511.196 of the Revised Code, for a violation of a substantially 6649  
equivalent municipal ordinance, for a felony violation of Title 6650  
XLV of the Revised Code, or for a violation of a substantially 6651  
equivalent former law of this state or former municipal ordinance 6652  
shall be considered a ~~previous or subsequent~~ conviction. 6653

(B) "Prosecutor" means the county prosecuting attorney, city 6654  
director of law, village solicitor, or similar chief legal 6655  
officer, who has the authority to prosecute a criminal case in the 6656  
court in which the case is filed. 6657

(C) "Bail forfeiture" means the forfeiture of bail by a 6658  
defendant who is arrested for the commission of a misdemeanor, 6659

other than a defendant in a traffic case as defined in Traffic 6660  
Rule 2, if the forfeiture is pursuant to an agreement with the 6661  
court and prosecutor in the case. 6662

(D) "Official records" has the same meaning as in division 6663  
(D) of section 2953.51 of the Revised Code. 6664

(E) "Official proceeding" has the same meaning as in section 6665  
2921.01 of the Revised Code. 6666

(F) "Community control sanction" has the same meaning as in 6667  
section 2929.01 of the Revised Code. 6668

(G) "Post-release control" and "post-release control 6669  
sanction" have the same meanings as in section 2967.01 of the 6670  
Revised Code. 6671

(H) "DNA database," "DNA record," and "law enforcement 6672  
agency" have the same meanings as in section 109.573 of the 6673  
Revised Code. 6674

(I) "Fingerprints filed for record" means any fingerprints 6675  
obtained by the superintendent of the bureau of criminal 6676  
identification and investigation pursuant to sections 109.57 and 6677  
109.571 of the Revised Code. 6678

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of 6679  
the Revised Code, ~~a first~~ an eligible offender may apply to the 6680  
sentencing court if convicted in this state, or to a court of 6681  
common pleas if convicted in another state or in a federal court, 6682  
for the sealing of the conviction record. Application may be made 6683  
at the expiration of three years after the offender's final 6684  
discharge if convicted of a felony, or at the expiration of one 6685  
year after the offender's final discharge if convicted of a 6686  
misdemeanor. 6687

(2) Any person who has been arrested for any misdemeanor 6688  
offense and who has effected a bail forfeiture may apply to the 6689

court in which the misdemeanor criminal case was pending when bail  
was forfeited for the sealing of the record of the case. Except as  
provided in section 2953.61 of the Revised Code, the application  
may be filed at any time after the expiration of one year from the  
date on which the bail forfeiture was entered upon the minutes of  
the court or the journal, whichever entry occurs first.

(B) Upon the filing of an application under this section, the  
court shall set a date for a hearing and shall notify the  
prosecutor for the case of the hearing on the application. The  
prosecutor may object to the granting of the application by filing  
an objection with the court prior to the date set for the hearing.  
The prosecutor shall specify in the objection the reasons for  
believing a denial of the application is justified. The court  
shall direct its regular probation officer, a state probation  
officer, or the department of probation of the county in which the  
applicant resides to make inquiries and written reports as the  
court requires concerning the applicant. If the applicant was  
convicted of or pleaded guilty to a violation of division (A)(2)  
or (B) of section 2919.21 of the Revised Code, the probation  
officer or county department of probation that the court directed  
to make inquiries concerning the applicant shall contact the child  
support enforcement agency enforcing the applicant's obligations  
under the child support order to inquire about the offender's  
compliance with the child support order.

(C)(1) The court shall do each of the following:

(a) Determine whether the applicant is ~~a first~~ an eligible  
offender or whether the forfeiture of bail was agreed to by the  
applicant and the prosecutor in the case. If the applicant applies  
as ~~a first~~ an eligible offender pursuant to division (A)(1) of  
this section and has two or three convictions that result from the  
same indictment, information, or complaint, from the same plea of  
guilty, or from the same official proceeding, and result from

related criminal acts that were committed within a three-month 6722  
period but do not result from the same act or from offenses 6723  
committed at the same time, in making its determination under this 6724  
division, the court initially shall determine whether it is not in 6725  
the public interest for the two or three convictions to be counted 6726  
as one conviction. If the court determines that it is not in the 6727  
public interest for the two or three convictions to be counted as 6728  
one conviction, the court shall determine that the applicant is 6729  
not ~~a first~~ an eligible offender; if the court does not make that 6730  
determination, the court shall determine that the offender is a 6731  
~~first~~ an eligible offender. 6732

(b) Determine whether criminal proceedings are pending 6733  
against the applicant; 6734

(c) If the applicant is ~~a first~~ an eligible offender who 6735  
applies pursuant to division (A)(1) of this section, determine 6736  
whether the applicant has been rehabilitated to the satisfaction 6737  
of the court; 6738

(d) If the prosecutor has filed an objection in accordance 6739  
with division (B) of this section, consider the reasons against 6740  
granting the application specified by the prosecutor in the 6741  
objection; 6742

(e) Weigh the interests of the applicant in having the 6743  
records pertaining to the applicant's conviction sealed against 6744  
the legitimate needs, if any, of the government to maintain those 6745  
records. 6746

(2) If the court determines, after complying with division 6747  
(C)(1) of this section, that the applicant is ~~a first~~ an eligible 6748  
offender or the subject of a bail forfeiture, that no criminal 6749  
proceeding is pending against the applicant, and that the 6750  
interests of the applicant in having the records pertaining to the 6751  
applicant's conviction or bail forfeiture sealed are not 6752

outweighed by any legitimate governmental needs to maintain those 6753  
records, and that the rehabilitation of an applicant who is a 6754  
~~first~~ an eligible offender applying pursuant to division (A)(1) of 6755  
this section has been attained to the satisfaction of the court, 6756  
the court, except as provided in divisions (G) and (H) of this 6757  
section, shall order all official records pertaining to the case 6758  
sealed and, except as provided in division (F) of this section, 6759  
all index references to the case deleted and, in the case of bail 6760  
forfeitures, shall dismiss the charges in the case. The 6761  
proceedings in the case shall be considered not to have occurred 6762  
and the conviction or bail forfeiture of the person who is the 6763  
subject of the proceedings shall be sealed, except that upon 6764  
conviction of a subsequent offense, the sealed record of prior 6765  
conviction or bail forfeiture may be considered by the court in 6766  
determining the sentence or other appropriate disposition, 6767  
including the relief provided for in sections 2953.31 to 2953.33 6768  
of the Revised Code. 6769

(3) Upon the filing of an application under this section, the 6770  
applicant, unless indigent, shall pay a fee of fifty dollars. The 6771  
court shall pay thirty dollars of the fee into the state treasury. 6772  
It shall pay twenty dollars of the fee into the county general 6773  
revenue fund if the sealed conviction or bail forfeiture was 6774  
pursuant to a state statute, or into the general revenue fund of 6775  
the municipal corporation involved if the sealed conviction or 6776  
bail forfeiture was pursuant to a municipal ordinance. 6777

(D) Inspection of the sealed records included in the order 6778  
may be made only by the following persons or for the following 6779  
purposes: 6780

(1) By a law enforcement officer or prosecutor, or the 6781  
assistants of either, to determine whether the nature and 6782  
character of the offense with which a person is to be charged 6783  
would be affected by virtue of the person's previously having been 6784



convicted of a crime; 6785

(2) By the parole or probation officer of the person who is 6786  
the subject of the records, for the exclusive use of the officer 6787  
in supervising the person while on parole or under a community 6788  
control sanction or a post-release control sanction, and in making 6789  
inquiries and written reports as requested by the court or adult 6790  
parole authority; 6791

(3) Upon application by the person who is the subject of the 6792  
records, by the persons named in the application; 6793

(4) By a law enforcement officer who was involved in the 6794  
case, for use in the officer's defense of a civil action arising 6795  
out of the officer's involvement in that case; 6796

(5) By a prosecuting attorney or the prosecuting attorney's 6797  
assistants, to determine a defendant's eligibility to enter a 6798  
pre-trial diversion program established pursuant to section 6799  
2935.36 of the Revised Code; 6800

(6) By any law enforcement agency or any authorized employee 6801  
of a law enforcement agency or by the department of rehabilitation 6802  
and correction as part of a background investigation of a person 6803  
who applies for employment with the agency as a law enforcement 6804  
officer or with the department as a corrections officer; 6805

(7) By any law enforcement agency or any authorized employee 6806  
of a law enforcement agency, for the purposes set forth in, and in 6807  
the manner provided in, section 2953.321 of the Revised Code; 6808

(8) By the bureau of criminal identification and 6809  
investigation or any authorized employee of the bureau for the 6810  
purpose of providing information to a board or person pursuant to 6811  
division (F) or (G) of section 109.57 of the Revised Code; 6812

(9) By the bureau of criminal identification and 6813  
investigation or any authorized employee of the bureau for the 6814

purpose of performing a criminal history records check on a person 6815  
to whom a certificate as prescribed in section 109.77 of the 6816  
Revised Code is to be awarded; 6817

(10) By the bureau of criminal identification and 6818  
investigation or any authorized employee of the bureau for the 6819  
purpose of conducting a criminal records check of an individual 6820  
pursuant to division (B) of section 109.572 of the Revised Code 6821  
that was requested pursuant to any of the sections identified in 6822  
division (B)(1) of that section; 6823

(11) By the bureau of criminal identification and 6824  
investigation, an authorized employee of the bureau, a sheriff, or 6825  
an authorized employee of a sheriff in connection with a criminal 6826  
records check described in section 311.41 of the Revised Code; 6827

(12) By the attorney general or an authorized employee of the 6828  
attorney general or a court for purposes of determining a person's 6829  
classification pursuant to Chapter 2950. of the Revised Code. 6830

When the nature and character of the offense with which a 6831  
person is to be charged would be affected by the information, it 6832  
may be used for the purpose of charging the person with an 6833  
offense. 6834

(E) In any criminal proceeding, proof of any otherwise 6835  
admissible prior conviction may be introduced and proved, 6836  
notwithstanding the fact that for any such prior conviction an 6837  
order of sealing previously was issued pursuant to sections 6838  
2953.31 to 2953.36 of the Revised Code. 6839

(F) The person or governmental agency, office, or department 6840  
that maintains sealed records pertaining to convictions or bail 6841  
forfeitures that have been sealed pursuant to this section may 6842  
maintain a manual or computerized index to the sealed records. The 6843  
index shall contain only the name of, and alphanumeric identifiers 6844  
that relate to, the persons who are the subject of the sealed 6845

records, the word "sealed," and the name of the person, agency, 6846  
office, or department that has custody of the sealed records, and 6847  
shall not contain the name of the crime committed. The index shall 6848  
be made available by the person who has custody of the sealed 6849  
records only for the purposes set forth in divisions (C), (D), and 6850  
(E) of this section. 6851

(G) Notwithstanding any provision of this section or section 6852  
2953.33 of the Revised Code that requires otherwise, a board of 6853  
education of a city, local, exempted village, or joint vocational 6854  
school district that maintains records of an individual who has 6855  
been permanently excluded under sections 3301.121 and 3313.662 of 6856  
the Revised Code is permitted to maintain records regarding a 6857  
conviction that was used as the basis for the individual's 6858  
permanent exclusion, regardless of a court order to seal the 6859  
record. An order issued under this section to seal the record of a 6860  
conviction does not revoke the adjudication order of the 6861  
superintendent of public instruction to permanently exclude the 6862  
individual who is the subject of the sealing order. An order 6863  
issued under this section to seal the record of a conviction of an 6864  
individual may be presented to a district superintendent as 6865  
evidence to support the contention that the superintendent should 6866  
recommend that the permanent exclusion of the individual who is 6867  
the subject of the sealing order be revoked. Except as otherwise 6868  
authorized by this division and sections 3301.121 and 3313.662 of 6869  
the Revised Code, any school employee in possession of or having 6870  
access to the sealed conviction records of an individual that were 6871  
the basis of a permanent exclusion of the individual is subject to 6872  
section 2953.35 of the Revised Code. 6873

(H) For purposes of sections 2953.31 to 2953.36 of the 6874  
Revised Code, DNA records collected in the DNA database and 6875  
fingerprints filed for record by the superintendent of the bureau 6876  
of criminal identification and investigation shall not be sealed 6877

unless the superintendent receives a certified copy of a final 6878  
court order establishing that the offender's conviction has been 6879  
overturned. For purposes of this section, a court order is not 6880  
"final" if time remains for an appeal or application for 6881  
discretionary review with respect to the order. 6882

**Sec. 2953.34.** Nothing in sections 2953.31 to 2953.33 of the 6883  
Revised Code precludes ~~a first~~ an eligible offender from taking an 6884  
appeal or seeking any relief from ~~his~~ the eligible offender's 6885  
conviction or from relying on it in lieu of any subsequent 6886  
prosecution for the same offense. 6887

**Sec. 2953.36.** Sections 2953.31 to 2953.35 of the Revised Code 6888  
do not apply to any of the following: 6889

(A) Convictions when the offender is subject to a mandatory 6890  
prison term; 6891

(B) Convictions under section 2907.02, 2907.03, 2907.04, 6892  
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 6893  
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 6894  
Code, or a conviction for a violation of a municipal ordinance 6895  
that is substantially similar to any section contained in any of 6896  
those chapters; 6897

(C) Convictions of an offense of violence when the offense is 6898  
a misdemeanor of the first degree or a felony and when the offense 6899  
is not a violation of section 2917.03 of the Revised Code and is 6900  
not a violation of section 2903.13, 2917.01, or 2917.31 of the 6901  
Revised Code that is a misdemeanor of the first degree; 6902

(D) Convictions on or after ~~the effective date of this~~ 6903  
~~amendment~~ October 10, 2007, under section 2907.07 of the Revised 6904  
Code or a conviction on or after ~~the effective date of this~~ 6905  
~~amendment~~ October 10, 2007, for a violation of a municipal 6906  
ordinance that is substantially similar to that section; 6907

(E) Convictions on or after ~~the effective date of this~~ 6908  
~~amendment~~ October 10, 2007, under section 2907.08, 2907.09, 6909  
2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 6910  
of the Revised Code when the victim of the offense was under 6911  
eighteen years of age; 6912

(F) Convictions of an offense in circumstances in which the 6913  
victim of the offense was under eighteen years of age when the 6914  
offense is a misdemeanor of the first degree or a felony, except 6915  
for convictions under section 2919.21 of the Revised Code; 6916

(G) Convictions of a felony of the first or second degree; 6917

(H) Bail forfeitures in a traffic case as defined in Traffic 6918  
Rule 2. 6919

**Sec. 2961.22.** (A)(1) Any prisoner serving a prison term in a 6920  
state correctional institution who satisfies all of the following 6921  
is eligible to apply to the department of rehabilitation and 6922  
correction at a time specified in division (A)(2) of this section 6923  
and in accordance with division (D) of this section for a 6924  
certificate of achievement and employability: 6925

(a) The prisoner has satisfactorily completed one or more 6926  
in-prison vocational programs approved by rule by the department 6927  
of rehabilitation and correction. 6928

(b) The prisoner has demonstrated exemplary performance as 6929  
determined by completion of one or more cognitive or behavioral 6930  
improvement programs approved by rule by the department while 6931  
incarcerated in a state correctional institution, while under 6932  
supervision, or during both periods of time. 6933

(c) The prisoner has completed community service hours. 6934

(d) The prisoner shows other evidence of achievement and 6935  
rehabilitation while under the jurisdiction of the department. 6936

(2) An eligible prisoner may apply to the department of 6937

rehabilitation and correction under division (A)(1) of this 6938  
section for a certificate of achievement and employability no 6939  
earlier than one year prior to the date scheduled for the release 6940  
of the prisoner from department custody and no later than the date 6941  
of release of the prisoner. 6942

(B)(1) Any prisoner who has been released from a state 6943  
correctional institution, who is under supervision on parole or 6944  
under a post-release control sanction, and who satisfies all of 6945  
the criteria set forth in division (A)(1) of this section is 6946  
eligible to apply to the adult parole authority at a time 6947  
specified in division (B)(2) of this section and in accordance 6948  
with division (D) of this section for a certificate of achievement 6949  
and employability. 6950

(2) An eligible prisoner may apply to the adult parole 6951  
authority under division (B)(1) of this section for a certificate 6952  
of achievement and employability at any time while the prisoner is 6953  
under supervision on parole or under a post-release control 6954  
sanction. 6955

(C)(1) An eligible prisoner may apply to the department of 6956  
rehabilitation and correction or to the adult parole authority at 6957  
a time specified in division (A) or (B) of this section, whichever 6958  
is applicable, for a certificate of achievement and employability 6959  
that grants the prisoner relief from one or more mandatory civil 6960  
impacts that would affect a potential job within a field in which 6961  
the prisoner trained as part of the prisoner's in-prison 6962  
vocational program. The prisoner shall specify the mandatory civil 6963  
impacts from which the prisoner is requesting relief under the 6964  
certificate. Upon application by a prisoner in accordance with 6965  
this division, if the mandatory civil impact of any licensing 6966  
agency would be affected by the issuance of the certificate to the 6967  
prisoner, the department or authority shall notify the licensing 6968  
agency of the filing of the application, provide the licensing 6969

agency with a copy of the application and all evidence that the 6970  
department, authority, or court has regarding the prisoner, and 6971  
afford the licensing agency with an opportunity to object in 6972  
writing to the issuance of the certificate to the prisoner. 6973

(2) Upon application by a prisoner in accordance with 6974  
division (C)(1) of this section, the department of rehabilitation 6975  
and correction or the adult parole authority, whichever is 6976  
applicable, shall consider the application and all objections to 6977  
the issuance of a certificate of achievement and employability to 6978  
the prisoner, if any, that were made by a licensing agency under 6979  
division (C)(1) of this section. If the department or authority 6980  
determines that the prisoner is an eligible prisoner, that the 6981  
application was filed at a time specified in division (B) of this 6982  
section, and that any licensing agency objections to the issuance 6983  
of the certificate to the prisoner are not sufficient to deny the 6984  
issuance of the certificate to the prisoner, subject to division 6985  
(C)(3) of this section, the department or authority shall issue 6986  
the prisoner a certificate of achievement and employability that 6987  
grants the prisoner relief from the mandatory civil impacts that 6988  
are specified in the prisoner's application and that would affect 6989  
a potential job within a field in which the prisoner trained as 6990  
part of the prisoner's in-prison vocational program. 6991

(3) The mandatory civil impacts identified in division (A)(1) 6992  
of section 2961.01 and in division (B) of section 2961.02 of the 6993  
Revised Code shall not be affected by any certificate of 6994  
achievement and employability issued under this section. No 6995  
certificate of achievement and employability issued to a prisoner 6996  
under this section grants the prisoner relief from the mandatory 6997  
civil impacts identified in division (A)(1) of section 2961.01 and 6998  
in division (B) of section 2961.02 of the Revised Code. 6999

~~(E)~~(D) The department of rehabilitation and correction shall 7000  
adopt rules that define in-prison vocational programs and 7001

cognitive or behavioral improvement programs that a prisoner may 7002  
complete to satisfy the criteria described in divisions (A)(1)(a) 7003  
and (b) of this section. 7004

(E) The department of rehabilitation and correction and the 7005  
adult parole authority shall not be liable for any claim for 7006  
damages arising from the department's or authority's issuance, 7007  
denial, or revocation of a certificate of achievement and 7008  
employability or for the department's or authority's failure to 7009  
revoke a certificate of achievement and employability under the 7010  
circumstances described in section 2961.24 of the Revised Code. 7011

**Sec. 2967.03.** The adult parole authority may exercise its 7012  
functions and duties in relation to the pardon, commutation of 7013  
sentence, or reprieve of a convict upon direction of the governor 7014  
or upon its own initiative. It may exercise its functions and 7015  
duties in relation to the parole of a prisoner who is eligible for 7016  
parole upon the initiative of the head of the institution in which 7017  
the prisoner is confined or upon its own initiative. When a 7018  
prisoner becomes eligible for parole, the head of the institution 7019  
in which the prisoner is confined shall notify the authority in 7020  
the manner prescribed by the authority. The authority may 7021  
investigate and examine, or cause the investigation and 7022  
examination of, prisoners confined in state correctional 7023  
institutions concerning their conduct in the institutions, their 7024  
mental and moral qualities and characteristics, their knowledge of 7025  
a trade or profession, their former means of livelihood, their 7026  
family relationships, and any other matters affecting their 7027  
fitness to be at liberty without being a threat to society. 7028

The authority may recommend to the governor the pardon, 7029  
commutation of sentence, ~~medical release~~, or reprieve of any 7030  
convict or prisoner or grant a parole to any prisoner for whom 7031  
parole is authorized, if in its judgment there is reasonable 7032



ground to believe that granting a pardon, commutation, ~~medical~~ 7033  
~~release~~, or reprieve to the convict or paroling the prisoner would 7034  
further the interests of justice and be consistent with the 7035  
welfare and security of society. However, the authority shall not 7036  
recommend a pardon, or commutation of sentence, ~~or medical release~~ 7037  
~~of~~, or grant a parole to, any convict or prisoner until the 7038  
authority has complied with the applicable notice requirements of 7039  
sections 2930.16 and 2967.12 of the Revised Code and until it has 7040  
considered any statement made by a victim or a victim's 7041  
representative that is relevant to the convict's or prisoner's 7042  
case and that was sent to the authority pursuant to section 7043  
2930.17 of the Revised Code, any other statement made by a victim 7044  
or a victim's representative that is relevant to the convict's or 7045  
prisoner's case and that was received by the authority after it 7046  
provided notice of the pendency of the action under sections 7047  
2930.16 and 2967.12 of the Revised Code, and any written statement 7048  
of any person submitted to the court pursuant to division (G) of 7049  
section 2967.12 of the Revised Code. If a victim, victim's 7050  
representative, or the victim's spouse, parent, sibling, or child 7051  
appears at a full board hearing of the parole board and gives 7052  
testimony as authorized by section 5149.101 of the Revised Code, 7053  
the authority shall consider the testimony in determining whether 7054  
to grant a parole. The trial judge and prosecuting attorney of the 7055  
trial court in which a person was convicted shall furnish to the 7056  
authority, at the request of the authority, a summarized statement 7057  
of the facts proved at the trial and of all other facts having 7058  
reference to the propriety of recommending a pardon, or 7059  
~~commutation, or medical release~~, or granting a parole, together 7060  
with a recommendation for or against a pardon, commutation, 7061  
~~medical release~~, or parole, and the reasons for the 7062  
recommendation. The trial judge, the prosecuting attorney, 7063  
specified law enforcement agency members, and a representative of 7064  
the prisoner may appear at a full board hearing of the parole 7065

board and give testimony in regard to the grant of a parole to the 7066  
prisoner as authorized by section 5149.101 of the Revised Code. 7067  
All state and local officials shall furnish information to the 7068  
authority, when so requested by it in the performance of its 7069  
duties. 7070

The adult parole authority shall exercise its functions and 7071  
duties in relation to the release of prisoners who are serving a 7072  
stated prison term in accordance with section 2967.28 of the 7073  
Revised Code. 7074

**Sec. 2967.191.** The department of rehabilitation and 7075  
correction shall reduce the stated prison term of a prisoner or, 7076  
if the prisoner is serving a term for which there is parole 7077  
eligibility, the minimum and maximum term or the parole 7078  
eligibility date of the prisoner by the total number of days that 7079  
the prisoner was confined for any reason arising out of the 7080  
offense for which the prisoner was convicted and sentenced, 7081  
including confinement in lieu of bail while awaiting trial, 7082  
confinement for examination to determine the prisoner's competence 7083  
to stand trial or sanity, ~~and~~ confinement while awaiting 7084  
transportation to the place where the prisoner is to serve the 7085  
prisoner's prison term, as determined by the sentencing court 7086  
under division (B)(2)(g)(i) of section 2929.19 of the Revised 7087  
Code, and confinement in a juvenile facility. The department of 7088  
rehabilitation and correction also shall reduce the stated prison 7089  
term of a prisoner or, if the prisoner is serving a term for which 7090  
there is parole eligibility, the minimum and maximum term or the 7091  
parole eligibility date of the prisoner by the total number of 7092  
days, if any, that the prisoner previously served in the custody 7093  
of the department of rehabilitation and correction arising out of 7094  
the offense for which the prisoner was convicted and sentenced. 7095

**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 7096

this section and subject to the maximum aggregate total specified 7097  
in division (A)(2) of this section, a person confined in a state 7098  
correctional institution may provisionally earn one day or five 7099  
days of credit, based on the category set forth in division 7100  
(D)(1), (2), (3), (4), or (5) of this section in which the person 7101  
is included, toward satisfaction of the person's stated prison 7102  
term for each completed month during which the person productively 7103  
participates in an education program, vocational training, 7104  
employment in prison industries, treatment for substance abuse, or 7105  
any other constructive program developed by the department with 7106  
specific standards for performance by prisoners. Except as 7107  
provided in division (C) of this section and subject to the 7108  
maximum aggregate total specified in division (A)(2) of this 7109  
section, a person so confined who successfully completes two 7110  
programs or activities of that type may, in addition, 7111  
provisionally earn up to five days of credit toward satisfaction 7112  
of the person's stated prison term for the successful completion 7113  
of the second program or activity. The person shall not be awarded 7114  
any provisional days of credit for the successful completion of 7115  
the first program or activity or for the successful completion of 7116  
any program or activity that is completed after the second program 7117  
or activity. At the end of each calendar month in which a prisoner 7118  
productively participates in a program or activity listed in this 7119  
division or successfully completes a program or activity listed in 7120  
this division, the department of rehabilitation and correction 7121  
shall determine and record the total number of days credit that 7122  
the prisoner provisionally earned in that calendar month. If the 7123  
prisoner violates prison rules, the department may deny the 7124  
prisoner a credit that otherwise could have been provisionally 7125  
awarded to the prisoner or may withdraw one or more credits 7126  
previously provisionally earned by the prisoner. Days of credit 7127  
provisionally earned by a prisoner shall be finalized and awarded 7128  
by the department subject to administrative review by the 7129

department of the prisoner's conduct. 7130

(2) The aggregate days of credit provisionally earned by a 7131  
person for program or activity participation and program and 7132  
activity completion under this section and the aggregate days of 7133  
credit finally credited to a person under this section shall not 7134  
exceed eight per cent of the total number of days in the person's 7135  
stated prison term. 7136

(B) The department of rehabilitation and correction shall 7137  
adopt rules that specify the programs or activities for which 7138  
credit may be earned under this section, the criteria for 7139  
determining productive participation in, or completion of, the 7140  
programs or activities and the criteria for awarding credit, 7141  
including criteria for awarding additional credit for successful 7142  
program or activity completion, and the criteria for denying or 7143  
withdrawing previously provisionally earned credit as a result of 7144  
a violation of prison rules. 7145

(C) No person confined in a state correctional institution to 7146  
whom any of the following applies shall be awarded any days of 7147  
credit under division (A) of this section: 7148

(1) The person is serving a prison term that section 2929.13 7149  
or section 2929.14 of the Revised Code specifies cannot be reduced 7150  
pursuant to this section or this ~~Chapter~~ chapter or is serving a 7151  
sentence for which section 2967.13 or division (B) of section 7152  
2929.143 of the Revised Code specifies that the person is not 7153  
entitled to any earned credit under this section. 7154

(2) The person is sentenced to death or is serving a prison 7155  
term or a term of life imprisonment for aggravated murder, murder, 7156  
or a conspiracy or attempt to commit, or complicity in committing, 7157  
aggravated murder or murder. 7158

(3) The person is serving a sentence of life imprisonment 7159  
without parole imposed pursuant to section 2929.03 or 2929.06 of 7160

the Revised Code, a prison term or a term of life imprisonment 7161  
without parole imposed pursuant to section 2971.03 of the Revised 7162  
Code, or a sentence for a sexually oriented offense that was 7163  
committed on or after ~~the effective date of this amendment~~ 7164  
September 30, 2011. 7165

(D) This division does not apply to a determination of 7166  
whether a person confined in a state correctional institution may 7167  
earn any days of credit under division (A) of this section for 7168  
successful completion of a second program or activity. The 7169  
determination of whether a person confined in a state correctional 7170  
institution may earn one day of credit or five days of credit 7171  
under division (A) of this section for each completed month during 7172  
which the person productively participates in a program or 7173  
activity specified under that division shall be made in accordance 7174  
with the following: 7175

(1) The offender may earn one day of credit under division 7176  
(A) of this section, except as provided in division (C) of this 7177  
section, if the most serious offense for which the offender is 7178  
confined is any of the following that is a felony of the first or 7179  
second degree: 7180

(a) A violation of division (A) of section 2903.04 or of 7181  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 7182  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 7183  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 7184  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 7185  
of the Revised Code; 7186

(b) A conspiracy or attempt to commit, or complicity in 7187  
committing, any other offense for which the maximum penalty is 7188  
imprisonment for life or any offense listed in division (D)(1)(a) 7189  
of this section. 7190

(2) The offender may earn one day of credit under division 7191

(A) of this section, except as provided in division (C) of this 7192  
section, if the offender is serving a stated prison term that 7193  
includes a prison term imposed for a sexually oriented offense 7194  
that the offender committed prior to ~~the effective date of this~~ 7195  
~~amendment~~ September 30, 2011. 7196

(3) The offender may earn one day of credit under division 7197  
(A) of this section, except as provided in division (C) of this 7198  
section, if the offender is serving a stated prison term that 7199  
includes a prison term imposed for a felony other than carrying a 7200  
concealed weapon an essential element of which is any conduct or 7201  
failure to act expressly involving any deadly weapon or dangerous 7202  
ordnance. 7203

(4) Except as provided in division (C) of this section, if 7204  
the most serious offense for which the offender is confined is a 7205  
felony of the first or second degree and divisions (D)(1), (2), 7206  
and (3) of this section do not apply to the offender, the offender 7207  
may earn one day of credit under division (A) of this section if 7208  
the offender committed that offense prior to ~~the effective date of~~ 7209  
~~this amendment~~ September 30, 2011, and the offender may earn five 7210  
days of credit under division (A) of this section if the offender 7211  
committed that offense on or after ~~the effective date of this~~ 7212  
~~amendment~~ September 30, 2011. 7213

(5) Except as provided in division (C) of this section, if 7214  
the most serious offense for which the offender is confined is a 7215  
felony of the third, fourth, or fifth degree or an unclassified 7216  
felony and neither division (D)(2) nor (3) of this section applies 7217  
to the offender, the offender may earn one day of credit under 7218  
division (A) of this section if the offender committed that 7219  
offense prior to ~~the effective date of this amendment~~ September 7220  
30, 2011, and the offender may earn five days of credit under 7221  
division (A) of this section if the offender committed that 7222  
offense on or after ~~the effective date of this amendment~~ September 7223

30, 2011.

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~~(E) If a court imposes a sentence including a prison term on  
or after the effective date of this amendment for a felony, and if  
the court is required to include notice of the type described in  
division (F)(3) of section 2929.14 of the Revised Code in the  
offender's sentence, the failure of the court to include the  
notice does not affect the eligibility of the offender under this  
section to earn any days of credit as a deduction from the  
offender's stated prison term or otherwise render any part of this  
section or any action taken under this section void or voidable  
and does not constitute grounds for setting aside the offender's  
conviction or sentence or for granting postconviction relief to  
the offender.~~

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~~(F)~~ The department annually shall seek and consider the  
written feedback of the Ohio prosecuting attorneys association,  
the Ohio judicial conference, the Ohio public defender, the Ohio  
association of criminal defense lawyers, and other organizations  
and associations that have an interest in the operation of the  
corrections system and the earned credits program under this  
section as part of its evaluation of the program and in  
determining whether to modify the program.

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~~(G)~~(F) As used in this section, "sexually oriented offense"  
has the same meaning as in section 2950.01 of the Revised Code.

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**Sec. 2967.26.** (A)(1) The department of rehabilitation and  
correction, by rule, may establish a transitional control program  
for the purpose of closely monitoring a prisoner's adjustment to  
community supervision during the final one hundred eighty days of  
the prisoner's confinement. If the department establishes a  
transitional control program under this division, the ~~adult parole~~  
authority division of parole and community services of the  
department of rehabilitation and correction may transfer eligible

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prisoners to transitional control status under the program during 7255  
the final one hundred eighty days of their confinement and under 7256  
the terms and conditions established by the department, shall 7257  
provide for the confinement as provided in this division of each 7258  
eligible prisoner so transferred, and shall supervise each 7259  
eligible prisoner so transferred in one or more community control 7260  
sanctions. Each eligible prisoner who is transferred to 7261  
transitional control status under the program shall be confined in 7262  
a suitable facility that is licensed pursuant to division (C) of 7263  
section 2967.14 of the Revised Code, or shall be confined in a 7264  
residence the department has approved for this purpose and be 7265  
monitored pursuant to an electronic monitoring device, as defined 7266  
in section 2929.01 of the Revised Code. If the department 7267  
establishes a transitional control program under this division, 7268  
the rules establishing the program shall include criteria that 7269  
define which prisoners are eligible for the program, criteria that 7270  
must be satisfied to be approved as a residence that may be used 7271  
for confinement under the program of a prisoner that is 7272  
transferred to it and procedures for the department to approve 7273  
residences that satisfy those criteria, and provisions of the type 7274  
described in division (C) of this section. At a minimum, the 7275  
criteria that define which prisoners are eligible for the program 7276  
shall provide all of the following: 7277

(a) That a prisoner is eligible for the program if the 7278  
prisoner is serving a prison term or term of imprisonment for an 7279  
offense committed prior to March 17, 1998, and if, at the time at 7280  
which eligibility is being determined, the prisoner would have 7281  
been eligible for a furlough under this section as it existed 7282  
immediately prior to March 17, 1998, or would have been eligible 7283  
for conditional release under former section 2967.23 of the 7284  
Revised Code as that section existed immediately prior to March 7285  
17, 1998; 7286



(b) That no prisoner who is serving a mandatory prison term 7287  
is eligible for the program until after expiration of the 7288  
mandatory term; 7289

(c) That no prisoner who is serving a prison term or term of 7290  
life imprisonment without parole imposed pursuant to section 7291  
2971.03 of the Revised Code is eligible for the program. 7292

(2) At least three weeks prior to transferring to 7293  
transitional control under this section a prisoner who is serving 7294  
a term of imprisonment or prison term for an offense committed on 7295  
or after July 1, 1996, the ~~adult~~ division of parole authority and 7296  
community services shall give notice of the pendency of the 7297  
transfer to transitional control to the court of common pleas of 7298  
the county in which the indictment against the prisoner was found 7299  
and of the fact that the court may disapprove the transfer of the 7300  
prisoner to transitional control and shall include a report 7301  
prepared by the head of the state correctional institution in 7302  
which the prisoner is confined. The head of the state correctional 7303  
institution in which the prisoner is confined, upon the request of 7304  
the ~~adult parole authority~~ division of parole and community 7305  
services, shall provide to the ~~authority~~ division for inclusion in 7306  
the notice sent to the court under this division a report on the 7307  
prisoner's conduct in the institution and in any institution from 7308  
which the prisoner may have been transferred. The report shall 7309  
cover the prisoner's participation in school, vocational training, 7310  
work, treatment, and other rehabilitative activities and any 7311  
disciplinary action taken against the prisoner. If the court 7312  
disapproves of the transfer of the prisoner to transitional 7313  
control, the court shall notify the ~~authority~~ division of the 7314  
disapproval within thirty days after receipt of the notice. If the 7315  
court timely disapproves the transfer of the prisoner to 7316  
transitional control, the ~~authority~~ division shall not proceed 7317  
with the transfer. If the court does not timely disapprove the 7318

transfer of the prisoner to transitional control, the ~~authority~~ 7319  
division may transfer the prisoner to transitional control. 7320

(3) If the victim of an offense for which a prisoner was 7321  
sentenced to a prison term or term of imprisonment has requested 7322  
notification under section 2930.16 of the Revised Code and has 7323  
provided the department of rehabilitation and correction with the 7324  
victim's name and address, the ~~adult parole authority~~ division of 7325  
parole and community services, at least three weeks prior to 7326  
transferring the prisoner to transitional control pursuant to this 7327  
section, shall notify the victim of the pendency of the transfer 7328  
and of the victim's right to submit a statement to the ~~authority~~ 7329  
division regarding the impact of the transfer of the prisoner to 7330  
transitional control. If the victim subsequently submits a 7331  
statement of that nature to the ~~authority~~ division, the ~~authority~~ 7332  
division shall consider the statement in deciding whether to 7333  
transfer the prisoner to transitional control. 7334

(4) The department of rehabilitation and correction, at least 7335  
three weeks prior to transferring a prisoner to transitional 7336  
control pursuant to this section, shall post on the database it 7337  
maintains pursuant to section 5120.66 of the Revised Code the 7338  
prisoner's name and all of the information specified in division 7339  
(A)(1)(c)(iv) of that section. In addition to and independent of 7340  
the right of a victim to submit a statement as described in 7341  
division (A)(3) of this section or to otherwise make a statement 7342  
and in addition to and independent of any other right or duty of a 7343  
person to present information or make a statement, any person may 7344  
send to the ~~adult parole authority~~ division of parole and 7345  
community services at any time prior to the ~~authority's~~ division's 7346  
transfer of the prisoner to transitional control a written 7347  
statement regarding the transfer of the prisoner to transitional 7348  
control. In addition to the information, reports, and statements 7349  
it considers under divisions (A)(2) and (3) of this section or 7350

that it otherwise considers, the ~~authority~~ division shall consider 7351  
each statement submitted in accordance with this division in 7352  
deciding whether to transfer the prisoner to transitional control. 7353

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(B) Each prisoner transferred to transitional control under 7355  
this section shall be confined in the manner described in division 7356  
(A) of this section during any period of time that the prisoner is 7357  
not actually working at the prisoner's approved employment, 7358  
engaged in a vocational training or another educational program, 7359  
engaged in another program designated by the director, or engaged 7360  
in other activities approved by the department. 7361

(C) The department of rehabilitation and correction shall 7362  
adopt rules for transferring eligible prisoners to transitional 7363  
control, supervising and confining prisoners so transferred, 7364  
administering the transitional control program in accordance with 7365  
this section, and using the moneys deposited into the transitional 7366  
control fund established under division (E) of this section. 7367

(D) The department of rehabilitation and correction may adopt 7368  
rules for the issuance of passes for the limited purposes 7369  
described in this division to prisoners who are transferred to 7370  
transitional control under this section. If the department adopts 7371  
rules of that nature, the rules shall govern the granting of the 7372  
passes and shall provide for the supervision of prisoners who are 7373  
temporarily released pursuant to one of those passes. Upon the 7374  
adoption of rules under this division, the department may issue 7375  
passes to prisoners who are transferred to transitional control 7376  
status under this section in accordance with the rules and the 7377  
provisions of this division. All passes issued under this division 7378  
shall be for a maximum of forty-eight hours and may be issued only 7379  
for the following purposes: 7380

(1) To visit a relative in imminent danger of death; 7381

(2) To have a private viewing of the body of a deceased 7382  
relative; 7383

(3) To visit with family; 7384

(4) To otherwise aid in the rehabilitation of the prisoner. 7385

(E) The ~~adult parole authority~~ division of parole and 7386  
community services may require a prisoner who is transferred to 7387  
transitional control to pay to the division ~~of parole and~~ 7388  
~~community services~~ the reasonable expenses incurred by the 7389  
division in supervising or confining the prisoner while under 7390  
transitional control. Inability to pay those reasonable expenses 7391  
shall not be grounds for refusing to transfer an otherwise 7392  
eligible prisoner to transitional control. Amounts received by the 7393  
division of parole and community services under this division 7394  
shall be deposited into the transitional control fund, which is 7395  
hereby created in the state treasury and which hereby replaces and 7396  
succeeds the furlough services fund that formerly existed in the 7397  
state treasury. All moneys that remain in the furlough services 7398  
fund on March 17, 1998, shall be transferred on that date to the 7399  
transitional control fund. The transitional control fund shall be 7400  
used solely to pay costs related to the operation of the 7401  
transitional control program established under this section. The 7402  
director of rehabilitation and correction shall adopt rules in 7403  
accordance with section 111.15 of the Revised Code for the use of 7404  
the fund. 7405

(F) A prisoner who violates any rule established by the 7406  
department of rehabilitation and correction under division (A), 7407  
(C), or (D) of this section may be transferred to a state 7408  
correctional institution pursuant to rules adopted under division 7409  
(A), (C), or (D) of this section, but the prisoner shall receive 7410  
credit towards completing the prisoner's sentence for the time 7411  
spent under transitional control. 7412

If a prisoner is transferred to transitional control under 7413  
this section, upon successful completion of the period of 7414  
transitional control, the prisoner may be released on parole or 7415  
under post-release control pursuant to section 2967.13 or 2967.28 7416  
of the Revised Code and rules adopted by the department of 7417  
rehabilitation and correction. If the prisoner is released under 7418  
post-release control, the duration of the post-release control, 7419  
the type of post-release control sanctions that may be imposed, 7420  
the enforcement of the sanctions, and the treatment of prisoners 7421  
who violate any sanction applicable to the prisoner are governed 7422  
by section 2967.28 of the Revised Code. 7423

**Sec. 3119.01.** (A) As used in the Revised Code, "child support 7424  
enforcement agency" means a child support enforcement agency 7425  
designated under former section 2301.35 of the Revised Code prior 7426  
to October 1, 1997, or a private or government entity designated 7427  
as a child support enforcement agency under section 307.981 of the 7428  
Revised Code. 7429

(B) As used in this chapter and Chapters 3121., 3123., and 7430  
3125. of the Revised Code: 7431

(1) "Administrative child support order" means any order 7432  
issued by a child support enforcement agency for the support of a 7433  
child pursuant to section 3109.19 or 3111.81 of the Revised Code 7434  
or former section 3111.211 of the Revised Code, section 3111.21 of 7435  
the Revised Code as that section existed prior to January 1, 1998, 7436  
or section 3111.20 or 3111.22 of the Revised Code as those 7437  
sections existed prior to March 22, 2001. 7438

(2) "Child support order" means either a court child support 7439  
order or an administrative child support order. 7440

(3) "Obligee" means the person who is entitled to receive the 7441  
support payments under a support order. 7442

(4) "Obligor" means the person who is required to pay support 7443  
under a support order. 7444

(5) "Support order" means either an administrative child 7445  
support order or a court support order. 7446

(C) As used in this chapter: 7447

(1) "Combined gross income" means the combined gross income 7448  
of both parents. 7449

(2) "Court child support order" means any order issued by a 7450  
court for the support of a child pursuant to Chapter 3115. of the 7451  
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 7452  
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 7453  
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 7454  
Code, or division (B) of former section 3113.21 of the Revised 7455  
Code. 7456

(3) "Court support order" means either a court child support 7457  
order or an order for the support of a spouse or former spouse 7458  
issued pursuant to Chapter 3115. of the Revised Code, section 7459  
3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) 7460  
of former section 3113.21 of the Revised Code. 7461

(4) "Extraordinary medical expenses" means any uninsured 7462  
medical expenses incurred for a child during a calendar year that 7463  
exceed one hundred dollars. 7464

(5) "Income" means either of the following: 7465

(a) For a parent who is employed to full capacity, the gross 7466  
income of the parent; 7467

(b) For a parent who is unemployed or underemployed, the sum 7468  
of the gross income of the parent and any potential income of the 7469  
parent. 7470

(6) "Insurer" means any person authorized under Title XXXIX 7471  
of the Revised Code to engage in the business of insurance in this 7472

state, any health insuring corporation, and any legal entity that 7473  
is self-insured and provides benefits to its employees or members. 7474

(7) "Gross income" means, except as excluded in division 7475  
(C)(7) of this section, the total of all earned and unearned 7476  
income from all sources during a calendar year, whether or not the 7477  
income is taxable, and includes income from salaries, wages, 7478  
overtime pay, and bonuses to the extent described in division (D) 7479  
of section 3119.05 of the Revised Code; commissions; royalties; 7480  
tips; rents; dividends; severance pay; pensions; interest; trust 7481  
income; annuities; social security benefits, including retirement, 7482  
disability, and survivor benefits that are not means-tested; 7483  
workers' compensation benefits; unemployment insurance benefits; 7484  
disability insurance benefits; benefits that are not means-tested 7485  
and that are received by and in the possession of the veteran who 7486  
is the beneficiary for any service-connected disability under a 7487  
program or law administered by the United States department of 7488  
veterans' affairs or veterans' administration; spousal support 7489  
actually received; and all other sources of income. "Gross income" 7490  
includes income of members of any branch of the United States 7491  
armed services or national guard, including, amounts representing 7492  
base pay, basic allowance for quarters, basic allowance for 7493  
subsistence, supplemental subsistence allowance, cost of living 7494  
adjustment, specialty pay, variable housing allowance, and pay for 7495  
training or other types of required drills; self-generated income; 7496  
and potential cash flow from any source. 7497

"Gross income" does not include any of the following: 7498

(a) Benefits received from means-tested government 7499  
administered programs, including Ohio works first; prevention, 7500  
retention, and contingency; means-tested veterans' benefits; 7501  
supplemental security income; supplemental nutrition assistance 7502  
program; disability financial assistance; or other assistance for 7503  
which eligibility is determined on the basis of income or assets; 7504

(b) Benefits for any service-connected disability under a 7505  
program or law administered by the United States department of 7506  
veterans' affairs or veterans' administration that are not 7507  
means-tested, that have not been distributed to the veteran who is 7508  
the beneficiary of the benefits, and that are in the possession of 7509  
the United States department of veterans' affairs or veterans' 7510  
administration; 7511

(c) Child support received for children who were not born or 7512  
adopted during the marriage at issue; 7513

(d) Amounts paid for mandatory deductions from wages such as 7514  
union dues but not taxes, social security, or retirement in lieu 7515  
of social security; 7516

(e) Nonrecurring or unsustainable income or cash flow items; 7517

(f) Adoption assistance and foster care maintenance payments 7518  
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 7519  
501, 42 U.S.C.A. 670 (1980), as amended. 7520

(8) "Nonrecurring or unsustainable income or cash flow item" 7521  
means an income or cash flow item the parent receives in any year 7522  
or for any number of years not to exceed three years that the 7523  
parent does not expect to continue to receive on a regular basis. 7524  
"Nonrecurring or unsustainable income or cash flow item" does not 7525  
include a lottery prize award that is not paid in a lump sum or 7526  
any other item of income or cash flow that the parent receives or 7527  
expects to receive for each year for a period of more than three 7528  
years or that the parent receives and invests or otherwise uses to 7529  
produce income or cash flow for a period of more than three years. 7530

(9)(a) "Ordinary and necessary expenses incurred in 7531  
generating gross receipts" means actual cash items expended by the 7532  
parent or the parent's business and includes depreciation expenses 7533  
of business equipment as shown on the books of a business entity. 7534

(b) Except as specifically included in "ordinary and 7535



necessary expenses incurred in generating gross receipts" by 7536  
division (C)(9)(a) of this section, "ordinary and necessary 7537  
expenses incurred in generating gross receipts" does not include 7538  
depreciation expenses and other noncash items that are allowed as 7539  
deductions on any federal tax return of the parent or the parent's 7540  
business. 7541

(10) "Personal earnings" means compensation paid or payable 7542  
for personal services, however denominated, and includes wages, 7543  
salary, commissions, bonuses, draws against commissions, profit 7544  
sharing, vacation pay, or any other compensation. 7545

(11) "Potential income" means both of the following for a 7546  
parent who the court pursuant to a court support order, or a child 7547  
support enforcement agency pursuant to an administrative child 7548  
support order, determines is voluntarily unemployed or voluntarily 7549  
underemployed: 7550

(a) Imputed income that the court or agency determines the 7551  
parent would have earned if fully employed as determined from the 7552  
following criteria: 7553

(i) The parent's prior employment experience; 7554

(ii) The parent's education; 7555

(iii) The parent's physical and mental disabilities, if any; 7556

(iv) The availability of employment in the geographic area in 7557  
which the parent resides; 7558

(v) The prevailing wage and salary levels in the geographic 7559  
area in which the parent resides; 7560

(vi) The parent's special skills and training; 7561

(vii) Whether there is evidence that the parent has the 7562  
ability to earn the imputed income; 7563

(viii) The age and special needs of the child for whom child 7564  
support is being calculated under this section; 7565

(ix) The parent's increased earning capacity because of 7566  
experience; 7567

(x) The parent's decreased earning capacity because of a 7568  
felony conviction; 7569

(xi) Any other relevant factor. 7570

(b) Imputed income from any nonincome-producing assets of a 7571  
parent, as determined from the local passbook savings rate or 7572  
another appropriate rate as determined by the court or agency, not 7573  
to exceed the rate of interest specified in division (A) of 7574  
section 1343.03 of the Revised Code, if the income is significant. 7575

(12) "Schedule" means the basic child support schedule set 7576  
forth in section 3119.021 of the Revised Code. 7577

(13) "Self-generated income" means gross receipts received by 7578  
a parent from self-employment, proprietorship of a business, joint 7579  
ownership of a partnership or closely held corporation, and rents 7580  
minus ordinary and necessary expenses incurred by the parent in 7581  
generating the gross receipts. "Self-generated income" includes 7582  
expense reimbursements or in-kind payments received by a parent 7583  
from self-employment, the operation of a business, or rents, 7584  
including company cars, free housing, reimbursed meals, and other 7585  
benefits, if the reimbursements are significant and reduce 7586  
personal living expenses. 7587

(14) "Split parental rights and responsibilities" means a 7588  
situation in which there is more than one child who is the subject 7589  
of an allocation of parental rights and responsibilities and each 7590  
parent is the residential parent and legal custodian of at least 7591  
one of those children. 7592

(15) "Worksheet" means the applicable worksheet that is used 7593  
to calculate a parent's child support obligation as set forth in 7594  
sections 3119.022 and 3119.023 of the Revised Code. 7595

Sec. 3119.05. When a court computes the amount of child support required to be paid under a court child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order, all of the following apply:

(A) The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

(B) The amount of any pre-existing child support obligation of a parent under a child support order and the amount of any court-ordered spousal support actually paid shall be deducted from the gross income of that parent to the extent that payment under the child support order or that payment of the court-ordered spousal support is verified by supporting documentation.

(C) If other minor children who were born to the parent and a person other than the other parent who is involved in the immediate child support determination live with the parent, the court or agency shall deduct an amount from that parent's gross income that equals the number of such minor children times the federal income tax exemption for such children less child support received for them for the year, not exceeding the federal income tax exemption.

(D) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received 7627  
during the year immediately prior to the time when the person's 7628  
child support obligation is being computed. 7629

(E) When the court or agency calculates the gross income of a 7630  
parent, it shall not include any income earned by the spouse of 7631  
that parent. 7632

(F) The court shall issue a separate order for extraordinary 7633  
medical or dental expenses, including, but not limited to, 7634  
orthodontia, psychological, appropriate private education, and 7635  
other expenses, and may consider the expenses in adjusting a child 7636  
support order. 7637

(G) When a court or agency calculates the amount of child 7638  
support to be paid pursuant to a court child support order or an 7639  
administrative child support order, if the combined gross income 7640  
of both parents is an amount that is between two amounts set forth 7641  
in the first column of the schedule, the court or agency may use 7642  
the basic child support obligation that corresponds to the higher 7643  
of the two amounts in the first column of the schedule, use the 7644  
basic child support obligation that corresponds to the lower of 7645  
the two amounts in the first column of the schedule, or calculate 7646  
a basic child support obligation that is between those two amounts 7647  
and corresponds proportionally to the parents' actual combined 7648  
gross income. 7649

(H) When the court or agency calculates gross income, the 7650  
court or agency, when appropriate, may average income over a 7651  
reasonable period of years. 7652

(I) A Unless it would be unjust or inappropriate and 7653  
therefore not in the best interests of the child, a court or 7654  
agency shall not determine a parent ~~receiving means-tested public~~ 7655  
~~assistance benefits~~ to be voluntarily unemployed or underemployed 7656  
and shall not impute income to that parent, ~~unless not making such~~ 7657

determination and not imputing income would be unjust, 7658  
~~inappropriate, and not in the best interest of the child if either~~ 7659  
~~of the following conditions exist:~~ 7660

(1) The parent is receiving recurring monetary income from 7661  
means-tested public assistance benefits, including cash assistance 7662  
payments under the Ohio works first program established under 7663  
Chapter 5107. of the Revised Code, financial assistance under the 7664  
disability financial assistance program established under Chapter 7665  
5115. of the Revised Code, supplemental security income, or 7666  
means-tested veterans' benefits; 7667

(2) The parent is incarcerated or institutionalized for a 7668  
period of twelve months or more with no other available assets, 7669  
unless the parent is incarcerated for an offense relating to the 7670  
abuse or neglect of a child who is the subject of the support 7671  
order or an offense under Title XXIX of the Revised Code when the 7672  
obligee or a child who is the subject of the support order is a 7673  
victim of the offense. 7674

(J) When a court or agency requires a parent to pay an amount 7675  
for that parent's failure to support a child for a period of time 7676  
prior to the date the court modifies or issues a court child 7677  
support order or an agency modifies or issues an administrative 7678  
child support order for the current support of the child, the 7679  
court or agency shall calculate that amount using the basic child 7680  
support schedule, worksheets, and child support laws in effect, 7681  
and the incomes of the parents as they existed, for that prior 7682  
period of time. 7683

(K) A court or agency may disregard a parent's additional 7684  
income from overtime or additional employment when the court or 7685  
agency finds that the additional income was generated primarily to 7686  
support a new or additional family member or members, or under 7687  
other appropriate circumstances. 7688

(L) If both parents involved in the immediate child support 7689  
determination have a prior order for support relative to a minor 7690  
child or children born to both parents, the court or agency shall 7691  
collect information about the existing order or orders and 7692  
consider those together with the current calculation for support 7693  
to ensure that the total of all orders for all children of the 7694  
parties does not exceed the amount that would have been ordered if 7695  
all children were addressed in a single judicial or administrative 7696  
proceeding. 7697

**Sec. 3123.58.** (A) On receipt of a notice pursuant to section 7698  
3123.54 of the Revised Code, the registrar of motor vehicles shall 7699  
determine whether the individual named in the notice holds or has 7700  
applied for a driver's license or commercial driver's license, 7701  
motorcycle operator's license or endorsement, or temporary 7702  
instruction permit or commercial driver's temporary instruction 7703  
permit. If the registrar determines that the individual holds or 7704  
has applied for a license, permit, or endorsement and the 7705  
individual is the individual named in the notice and does not 7706  
receive a notice pursuant to section 3123.56 or 3123.57 of the 7707  
Revised Code, the registrar immediately shall provide notice of 7708  
the determination to each deputy registrar. The registrar or a 7709  
deputy registrar may not issue to the individual a driver's or 7710  
commercial driver's license, motorcycle operator's license or 7711  
endorsement, or temporary instruction permit or commercial 7712  
driver's temporary instruction permit and may not renew for the 7713  
individual a driver's or commercial driver's license, motorcycle 7714  
operator's license or endorsement, or commercial driver's 7715  
temporary instruction permit. The registrar or a deputy registrar 7716  
also shall impose a class F suspension of the license, permit, or 7717  
endorsement held by the individual under division (B)(6) of 7718  
section 4510.02 of the Revised Code. 7719

(B)(1) A court may grant an individual whose license, permit, 7720

or endorsement is suspended under this section limited driving 7721  
privileges in accordance with division (B) of section 4510.021 of 7722  
the Revised Code pursuant to a request made during an action for 7723  
contempt initiated under section 2705.031 of the Revised Code. 7724  
Prior to granting privileges under this division, the court shall 7725  
request the accused to provide the court with a recent 7726  
noncertified copy of a driver's abstract from the registrar of 7727  
motor vehicles and shall request the child support enforcement 7728  
agency that issued the notice pursuant to section 3123.54 of the 7729  
Revised Code relative to the individual to advise the court, 7730  
either in person through a representative testifying at a hearing 7731  
or through a written document, the position of the agency relative 7732  
to the issue of the granting of privileges to the individual. The 7733  
court, in determining whether to grant the individual privileges 7734  
under this division, shall take into consideration the position of 7735  
the agency, but the court is not bound by the position of the 7736  
agency. 7737

(2) A court that grants limited driving privileges to a 7738  
person under division (B)(1) of this section shall deliver to the 7739  
person a permit card, in a form to be prescribed by the court, 7740  
setting forth the date on which the limited privileges will become 7741  
effective, the purposes for which the person may drive, the times 7742  
and places at which the person may drive, and any other conditions 7743  
imposed upon the person's use of a motor vehicle. 7744

(3) The court immediately shall notify the registrar, in 7745  
writing, of a grant of limited driving privileges under division 7746  
(B)(1) of this section. The notification shall specify the date on 7747  
which the limited driving privileges will become effective, the 7748  
purposes for which the person may drive, and any other conditions 7749  
imposed upon the person's use of a motor vehicle. 7750

(C) If a person who has been granted limited driving 7751  
privileges under division (B)(1) of this section is convicted of, 7752

pleads guilty to, or is adjudicated in juvenile court of having 7753  
committed a violation of Chapter 4510. of the Revised Code or any 7754  
similar municipal ordinance during the period of which the person 7755  
was granted limited driving privileges, the person's limited 7756  
driving privileges shall be suspended immediately pending a 7757  
reinstatement hearing. 7758

**Sec. 3772.10.** (A) In determining whether to grant or maintain 7759  
the privilege of a casino operator, management company, holding 7760  
company, key employee, casino gaming employee, or gaming-related 7761  
vendor license, the Ohio casino control commission shall consider 7762  
all of the following, as applicable: 7763

(1) The reputation, experience, and financial integrity of 7764  
the applicant, its holding company, if applicable, and any other 7765  
person that directly or indirectly controls the applicant; 7766

(2) The financial ability of the applicant to purchase and 7767  
maintain adequate liability and casualty insurance and to provide 7768  
an adequate surety bond; 7769

(3) The past and present compliance of the applicant and its 7770  
affiliates or affiliated companies with casino-related licensing 7771  
requirements in this state or any other jurisdiction, including 7772  
whether the applicant has a history of noncompliance with the 7773  
casino licensing requirements of any jurisdiction; 7774

(4) If the applicant has been indicted, convicted, pleaded 7775  
guilty or no contest, or forfeited bail concerning any criminal 7776  
offense under the laws of any jurisdiction, either felony or 7777  
misdemeanor, not including traffic violations; 7778

(5) If the applicant has filed, or had filed against it a 7779  
proceeding for bankruptcy or has ever been involved in any formal 7780  
process to adjust, defer, suspend, or otherwise work out the 7781  
payment of any debt; 7782



(6) If the applicant has been served with a complaint or 7783  
other notice filed with any public body regarding a payment of any 7784  
tax required under federal, state, or local law that has been 7785  
delinquent for one or more years; 7786

(7) If the applicant is or has been a defendant in litigation 7787  
involving its business practices; 7788

(8) If awarding a license would undermine the public's 7789  
confidence in the casino gaming industry in this state; 7790

(9) If the applicant meets other standards for the issuance 7791  
of a license that the commission adopts by rule, which shall not 7792  
be arbitrary, capricious, or contradictory to the expressed 7793  
provisions of this chapter. 7794

(B) All applicants for a license under this chapter shall 7795  
establish their suitability for a license by clear and convincing 7796  
evidence. If the commission determines that a person is eligible 7797  
under this chapter to be issued a license as a casino operator, 7798  
management company, holding company, key employee, casino gaming 7799  
employee, or gaming-related vendor, the commission shall issue 7800  
such license for not more than three years, as determined by 7801  
commission rule, if all other requirements of this chapter have 7802  
been satisfied. 7803

(C) The commission shall not issue a casino operator, 7804  
management company, holding company, key employee, casino gaming 7805  
employee, or gaming-related vendor license under this chapter to 7806  
an applicant if: 7807

(1) The applicant has been convicted of a disqualifying 7808  
offense, as defined in section 3772.07 of the Revised Code. 7809

(2) The applicant has submitted an application for license 7810  
under this chapter that contains false information. 7811

(3) The applicant is a commission member. 7812

(4) The applicant owns an ownership interest that is unlawful 7813  
under this chapter, unless waived by the commission. 7814

(5) The applicant violates specific rules adopted by the 7815  
commission related to denial of licensure. 7816

(6) The applicant is a member of or employed by a gaming 7817  
regulatory body of a governmental unit in this state, another 7818  
state, or the federal government, or is employed by a governmental 7819  
unit of this state. This division does not prohibit a casino 7820  
operator from hiring special duty law enforcement officers if the 7821  
officers are not specifically involved in gaming-related 7822  
regulatory functions. 7823

(7) The commission otherwise determines the applicant is 7824  
ineligible for the license. 7825

(D)(1) The commission shall investigate the qualifications of 7826  
each applicant under this chapter before any license is issued and 7827  
before any finding with regard to acts or transactions for which 7828  
commission approval is required is made. The commission shall 7829  
continue to observe the conduct of all licensees and all other 7830  
persons having a material involvement directly or indirectly with 7831  
a casino operator, management company, or holding company to 7832  
ensure that licenses are not issued to or held by, or that there 7833  
is not any material involvement with a casino operator, management 7834  
company, or holding company by, an unqualified, disqualified, or 7835  
unsuitable person or a person whose operations are conducted in an 7836  
unsuitable manner or in unsuitable or prohibited places or 7837  
locations. 7838

(2) The executive director may recommend to the commission 7839  
that it deny any application, or limit, condition, or restrict, or 7840  
suspend or revoke, any license or finding, or impose any fine upon 7841  
any licensee or other person according to this chapter and the 7842  
rules adopted thereunder. 7843

(3) A license issued under this chapter is a revocable privilege. No licensee has a vested right in or under any license issued under this chapter. The initial determination of the commission to deny, or to limit, condition, or restrict, a license may be appealed under section 2505.03 of the Revised Code.

(E)(1) An institutional investor otherwise required to be found suitable or qualified under this chapter and the rules adopted under this chapter shall be presumed suitable or qualified upon submitting documentation sufficient to establish qualifications as an institutional investor and upon certifying all of the following:

(a) The institutional investor owns, holds, or controls publicly traded securities issued by a licensee or holding, intermediate, or parent company of a licensee or in the ordinary course of business for investment purposes only.

(b) The institutional investor does not exercise influence over the affairs of the issuer of such securities nor over any licensed subsidiary of the issuer of such securities.

(c) The institutional investor does not intend to exercise influence over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities, in the future, and that it agrees to notify the commission in writing within thirty days if such intent changes.

(2) The exercise of voting privileges with regard to publicly traded securities shall not be deemed to constitute the exercise of influence over the affairs of a licensee.

(3) The commission shall rescind the presumption of suitability for an institutional investor at any time if the institutional investor exercises or intends to exercise influence or control over the affairs of the licensee.

(4) This division shall not be construed to preclude the

commission from investigating the suitability or qualifications of 7875  
an institutional investor if the commission becomes aware of facts 7876  
or information that may result in the institutional investor being 7877  
found unsuitable or disqualified. 7878

(F) Information provided on the application shall be used as 7879  
a basis for a thorough background investigation of each applicant. 7880  
A false or incomplete application is cause for denial of a license 7881  
by the commission. All applicants and licensees shall consent to 7882  
inspections, searches, and seizures and to the disclosure to the 7883  
commission and its agents of confidential records, including tax 7884  
records, held by any federal, state, or local agency, credit 7885  
bureau, or financial institution and to provide handwriting 7886  
exemplars, photographs, fingerprints, and information as 7887  
authorized in this chapter and in rules adopted by the commission. 7888

(G) The commission shall provide a written statement to each 7889  
applicant for a license under this chapter who is denied the 7890  
license that describes the reason or reasons for which the 7891  
applicant was denied the license. 7892

(H) Not later than January 31 in each calendar year, the 7893  
commission shall provide to the general assembly and the governor 7894  
a report that, for each type of license issued under this chapter, 7895  
specifies the number of applications made in the preceding 7896  
calendar year for each type of such license, the number of 7897  
applications denied in the preceding calendar year for each type 7898  
of such license, and the reasons for those denials. The 7899  
information regarding the reasons for the denials shall specify 7900  
each reason that resulted in, or that was a factor resulting in, 7901  
denial for each type of license issued under this chapter and, for 7902  
each of those reasons, the total number of denials for each such 7903  
type that involved that reason. 7904

**Sec. 4301.99.** (A) Whoever violates section 4301.47, 4301.48, 7905

4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or 7906  
division (B) of section 4301.691 of the Revised Code is guilty of 7907  
a minor misdemeanor. 7908

(B) Whoever violates section 4301.15, division (A)(2) or (C) 7909  
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 7910  
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 7911  
Code is guilty of a misdemeanor of the fourth degree. 7912

If an offender who violates section 4301.64 of the Revised 7913  
Code was under the age of eighteen years at the time of the 7914  
offense, the court, in addition to any other penalties it imposes 7915  
upon the offender, ~~shall~~ may suspend the offender's temporary 7916  
instruction permit, probationary driver's license, or driver's 7917  
license for a period of not less than six months and not more than 7918  
one year. In lieu of suspending the offender's temporary 7919  
instruction permit, probationary driver's license, or driver's 7920  
license, the court instead may require the offender to perform 7921  
community service for a number of hours determined by the court. 7922  
If the offender is fifteen years and six months of age or older 7923  
and has not been issued a temporary instruction permit or 7924  
probationary driver's license, the offender shall not be eligible 7925  
to be issued such a license or permit for a period of six months. 7926  
If the offender has not attained the age of fifteen years and six 7927  
months, the offender shall not be eligible to be issued a 7928  
temporary instruction permit until the offender attains the age of 7929  
sixteen years. 7930

(C) Whoever violates division (D) of section 4301.21, section 7931  
4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 7932  
or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 7933  
4301.69, or division (C), (D), (E), (F), (G), or (I) of section 7934  
4301.691 of the Revised Code is guilty of a misdemeanor of the 7935  
first degree. 7936

If an offender who violates division (E)(1) of section 7937  
4301.69 of the Revised Code was under the age of eighteen years at 7938  
the time of the offense and the offense occurred while the 7939  
offender was the operator of or a passenger in a motor vehicle, 7940  
the court, in addition to any other penalties it imposes upon the 7941  
offender, shall suspend the offender's temporary instruction 7942  
permit or probationary driver's license for a period of not less 7943  
than six months and not more than one year. If the offender is 7944  
fifteen years and six months of age or older and has not been 7945  
issued a temporary instruction permit or probationary driver's 7946  
license, the offender shall not be eligible to be issued such a 7947  
license or permit for a period of six months. If the offender has 7948  
not attained the age of fifteen years and six months, the offender 7949  
shall not be eligible to be issued a temporary instruction permit 7950  
until the offender attains the age of sixteen years. 7951

(D) Whoever violates division (B) of section 4301.14, or 7952  
division (A)(1) or (3) or (B) of section 4301.22 of the Revised 7953  
Code is guilty of a misdemeanor of the third degree. 7954

(E) Whoever violates section 4301.63 or division (B) of 7955  
section 4301.631 of the Revised Code shall be fined not less than 7956  
twenty-five nor more than one hundred dollars. The court imposing 7957  
a fine for a violation of section 4301.63 or division (B) of 7958  
section 4301.631 of the Revised Code may order that the fine be 7959  
paid by the performance of public work at a reasonable hourly rate 7960  
established by the court. The court shall designate the time 7961  
within which the public work shall be completed. 7962

(F)(1) Whoever violates section 4301.634 of the Revised Code 7963  
is guilty of a misdemeanor of the first degree. If, in committing 7964  
a first violation of that section, the offender presented to the 7965  
permit holder or the permit holder's employee or agent a false, 7966  
fictitious, or altered identification card, a false or fictitious 7967  
driver's license purportedly issued by any state, or a driver's 7968

license issued by any state that has been altered, the offender is 7969  
guilty of a misdemeanor of the first degree and shall be fined not 7970  
less than two hundred fifty and not more than one thousand 7971  
dollars, and may be sentenced to a term of imprisonment of not 7972  
more than six months. 7973

(2) On a second violation in which, for the second time, the 7974  
offender presented to the permit holder or the permit holder's 7975  
employee or agent a false, fictitious, or altered identification 7976  
card, a false or fictitious driver's license purportedly issued by 7977  
any state, or a driver's license issued by any state that has been 7978  
altered, the offender is guilty of a misdemeanor of the first 7979  
degree and shall be fined not less than five hundred nor more than 7980  
one thousand dollars, and may be sentenced to a term of 7981  
imprisonment of not more than six months. The court also may 7982  
impose a class seven suspension of the offender's driver's or 7983  
commercial driver's license or permit or nonresident operating 7984  
privilege from the range specified in division (A)(7) of section 7985  
4510.02 of the Revised Code. 7986

(3) On a third or subsequent violation in which, for the 7987  
third or subsequent time, the offender presented to the permit 7988  
holder or the permit holder's employee or agent a false, 7989  
fictitious, or altered identification card, a false or fictitious 7990  
driver's license purportedly issued by any state, or a driver's 7991  
license issued by any state that has been altered, the offender is 7992  
guilty of a misdemeanor of the first degree and shall be fined not 7993  
less than five hundred nor more than one thousand dollars, and may 7994  
be sentenced to a term of imprisonment of not more than six 7995  
months. ~~The~~ Except as provided in this division, the court also 7996  
~~shall~~ may impose a class six suspension of the offender's driver's 7997  
or commercial driver's license or permit or nonresident operating 7998  
privilege from the range specified in division (A)(6) of section 7999  
4510.02 of the Revised Code, and the court may order that the 8000

suspension or denial remain in effect until the offender attains 8001  
the age of twenty-one years. The court ~~also, in lieu of suspending~~ 8002  
~~the offender's temporary instruction permit, probationary driver's~~ 8003  
~~license, or driver's license, instead~~ may order the offender to 8004  
perform a determinate number of hours of community service, with 8005  
the court determining the actual number of hours and the nature of 8006  
the community service the offender shall perform. 8007

(G) Whoever violates section 4301.636 of the Revised Code is 8008  
guilty of a felony of the fifth degree. 8009

(H) Whoever violates division (A)(1) of section 4301.22 of 8010  
the Revised Code is guilty of a misdemeanor, shall be fined not 8011  
less than five hundred and not more than one thousand dollars, 8012  
and, in addition to the fine, may be imprisoned for a definite 8013  
term of not more than sixty days. 8014

(I) Whoever violates division (A) of section 4301.69 or 8015  
division (H) of section 4301.691 of the Revised Code is guilty of 8016  
a misdemeanor, shall be fined not less than five hundred and not 8017  
more than one thousand dollars, and, in addition to the fine, may 8018  
be imprisoned for a definite term of not more than six months. 8019

(J) Whoever violates division (B) of section 4301.65 of the 8020  
Revised Code is guilty of a misdemeanor of the third degree. For a 8021  
second or subsequent violation occurring within a period of five 8022  
consecutive years after the first violation, a person is guilty of 8023  
a misdemeanor of the first degree. 8024

**Sec. 4501.02.** (A) There is hereby created in the department 8025  
of public safety a bureau of motor vehicles, which shall be 8026  
administered by a registrar of motor vehicles. The registrar shall 8027  
be appointed by the director of public safety and shall serve at 8028  
the director's pleasure. 8029

The registrar shall administer the laws of the state relative 8030



to the registration of and certificates of title for motor 8031  
vehicles, and the licensing of motor vehicle dealers, motor 8032  
vehicle leasing dealers, distributors, and salespersons, and of 8033  
motor vehicle salvage dealers, salvage motor vehicle auctions, and 8034  
salvage motor vehicle pools. The registrar also shall, in 8035  
accordance with section 4503.61 of the Revised Code, take those 8036  
steps necessary to enter this state into membership in the 8037  
international registration plan and carry out the registrar's 8038  
other duties under that section. The registrar, with the approval 8039  
of the director of public safety, may do all of the following: 8040

(1) Adopt such forms and rules as are necessary to carry out 8041  
all laws the registrar is required to administer; 8042

(2) Appoint such number of assistants, deputies, clerks, 8043  
stenographers, and other employees as are necessary to carry out 8044  
such laws; 8045

(3) Acquire or lease such facilities as are necessary to 8046  
carry out the duties of the registrar's office; 8047

(4) Apply for, allocate, disburse, and account for grants 8048  
made available under federal law or from other federal, state, or 8049  
private sources; 8050

(5) Establish accounts in a bank or depository and deposit 8051  
any funds collected by the registrar in those accounts to the 8052  
credit of "state of Ohio, bureau of motor vehicles." Within three 8053  
days after the deposit of funds in such an account, the registrar 8054  
shall draw on that account in favor of the treasurer of state. The 8055  
registrar may reserve funds against the draw to the treasurer of 8056  
state to the extent reasonably necessary to ensure that the 8057  
deposited items are not dishonored. The registrar may pay any 8058  
service charge usually collected by the bank or depository; 8059

(6) Develop rules that establish disqualifying offenses for 8060  
licensure as a motor vehicle salvage dealer pursuant to sections 8061

4738.04, 4738.07, and 4776.10 of the Revised Code. 8062

The registrar shall give a bond for the faithful performance 8063  
of the registrar's duties in such amount and with such security as 8064  
the director approves. When in the opinion of the director it is 8065  
advisable, any deputy or other employee may be required to give 8066  
bond in such amount and with such security as the director 8067  
approves. In the discretion of the director, the bonds authorized 8068  
to be taken on deputies or other employees may be individual, 8069  
schedule, or blanket bonds. 8070

The director of public safety may investigate the activities 8071  
of the bureau and have access to its records at any time, and the 8072  
registrar shall make a report to the director at any time upon 8073  
request. 8074

All laws relating to the licensing of motor vehicle dealers, 8075  
motor vehicle leasing dealers, distributors, and salespersons, and 8076  
of motor vehicle salvage dealers, salvage motor vehicle auctions, 8077  
and salvage motor vehicle pools, designating and granting power to 8078  
the registrar shall be liberally construed to the end that the 8079  
practice or commission of fraud in the business of selling motor 8080  
vehicles and of disposing of salvage motor vehicles may be 8081  
prohibited and prevented. 8082

(B) There is hereby created in the department of public 8083  
safety a division of emergency medical services, which shall be 8084  
administered by an executive director of emergency medical 8085  
services appointed under section 4765.03 of the Revised Code. 8086

**Sec. 4503.233.** (A)(1) If a court is required to order the 8087  
immobilization of a vehicle for a specified period of time 8088  
pursuant to section 4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 8089  
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 8090  
subject to section 4503.235 of the Revised Code, shall issue the 8091  
immobilization order in accordance with this division and for the 8092

period of time specified in the particular section, and the 8093  
immobilization under the order shall be in accordance with this 8094  
section. The court, at the time of sentencing the offender for the 8095  
offense relative to which the immobilization order is issued or as 8096  
soon thereafter as is practicable, shall give a copy of the order 8097  
to the offender or the offender's counsel. The court promptly 8098  
shall send a copy of the order to the registrar on a form 8099  
prescribed by the registrar and to the person or agency it 8100  
designates to execute the order. 8101

The order shall indicate the date on which it is issued, 8102  
shall identify the vehicle that is subject to the order, and shall 8103  
specify all of the following: 8104

(a) The period of the immobilization; 8105

(b) The place at which the court determines that the 8106  
immobilization shall be carried out, provided that the court shall 8107  
not determine and shall not specify that the immobilization is to 8108  
be carried out at any place other than a commercially operated 8109  
private storage lot, a place owned by a law enforcement or other 8110  
government agency, or a place to which one of the following 8111  
applies: 8112

(i) The place is leased by or otherwise under the control of 8113  
a law enforcement or other government agency. 8114

(ii) The place is owned by the offender, the offender's 8115  
spouse, or a parent or child of the offender. 8116

(iii) The place is owned by a private person or entity, and, 8117  
prior to the issuance of the order, the private entity or person 8118  
that owns the place, or the authorized agent of that private 8119  
entity or person, has given express written consent for the 8120  
immobilization to be carried out at that place. 8121

(iv) The place is a public street or highway on which the 8122  
vehicle is parked in accordance with the law. 8123

(c) The person or agency designated by the court to execute 8124  
the order, which shall be either the law enforcement agency that 8125  
employs the law enforcement officer who seized the vehicle, a 8126  
bailiff of the court, another person the court determines to be 8127  
appropriate to execute the order, or the law enforcement agency 8128  
with jurisdiction over the place of residence of the vehicle 8129  
owner; 8130

(d) That neither the registrar nor a deputy registrar will be 8131  
permitted to accept an application for the license plate 8132  
registration of any motor vehicle in the name of the vehicle owner 8133  
until the immobilization fee is paid. 8134

(2) The person or agency the court designates to immobilize 8135  
the vehicle shall seize or retain that vehicle's license plates 8136  
and forward them to the bureau of motor vehicles. 8137

(3) In all cases, the offender shall be assessed an 8138  
immobilization fee of one hundred dollars, and the immobilization 8139  
fee shall be paid to the registrar before the vehicle may be 8140  
released to the offender. Neither the registrar nor a deputy 8141  
registrar shall accept an application for the registration of any 8142  
motor vehicle in the name of the offender until the immobilization 8143  
fee is paid. 8144

(4) If the vehicle subject to the order is immobilized 8145  
pursuant to the order and is found being operated upon any street 8146  
or highway in this state during the immobilization period, it 8147  
shall be seized, removed from the street or highway, and 8148  
criminally forfeited and disposed of pursuant to section 4503.234 8149  
of the Revised Code. 8150

(5) The registrar shall deposit the immobilization fee into 8151  
the law enforcement reimbursement fund created by section 4501.19 8152  
of the Revised Code. Money in the fund shall be expended only as 8153  
provided in division (A)(5) of this section. If the court 8154

designated in the order a court bailiff or another appropriate 8155  
person other than a law enforcement officer to immobilize the 8156  
vehicle, the amount of the fee deposited into the law enforcement 8157  
reimbursement fund shall be paid out to the county treasury if the 8158  
court that issued the order is a county court, to the treasury of 8159  
the municipal corporation served by the court if the court that 8160  
issued the order is a mayor's court, or to the city treasury of 8161  
the legislative authority of the court, both as defined in section 8162  
1901.03 of the Revised Code, if the court that issued the order is 8163  
a municipal court. If the court designated a law enforcement 8164  
agency to immobilize the vehicle and if the law enforcement agency 8165  
immobilizes the vehicle, the amount of the fee deposited into the 8166  
law enforcement reimbursement fund shall be paid out to the law 8167  
enforcement agency to reimburse the agency for the costs it incurs 8168  
in obtaining immobilization equipment and, if required, in sending 8169  
an officer or other person to search for and locate the vehicle 8170  
specified in the immobilization order and to immobilize the 8171  
vehicle. 8172

In addition to the immobilization fee required to be paid 8173  
under division (A)(3) of this section, the offender may be charged 8174  
expenses or charges incurred in the removal and storage of the 8175  
immobilized vehicle. 8176

(B) If a court issues an immobilization order under division 8177  
(A)(1) of this section, the person or agency designated by the 8178  
court to execute the immobilization order promptly shall 8179  
immobilize or continue the immobilization of the vehicle at the 8180  
place specified by the court in the order. The registrar shall not 8181  
authorize the release of the vehicle or authorize the issuance of 8182  
new identification license plates for the vehicle at the end of 8183  
the immobilization period until the immobilization fee has been 8184  
paid. 8185

(C) Upon receipt of the license plates for a vehicle under 8186

this section, the registrar shall destroy the license plates. At 8187  
the end of the immobilization period and upon the payment of the 8188  
immobilization fee that must be paid under this section, the 8189  
registrar shall authorize the release of the vehicle and authorize 8190  
the issuance, upon the payment of the same fee as is required for 8191  
the replacement of lost, mutilated, or destroyed license plates 8192  
and certificates of registration, of new license plates and, if 8193  
necessary, a new certificate of registration to the offender for 8194  
the vehicle in question. 8195

(D)(1) If a court issues an immobilization order under 8196  
division (A) of this section, the immobilization period commences 8197  
on the day on which the vehicle in question is immobilized. If the 8198  
vehicle in question had been seized under section 4510.41 or 8199  
4511.195 of the Revised Code, the time between the seizure and the 8200  
beginning of the immobilization period shall be credited against 8201  
the immobilization period specified in the immobilization order 8202  
issued under division (A) of this section. No vehicle that is 8203  
immobilized under this section is eligible to have restricted 8204  
license plates under section 4503.231 of the Revised Code issued 8205  
for that vehicle. 8206

(2) If a court issues an immobilization order under division 8207  
(A) of this section, if the vehicle subject to the order is 8208  
immobilized under the order, and if the vehicle is found being 8209  
operated upon any street or highway of this state during the 8210  
immobilization period, it shall be seized, removed from the street 8211  
or highway, and criminally forfeited, and disposed of pursuant to 8212  
section 4503.234 of the Revised Code. No vehicle that is forfeited 8213  
under this provision shall be considered contraband for purposes 8214  
of Chapter 2981. of the Revised Code, but shall be held by the law 8215  
enforcement agency that employs the officer who seized it for 8216  
disposal in accordance with section 4503.234 of the Revised Code. 8217

(3) If a court issues an immobilization order under division 8218

(A) of this section, and if the vehicle is not claimed within 8219  
seven days after the end of the period of immobilization or if the 8220  
offender has not paid the immobilization fee, the person or agency 8221  
that immobilized the vehicle shall send a written notice to the 8222  
offender at the offender's last known address informing the 8223  
offender of the date on which the period of immobilization ended, 8224  
that the offender has twenty days after the date of the notice to 8225  
pay the immobilization fee and obtain the release of the vehicle, 8226  
and that if the offender does not pay the fee and obtain the 8227  
release of the vehicle within that twenty-day period, the vehicle 8228  
will be forfeited under section 4503.234 of the Revised Code to 8229  
the entity that is entitled to the immobilization fee. 8230

(4) An offender whose motor vehicle is subject to an 8231  
immobilization order issued under division (A) of this section 8232  
shall not sell the motor vehicle without approval of the court 8233  
that issued the order. If such an offender wishes to sell the 8234  
motor vehicle during the immobilization period, the offender shall 8235  
apply to the court that issued the immobilization order for 8236  
permission to assign the title to the vehicle. If the court is 8237  
satisfied that the sale will be in good faith and not for the 8238  
purpose of circumventing the provisions of division (A)(1) of this 8239  
section, it may certify its consent to the offender and to the 8240  
registrar. Upon receipt of the court's consent, the registrar 8241  
shall enter the court's notice in the offender's vehicle license 8242  
plate registration record. 8243

If, during a period of immobilization under an immobilization 8244  
order issued under division (A) of this section, the title to the 8245  
immobilized motor vehicle is transferred by the foreclosure of a 8246  
chattel mortgage, a sale upon execution, the cancellation of a 8247  
conditional sales contract, or an order of a court, the involved 8248  
court shall notify the registrar of the action, and the registrar 8249  
shall enter the court's notice in the offender's vehicle license 8250

plate registration record. 8251

Nothing in this section shall be construed as requiring the 8252  
registrar or the clerk of the court of common pleas to note upon 8253  
the certificate of title records any prohibition regarding the 8254  
sale of a motor vehicle. 8255

(5) If the title to a motor vehicle that is subject to an 8256  
immobilization order under division (A) of this section is 8257  
assigned or transferred without court approval between the time of 8258  
arrest of the offender who committed the offense for which such an 8259  
order is to be issued and the time of the actual immobilization of 8260  
the vehicle, the court shall order that, for a period of two years 8261  
from the date of the order, neither the registrar nor any deputy 8262  
registrar shall accept an application for the registration of any 8263  
motor vehicle in the name of the offender whose vehicle was 8264  
assigned or transferred without court approval. The court shall 8265  
notify the registrar of the order on a form prescribed by the 8266  
registrar for that purpose. 8267

(6) If the title to a motor vehicle that is subject to an 8268  
immobilization order under division (A) of this section is 8269  
assigned or transferred without court approval in violation of 8270  
division (D)(4) of this section, then, in addition to or 8271  
independent of any other penalty established by law, the court may 8272  
fine the offender the value of the vehicle as determined by 8273  
publications of the national auto dealers association. The 8274  
proceeds from any fine so imposed shall be distributed in the same 8275  
manner as the proceeds of the sale of a forfeited vehicle are 8276  
distributed pursuant to division (C)(2) of section 4503.234 of the 8277  
Revised Code. 8278

(E)(1) The court with jurisdiction over the case, after 8279  
notice to all interested parties including lienholders, and after 8280  
an opportunity for them to be heard, if the offender fails to 8281  
appear in person, without good cause, or if the court finds that 8282



the offender does not intend to seek release of the vehicle at the 8283  
end of the period of immobilization or that the offender is not or 8284  
will not be able to pay the expenses and charges incurred in its 8285  
removal and storage, may order that title to the vehicle be 8286  
transferred, in order of priority, first into the name of the 8287  
entity entitled to the immobilization fee under division (A)(5) of 8288  
this section, next into the name of a lienholder, or lastly, into 8289  
the name of the owner of the place of storage. 8290

A lienholder that receives title under a court order shall do 8291  
so on the condition that it pay any expenses or charges incurred 8292  
in the vehicle's removal and storage. If the entity that receives 8293  
title to the vehicle is the entity that is entitled to the 8294  
immobilization fee under division (A)(5) of this section, it shall 8295  
receive title on the condition that it pay any lien on the 8296  
vehicle. The court shall not order that title be transferred to 8297  
any person or entity other than the owner of the place of storage 8298  
if the person or entity refuses to receive the title. Any person 8299  
or entity that receives title may either keep title to the vehicle 8300  
or may dispose of the vehicle in any legal manner that it 8301  
considers appropriate, including assignment of the certificate of 8302  
title to the motor vehicle to a salvage dealer or a scrap metal 8303  
processing facility. The person or entity shall not transfer the 8304  
vehicle to the person who is the vehicle's immediate previous 8305  
owner. 8306

If the person or entity assigns the motor vehicle to a 8307  
salvage dealer or scrap metal processing facility, the person or 8308  
entity shall send the assigned certificate of title to the motor 8309  
vehicle to the clerk of the court of common pleas of the county in 8310  
which the salvage dealer or scrap metal processing facility is 8311  
located. The person or entity shall mark the face of the 8312  
certificate of title with the words "FOR DESTRUCTION" and shall 8313  
deliver a photocopy of the certificate of title to the salvage 8314

dealer or scrap metal processing facility for its records. 8315

(2) Whenever a court issues an order under division (E)(1) of 8316  
this section, the court also shall order removal of the license 8317  
plates from the vehicle and cause them to be sent to the registrar 8318  
if they have not already been sent to the registrar. Thereafter, 8319  
no further proceedings shall take place under this section, but 8320  
the offender remains liable for payment of the immobilization fee 8321  
described in division (A)(3) of this section if an immobilization 8322  
order previously had been issued by the court. 8323

(3) Prior to initiating a proceeding under division (E)(1) of 8324  
this section, and upon payment of the fee under division (B) of 8325  
section 4505.14 of the Revised Code, any interested party may 8326  
cause a search to be made of the public records of the bureau of 8327  
motor vehicles or the clerk of the court of common pleas, to 8328  
ascertain the identity of any lienholder of the vehicle. The 8329  
initiating party shall furnish this information to the clerk of 8330  
the court with jurisdiction over the case, and the clerk shall 8331  
provide notice to the vehicle owner, the defendant, any 8332  
lienholder, and any other interested parties listed by the 8333  
initiating party, at the last known address supplied by the 8334  
initiating party, by certified mail or, at the option of the 8335  
initiating party, by personal service or ordinary mail. 8336

As used in this section, "interested party" includes the 8337  
offender, all lienholders, the owner of the place of storage, the 8338  
person or entity that caused the vehicle to be removed, and the 8339  
person or entity, if any, entitled to the immobilization fee under 8340  
division (A)(5) of this section. 8341

**Sec. 4503.234.** (A) If a court orders the criminal forfeiture 8342  
of a vehicle pursuant to section 4503.233, 4503.236, 4510.11, 8343  
4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, or 8344  
4511.203 of the Revised Code, the order shall be issued and 8345

enforced in accordance with this division, subject to division (B) 8346  
of this section. An order of criminal forfeiture issued under this 8347  
division shall authorize an appropriate law enforcement agency to 8348  
seize the vehicle ordered criminally forfeited upon the terms and 8349  
conditions that the court determines proper. No vehicle ordered 8350  
criminally forfeited pursuant to this division shall be considered 8351  
contraband for purposes of Chapter 2981. of the Revised Code, but 8352  
the law enforcement agency that employs the officer who seized it 8353  
shall hold the vehicle for disposal in accordance with this 8354  
section. A forfeiture order may be issued only after the offender 8355  
has been provided with an opportunity to be heard. The prosecuting 8356  
attorney shall give the offender written notice of the possibility 8357  
of forfeiture by sending a copy of the relevant uniform traffic 8358  
ticket or other written notice to the offender not less than seven 8359  
days prior to the date of issuance of the forfeiture order. A 8360  
vehicle is subject to an order of criminal forfeiture pursuant to 8361  
this division upon the conviction of the offender of or plea of 8362  
guilty by the offender to a violation of division (A) of section 8363  
4503.236, section 4510.11, 4510.14, ~~4510.16~~, or 4511.203, or 8364  
division (A) of section 4511.19 of the Revised Code, or a 8365  
municipal ordinance that is substantially equivalent to any of 8366  
those sections or divisions. 8367

(B)(1) Prior to the issuance of an order of criminal 8368  
forfeiture pursuant to this section, the law enforcement agency 8369  
that employs the law enforcement officer who seized the vehicle 8370  
shall conduct or cause to be conducted a search of the appropriate 8371  
public records that relate to the vehicle and shall make or cause 8372  
to be made reasonably diligent inquiries to identify any 8373  
lienholder or any person or entity with an ownership interest in 8374  
the vehicle. The court that is to issue the forfeiture order also 8375  
shall cause a notice of the potential order relative to the 8376  
vehicle and of the expected manner of disposition of the vehicle 8377

after its forfeiture to be sent to any lienholder or person who is 8378  
known to the court to have any right, title, or interest in the 8379  
vehicle. The court shall give the notice by certified mail, return 8380  
receipt requested, or by personal service. 8381

(2) No order of criminal forfeiture shall be issued pursuant 8382  
to this section if a lienholder or other person with an ownership 8383  
interest in the vehicle establishes to the court, by a 8384  
preponderance of the evidence after filing a motion with the 8385  
court, that the lienholder or other person neither knew nor should 8386  
have known after a reasonable inquiry that the vehicle would be 8387  
used or involved, or likely would be used or involved, in the 8388  
violation resulting in the issuance of the order of criminal 8389  
forfeiture or the violation of the order of immobilization issued 8390  
under section 4503.233 of the Revised Code, that the lienholder or 8391  
other person did not expressly or impliedly consent to the use or 8392  
involvement of the vehicle in that violation, and that the lien or 8393  
ownership interest was perfected pursuant to law prior to the 8394  
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 8395  
or 4511.203 of the Revised Code. If the lienholder or holder of 8396  
the ownership interest satisfies the court that these criteria 8397  
have been met, the court shall preserve the lienholder's or other 8398  
person's lien or interest, and the court either shall return the 8399  
vehicle to the holder, or shall order that the proceeds of any 8400  
sale held pursuant to division (C)(2) of this section be paid to 8401  
the lienholder or holder of the interest less the costs of 8402  
seizure, storage, and maintenance of the vehicle. The court shall 8403  
not return a vehicle to a lienholder or a holder of an ownership 8404  
interest unless the lienholder or holder submits an affidavit to 8405  
the court that states that the lienholder or holder will not 8406  
return the vehicle to the person from whom the vehicle was seized 8407  
pursuant to the order of criminal forfeiture or to any member of 8408  
that person's family and will not otherwise knowingly permit that 8409  
person or any member of that person's family to obtain possession 8410

of the vehicle. 8411

(3) No order of criminal forfeiture shall be issued pursuant 8412  
to this section if a person with an interest in the vehicle 8413  
establishes to the court, by a preponderance of the evidence after 8414  
filing a motion with the court, that the person neither knew nor 8415  
should have known after a reasonable inquiry that the vehicle had 8416  
been used or was involved in the violation resulting in the 8417  
issuance of the order of criminal forfeiture or the violation of 8418  
the order of immobilization issued under section 4503.233 of the 8419  
Revised Code, that the person did not expressly or impliedly 8420  
consent to the use or involvement of the vehicle in that 8421  
violation, that the interest was perfected in good faith and for 8422  
value pursuant to law between the time of the arrest of the 8423  
offender and the final disposition of the criminal charge in 8424  
question, and that the vehicle was in the possession of the 8425  
interest holder at the time of the perfection of the interest. If 8426  
the court is satisfied that the interest holder has met these 8427  
criteria, the court shall preserve the interest holder's interest, 8428  
and the court either shall return the vehicle to the interest 8429  
holder or order that the proceeds of any sale held pursuant to 8430  
division (C) of this section be paid to the holder of the interest 8431  
less the costs of seizure, storage, and maintenance of the 8432  
vehicle. The court shall not return a vehicle to an interest 8433  
holder unless the holder submits an affidavit to the court stating 8434  
that the holder will not return the vehicle to the person from 8435  
whom the holder acquired the holder's interest, nor to any member 8436  
of that person's family, and the holder will not otherwise 8437  
knowingly permit that person or any member of that person's family 8438  
to obtain possession of the vehicle. 8439

(C) A vehicle ordered criminally forfeited to the state 8440  
pursuant to this section shall be disposed of as follows: 8441

(1) It shall be given to the law enforcement agency that 8442

employs the law enforcement officer who seized the vehicle, if 8443  
that agency desires to have it; 8444

(2) If a vehicle is not disposed of pursuant to division 8445  
(C)(1) of this section, the vehicle shall be sold, without 8446  
appraisal, if the value of the vehicle is two thousand dollars or 8447  
more as determined by publications of the national auto dealer's 8448  
association, at a public auction to the highest bidder for cash. 8449  
Prior to the sale, the prosecuting attorney in the case shall 8450  
cause a notice of the proposed sale to be given in accordance with 8451  
law. The court shall cause notice of the sale of the vehicle to be 8452  
published in a newspaper of general circulation in the county in 8453  
which the court is located at least seven days prior to the date 8454  
of the sale. The proceeds of a sale under this division or 8455  
division (F) of this section shall be applied in the following 8456  
order: 8457

(a) First, they shall be applied to the payment of the costs 8458  
incurred in connection with the seizure, storage, and maintenance 8459  
of, and provision of security for, the vehicle, any proceeding 8460  
arising out of the forfeiture, and if any, the sale. 8461

(b) Second, the remaining proceeds after compliance with 8462  
division (C)(2)(a) of this section, shall be applied to the 8463  
payment of the value of any lien or ownership interest in the 8464  
vehicle preserved under division (B) of this section. 8465

(c) Third, the remaining proceeds, after compliance with 8466  
divisions (C)(2)(a) and (b) of this section, shall be applied to 8467  
the appropriate funds in accordance with divisions (B) and (C) of 8468  
section 2981.13 of the Revised Code, provided that the total of 8469  
the amount so deposited under this division shall not exceed one 8470  
thousand dollars. The remaining proceeds deposited under this 8471  
division shall be used only for the purposes authorized by those 8472  
divisions and division (D) of that section. 8473

(d) Fourth, the remaining proceeds after compliance with 8474  
divisions (C)(2)(a) and (b) of this section and after deposit of a 8475  
total amount of one thousand dollars under division (C)(2)(c) of 8476  
this section shall be applied so that fifty per cent of those 8477  
remaining proceeds is paid into the reparation fund established by 8478  
section 2743.191 of the Revised Code, twenty-five per cent is paid 8479  
into the drug abuse resistance education programs fund created by 8480  
division (F)(2)(e) of section 4511.191 of the Revised Code and 8481  
shall be used only for the purposes authorized by division 8482  
(F)(2)(e) of that section, and twenty-five per cent is applied to 8483  
the appropriate funds in accordance with divisions (B) and (C) of 8484  
section 2981.13 of the Revised Code. The proceeds deposited into 8485  
any fund described in section 2981.13 of the Revised Code shall be 8486  
used only for the purposes authorized by divisions (B)(4)(c), (C), 8487  
and (D) of that section. 8488

(D) Except as provided in division (E) of section 4511.203 of 8489  
the Revised Code and notwithstanding any other provision of law, 8490  
neither the registrar of motor vehicles nor any deputy registrar 8491  
shall accept an application for the registration of any motor 8492  
vehicle in the name of any person, or register any motor vehicle 8493  
in the name of any person, if both of the following apply: 8494

(1) Any vehicle registered in the person's name was 8495  
criminally forfeited under this section and section 4503.233, 8496  
4503.236, 4510.10, 4510.11, 4510.14, ~~4510.16~~, 4510.41, 4511.19, 8497  
4511.193, or 4511.203 of the Revised Code; 8498

(2) Less than five years have expired since the issuance of 8499  
the most recent order of criminal forfeiture issued in relation to 8500  
a vehicle registered in the person's name. 8501

(E) If a court orders the criminal forfeiture to the state of 8502  
a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 8503  
4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, 8504  
or 4511.203 of the Revised Code, the title to the motor vehicle is 8505

assigned or transferred, and division (B)(2) or (3) of this 8506  
section applies, in addition to or independent of any other 8507  
penalty established by law, the court may fine the offender the 8508  
value of the vehicle as determined by publications of the national 8509  
auto dealer's association. The proceeds from any fine imposed 8510  
under this division shall be distributed in accordance with 8511  
division (C)(2) of this section. 8512

(F) As used in this section and divisions (B)(4)(c), (C), and 8513  
(D) of section 2981.13 of the Revised Code in relation to proceeds 8514  
of the sale of a vehicle under division (C) of this section, 8515  
"prosecuting attorney" includes the prosecuting attorney, village 8516  
solicitor, city director of law, or similar chief legal officer of 8517  
a municipal corporation who prosecutes the case resulting in the 8518  
conviction or guilty plea in question. 8519

(G) If the vehicle to be forfeited has an average retail 8520  
value of less than two thousand dollars as determined by 8521  
publications of the national auto dealer's association, no public 8522  
auction is required to be held. In such a case, the court may 8523  
direct that the vehicle be disposed of in any manner that it 8524  
considers appropriate, including assignment of the certificate of 8525  
title to the motor vehicle to a salvage dealer or a scrap metal 8526  
processing facility. The court shall not transfer the vehicle to 8527  
the person who is the vehicle's immediate previous owner. 8528

If the court assigns the motor vehicle to a salvage dealer or 8529  
scrap metal processing facility and the court is in possession of 8530  
the certificate of title to the motor vehicle, it shall send the 8531  
assigned certificate of title to the motor vehicle to the clerk of 8532  
the court of common pleas of the county in which the salvage 8533  
dealer or scrap metal processing facility is located. The court 8534  
shall mark the face of the certificate of title with the words 8535  
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 8536  
of title to the salvage dealer or scrap metal processing facility 8537



for its records. 8538

If the court is not in possession of the certificate of title 8539  
to the motor vehicle, the court shall issue an order transferring 8540  
ownership of the motor vehicle to a salvage dealer or scrap metal 8541  
processing facility, send the order to the clerk of the court of 8542  
common pleas of the county in which the salvage dealer or scrap 8543  
metal processing facility is located, and send a photocopy of the 8544  
order to the salvage dealer or scrap metal processing facility for 8545  
its records. The clerk shall make the proper notations or entries 8546  
in the clerk's records concerning the disposition of the motor 8547  
vehicle. 8548

**Sec. 4507.02.** (A)(1) No person shall permit the operation of 8549  
a motor vehicle upon any public or private property used by the 8550  
public for purposes of vehicular travel or parking knowing the 8551  
operator does not have a valid driver's license issued to the 8552  
operator by the registrar of motor vehicles under this chapter or 8553  
a valid commercial driver's license issued under Chapter 4506. of 8554  
the Revised Code. Except as otherwise provided in this division, 8555  
whoever violates this division is guilty of an unclassified 8556  
misdemeanor. When the offense is an unclassified misdemeanor, the 8557  
offender shall be sentenced pursuant to sections 2929.21 to 8558  
2929.28 of the Revised Code, except that the offender shall not be 8559  
sentenced to a jail term; the offender shall not be sentenced to a 8560  
community residential sanction pursuant to section 2929.26 of the 8561  
Revised Code; notwithstanding division (A)(2)(a) of section 8562  
2929.28 of the Revised Code, the offender may be fined up to one 8563  
thousand dollars; and, notwithstanding division (A)(3) of section 8564  
2929.27 of the Revised Code, the offender may be ordered pursuant 8565  
to division (C) of that section to serve a term of community 8566  
service of up to five hundred hours. The failure of an offender to 8567  
complete a term of community service imposed by the court may be 8568  
punished as indirect criminal contempt under division (A) of 8569

section 2705.02 of the Revised Code that may be filed in the 8570  
underlying case. 8571

If, within three years of the offense, the offender 8572  
previously has been convicted of or pleaded guilty to two or more 8573  
violations of this section or a substantially equivalent municipal 8574  
ordinance, the offense is a misdemeanor of the first degree. 8575

(2) No person shall receive a driver's license, or a 8576  
motorcycle operator's endorsement of a driver's or commercial 8577  
driver's license, unless and until the person surrenders to the 8578  
registrar all valid licenses issued to the person by another 8579  
jurisdiction recognized by this state. The registrar shall report 8580  
the surrender of a license to the issuing authority, together with 8581  
information that a license is now issued in this state. The 8582  
registrar shall destroy any such license that is not returned to 8583  
the issuing authority. No person shall be permitted to have more 8584  
than one valid license at any time. 8585

(B)(1) If a person is convicted of a violation of section 8586  
4510.11, 4510.14, ~~4510.16 when division (C)(2) and (3) of that~~ 8587  
~~section applies,~~ or 4510.21 of the Revised Code or if division 8588  
~~(F)(E)~~ of section 4507.164 of the Revised Code applies, the trial 8589  
judge of any court, in addition to or independent of any other 8590  
penalties provided by law or ordinance, may impound the 8591  
identification license plates of any motor vehicle registered in 8592  
the name of the person. ~~If a person is convicted of a violation of~~ 8593  
~~section 4510.16 of the Revised Code and division (C)(1) of that~~ 8594  
~~section applies, the trial judge of any court, in addition to or~~ 8595  
~~independent of any other penalties provided by law or ordinance,~~ 8596  
~~may impound the identification license plates of any motor vehicle~~ 8597  
~~registered in the name of the person.~~ The court shall send the 8598  
impounded license plates to the registrar, who may retain the 8599  
license plates until the driver's or commercial driver's license 8600

of the owner has been reinstated or destroy them pursuant to 8601  
section 4503.232 of the Revised Code. 8602

If the license plates of a person convicted of a violation of 8603  
any provision of those sections have been impounded in accordance 8604  
with the provisions of this division, the court shall notify the 8605  
registrar of that action. The notice shall contain the name and 8606  
address of the driver, the serial number of the driver's or 8607  
commercial driver's license, the serial numbers of the license 8608  
plates of the motor vehicle, and the length of time for which the 8609  
license plates have been impounded. The registrar shall record the 8610  
data in the notice as part of the driver's permanent record. 8611

(2) Any motor vehicle owner who has had the license plates of 8612  
a motor vehicle impounded pursuant to division (B)(1) of this 8613  
section may apply to the registrar, or to a deputy registrar, for 8614  
restricted license plates that shall conform to the requirements 8615  
of section 4503.231 of the Revised Code. The registrar or deputy 8616  
registrar forthwith shall notify the court of the application and, 8617  
upon approval of the court, shall issue restricted license plates 8618  
to the applicant. Until the driver's or commercial driver's 8619  
license of the owner is reinstated, any new license plates issued 8620  
to the owner also shall conform to the requirements of section 8621  
4503.231 of the Revised Code. 8622

The registrar or deputy registrar shall charge the owner of a 8623  
vehicle the fees provided in section 4503.19 of the Revised Code 8624  
for restricted license plates that are issued in accordance with 8625  
this division, except upon renewal as specified in section 4503.10 8626  
of the Revised Code, when the regular fee as provided in section 8627  
4503.04 of the Revised Code shall be charged. The registrar or 8628  
deputy registrar shall charge the owner of a vehicle the fees 8629  
provided in section 4503.19 of the Revised Code whenever 8630  
restricted license plates are exchanged, by reason of the 8631  
reinstatement of the driver's or commercial driver's license of 8632

the owner, for those ordinarily issued. 8633

(3) If an owner wishes to sell a motor vehicle during the 8634  
time the restricted license plates provided under division (B)(2) 8635  
of this section are in use, the owner may apply to the court that 8636  
impounded the license plates of the motor vehicle for permission 8637  
to transfer title to the motor vehicle. If the court is satisfied 8638  
that the sale will be made in good faith and not for the purpose 8639  
of circumventing the provisions of this section, it may certify 8640  
its consent to the owner and to the registrar of motor vehicles 8641  
who shall enter notice of the transfer of the title of the motor 8642  
vehicle in the vehicle registration record. 8643

If, during the time the restricted license plates provided 8644  
under division (B)(2) of this section are in use, the title to a 8645  
motor vehicle is transferred by the foreclosure of a chattel 8646  
mortgage, a sale upon execution, the cancellation of a conditional 8647  
sales contract, or by order of a court, the court shall notify the 8648  
registrar of the action and the registrar shall enter notice of 8649  
the transfer of the title to the motor vehicle in the vehicle 8650  
registration record. 8651

(C) This section is not intended to change or modify any 8652  
provision of Chapter 4503. of the Revised Code with respect to the 8653  
taxation of motor vehicles or the time within which the taxes on 8654  
motor vehicles shall be paid. 8655

**Sec. 4507.164.** (A) Except as provided in divisions (C) to (E) 8656  
of this section, when the license of any person is suspended 8657  
pursuant to any provision of the Revised Code other than division 8658  
(G) of section 4511.19 of the Revised Code and other than section 8659  
4510.07 of the Revised Code for a violation of a municipal OVI 8660  
ordinance, the trial judge may impound the identification license 8661  
plates of any motor vehicle registered in the name of the person. 8662

(B)(1) When the license of any person is suspended pursuant 8663

to division (G)(1)(a) of section 4511.19 of the Revised Code, or 8664  
pursuant to section 4510.07 of the Revised Code for a municipal 8665  
OVI offense when the suspension is equivalent in length to the 8666  
suspension under division (G) of section 4511.19 of the Revised 8667  
Code that is specified in this division, the trial judge of the 8668  
court of record or the mayor of the mayor's court that suspended 8669  
the license may impound the identification license plates of any 8670  
motor vehicle registered in the name of the person. 8671

(2) When the license of any person is suspended pursuant to 8672  
division (G)(1)(b) of section 4511.19 of the Revised Code, or 8673  
pursuant to section 4510.07 of the Revised Code for a municipal 8674  
OVI offense when the suspension is equivalent in length to the 8675  
suspension under division (G) of section 4511.19 of the Revised 8676  
Code that is specified in this division, the trial judge of the 8677  
court of record that suspended the license shall order the 8678  
impoundment of the identification license plates of the motor 8679  
vehicle the offender was operating at the time of the offense and 8680  
the immobilization of that vehicle in accordance with section 8681  
4503.233 and division (G)(1)(b) of section 4511.19 or division 8682  
(C)(2)(a) of section 4511.193 of the Revised Code and may impound 8683  
the identification license plates of any other motor vehicle 8684  
registered in the name of the person whose license is suspended. 8685

(3) When the license of any person is suspended pursuant to 8686  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 8687  
Code, or pursuant to section 4510.07 of the Revised Code for a 8688  
municipal OVI offense when the suspension is equivalent in length 8689  
to the suspension under division (G) of section 4511.19 of the 8690  
Revised Code that is specified in this division, the trial judge 8691  
of the court of record that suspended the license shall order the 8692  
criminal forfeiture to the state of the motor vehicle the offender 8693  
was operating at the time of the offense in accordance with 8694  
section 4503.234 and division (G)(1)(c), (d), or (e) of section 8695

4511.19 or division (C)(2)(b) of section 4511.193 of the Revised 8696  
Code and may impound the identification license plates of any 8697  
other motor vehicle registered in the name of the person whose 8698  
license is suspended. 8699

(C)(1) When a person is convicted of or pleads guilty to a 8700  
violation of section 4510.14 of the Revised Code or a 8701  
substantially equivalent municipal ordinance and division (B)(1) 8702  
or (2) of section 4510.14 or division ~~(C)~~(B)(1) or (2) of section 8703  
4510.161 of the Revised Code applies, the trial judge of the court 8704  
of record or the mayor of the mayor's court that imposes sentence 8705  
shall order the immobilization of the vehicle the person was 8706  
operating at the time of the offense and the impoundment of its 8707  
identification license plates in accordance with section 4503.233 8708  
and division (B)(1) or (2) of section 4510.14 or division 8709  
~~(C)~~(B)(1) or (2) of section 4510.161 of the Revised Code and may 8710  
impound the identification license plates of any other vehicle 8711  
registered in the name of that person. 8712

(2) When a person is convicted of or pleads guilty to a 8713  
violation of section 4510.14 of the Revised Code or a 8714  
substantially equivalent municipal ordinance and division (B)(3) 8715  
of section 4510.14 or division ~~(C)~~(B)(3) of section 4510.161 of 8716  
the Revised Code applies, the trial judge of the court of record 8717  
that imposes sentence shall order the criminal forfeiture to the 8718  
state of the vehicle the person was operating at the time of the 8719  
offense in accordance with section 4503.234 and division (B)(3) of 8720  
section 4510.14 or division ~~(C)~~(B)(3) of section 4510.161 of the 8721  
Revised Code and may impound the identification license plates of 8722  
any other vehicle registered in the name of that person. 8723

~~(D) When a person is convicted of or pleads guilty to a 8724  
violation of division (A) of section 4510.16 of the Revised Code 8725  
or a substantially equivalent municipal ordinance, division (D) or 8726  
(C) of section 4510.16 or division (B) of section 4510.161 of the 8727~~

~~Revised Code applies in determining whether the immobilization of~~ 8728  
~~the vehicle the person was operating at the time of the offense~~ 8729  
~~and the impoundment of its identification license plates or the~~ 8730  
~~criminal forfeiture to the state of the vehicle the person was~~ 8731  
~~operating at the time of the offense is authorized or required.~~ 8732  
~~The trial judge of the court of record or the mayor of the mayor's~~ 8733  
~~court that imposes sentence may impound the identification license~~ 8734  
~~plates of any other vehicle registered in the name of that person.~~ 8735

~~(E)~~(1) When a person is convicted of or pleads guilty to a 8736  
violation of section 4511.203 of the Revised Code and the person 8737  
is sentenced pursuant to division (C)(3)(a) or (b) of section 8738  
4511.203 of the Revised Code, the trial judge of the court of 8739  
record or the mayor of the mayor's court that imposes sentence 8740  
shall order the immobilization of the vehicle that was involved in 8741  
the commission of the offense and the impoundment of its 8742  
identification license plates in accordance with division 8743  
(C)(3)(a) or (b) of section 4511.203 and section 4503.233 of the 8744  
Revised Code and may impound the identification license plates of 8745  
any other vehicle registered in the name of that person. 8746

(2) When a person is convicted of or pleads guilty to a 8747  
violation of section 4511.203 of the Revised Code and the person 8748  
is sentenced pursuant to division (C)(3)(c) of section 4511.203 of 8749  
the Revised Code, the trial judge of the court of record or the 8750  
mayor of the mayor's court that imposes sentence shall order the 8751  
criminal forfeiture to the state of the vehicle that was involved 8752  
in the commission of the offense in accordance with division 8753  
(C)(3)(c) of section 4511.203 and section 4503.234 of the Revised 8754  
Code and may impound the identification license plates of any 8755  
other vehicle registered in the name of that person. 8756

~~(F)~~(E) Except as provided in section 4503.233 or 4503.234 of 8757  
the Revised Code, when the certificate of registration, the 8758  
identification license plates, or both have been impounded, 8759

division (B) of section 4507.02 of the Revised Code is applicable. 8760

~~(G)~~(F) As used in this section, "municipal OVI offense" has 8761  
the same meaning as in section 4511.181 of the Revised Code. 8762

**Sec. 4509.06.** (A) The driver of any motor vehicle which is in 8763  
any manner involved in a motor vehicle accident within six months 8764  
of the accident may forward a written report of the accident to 8765  
the registrar of motor vehicles on a form prescribed by the 8766  
registrar alleging that a driver or owner of any other vehicle 8767  
involved in the accident was uninsured at the time of the 8768  
accident. 8769

(B) Upon receipt of the accident report, the registrar shall 8770  
send a notice by regular mail to the driver and owner alleged to 8771  
be uninsured requiring the person to give evidence that the person 8772  
had proof of financial responsibility in effect at the time of the 8773  
accident. 8774

(C) Within thirty days after the mailing of the notice by the 8775  
registrar, the driver of the vehicle alleged to be uninsured shall 8776  
forward a report together with acceptable proof of financial 8777  
responsibility to the registrar in a form prescribed by the 8778  
registrar. The forwarding of the report by the owner of the motor 8779  
vehicle involved in the accident is deemed compliance with this 8780  
section by the driver. This section does not change or modify the 8781  
duties of the driver or operator of a motor vehicle as set forth 8782  
in section 4549.02 of the Revised Code. 8783

~~(D) In accordance with sections 4509.01 to 4509.78 of the 8784  
Revised Code, the registrar shall suspend the license of any 8785  
person who fails to give acceptable proof of financial 8786  
responsibility as required in this section. 8787~~

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 8788  
operation of, a motor vehicle in this state, unless proof of 8789



financial responsibility is maintained continuously throughout the 8790  
registration period with respect to that vehicle, or, in the case 8791  
of a driver who is not the owner, with respect to that driver's 8792  
operation of that vehicle. 8793

(2) Whoever violates division (A)(1) of this section shall be 8794  
subject to the following civil penalties: 8795

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 8796  
class ~~E~~ (F) suspension of the person's driver's license, 8797  
commercial driver's license, temporary instruction permit, 8798  
probationary license, or nonresident operating privilege for the 8799  
period of time specified in division (B)~~(5)~~(6) of section 4510.02 8800  
of the Revised Code and impoundment of the person's license. ~~The~~ 8801  
~~court may grant limited driving privileges to the person only if~~ 8802  
~~the person presents proof of financial responsibility and has~~ 8803  
~~complied with division (A)(5) of this section.~~ 8804

(b) If, within five years of the violation, the person's 8805  
operating privileges are again suspended and the person's license 8806  
again is impounded for a violation of division (A)(1) of this 8807  
section, a class C suspension of the person's driver's license, 8808  
commercial driver's license, temporary instruction permit, 8809  
probationary license, or nonresident operating privilege for the 8810  
period of time specified in division (B)(3) of section 4510.02 of 8811  
the Revised Code. The court may grant limited driving privileges 8812  
to the person only if the person presents proof of financial 8813  
responsibility and has complied with division (A)(5) of this 8814  
section, and no court may grant limited driving privileges for the 8815  
first fifteen days of the suspension. 8816

(c) If, within five years of the violation, the person's 8817  
operating privileges are suspended and the person's license is 8818  
impounded two or more times for a violation of division (A)(1) of 8819  
this section, a class B suspension of the person's driver's 8820

license, commercial driver's license, temporary instruction 8821  
permit, probationary license, or nonresident operating privilege 8822  
for the period of time specified in division (B)(2) of section 8823  
4510.02 of the Revised Code. ~~No~~ The court may grant limited 8824  
driving privileges to the person only if the person presents proof 8825  
of financial responsibility and has complied with division (A)(5) 8826  
of this section, except that no court may grant limited driving 8827  
privileges ~~during~~ for the first thirty days of the suspension. 8828

(d) In addition to the suspension of an owner's license under 8829  
division (A)(2)(a), (b), or (c) of this section, the suspension of 8830  
the rights of the owner to register the motor vehicle and the 8831  
impoundment of the owner's certificate of registration and license 8832  
plates until the owner complies with division (A)(5) of this 8833  
section. 8834

(3) A person to whom this state has issued a certificate of 8835  
registration for a motor vehicle or a license to operate a motor 8836  
vehicle or who is determined to have operated any motor vehicle or 8837  
permitted the operation in this state of a motor vehicle owned by 8838  
the person shall be required to verify the existence of proof of 8839  
financial responsibility covering the operation of the motor 8840  
vehicle or the person's operation of the motor vehicle under any 8841  
of the following circumstances: 8842

(a) The person or a motor vehicle owned by the person is 8843  
involved in a traffic accident that requires the filing of an 8844  
accident report under section 4509.06 of the Revised Code. 8845

(b) The person receives a traffic ticket indicating that 8846  
proof of the maintenance of financial responsibility was not 8847  
produced upon the request of a peace officer or state highway 8848  
patrol trooper made in accordance with division (D)(2) of this 8849  
section. 8850

(c) Whenever, in accordance with rules adopted by the 8851

registrar, the person is randomly selected by the registrar and 8852  
requested to provide such verification. 8853

(4) An order of the registrar that suspends and impounds a 8854  
license or registration, or both, shall state the date on or 8855  
before which the person is required to surrender the person's 8856  
license or certificate of registration and license plates. The 8857  
person is deemed to have surrendered the license or certificate of 8858  
registration and license plates, in compliance with the order, if 8859  
the person does either of the following: 8860

(a) On or before the date specified in the order, personally 8861  
delivers the license or certificate of registration and license 8862  
plates, or causes the delivery of the items, to the registrar; 8863

(b) Mails the license or certificate of registration and 8864  
license plates to the registrar in an envelope or container 8865  
bearing a postmark showing a date no later than the date specified 8866  
in the order. 8867

(5) Except as provided in division (A)(6) or (L) of this 8868  
section, the registrar shall not restore any operating privileges 8869  
or registration rights suspended under this section, return any 8870  
license, certificate of registration, or license plates impounded 8871  
under this section, or reissue license plates under section 8872  
4503.232 of the Revised Code, if the registrar destroyed the 8873  
impounded license plates under that section, or reissue a license 8874  
under section 4510.52 of the Revised Code, if the registrar 8875  
destroyed the suspended license under that section, unless the 8876  
rights are not subject to suspension or revocation under any other 8877  
law and unless the person, in addition to complying with all other 8878  
conditions required by law for reinstatement of the operating 8879  
privileges or registration rights, complies with all of the 8880  
following: 8881

(a) Pays to the registrar or an eligible deputy registrar a 8882

financial responsibility reinstatement fee of one hundred dollars 8883  
for the first violation of division (A)(1) of this section, three 8884  
hundred dollars for a second violation of that division, and six 8885  
hundred dollars for a third or subsequent violation of that 8886  
division; 8887

(b) If the person has not voluntarily surrendered the 8888  
license, certificate, or license plates in compliance with the 8889  
order, pays to the registrar or an eligible deputy registrar a 8890  
financial responsibility nonvoluntary compliance fee in an amount, 8891  
not to exceed fifty dollars, determined by the registrar; 8892

(c) Files and continuously maintains proof of financial 8893  
responsibility under sections 4509.44 to 4509.65 of the Revised 8894  
Code; 8895

(d) Pays a deputy registrar a service fee of ten dollars to 8896  
compensate the deputy registrar for services performed under this 8897  
section. The deputy registrar shall retain eight dollars of the 8898  
service fee and shall transmit the reinstatement fee, any 8899  
nonvoluntary compliance fee, and two dollars of the service fee to 8900  
the registrar in the manner the registrar shall determine. 8901

(6) If the registrar issues an order under division (A)(2) of 8902  
this section resulting from the failure of a person to respond to 8903  
a financial responsibility random verification request under 8904  
division (A)(3)(c) of this section and the person successfully 8905  
maintains an affirmative defense to a violation of section 4510.16 8906  
of the Revised Code or is determined by the registrar or a deputy 8907  
registrar to have been in compliance with division (A)(1) of this 8908  
section at the time of the initial financial responsibility random 8909  
verification request, the registrar shall do both of the 8910  
following: 8911

(a) Terminate the order of suspension or impoundment; 8912

(b) Restore the operating privileges and registration rights 8913

of the person without payment of the fees established in divisions 8914  
(A)(5)(a) and (b) of this section and without a requirement to 8915  
file proof of financial responsibility. 8916

(B)(1) Every party required to file an accident report under 8917  
section 4509.06 of the Revised Code also shall include with the 8918  
report a document described in division (G)(1) of this section. 8919

If the registrar determines, within forty-five days after the 8920  
report is filed, that an operator or owner has violated division 8921  
(A)(1) of this section, the registrar shall do all of the 8922  
following: 8923

(a) Order the impoundment, with respect to the motor vehicle 8924  
involved, required under division (A)(2)(d) of this section, of 8925  
the certificate of registration and license plates of any owner 8926  
who has violated division (A)(1) of this section; 8927

(b) Order the suspension required under division (A)(2)(a), 8928  
(b), or (c) of this section of the license of any operator or 8929  
owner who has violated division (A)(1) of this section; 8930

(c) Record the name and address of the person whose 8931  
certificate of registration and license plates have been impounded 8932  
or are under an order of impoundment, or whose license has been 8933  
suspended or is under an order of suspension; the serial number of 8934  
the person's license; the serial numbers of the person's 8935  
certificate of registration and license plates; and the person's 8936  
social security account number, if assigned, or, where the motor 8937  
vehicle is used for hire or principally in connection with any 8938  
established business, the person's federal taxpayer identification 8939  
number. The information shall be recorded in such a manner that it 8940  
becomes a part of the person's permanent record, and assists the 8941  
registrar in monitoring compliance with the orders of suspension 8942  
or impoundment. 8943

(d) Send written notification to every person to whom the 8944

order pertains, at the person's last known address as shown on the 8945  
records of the bureau. The person, within ten days after the date 8946  
of the mailing of the notification, shall surrender to the 8947  
registrar, in a manner set forth in division (A)(4) of this 8948  
section, any certificate of registration and registration plates 8949  
under an order of impoundment, or any license under an order of 8950  
suspension. 8951

(2) The registrar shall issue any order under division (B)(1) 8952  
of this section without a hearing. Any person adversely affected 8953  
by the order, within ten days after the issuance of the order, may 8954  
request an administrative hearing before the registrar, who shall 8955  
provide the person with an opportunity for a hearing in accordance 8956  
with this paragraph. A request for a hearing does not operate as a 8957  
suspension of the order. The scope of the hearing shall be limited 8958  
to whether the person in fact demonstrated to the registrar proof 8959  
of financial responsibility in accordance with this section. The 8960  
registrar shall determine the date, time, and place of any 8961  
hearing, provided that the hearing shall be held, and an order 8962  
issued or findings made, within thirty days after the registrar 8963  
receives a request for a hearing. If requested by the person in 8964  
writing, the registrar may designate as the place of hearing the 8965  
county seat of the county in which the person resides or a place 8966  
within fifty miles of the person's residence. The person shall pay 8967  
the cost of the hearing before the registrar, if the registrar's 8968  
order of suspension or impoundment is upheld. 8969

(C) Any order of suspension or impoundment issued under this 8970  
section or division (B) of section 4509.37 of the Revised Code may 8971  
be terminated at any time if the registrar determines upon a 8972  
showing of proof of financial responsibility that the operator or 8973  
owner of the motor vehicle was in compliance with division (A)(1) 8974  
of this section at the time of the traffic offense, motor vehicle 8975  
inspection, or accident that resulted in the order against the 8976

person. A determination may be made without a hearing. This 8977  
division does not apply unless the person shows good cause for the 8978  
person's failure to present satisfactory proof of financial 8979  
responsibility to the registrar prior to the issuance of the 8980  
order. 8981

(D)(1) For the purpose of enforcing this section, every peace 8982  
officer is deemed an agent of the registrar. 8983

(a) Except as provided in division (D)(1)(b) of this section, 8984  
any peace officer who, in the performance of the peace officer's 8985  
duties as authorized by law, becomes aware of a person whose 8986  
license is under an order of suspension, or whose certificate of 8987  
registration and license plates are under an order of impoundment, 8988  
pursuant to this section, may confiscate the license, certificate 8989  
of registration, and license plates, and return them to the 8990  
registrar. 8991

(b) Any peace officer who, in the performance of the peace 8992  
officer's duties as authorized by law, becomes aware of a person 8993  
whose license is under an order of suspension, or whose 8994  
certificate of registration and license plates are under an order 8995  
of impoundment resulting from failure to respond to a financial 8996  
responsibility random verification, shall not, for that reason, 8997  
arrest the owner or operator or seize the vehicle or license 8998  
plates. Instead, the peace officer shall issue a citation for a 8999  
violation of section 4510.16 of the Revised Code specifying the 9000  
circumstances as failure to respond to a financial responsibility 9001  
random verification. 9002

(2) A peace officer shall request the owner or operator of a 9003  
motor vehicle to produce proof of financial responsibility in a 9004  
manner described in division (G) of this section at the time the 9005  
peace officer acts to enforce the traffic laws of this state and 9006  
during motor vehicle inspections conducted pursuant to section 9007  
4513.02 of the Revised Code. 9008

(3) A peace officer shall indicate on every traffic ticket 9009  
whether the person receiving the traffic ticket produced proof of 9010  
the maintenance of financial responsibility in response to the 9011  
officer's request under division (D)(2) of this section. The peace 9012  
officer shall inform every person who receives a traffic ticket 9013  
and who has failed to produce proof of the maintenance of 9014  
financial responsibility that the person must submit proof to the 9015  
traffic violations bureau with any payment of a fine and costs for 9016  
the ticketed violation or, if the person is to appear in court for 9017  
the violation, the person must submit proof to the court. 9018

(4)(a) If a person who has failed to produce proof of the 9019  
maintenance of financial responsibility appears in court for a 9020  
ticketed violation, the court may permit the defendant to present 9021  
evidence of proof of financial responsibility to the court at such 9022  
time and in such manner as the court determines to be necessary or 9023  
appropriate. In a manner prescribed by the registrar, the clerk of 9024  
courts shall provide the registrar with the identity of any person 9025  
who fails to submit proof of the maintenance of financial 9026  
responsibility pursuant to division (D)(3) of this section. 9027

(b) If a person who has failed to produce proof of the 9028  
maintenance of financial responsibility also fails to submit that 9029  
proof to the traffic violations bureau with payment of a fine and 9030  
costs for the ticketed violation, the traffic violations bureau, 9031  
in a manner prescribed by the registrar, shall notify the 9032  
registrar of the identity of that person. 9033

(5)(a) Upon receiving notice from a clerk of courts or 9034  
traffic violations bureau pursuant to division (D)(4) of this 9035  
section, the registrar shall order the suspension of the license 9036  
of the person required under division (A)(2)(a), (b), or (c) of 9037  
this section and the impoundment of the person's certificate of 9038  
registration and license plates required under division (A)(2)(d) 9039  
of this section, effective thirty days after the date of the 9040



mailing of notification. The registrar also shall notify the 9041  
person that the person must present the registrar with proof of 9042  
financial responsibility in accordance with this section, 9043  
surrender to the registrar the person's certificate of 9044  
registration, license plates, and license, or submit a statement 9045  
subject to section 2921.13 of the Revised Code that the person did 9046  
not operate or permit the operation of the motor vehicle at the 9047  
time of the offense. Notification shall be in writing and shall be 9048  
sent to the person at the person's last known address as shown on 9049  
the records of the bureau of motor vehicles. The person, within 9050  
fifteen days after the date of the mailing of notification, shall 9051  
present proof of financial responsibility, surrender the 9052  
certificate of registration, license plates, and license to the 9053  
registrar in a manner set forth in division (A)(4) of this 9054  
section, or submit the statement required under this section 9055  
together with other information the person considers appropriate. 9056

If the registrar does not receive proof or the person does 9057  
not surrender the certificate of registration, license plates, and 9058  
license, in accordance with this division, the registrar shall 9059  
permit the order for the suspension of the license of the person 9060  
and the impoundment of the person's certificate of registration 9061  
and license plates to take effect. 9062

(b) In the case of a person who presents, within the 9063  
fifteen-day period, documents to show proof of financial 9064  
responsibility, the registrar shall terminate the order of 9065  
suspension and the impoundment of the registration and license 9066  
plates required under division (A)(2)(d) of this section and shall 9067  
send written notification to the person, at the person's last 9068  
known address as shown on the records of the bureau. 9069

(c) Any person adversely affected by the order of the 9070  
registrar under division (D)(5)(a) or (b) of this section, within 9071  
ten days after the issuance of the order, may request an 9072

administrative hearing before the registrar, who shall provide the 9073  
person with an opportunity for a hearing in accordance with this 9074  
paragraph. A request for a hearing does not operate as a 9075  
suspension of the order. The scope of the hearing shall be limited 9076  
to whether, at the time of the hearing, the person presents proof 9077  
of financial responsibility covering the vehicle and whether the 9078  
person is eligible for an exemption in accordance with this 9079  
section or any rule adopted under it. The registrar shall 9080  
determine the date, time, and place of any hearing; provided, that 9081  
the hearing shall be held, and an order issued or findings made, 9082  
within thirty days after the registrar receives a request for a 9083  
hearing. If requested by the person in writing, the registrar may 9084  
designate as the place of hearing the county seat of the county in 9085  
which the person resides or a place within fifty miles of the 9086  
person's residence. Such person shall pay the cost of the hearing 9087  
before the registrar, if the registrar's order of suspension or 9088  
impoundment under division (D)(5)(a) or (b) of this section is 9089  
upheld. 9090

(6) A peace officer may charge an owner or operator of a 9091  
motor vehicle with a violation of section 4510.16 of the Revised 9092  
Code when the owner or operator fails to show proof of the 9093  
maintenance of financial responsibility pursuant to a peace 9094  
officer's request under division (D)(2) of this section, if a 9095  
check of the owner or operator's driving record indicates that the 9096  
owner or operator, at the time of the operation of the motor 9097  
vehicle, is required to file and maintain proof of financial 9098  
responsibility under section 4509.45 of the Revised Code for a 9099  
previous violation of this chapter. 9100

(7) Any forms used by law enforcement agencies in 9101  
administering this section shall be prescribed, supplied, and paid 9102  
for by the registrar. 9103

(8) No peace officer, law enforcement agency employing a 9104

peace officer, or political subdivision or governmental agency 9105  
that employs a peace officer shall be liable in a civil action for 9106  
damages or loss to persons arising out of the performance of any 9107  
duty required or authorized by this section. 9108

(9) As used in this division and divisions (E) and (G) of 9109  
this section, "peace officer" has the meaning set forth in section 9110  
2935.01 of the Revised Code. 9111

(E) All fees, except court costs, fees paid to a deputy 9112  
registrar, and those portions of the financial responsibility 9113  
reinstatement fees as otherwise specified in this division, 9114  
collected under this section shall be paid into the state treasury 9115  
to the credit of the financial responsibility compliance fund. The 9116  
financial responsibility compliance fund shall be used exclusively 9117  
to cover costs incurred by the bureau in the administration of 9118  
this section and sections 4503.20, 4507.212, and 4509.81 of the 9119  
Revised Code, and by any law enforcement agency employing any 9120  
peace officer who returns any license, certificate of 9121  
registration, and license plates to the registrar pursuant to 9122  
division (C) of this section, except that the director of budget 9123  
and management may transfer excess money from the financial 9124  
responsibility compliance fund to the state bureau of motor 9125  
vehicles fund if the registrar determines that the amount of money 9126  
in the financial responsibility compliance fund exceeds the amount 9127  
required to cover such costs incurred by the bureau or a law 9128  
enforcement agency and requests the director to make the transfer. 9129

Of each financial responsibility reinstatement fee the 9130  
registrar collects pursuant to division (A)(5)(a) of this section 9131  
or receives from a deputy registrar under division (A)(5)(d) of 9132  
this section, the registrar shall deposit twenty-five dollars of 9133  
each one-hundred-dollar reinstatement fee, fifty dollars of each 9134  
three-hundred-dollar reinstatement fee, and one hundred dollars of 9135  
each six-hundred-dollar reinstatement fee into the state treasury 9136

to the credit of the indigent defense support fund created by 9137  
section 120.08 of the Revised Code. 9138

All investment earnings of the financial responsibility 9139  
compliance fund shall be credited to the fund. 9140

(F) Chapter 119. of the Revised Code applies to this section 9141  
only to the extent that any provision in that chapter is not 9142  
clearly inconsistent with this section. 9143

(G)(1) The registrar, court, traffic violations bureau, or 9144  
peace officer may require proof of financial responsibility to be 9145  
demonstrated by use of a standard form prescribed by the 9146  
registrar. If the use of a standard form is not required, a person 9147  
may demonstrate proof of financial responsibility under this 9148  
section by presenting to the traffic violations bureau, court, 9149  
registrar, or peace officer any of the following documents or a 9150  
copy of the documents: 9151

(a) A financial responsibility identification card as 9152  
provided in section 4509.103 of the Revised Code; 9153

(b) A certificate of proof of financial responsibility on a 9154  
form provided and approved by the registrar for the filing of an 9155  
accident report required to be filed under section 4509.06 of the 9156  
Revised Code; 9157

(c) A policy of liability insurance, a declaration page of a 9158  
policy of liability insurance, or liability bond, if the policy or 9159  
bond complies with section 4509.20 or sections 4509.49 to 4509.61 9160  
of the Revised Code; 9161

(d) A bond or certification of the issuance of a bond as 9162  
provided in section 4509.59 of the Revised Code; 9163

(e) A certificate of deposit of money or securities as 9164  
provided in section 4509.62 of the Revised Code; 9165

(f) A certificate of self-insurance as provided in section 9166

4509.72 of the Revised Code. 9167

(2) If a person fails to demonstrate proof of financial 9168  
responsibility in a manner described in division (G)(1) of this 9169  
section, the person may demonstrate proof of financial 9170  
responsibility under this section by any other method that the 9171  
court or the bureau, by reason of circumstances in a particular 9172  
case, may consider appropriate. 9173

(3) A motor carrier certificated by the interstate commerce 9174  
commission or by the public utilities commission may demonstrate 9175  
proof of financial responsibility by providing a statement 9176  
designating the motor carrier's operating authority and averring 9177  
that the insurance coverage required by the certificating 9178  
authority is in full force and effect. 9179

(4)(a) A finding by the registrar or court that a person is 9180  
covered by proof of financial responsibility in the form of an 9181  
insurance policy or surety bond is not binding upon the named 9182  
insurer or surety or any of its officers, employees, agents, or 9183  
representatives and has no legal effect except for the purpose of 9184  
administering this section. 9185

(b) The preparation and delivery of a financial 9186  
responsibility identification card or any other document 9187  
authorized to be used as proof of financial responsibility under 9188  
this division does not do any of the following: 9189

(i) Create any liability or estoppel against an insurer or 9190  
surety, or any of its officers, employees, agents, or 9191  
representatives; 9192

(ii) Constitute an admission of the existence of, or of any 9193  
liability or coverage under, any policy or bond; 9194

(iii) Waive any defenses or counterclaims available to an 9195  
insurer, surety, agent, employee, or representative in an action 9196  
commenced by an insured or third-party claimant upon a cause of 9197

action alleged to have arisen under an insurance policy or surety 9198  
bond or by reason of the preparation and delivery of a document 9199  
for use as proof of financial responsibility. 9200

(c) Whenever it is determined by a final judgment in a 9201  
judicial proceeding that an insurer or surety, which has been 9202  
named on a document accepted by a court or the registrar as proof 9203  
of financial responsibility covering the operation of a motor 9204  
vehicle at the time of an accident or offense, is not liable to 9205  
pay a judgment for injuries or damages resulting from such 9206  
operation, the registrar, notwithstanding any previous contrary 9207  
finding, shall forthwith suspend the operating privileges and 9208  
registration rights of the person against whom the judgment was 9209  
rendered as provided in division (A)(2) of this section. 9210

(H) In order for any document described in division (G)(1)(b) 9211  
of this section to be used for the demonstration of proof of 9212  
financial responsibility under this section, the document shall 9213  
state the name of the insured or obligor, the name of the insurer 9214  
or surety company, and the effective and expiration dates of the 9215  
financial responsibility, and designate by explicit description or 9216  
by appropriate reference all motor vehicles covered which may 9217  
include a reference to fleet insurance coverage. 9218

(I) For purposes of this section, "owner" does not include a 9219  
licensed motor vehicle leasing dealer as defined in section 9220  
4517.01 of the Revised Code, but does include a motor vehicle 9221  
renting dealer as defined in section 4549.65 of the Revised Code. 9222  
Nothing in this section or in section 4509.51 of the Revised Code 9223  
shall be construed to prohibit a motor vehicle renting dealer from 9224  
entering into a contractual agreement with a person whereby the 9225  
person renting the motor vehicle agrees to be solely responsible 9226  
for maintaining proof of financial responsibility, in accordance 9227  
with this section, with respect to the operation, maintenance, or 9228  
use of the motor vehicle during the period of the motor vehicle's 9229

rental. 9230

(J) The purpose of this section is to require the maintenance 9231  
of proof of financial responsibility with respect to the operation 9232  
of motor vehicles on the highways of this state, so as to minimize 9233  
those situations in which persons are not compensated for injuries 9234  
and damages sustained in motor vehicle accidents. The general 9235  
assembly finds that this section contains reasonable civil 9236  
penalties and procedures for achieving this purpose. 9237

(K) Nothing in this section shall be construed to be subject 9238  
to section 4509.78 of the Revised Code. 9239

(L)(1) The registrar may terminate any suspension imposed 9240  
under this section and not require the owner to comply with 9241  
divisions (A)(5)(a), (b), and (c) of this section if the registrar 9242  
with or without a hearing determines that the owner of the vehicle 9243  
has established by clear and convincing evidence that all of the 9244  
following apply: 9245

(a) The owner customarily maintains proof of financial 9246  
responsibility. 9247

(b) Proof of financial responsibility was not in effect for 9248  
the vehicle on the date in question for one of the following 9249  
reasons: 9250

(i) The vehicle was inoperable. 9251

(ii) The vehicle is operated only seasonally, and the date in 9252  
question was outside the season of operation. 9253

(iii) A person other than the vehicle owner or driver was at 9254  
fault for the lapse of proof of financial responsibility through 9255  
no fault of the owner or driver. 9256

(iv) The lapse of proof of financial responsibility was 9257  
caused by excusable neglect under circumstances that are not 9258  
likely to recur and do not suggest a purpose to evade the 9259

requirements of this chapter. 9260

(2) The registrar may grant an owner or driver relief for a 9261  
reason specified in division (L)(1)(b)(i) or (ii) of this section 9262  
whenever the owner or driver is randomly selected to verify the 9263  
existence of proof of financial responsibility for such a vehicle. 9264  
However, the registrar may grant an owner or driver relief for a 9265  
reason specified in division (L)(1)(b)(iii) or (iv) of this 9266  
section only if the owner or driver has not previously been 9267  
granted relief under division (L)(1)(b)(iii) or (iv) of this 9268  
section. 9269

(M) The registrar shall adopt rules in accordance with 9270  
Chapter 119. of the Revised Code that are necessary to administer 9271  
and enforce this section. The rules shall include procedures for 9272  
the surrender of license plates upon failure to maintain proof of 9273  
financial responsibility and provisions relating to reinstatement 9274  
of registration rights, acceptable forms of proof of financial 9275  
responsibility, and verification of the existence of financial 9276  
responsibility during the period of registration. 9277

**Sec. 4510.10.** (A) As used in this section, "reinstatement 9278  
fees" means the fees that are required under section 4507.1612, 9279  
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 9280  
provision of the Revised Code, or under a schedule established by 9281  
the bureau of motor vehicles, in order to reinstate a driver's or 9282  
commercial driver's license or permit or nonresident operating 9283  
privilege of an offender under a suspension. 9284

(B) Reinstatement fees are those fees that compensate the 9285  
bureau of motor vehicles for suspensions, cancellations, or 9286  
disqualifications of a person's driving privileges and to 9287  
compensate the bureau and other agencies in their administration 9288  
of programs intended to reduce and eliminate threats to public 9289  
safety through education, treatment, and other activities. The 9290



registrar of motor vehicles shall not reinstate a driver's or 9291  
commercial driver's license or permit or nonresident operating 9292  
privilege of a person until the person has paid all reinstatement 9293  
fees and has complied with all conditions for each suspension, 9294  
cancellation, or disqualification incurred by that person. 9295

(C) When a municipal court or county court determines in a 9296  
pending case involving an offender that the offender cannot 9297  
reasonably pay reinstatement fees due and owing by the offender 9298  
relative to one or more suspensions that have been or will be 9299  
imposed by the bureau of motor vehicles or by a court of this 9300  
state, the court, by order, may undertake an installment payment 9301  
plan or a payment extension plan for the payment of reinstatement 9302  
fees due and owing to the bureau in that pending case. The court 9303  
shall establish an installment payment plan or a payment extension 9304  
plan under this division in accordance with the requirements of 9305  
divisions (D)(1) and (2) of this section. 9306

(D) Independent of the provisions of division (C) of this 9307  
section, an offender who cannot reasonably pay reinstatement fees 9308  
due and owing by the offender relative to a suspension that has 9309  
been imposed on the offender may file a petition in the municipal 9310  
court, county court, or, if the person is under the age of 9311  
eighteen, the juvenile division of the court of common pleas in 9312  
whose jurisdiction the person resides or, if the person is not a 9313  
resident of this state, in the Franklin county municipal court or 9314  
juvenile division of the Franklin county court of common pleas for 9315  
an order that does either of the following, in order of 9316  
preference: 9317

(1) Establishes a reasonable payment plan of not less than 9318  
fifty dollars per month, to be paid by the offender to the 9319  
registrar of motor vehicles or an eligible deputy registrar, in 9320  
all succeeding months until all reinstatement fees required of the 9321  
offender are paid in full. If the person is making payments to a 9322

deputy registrar, the deputy registrar shall collect a service fee 9323  
of ten dollars each time the deputy registrar collects a payment 9324  
to compensate the deputy registrar for services performed under 9325  
this section. The deputy registrar shall retain eight dollars of 9326  
the service fee and shall transmit the reinstatement payments, 9327  
plus two dollars of each service fee, to the registrar in the 9328  
manner the registrar shall determine. 9329

(2) If the offender, but for the payment of the reinstatement 9330  
fees, otherwise would be entitled to operate a vehicle in this 9331  
state or to obtain reinstatement of the offender's operating 9332  
privileges, permits the offender to operate a motor vehicle, as 9333  
authorized by the court, until a future date upon which date all 9334  
reinstatement fees must be paid in full. A payment extension 9335  
granted under this division shall not exceed one hundred eighty 9336  
days, and any operating privileges granted under this division 9337  
shall be solely for the purpose of permitting the offender 9338  
occupational or "family necessity" privileges in order to enable 9339  
the offender to reasonably acquire the delinquent reinstatement 9340  
fees due and owing. 9341

(E) If a municipal court, county court, or juvenile division 9342  
enters an order of the type described in division (C) or division 9343  
(D)(1) or (2) of this section, the court, at any time after the 9344  
issuance of the order, may determine that a change of 9345  
circumstances has occurred and may amend the order as justice 9346  
requires, provided that the amended order also shall be an order 9347  
that is permitted under division (C) or division (D)(1) or (2) of 9348  
this section. 9349

(F) If a court enters an order of the type described in 9350  
division (C), (D)(1), (D)(2), or (E) of this section, during the 9351  
pendency of the order, the offender in relation to whom it applies 9352  
is not subject to prosecution for failing to pay the reinstatement 9353  
fees covered by the order. 9354

(G) In addition to divisions (A) to (F) of this section, the registrar, with the approval of the director of public safety and in accordance with Chapter 119. of the Revised Code, may adopt rules that permit a person to pay reinstatement fees in installments in accordance with this division. The rules may contain any of the following provisions:

(1) A schedule establishing a minimum monthly payment amount;

(2) If the person otherwise would have valid driving privileges but for the payment of the reinstatement fees, the registrar may record the person's driving privileges as "valid" so long as the person's installments are current.

(3) If the person's installments are not current, the registrar may record the person's driving privileges as "suspended" or "failure to reinstate," as appropriate.

(4) Any other provision the registrar reasonably may prescribe.

(H) Reinstatement fees are debts that may be discharged in bankruptcy.

**Sec. 4510.11.** (A) Except as provided in division (B) of this section and in sections 4510.111 and 4510.16 of the Revised Code, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Revised Code, other than Chapter 4509. of the Revised Code, or under any applicable law in any other jurisdiction in which the person's license or permit was issued, shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this state during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with

the terms of the limited driving privileges. 9385

(B) No person shall operate any motor vehicle upon a highway 9386  
or any public or private property used by the public for purposes 9387  
of vehicular travel or parking in this state in violation of any 9388  
restriction of the person's driver's or commercial driver's 9389  
license or permit imposed under division (D) of section 4506.10 or 9390  
under section 4507.14 of the Revised Code. 9391

(C) Upon the request or motion of the prosecuting authority, 9392  
a noncertified copy of the law enforcement automated data system 9393  
report or a noncertified copy of a record of the registrar of 9394  
motor vehicles that shows the name, date of birth, and social 9395  
security number of a person charged with a violation of division 9396  
(A) or (B) of this section may be admitted into evidence as 9397  
prima-facie evidence that the license of the person was under 9398  
suspension at the time of the alleged violation of division (A) of 9399  
this section or the person operated a motor vehicle in violation 9400  
of a restriction at the time of the alleged violation of division 9401  
(B) of this section. The person charged with a violation of 9402  
division (A) or (B) of this section may offer evidence to rebut 9403  
this prima-facie evidence. 9404

(D)(1) Whoever violates division (A) or (B) of this section 9405  
is guilty of a misdemeanor of the first degree. The court may 9406  
impose upon the offender a class seven suspension of the 9407  
offender's driver's license, commercial driver's license, 9408  
temporary instruction permit, probationary license, or nonresident 9409  
operating privilege from the range specified in division (A)(7) of 9410  
section 4510.02 of the Revised Code. 9411

(2)(a) Except as provided in division (D)(2)(b) or (c) of 9412  
this section, the court, in addition to any other penalty that it 9413  
imposes on the offender and if the vehicle is registered in the 9414  
offender's name and if, within three years of the offense, the 9415

offender previously has been convicted of or pleaded guilty to one 9416  
violation of this section or section 4510.111 or 4510.16 of the 9417  
Revised Code, or a substantially equivalent municipal ordinance, 9418  
the court, in addition to or independent of any other sentence 9419  
that it imposes upon the offender, may order the immobilization of 9420  
the vehicle involved in the offense for thirty days and the 9421  
impoundment of that vehicle's license plates for thirty days in 9422  
accordance with section 4503.233 of the Revised Code. 9423

(b) If the vehicle is registered in the offender's name and 9424  
if, within three years of the offense, the offender previously has 9425  
been convicted of or pleaded guilty to two violations of this 9426  
section, or any combination of two violations of this section or 9427  
section 4510.111 or 4510.16 of the Revised Code, or of a 9428  
substantially similar municipal ordinance, the court, in addition 9429  
to any other sentence that it imposes on the offender, may order 9430  
the immobilization of the vehicle involved in the offense for 9431  
sixty days and the impoundment of that vehicle's license plates 9432  
for sixty days in accordance with section 4503.233 of the Revised 9433  
Code. 9434

(c) If the vehicle is registered in the offender's name and 9435  
if, within three years of the offense, the offender previously has 9436  
been convicted of or pleaded guilty to three or more violations of 9437  
this section, or any combination of three or more violations of 9438  
this section or section 4510.111 or 4510.16 of the Revised Code, 9439  
or of a substantially similar municipal ordinance, the court, in 9440  
addition to any other sentence that it imposes on the offender, 9441  
may order the criminal forfeiture of the vehicle involved in the 9442  
offense to the state. 9443

(E) Any order for immobilization and impoundment under this 9444  
section shall be issued and enforced under sections 4503.233 and 9445  
4507.02 of the Revised Code, as applicable. The court shall not 9446  
release a vehicle from immobilization ordered under this section 9447

unless the court is presented with current proof of financial 9448  
responsibility with respect to that vehicle. 9449

(F) Any order of criminal forfeiture under this section shall 9450  
be issued and enforced under section 4503.234 of the Revised Code. 9451  
Upon receipt of the copy of the order from the court, neither the 9452  
registrar of motor vehicles nor a deputy registrar shall accept 9453  
any application for the registration or transfer of registration 9454  
of any motor vehicle owned or leased by the person named in the 9455  
declaration of forfeiture. The period of registration denial shall 9456  
be five years after the date of the order, unless, during that 9457  
period, the court having jurisdiction of the offense that led to 9458  
the order terminates the forfeiture and notifies the registrar of 9459  
the termination. The registrar then shall take necessary measures 9460  
to permit the person to register a vehicle owned or leased by the 9461  
person or to transfer registration of the vehicle. 9462

(G) The offender shall provide the court with proof of 9463  
financial responsibility as defined in section 4509.01 of the 9464  
Revised Code. If the offender fails to provide that proof of 9465  
financial responsibility, then, in addition to any other penalties 9466  
provided by law, the court may order restitution pursuant to 9467  
section 2929.28 of the Revised Code in an amount not exceeding 9468  
five thousand dollars for any economic loss arising from an 9469  
accident or collision that was the direct and proximate result of 9470  
the offender's operation of the vehicle before, during, or after 9471  
committing the offense for which the offender is sentenced under 9472  
this section. 9473

**Sec. 4510.111.** (A) No person shall operate any motor vehicle 9474  
upon a highway or any public or private property used by the 9475  
public for purposes of vehicular travel or parking in this state 9476  
whose driver's or commercial driver's license has been suspended 9477  
pursuant to section 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 9478

~~4510.032, 4510.22, or 4510.33 of the Revised Code for failing to~~ 9479  
~~appear in court or to pay a fine, resulting in license forfeiture.~~ 9480

~~(B) No person shall operate any motor vehicle upon a highway~~ 9481  
~~or any public or private property used by the public for purposes~~ 9482  
~~of vehicular travel or parking in this state whose driver's or~~ 9483  
~~commercial driver's license has been suspended pursuant to section~~ 9484  
~~3123.58 of the Revised Code for being in default in payment of~~ 9485  
~~child support.~~ 9486

~~(C)~~ Upon the request or motion of the prosecuting authority, 9487  
a noncertified copy of the law enforcement automated data system 9488  
report or a noncertified copy of a record of the registrar of 9489  
motor vehicles that shows the name, date of birth, and social 9490  
security number of a person charged with a violation of division 9491  
(A) ~~or (B)~~ of this section may be admitted into evidence as 9492  
prima-facie evidence that the license of the person was under 9493  
suspension at the time of the alleged violation of division (A) ~~or~~ 9494  
~~(B)~~ of this section. The person charged with a violation of 9495  
division (A) ~~or (B)~~ of this section may offer evidence to rebut 9496  
this prima-facie evidence. 9497

~~(D)~~(C) Whoever violates division (A) ~~or (B)~~ of this section 9498  
is guilty of driving under suspension, and shall be punished as 9499  
provided in division (D) of this section. 9500

(1) Except as otherwise provided in division (D)(2) of this 9501  
section, the offense is an unclassified misdemeanor. The offender 9502  
shall be sentenced pursuant to sections 2929.21 to 2929.28 of the 9503  
Revised Code, except that the offender shall not be sentenced to a 9504  
jail term; the offender shall not be sentenced to a community 9505  
residential sanction pursuant to section 2929.26 of the Revised 9506  
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 9507  
Revised Code, the offender may be fined up to one thousand 9508  
dollars; and, notwithstanding division (A)(3) of section 2929.27 9509

of the Revised Code, the offender may be ordered pursuant to 9510  
division (C) of that section to serve a term of community service 9511  
of up to five hundred hours. The failure of an offender to 9512  
complete a term of community service imposed by the court may be 9513  
punished as indirect criminal contempt under division (A) of 9514  
section 2705.02 of the Revised Code that may be filed in the 9515  
underlying case. 9516

(2) If, within three years of the offense, the offender 9517  
previously was convicted of or pleaded guilty to two or more 9518  
violations of division (A) ~~or (B)~~ of this section, or any 9519  
combination of two or more violations of division (A) ~~or (B)~~ of 9520  
this section or section 4510.11 or 4510.16 of the Revised Code, or 9521  
a substantially equivalent municipal ordinance, the offense is a 9522  
misdemeanor of the ~~first~~ fourth degree. ~~The offender shall provide~~ 9523  
~~the court with proof of financial responsibility as defined in~~ 9524  
~~section 4509.01 of the Revised Code. If the offender fails to~~ 9525  
~~provide that proof of financial responsibility, then, in addition~~ 9526  
~~to any penalties provided by law, the court may order restitution~~ 9527  
~~pursuant to section 2929.28 of the Revised Code in an amount not~~ 9528  
~~exceeding five thousand dollars for any economic loss arising from~~ 9529  
~~an accident or collision that was the direct and proximate result~~ 9530  
~~of the offender's operation of the vehicle before, during, or~~ 9531  
~~after committing the offense for which the offender is sentenced~~ 9532  
~~under this section.~~ 9533

~~(3) In all cases, the court may impose a class seven~~ 9534  
~~suspension of the offender's driver's or commercial driver's~~ 9535  
~~license or permit or nonresident operating privilege from the~~ 9536  
~~range of time specified in division (A)(7) of section 4507.02 of~~ 9537  
~~the Revised Code.~~ 9538

~~(4)(a) In all cases, if the vehicle is registered in the~~ 9539  
~~offender's name and if, within three years of the offense, the~~ 9540  
~~offender previously has been convicted of or pleaded guilty to one~~ 9541



~~violation of division (A) or (B) of this section or section 9542~~  
~~4510.11 or 4510.16 of the Revised Code, or a substantially 9543~~  
~~equivalent municipal ordinance, the court, in addition to any 9544~~  
~~other sentence that it imposes upon the offender, may order the 9545~~  
~~immobilization of the vehicle involved in the offense for thirty 9546~~  
~~days and the impoundment of that vehicle's license plates for 9547~~  
~~thirty days in accordance with section 4503.233 of the Revised 9548~~  
~~Code. 9549~~

~~(b) In all cases, if the vehicle is registered in the 9550~~  
~~offender's name and if, within three years of the offense, the 9551~~  
~~offender previously has been convicted of or pleaded guilty to two 9552~~  
~~violations of division (A) or (B) of this section, or any 9553~~  
~~combination of two violations of division (A) or (B) of this 9554~~  
~~section or section 4510.11 or 4510.16 of the Revised Code, or a 9555~~  
~~substantially equivalent municipal ordinance, the court, in 9556~~  
~~addition to any other sentence that it imposes upon the offender, 9557~~  
~~may order the immobilization of the vehicle involved in the 9558~~  
~~offense for sixty days and the impoundment of that vehicle's 9559~~  
~~license plates for sixty days in accordance with section 4503.233 9560~~  
~~of the Revised Code. 9561~~

~~(c) In all cases, if the vehicle is registered in the 9562~~  
~~offender's name and if, within three years of the offense, the 9563~~  
~~offender previously has been convicted of or pleaded guilty to 9564~~  
~~three or more violations of this section, or any combination of 9565~~  
~~three or more violations of this section or section 4510.11 or 9566~~  
~~4510.16 of the Revised Code, or a substantially equivalent 9567~~  
~~municipal ordinance, the court, in addition to any other sentence 9568~~  
~~that it imposes upon the offender, may order the criminal 9569~~  
~~forfeiture of the vehicle involved in the offense to the state. 9570~~

~~(E) An order for immobilization and impoundment under this 9571~~  
~~section shall be issued and enforced under sections 4503.233 and 9572~~  
~~4507.02 of the Revised Code, as applicable. The court shall not 9573~~

~~release a motor vehicle from immobilization ordered under this~~ 9574  
~~section unless the court is presented with current proof of~~ 9575  
~~financial responsibility with respect to that motor vehicle.~~ 9576

~~(F) An order for criminal forfeiture under this section shall~~ 9577  
~~be issued and enforced under section 4503.234 of the Revised Code.~~ 9578  
~~Upon receipt of a copy of the order from the court, neither the~~ 9579  
~~registrar of motor vehicles nor a deputy registrar shall accept~~ 9580  
~~any application for the registration or transfer of registration~~ 9581  
~~of any motor vehicle owned or leased by the person named in the~~ 9582  
~~declaration of forfeiture. The period of registration denial shall~~ 9583  
~~be five years after the date of the order unless, during that~~ 9584  
~~period, the court having jurisdiction of the offense that led to~~ 9585  
~~the order terminates the forfeiture and notifies the registrar of~~ 9586  
~~the termination. The registrar then shall take the necessary~~ 9587  
~~measures to permit the person to register a vehicle owned or~~ 9588  
~~leased by the person or to transfer registration of the vehicle.~~ 9589

**Sec. 4510.16.** (A) No person, whose driver's or commercial 9590  
driver's license or temporary instruction permit or nonresident's 9591  
operating privilege has been suspended or canceled pursuant to 9592  
Chapter 4509. of the Revised Code, shall operate any motor vehicle 9593  
within this state, or knowingly permit any motor vehicle owned by 9594  
the person to be operated by another person in the state, during 9595  
the period of the suspension or cancellation, except as 9596  
specifically authorized by Chapter 4509. of the Revised Code. No 9597  
person shall operate a motor vehicle within this state, or 9598  
knowingly permit any motor vehicle owned by the person to be 9599  
operated by another person in the state, during the period in 9600  
which the person is required by section 4509.45 of the Revised 9601  
Code to file and maintain proof of financial responsibility for a 9602  
violation of section 4509.101 of the Revised Code, unless proof of 9603  
financial responsibility is maintained with respect to that 9604  
vehicle. 9605

(B) No person shall operate any motor vehicle upon a highway 9606  
or any public or private property used by the public for purposes 9607  
of vehicular travel or parking in this state if the person's 9608  
driver's or commercial driver's license or temporary instruction 9609  
permit or nonresident operating privilege has been suspended 9610  
pursuant to section 4509.37 or 4509.40 of the Revised Code for 9611  
nonpayment of a judgment. 9612

(C) Upon the request or motion of the prosecuting authority, 9613  
a noncertified copy of the law enforcement automated data system 9614  
report or a noncertified copy of a record of the registrar of 9615  
motor vehicles that shows the name, date of birth, and social 9616  
security number of a person charged with a violation of division 9617  
(A) or (B) of this section may be admitted into evidence as 9618  
prima-facie evidence that the license of the person was under 9619  
either a financial responsibility law suspension at the time of 9620  
the alleged violation of division (A) of this section or a 9621  
nonpayment of judgment suspension at the time of the alleged 9622  
violation of division (B) of this section. The person charged with 9623  
a violation of division (A) or (B) of this section may offer 9624  
evidence to rebut this prima-facie evidence. 9625

(D) Whoever violates division (A) of this section is guilty 9626  
of driving under financial responsibility law suspension or 9627  
cancellation and shall be punished as provided in divisions (D) to 9628  
(I) of this section. Whoever violates division (B) of this section 9629  
is guilty of driving under a nonpayment of judgment suspension and 9630  
shall be punished as provided in divisions (D) to (I) of this 9631  
section. 9632

(1) Except as otherwise provided in division (D)(2) of this 9633  
section, the offense is an unclassified misdemeanor. When the 9634  
offense is an unclassified misdemeanor, the offender shall be 9635  
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 9636  
Code, except that the offender shall not be sentenced to a jail 9637

term; the offender shall not be sentenced to a community 9638  
residential sanction pursuant to section 2929.26 of the Revised 9639  
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 9640  
Revised Code, the offender may be fined up to one thousand 9641  
dollars; and, notwithstanding division (A)(3) of section 2929.27 9642  
of the Revised Code, the offender may be ordered pursuant to 9643  
division (C) of that section to serve a term of community service 9644  
of up to five hundred hours. The failure of an offender to 9645  
complete a term of community service imposed by the court may be 9646  
punished as indirect criminal contempt under division (A) of 9647  
section 2705.02 of the Revised Code that may be filed in the 9648  
underlying case. 9649

(2) If, within three years of the offense, the offender 9650  
previously was convicted of or pleaded guilty to two or more 9651  
violations of this section, or any combination of two violations 9652  
of this section or section 4510.11 or 4510.111 of the Revised 9653  
Code, or a substantially equivalent municipal ordinance, the 9654  
offense is a misdemeanor of the ~~first~~ fourth degree. 9655

~~(E) The offender shall provide the court with proof of 9656  
financial responsibility as defined in section 4509.01 of the 9657  
Revised Code. If the offender fails to provide that proof of 9658  
financial responsibility, then, in addition to any other penalties 9659  
provided by law, the court may order restitution pursuant to 9660  
section 2929.28 of the Revised Code in an amount not exceeding 9661  
five thousand dollars for any economic loss arising from an 9662  
accident or collision that was the direct and proximate result of 9663  
the offender's operation of the vehicle before, during, or after 9664  
committing the offense for which the offender is sentenced under 9665  
this section. 9666~~

~~(F) The court may impose a class seven suspension of the 9667  
offender's driver's or commercial driver's license or permit or 9668  
nonresident operating privilege from the range of time specified 9669~~

~~in division (A)(7) of section 4510.02 of the Revised Code.~~ 9670

~~(G)(1) If the vehicle is registered in the offender's name 9671  
and if, within three years of the offense, the offender previously 9672  
has been convicted of or pleaded guilty to one violation of 9673  
division (A) or (B) of this section or section 4510.11 or 4510.111 9674  
of the Revised Code or a substantially equivalent municipal 9675  
ordinance, the court, in addition to or independent of any other 9676  
sentence that it imposes upon the offender, may order the 9677  
immobilization for thirty days of the vehicle involved in the 9678  
offense and the impoundment for thirty days of the license plates 9679  
of that vehicle in accordance with section 4503.233 of the Revised 9680  
Code.~~ 9681

~~(2) If the vehicle is registered in the offender's name and 9682  
if, within three years of the offense, the offender has been 9683  
convicted of or pleaded guilty to two violations of division (A) 9684  
or (B) of this section or section 4510.11 or 4510.111 of the 9685  
Revised Code, or any combination of two violations of this section 9686  
or section 4510.11 or 4510.111 of the Revised Code, or a 9687  
substantially similar municipal ordinance, the court, in addition 9688  
to or independent of any other sentence that it imposes on the 9689  
offender, may order the immobilization for sixty days of the 9690  
vehicle involved in the offense and the impoundment for sixty days 9691  
of the license plates of that vehicle in accordance with section 9692  
4503.233 of the Revised Code.~~ 9693

~~(3) If the vehicle is registered in the offender's name and 9694  
if, within three years of the offense, the offender has been 9695  
convicted of or pleaded guilty to three or more violations of this 9696  
section or section 4510.11 or 4510.111 of the Revised Code, or any 9697  
combination of three or more violations of this section or section 9698  
4510.11 or 4510.111 of the Revised Code, or a substantially 9699  
similar municipal ordinance, the court, in addition to or 9700  
independent of any other sentence that it imposes upon the 9701~~

offender, may order the criminal forfeiture to the state of the 9702  
vehicle involved in the offense. If title to a motor vehicle that 9703  
is subject to an order for criminal forfeiture under this division 9704  
is assigned or transferred and division (B)(2) or (3) of section 9705  
4503.234 of the Revised Code applies, in addition to or 9706  
independent of any other penalty established by law, the court may 9707  
fine the offender the value of the vehicle as determined by 9708  
publications of the national automobile dealers association. The 9709  
proceeds from any fine so imposed shall be distributed in 9710  
accordance with division (C)(2) of that section. 9711

(H) Any order for immobilization and impoundment under this 9712  
section shall be issued and enforced in accordance with sections 9713  
4503.233 and 4507.02 of the Revised Code, as applicable. The court 9714  
shall not release a vehicle from immobilization ordered under this 9715  
section unless the court is presented with current proof of 9716  
financial responsibility with respect to that vehicle. 9717

(I) An order for criminal forfeiture under this section shall 9718  
be issued and enforced under section 4503.234 of the Revised Code. 9719  
Upon receipt of a copy of the order from the court, neither the 9720  
registrar of motor vehicles nor a deputy registrar shall accept 9721  
any application for the registration or transfer of registration 9722  
of any motor vehicle owned or leased by the person named in the 9723  
declaration of forfeiture. The period of registration denial shall 9724  
be five years after the date of the order unless, during that 9725  
period, the court having jurisdiction of the offense that led to 9726  
the order terminates the forfeiture and notifies the registrar of 9727  
the termination. The registrar then shall take the necessary 9728  
measures to permit the person to register a vehicle owned or 9729  
leased by the person or to transfer registration of the vehicle. 9730

**Sec. 4510.161.** (A) The requirements and sanctions imposed by 9731  
divisions (B) and (C) of this section are an adjunct to and derive 9732

from the state's exclusive authority over the registration and 9733  
titling of motor vehicles and do not comprise a part of the 9734  
criminal sentence to be imposed upon a person who violates a 9735  
municipal ordinance that is substantially equivalent to section 9736  
4510.14 ~~or to division (A) of section 4510.16~~ of the Revised Code. 9737

~~(B) If a person is convicted of or pleads guilty to a 9738  
violation of a municipal ordinance that is substantially 9739  
equivalent to division (A) of section 4510.16 of the Revised Code 9740  
or former division (B)(1) of section 4507.02 of the Revised Code 9741  
or a municipal ordinance that is substantially equivalent to 9742  
either of those divisions, the court, in addition to or 9743  
independent of any sentence that it imposes upon the offender for 9744  
the offense, may do whichever of the following is applicable:~~ 9745

~~(1) If the vehicle is registered in the offender's name and 9746  
if, within three years of the current offense, the offender 9747  
previously has been convicted of or pleaded guilty to one 9748  
violation of this section or section 4510.11, 4510.111, or 4510.16 9749  
of the Revised Code or a substantially equivalent municipal 9750  
ordinance, the court, in addition to or independent of any other 9751  
sentence that it imposes upon the offender, may order the 9752  
immobilization of the vehicle involved in the offense for thirty 9753  
days and the impoundment of that vehicle's license plates for 9754  
thirty days in accordance with section 4503.233 of the Revised 9755  
Code. 9756~~

~~(2) If the vehicle is registered in the offender's name and 9757  
if, within three years of the current offense, the offender 9758  
previously has been convicted of or pleaded guilty to two 9759  
violations of this section or any combination of two violations of 9760  
this section or section 4510.11, 4510.111, or 4510.16 of the 9761  
Revised Code, or a substantially equivalent municipal ordinance, 9762  
the court, in addition to or independent of any other sentence 9763~~

~~that it imposes upon the offender, may order the immobilization 9764  
for sixty days of the vehicle involved in the offense and the 9765  
impoundment of that vehicle's license plates for sixty days in 9766  
accordance with section 4503.233 of the Revised Code. 9767~~

~~(3) If the vehicle is registered in the offender's name and 9768  
if, within three years of the current offense, the offender 9769  
previously has been convicted of or pleaded guilty to three or 9770  
more violations of this section or any combination of three or 9771  
more violations of this section or section 4510.11, 4510.111, or 9772  
4510.16 of the Revised Code, or a substantially equivalent 9773  
municipal ordinance, the court may order the criminal forfeiture 9774  
to the state of the vehicle the offender was operating at the time 9775  
of the offense. If title to a motor vehicle that is subject to an 9776  
order for criminal forfeiture under this division is assigned or 9777  
transferred and division (B)(2) or (3) of section 4503.234 of the 9778  
Revised Code applies, in addition to or independent of any other 9779  
penalty established by law, the court may fine the offender the 9780  
value of the motor vehicle as determined by publications of the 9781  
national automobile dealers association. The proceeds from any 9782  
fine so imposed shall be distributed in accordance with division 9783  
(C)(2) of that section. 9784~~

~~(C) If a person is convicted of or pleads guilty to a 9785  
violation of a municipal ordinance that is substantially 9786  
equivalent to section 4510.14 of the Revised Code, the court, in 9787  
addition to and independent of any sentence that it imposes upon 9788  
the offender for the offense, if the vehicle the offender was 9789  
operating at the time of the offense is registered in the 9790  
offender's name, shall do whichever of the following is 9791  
applicable: 9792~~

~~(1) If, within six years of the current offense, the offender 9793  
has not been convicted of or pleaded guilty to a violation of 9794  
section 4510.14 or former division (D)(2) of section 4507.02 of 9795~~



the Revised Code or a municipal ordinance that is substantially 9796  
equivalent to that section or former division, the court shall 9797  
order the immobilization for thirty days of the vehicle involved 9798  
in the offense and the impoundment for thirty days of the license 9799  
plates of that vehicle in accordance with section 4503.233 of the 9800  
Revised Code. 9801

(2) If, within six years of the current offense, the offender 9802  
has been convicted of or pleaded guilty to one violation of 9803  
section 4510.14 or former division (D)(2) of section 4507.02 of 9804  
the Revised Code or a municipal ordinance that is substantially 9805  
equivalent to that section or former division, the court shall 9806  
order the immobilization for sixty days of the vehicle involved in 9807  
the offense and the impoundment for sixty days of the license 9808  
plates of that vehicle in accordance with section 4503.233 of the 9809  
Revised Code. 9810

(3) If, within six years of the current offense, the offender 9811  
has been convicted of or pleaded guilty to two or more violations 9812  
of section 4510.14 or former division (D)(2) of section 4507.02 of 9813  
the Revised Code or a municipal ordinance that is substantially 9814  
equivalent to that section or former division, the court shall 9815  
order the criminal forfeiture to the state of the vehicle the 9816  
offender was operating at the time of the offense. 9817

~~(D)~~(C) An order for immobilization and impoundment of a 9818  
vehicle under this section shall be issued and enforced in 9819  
accordance with sections 4503.233 and 4507.02 of the Revised Code, 9820  
as applicable. The court shall not release a vehicle from 9821  
immobilization ordered under this section unless the court is 9822  
presented with current proof of financial responsibility with 9823  
respect to that vehicle. 9824

~~(E)~~(D) An order for criminal forfeiture of a vehicle under 9825  
this section shall be issued and enforced under section 4503.234 9826  
of the Revised Code. Upon receipt of a copy of the order from the 9827

court, neither the registrar of motor vehicles nor a deputy 9828  
registrar shall accept any application for the registration or 9829  
transfer of registration of any motor vehicle owned or leased by 9830  
the person named in the declaration of forfeiture. The period of 9831  
registration denial shall be five years after the date of the 9832  
order unless, during that period, the court having jurisdiction of 9833  
the offense that led to the order terminates the forfeiture and 9834  
notifies the registrar of the termination. The registrar then 9835  
shall take the necessary measures to permit the person to register 9836  
a vehicle owned or leased by the person or to transfer 9837  
registration of the vehicle. 9838

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 9839  
impose a class D suspension of the person's driver's license, 9840  
commercial driver's license, temporary instruction permit, 9841  
probationary license, or nonresident operating privilege for the 9842  
period of time specified in division (B)(4) of section 4510.02 of 9843  
the Revised Code on any person who is a resident of this state and 9844  
is convicted of or pleads guilty to a violation of a statute of 9845  
any other state or any federal statute that is substantially 9846  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 9847  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 9848  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 9849  
Code. Upon receipt of a report from a court, court clerk, or other 9850  
official of any other state or from any federal authority that a 9851  
resident of this state was convicted of or pleaded guilty to an 9852  
offense described in this division, the registrar shall send a 9853  
notice by regular first class mail to the person, at the person's 9854  
last known address as shown in the records of the bureau of motor 9855  
vehicles, informing the person of the suspension, that the 9856  
suspension will take effect twenty-one days from the date of the 9857  
notice, and that, if the person wishes to appeal the suspension or 9858  
denial, the person must file a notice of appeal within twenty-one 9859

days of the date of the notice requesting a hearing on the matter. 9860  
If the person requests a hearing, the registrar shall hold the 9861  
hearing not more than forty days after receipt by the registrar of 9862  
the notice of appeal. The filing of a notice of appeal does not 9863  
stay the operation of the suspension that must be imposed pursuant 9864  
to this division. The scope of the hearing shall be limited to 9865  
whether the person actually was convicted of or pleaded guilty to 9866  
the offense for which the suspension is to be imposed. 9867

The suspension the registrar is required to impose under this 9868  
division shall end either on the last day of the class D 9869  
suspension period or of the suspension of the person's nonresident 9870  
operating privilege imposed by the state or federal court, 9871  
whichever is earlier. 9872

The registrar shall subscribe to or otherwise participate in 9873  
any information system or register, or enter into reciprocal and 9874  
mutual agreements with other states and federal authorities, in 9875  
order to facilitate the exchange of information with other states 9876  
and the United States government regarding persons who plead 9877  
guilty to or are convicted of offenses described in this division 9878  
and therefore are subject to the suspension or denial described in 9879  
this division. 9880

(B) The registrar shall impose a class D suspension of the 9881  
person's driver's license, commercial driver's license, temporary 9882  
instruction permit, probationary license, or nonresident operating 9883  
privilege for the period of time specified in division (B)(4) of 9884  
section 4510.02 of the Revised Code on any person who is a 9885  
resident of this state and is convicted of or pleads guilty to a 9886  
violation of a statute of any other state or a municipal ordinance 9887  
of a municipal corporation located in any other state that is 9888  
substantially similar to section 4511.19 of the Revised Code. Upon 9889  
receipt of a report from another state made pursuant to section 9890  
4510.61 of the Revised Code indicating that a resident of this 9891

state was convicted of or pleaded guilty to an offense described 9892  
in this division, the registrar shall send a notice by regular 9893  
first class mail to the person, at the person's last known address 9894  
as shown in the records of the bureau of motor vehicles, informing 9895  
the person of the suspension, that the suspension or denial will 9896  
take effect twenty-one days from the date of the notice, and that, 9897  
if the person wishes to appeal the suspension, the person must 9898  
file a notice of appeal within twenty-one days of the date of the 9899  
notice requesting a hearing on the matter. If the person requests 9900  
a hearing, the registrar shall hold the hearing not more than 9901  
forty days after receipt by the registrar of the notice of appeal. 9902  
The filing of a notice of appeal does not stay the operation of 9903  
the suspension that must be imposed pursuant to this division. The 9904  
scope of the hearing shall be limited to whether the person 9905  
actually was convicted of or pleaded guilty to the offense for 9906  
which the suspension is to be imposed. 9907

The suspension the registrar is required to impose under this 9908  
division shall end either on the last day of the class D 9909  
suspension period or of the suspension of the person's nonresident 9910  
operating privilege imposed by the state or federal court, 9911  
whichever is earlier. 9912

(C) The registrar shall impose a class D suspension of the 9913  
child's driver's license, commercial driver's license, temporary 9914  
instruction permit, or nonresident operating privilege for the 9915  
period of time specified in division (B)(4) of section 4510.02 of 9916  
the Revised Code on any child who is a resident of this state and 9917  
is convicted of or pleads guilty to a violation of a statute of 9918  
any other state or any federal statute that is substantially 9919  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 9920  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 9921  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 9922  
Code. Upon receipt of a report from a court, court clerk, or other 9923

official of any other state or from any federal authority that a 9924  
child who is a resident of this state was convicted of or pleaded 9925  
guilty to an offense described in this division, the registrar 9926  
shall send a notice by regular first class mail to the child, at 9927  
the child's last known address as shown in the records of the 9928  
bureau of motor vehicles, informing the child of the suspension, 9929  
that the suspension or denial will take effect twenty-one days 9930  
from the date of the notice, and that, if the child wishes to 9931  
appeal the suspension, the child must file a notice of appeal 9932  
within twenty-one days of the date of the notice requesting a 9933  
hearing on the matter. If the child requests a hearing, the 9934  
registrar shall hold the hearing not more than forty days after 9935  
receipt by the registrar of the notice of appeal. The filing of a 9936  
notice of appeal does not stay the operation of the suspension 9937  
that must be imposed pursuant to this division. The scope of the 9938  
hearing shall be limited to whether the child actually was 9939  
convicted of or pleaded guilty to the offense for which the 9940  
suspension is to be imposed. 9941

The suspension the registrar is required to impose under this 9942  
division shall end either on the last day of the class D 9943  
suspension period or of the suspension of the child's nonresident 9944  
operating privilege imposed by the state or federal court, 9945  
whichever is earlier. If the child is a resident of this state who 9946  
is sixteen years of age or older and does not have a current, 9947  
valid Ohio driver's or commercial driver's license or permit, the 9948  
notice shall inform the child that the child will be denied 9949  
issuance of a driver's or commercial driver's license or permit 9950  
for six months beginning on the date of the notice. If the child 9951  
has not attained the age of sixteen years on the date of the 9952  
notice, the notice shall inform the child that the period of 9953  
denial of six months shall commence on the date the child attains 9954  
the age of sixteen years. 9955

The registrar shall subscribe to or otherwise participate in 9956  
any information system or register, or enter into reciprocal and 9957  
mutual agreements with other states and federal authorities, in 9958  
order to facilitate the exchange of information with other states 9959  
and the United States government regarding children who are 9960  
residents of this state and plead guilty to or are convicted of 9961  
offenses described in this division and therefore are subject to 9962  
the suspension or denial described in this division. 9963

(D) The registrar shall impose a class D suspension of the 9964  
child's driver's license, commercial driver's license, temporary 9965  
instruction permit, probationary license, or nonresident operating 9966  
privilege for the period of time specified in division (B)(4) of 9967  
section 4510.02 of the Revised Code on any child who is a resident 9968  
of this state and is convicted of or pleads guilty to a violation 9969  
of a statute of any other state or a municipal ordinance of a 9970  
municipal corporation located in any other state that is 9971  
substantially similar to section 4511.19 of the Revised Code. Upon 9972  
receipt of a report from another state made pursuant to section 9973  
4510.61 of the Revised Code indicating that a child who is a 9974  
resident of this state was convicted of or pleaded guilty to an 9975  
offense described in this division, the registrar shall send a 9976  
notice by regular first class mail to the child, at the child's 9977  
last known address as shown in the records of the bureau of motor 9978  
vehicles, informing the child of the suspension, that the 9979  
suspension will take effect twenty-one days from the date of the 9980  
notice, and that, if the child wishes to appeal the suspension, 9981  
the child must file a notice of appeal within twenty-one days of 9982  
the date of the notice requesting a hearing on the matter. If the 9983  
child requests a hearing, the registrar shall hold the hearing not 9984  
more than forty days after receipt by the registrar of the notice 9985  
of appeal. The filing of a notice of appeal does not stay the 9986  
operation of the suspension that must be imposed pursuant to this 9987  
division. The scope of the hearing shall be limited to whether the 9988

child actually was convicted of or pleaded guilty to the offense 9989  
for which the suspension is to be imposed. 9990

The suspension the registrar is required to impose under this 9991  
division shall end either on the last day of the class D 9992  
suspension period or of the suspension of the child's nonresident 9993  
operating privilege imposed by the state or federal court, 9994  
whichever is earlier. If the child is a resident of this state who 9995  
is sixteen years of age or older and does not have a current, 9996  
valid Ohio driver's or commercial driver's license or permit, the 9997  
notice shall inform the child that the child will be denied 9998  
issuance of a driver's or commercial driver's license or permit 9999  
for six months beginning on the date of the notice. If the child 10000  
has not attained the age of sixteen years on the date of the 10001  
notice, the notice shall inform the child that the period of 10002  
denial of six months shall commence on the date the child attains 10003  
the age of sixteen years. 10004

(E) Any person whose license or permit has been suspended 10005  
pursuant to this section may file a petition in the municipal or 10006  
county court, or in case the person is under eighteen years of 10007  
age, the juvenile court, in whose jurisdiction the person resides, 10008  
agreeing to pay the cost of the proceedings and alleging that the 10009  
suspension would seriously affect the person's ability to continue 10010  
the person's employment. Upon satisfactory proof that there is 10011  
reasonable cause to believe that the suspension would seriously 10012  
affect the person's ability to continue the person's employment, 10013  
the judge may grant the person limited driving privileges during 10014  
the period during which the suspension otherwise would be imposed, 10015  
except that the judge shall not grant limited driving privileges 10016  
for employment as a driver of a commercial motor vehicle to any 10017  
person who would be disqualified from operating a commercial motor 10018  
vehicle under section 4506.16 of the Revised Code if the violation 10019  
had occurred in this state, or during any of the following periods 10020

of time: 10021

(1) The first fifteen days of a suspension under division (B) 10022  
or (D) of this section, if the person has not been convicted 10023  
within six years of the date of the offense giving rise to the 10024  
suspension under this section of a violation of any of the 10025  
following: 10026

(a) Section 4511.19 of the Revised Code, or a municipal 10027  
ordinance relating to operating a vehicle while under the 10028  
influence of alcohol, a drug of abuse, or alcohol and a drug of 10029  
abuse; 10030

(b) A municipal ordinance relating to operating a motor 10031  
vehicle with a prohibited concentration of alcohol, a controlled 10032  
substance, or a metabolite of a controlled substance in the whole 10033  
blood, blood serum or plasma, breath, or urine; 10034

(c) Section 2903.04 of the Revised Code in a case in which 10035  
the person was subject to the sanctions described in division (D) 10036  
of that section; 10037

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 10038  
section 2903.08 of the Revised Code or a municipal ordinance that 10039  
is substantially similar to either of those divisions; 10040

(e) Division (A)(2), (3), or (4) of section 2903.06, division 10041  
(A)(2) of section 2903.08, or as it existed prior to March 23, 10042  
2000, section 2903.07 of the Revised Code, or a municipal 10043  
ordinance that is substantially similar to any of those divisions 10044  
or that former section, in a case in which the jury or judge found 10045  
that the person was under the influence of alcohol, a drug of 10046  
abuse, or alcohol and a drug of abuse. 10047

(2) The first thirty days of a suspension under division (B) 10048  
or (D) of this section, if the person has been convicted one time 10049  
within six years of the date of the offense giving rise to the 10050  
suspension under this section of any violation identified in 10051



division (E)(1) of this section. 10052

(3) The first one hundred eighty days of a suspension under 10053  
division (B) or (D) of this section, if the person has been 10054  
convicted two times within six years of the date of the offense 10055  
giving rise to the suspension under this section of any violation 10056  
identified in division (E)(1) of this section. 10057

(4) No limited driving privileges may be granted if the 10058  
person has been convicted three or more times within five years of 10059  
the date of the offense giving rise to a suspension under division 10060  
(B) or (D) of this section of any violation identified in division 10061  
(E)(1) of this section. 10062

If a person petitions for limited driving privileges under 10063  
division (E) of this section, the registrar shall be represented 10064  
by the county prosecutor of the county in which the person resides 10065  
if the petition is filed in a juvenile court or county court, 10066  
except that if the person resides within a city or village that is 10067  
located within the jurisdiction of the county in which the 10068  
petition is filed, the city director of law or village solicitor 10069  
of that city or village shall represent the registrar. If the 10070  
petition is filed in a municipal court, the registrar shall be 10071  
represented as provided in section 1901.34 of the Revised Code. 10072

In granting limited driving privileges under division (E) of 10073  
this section, the court may impose any condition it considers 10074  
reasonable and necessary to limit the use of a vehicle by the 10075  
person. The court shall deliver to the person a permit card, in a 10076  
form to be prescribed by the court, setting forth the time, place, 10077  
and other conditions limiting the person's use of a motor vehicle. 10078  
The grant of limited driving privileges shall be conditioned upon 10079  
the person's having the permit in the person's possession at all 10080  
times during which the person is operating a vehicle. 10081

A person granted limited driving privileges who operates a 10082

vehicle for other than limited purposes, in violation of any 10083  
condition imposed by the court or without having the permit in the 10084  
person's possession, is guilty of a violation of section 4510.11 10085  
of the Revised Code. 10086

(F) As used in divisions (C) and (D) of this section: 10087

(1) "Child" means a person who is under the age of eighteen 10088  
years, except that any person who violates a statute or ordinance 10089  
described in division (C) or (D) of this section prior to 10090  
attaining eighteen years of age shall be deemed a "child" 10091  
irrespective of the person's age at the time the complaint or 10092  
other equivalent document is filed in the other state or a 10093  
hearing, trial, or other proceeding is held in the other state on 10094  
the complaint or other equivalent document, and irrespective of 10095  
the person's age when the period of license suspension or denial 10096  
prescribed in division (C) or (D) of this section is imposed. 10097

(2) "Is convicted of or pleads guilty to" means, as it 10098  
relates to a child who is a resident of this state, that in a 10099  
proceeding conducted in a state or federal court located in 10100  
another state for a violation of a statute or ordinance described 10101  
in division (C) or (D) of this section, the result of the 10102  
proceeding is any of the following: 10103

(a) Under the laws that govern the proceedings of the court, 10104  
the child is adjudicated to be or admits to being a delinquent 10105  
child or a juvenile traffic offender for a violation described in 10106  
division (C) or (D) of this section that would be a crime if 10107  
committed by an adult; 10108

(b) Under the laws that govern the proceedings of the court, 10109  
the child is convicted of or pleads guilty to a violation 10110  
described in division (C) or (D) of this section; 10111

(c) Under the laws that govern the proceedings of the court, 10112  
irrespective of the terminology utilized in those laws, the result 10113

of the court's proceedings is the functional equivalent of 10114  
division (F)(2)(a) or (b) of this section. 10115

**Sec. 4510.41.** (A) As used in this section: 10116

(1) "Arrested person" means a person who is arrested for a 10117  
violation of section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 10118  
Code, or a municipal ordinance that is substantially equivalent to 10119  
~~any~~ either of those sections, and whose arrest results in a 10120  
vehicle being seized under division (B) of this section. 10121

(2) "Vehicle owner" means either of the following: 10122

(a) The person in whose name is registered, at the time of 10123  
the seizure, a vehicle that is seized under division (B) of this 10124  
section; 10125

(b) A person to whom the certificate of title to a vehicle 10126  
that is seized under division (B) of this section has been 10127  
assigned and who has not obtained a certificate of title to the 10128  
vehicle in that person's name, but who is deemed by the court as 10129  
being the owner of the vehicle at the time the vehicle was seized 10130  
under division (B) of this section. 10131

(3) "Interested party" includes the owner of a vehicle seized 10132  
under this section, all lienholders, the arrested person, the 10133  
owner of the place of storage at which a vehicle seized under this 10134  
section is stored, and the person or entity that caused the 10135  
vehicle to be removed. 10136

(B)(1) If a person is arrested for a violation of section 10137  
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 10138  
that is substantially equivalent to either of those sections ~~or if~~ 10139  
~~a person is arrested for a violation of section 4510.16 of the~~ 10140  
~~Revised Code or a municipal ordinance that is substantially~~ 10141  
~~equivalent to that section and if division (C)(2) of section~~ 10142  
~~4510.16 or division (B) of section 4510.161 of the Revised Code~~ 10143

applies, the arresting officer or another officer of the law 10144  
enforcement agency that employs the arresting officer, in addition 10145  
to any action that the arresting officer is required or authorized 10146  
to take by any other provision of law, shall seize the vehicle 10147  
that the person was operating at the time of, or that was involved 10148  
in, the alleged offense if the vehicle is registered in the 10149  
arrested person's name and its license plates. A law enforcement 10150  
agency that employs a law enforcement officer who makes an arrest 10151  
of a type that is described in this division and that involves a 10152  
rented or leased vehicle that is being rented or leased for a 10153  
period of thirty days or less shall notify, within twenty-four 10154  
hours after the officer makes the arrest, the lessor or owner of 10155  
the vehicle regarding the circumstances of the arrest and the 10156  
location at which the vehicle may be picked up. At the time of the 10157  
seizure of the vehicle, the law enforcement officer who made the 10158  
arrest shall give the arrested person written notice that the 10159  
vehicle and its license plates have been seized; that the vehicle 10160  
either will be kept by the officer's law enforcement agency or 10161  
will be immobilized at least until the person's initial appearance 10162  
on the charge of the offense for which the arrest was made; that, 10163  
at the initial appearance, the court in certain circumstances may 10164  
order that the vehicle and license plates be released to the 10165  
arrested person until the disposition of that charge; that, if the 10166  
arrested person is convicted of that charge, the court generally 10167  
must order the immobilization of the vehicle and the impoundment 10168  
of its license plates or the forfeiture of the vehicle; and that 10169  
the arrested person may be charged expenses or charges incurred 10170  
under this section and section 4503.233 of the Revised Code for 10171  
the removal and storage of the vehicle. 10172

(2) The arresting officer or a law enforcement officer of the 10173  
agency that employs the arresting officer shall give written 10174  
notice of the seizure under division (B)(1) of this section to the 10175  
court that will conduct the initial appearance of the arrested 10176

person on the charges arising out of the arrest. Upon receipt of 10177  
the notice, the court promptly shall determine whether the 10178  
arrested person is the vehicle owner. If the court determines that 10179  
the arrested person is not the vehicle owner, it promptly shall 10180  
send by regular mail written notice of the seizure to the 10181  
vehicle's registered owner. The written notice shall contain all 10182  
of the information required by division (B)(1) of this section to 10183  
be in a notice to be given to the arrested person and also shall 10184  
specify the date, time, and place of the arrested person's initial 10185  
appearance. The notice also shall inform the vehicle owner that if 10186  
title to a motor vehicle that is subject to an order for criminal 10187  
forfeiture under this section is assigned or transferred and 10188  
division (B)(2) or (3) of section 4503.234 of the Revised Code 10189  
applies, the court may fine the arrested person the value of the 10190  
vehicle. The notice also shall state that if the vehicle is 10191  
immobilized under division (A) of section 4503.233 of the Revised 10192  
Code, seven days after the end of the period of immobilization a 10193  
law enforcement agency will send the vehicle owner a notice, 10194  
informing the owner that if the release of the vehicle is not 10195  
obtained in accordance with division (D)(3) of section 4503.233 of 10196  
the Revised Code, the vehicle shall be forfeited. The notice also 10197  
shall inform the vehicle owner that the owner may be charged 10198  
expenses or charges incurred under this section and section 10199  
4503.233 of the Revised Code for the removal and storage of the 10200  
vehicle. 10201

The written notice that is given to the arrested person also 10202  
shall state that if the person is convicted of or pleads guilty to 10203  
the offense and the court issues an immobilization and impoundment 10204  
order relative to that vehicle, division (D)(4) of section 10205  
4503.233 of the Revised Code prohibits the vehicle from being sold 10206  
during the period of immobilization without the prior approval of 10207  
the court. 10208

(3) At or before the initial appearance, the vehicle owner 10209  
may file a motion requesting the court to order that the vehicle 10210  
and its license plates be released to the vehicle owner. Except as 10211  
provided in this division and subject to the payment of expenses 10212  
or charges incurred in the removal and storage of the vehicle, the 10213  
court, in its discretion, then may issue an order releasing the 10214  
vehicle and its license plates to the vehicle owner. Such an order 10215  
may be conditioned upon such terms as the court determines 10216  
appropriate, including the posting of a bond in an amount 10217  
determined by the court. If the arrested person is not the vehicle 10218  
owner and if the vehicle owner is not present at the arrested 10219  
person's initial appearance, and if the court believes that the 10220  
vehicle owner was not provided with adequate notice of the initial 10221  
appearance, the court, in its discretion, may allow the vehicle 10222  
owner to file a motion within seven days of the initial 10223  
appearance. If the court allows the vehicle owner to file such a 10224  
motion after the initial appearance, the extension of time granted 10225  
by the court does not extend the time within which the initial 10226  
appearance is to be conducted. If the court issues an order for 10227  
the release of the vehicle and its license plates, a copy of the 10228  
order shall be made available to the vehicle owner. If the vehicle 10229  
owner presents a copy of the order to the law enforcement agency 10230  
that employs the law enforcement officer who arrested the arrested 10231  
person, the law enforcement agency promptly shall release the 10232  
vehicle and its license plates to the vehicle owner upon payment 10233  
by the vehicle owner of any expenses or charges incurred in the 10234  
removal or storage of the vehicle. 10235

(4) A vehicle seized under division (B)(1) of this section 10236  
either shall be towed to a place specified by the law enforcement 10237  
agency that employs the arresting officer to be safely kept by the 10238  
agency at that place for the time and in the manner specified in 10239  
this section or shall be otherwise immobilized for the time and in 10240  
the manner specified in this section. A law enforcement officer of 10241

that agency shall remove the identification license plates of the 10242  
vehicle, and they shall be safely kept by the agency for the time 10243  
and in the manner specified in this section. No vehicle that is 10244  
seized and either towed or immobilized pursuant to this division 10245  
shall be considered contraband for purposes of Chapter 2981. of 10246  
the Revised Code. The vehicle shall not be immobilized at any 10247  
place other than a commercially operated private storage lot, a 10248  
place owned by a law enforcement or other government agency, or a 10249  
place to which one of the following applies: 10250

(a) The place is leased by or otherwise under the control of 10251  
a law enforcement or other government agency. 10252

(b) The place is owned by the arrested person, the arrested 10253  
person's spouse, or a parent or child of the arrested person. 10254

(c) The place is owned by a private person or entity, and, 10255  
prior to the immobilization, the private entity or person that 10256  
owns the place, or the authorized agent of that private entity or 10257  
person, has given express written consent for the immobilization 10258  
to be carried out at that place. 10259

(d) The place is a public street or highway on which the 10260  
vehicle is parked in accordance with the law. 10261

(C)(1) A vehicle seized under division (B)(1) of this section 10262  
shall be safely kept at the place to which it is towed or 10263  
otherwise moved by the law enforcement agency that employs the 10264  
arresting officer until the initial appearance of the arrested 10265  
person relative to the charge in question. The license plates of 10266  
the vehicle that are removed pursuant to division (B)(1) of this 10267  
section shall be safely kept by the law enforcement agency that 10268  
employs the arresting officer until at least the initial 10269  
appearance of the arrested person relative to the charge in 10270  
question. 10271

(2)(a) At the initial appearance or not less than seven days 10272

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

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

(ii) If the person violated section 4511.203 of the Revised  
Code or a municipal ordinance that is substantially equivalent to  
that section, ~~or violated section 4510.16 of the Revised Code or a  
municipal ordinance that is substantially equivalent to that  
section and division (C)(2) of section 4510.16 or division (B) of  
section 4510.161 of the Revised Code applies,~~ the court shall  
impose sentence upon the person as provided by law or ordinance;  
the court may order the immobilization of the vehicle the arrested



person was operating at the time of, or that was involved in, the 10305  
offense if registered in the arrested person's name and the 10306  
impoundment of its license plates under section 4503.233 and 10307  
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 10308  
criminal forfeiture to the state of the vehicle if registered in 10309  
the arrested person's name under section 4503.234 and section 10310  
~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code, whichever is 10311  
applicable; and the vehicle and its license plates shall not be 10312  
returned or released to the arrested person. 10313

~~(ii) If the person violated section 4510.16 of the Revised 10314  
Code or a municipal ordinance that is substantially equivalent to 10315  
that section and division (G)(1) of section 4510.16 or division 10316  
(B) of section 4510.161 applies, the court shall impose sentence 10317  
upon the person as provided by law or ordinance and may order the 10318  
immobilization of the vehicle the person was operating at the time 10319  
of, or that was involved in, the offense if it is registered in 10320  
the arrested person's name and the impoundment of its license 10321  
plates under section 4503.233 and section 4510.16 or 4510.161 of 10322  
the Revised Code, and the vehicle and its license plates shall not 10323  
be returned or released to the arrested person. 10324~~

(b) If, at any time, the charge that the arrested person 10325  
violated section 4510.14, ~~4510.16,~~ or 4511.203 of the Revised 10326  
Code, or a municipal ordinance that is substantially equivalent to 10327  
~~any~~ either of those sections is dismissed for any reason, the 10328  
court shall order that the vehicle seized at the time of the 10329  
arrest and its license plates immediately be released to the 10330  
person. 10331

(D) If a vehicle and its license plates are seized under 10332  
division (B)(1) of this section and are not returned or released 10333  
to the arrested person pursuant to division (C) of this section, 10334  
the vehicle and its license plates shall be retained until the 10335  
final disposition of the charge in question. Upon the final 10336

disposition of that charge, the court shall do whichever of the 10337  
following is applicable: 10338

(1) If the arrested person is convicted of or pleads guilty 10339  
to the violation of section 4510.14 of the Revised Code or a 10340  
municipal ordinance that is substantially equivalent to that 10341  
section, the court shall impose sentence upon the person as 10342  
provided by law or ordinance and shall order the immobilization of 10343  
the vehicle the person was operating at the time of, or that was 10344  
involved in, the offense if it is registered in the arrested 10345  
person's name and the impoundment of its license plates under 10346  
sections 4503.233 and 4510.14 of the Revised Code or the criminal 10347  
forfeiture of the vehicle if it is registered in the arrested 10348  
person's name under sections 4503.234 and 4510.14 of the Revised 10349  
Code, whichever is applicable. 10350

(2) If the arrested person is convicted of or pleads guilty 10351  
to the violation of section 4511.203 of the Revised Code, or a 10352  
municipal ordinance that is substantially equivalent to that 10353  
section, ~~or to the violation of section 4510.16 of the Revised~~ 10354  
~~Code or a municipal ordinance that is substantially equivalent to~~ 10355  
~~that section and division (F)(2) of section 4510.16 or division~~ 10356  
~~(B) of section 4510.161 of the Revised Code applies,~~ the court 10357  
shall impose sentence upon the person as provided by law or 10358  
ordinance and may order the immobilization of the vehicle the 10359  
person was operating at the time of, or that was involved in, the 10360  
offense if it is registered in the arrested person's name and the 10361  
impoundment of its license plates under section 4503.233 and 10362  
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 10363  
criminal forfeiture of the vehicle if it is registered in the 10364  
arrested person's name under section 4503.234 and section ~~4510.16,~~ 10365  
~~4510.161, or~~ 4511.203 of the Revised Code, whichever is 10366  
applicable. 10367

~~(2) If the person violated section 4510.16 of the Revised~~ 10368

~~Code or a municipal ordinance that is substantially equivalent to~~ 10369  
~~that section and division (G)(1) of section 4510.16 or division~~ 10370  
~~(B) of section 4510.161 applies, the court shall impose sentence~~ 10371  
~~upon the person as provided by law or ordinance and may order the~~ 10372  
~~immobilization of the vehicle the person was operating at the time~~ 10373  
~~of, or that was involved in, the offense if it is registered in~~ 10374  
~~the person's name and the impoundment of its license plates under~~ 10375  
~~section 4503.233 and section 4510.16 or 4510.161 of the Revised~~ 10376  
~~Code.~~ 10377

(3) If the arrested person is found not guilty of the 10378  
violation of section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 10379  
Code, or a municipal ordinance that is substantially equivalent to 10380  
~~any~~ either of those sections, the court shall order that the 10381  
vehicle and its license plates immediately be released to the 10382  
arrested person. 10383

(4) If the charge that the arrested person violated section 10384  
4510.14, ~~4510.16~~, or 4511.203 of the Revised Code, or a municipal 10385  
ordinance that is substantially equivalent to ~~any~~ either of those 10386  
sections is dismissed for any reason, the court shall order that 10387  
the vehicle and its license plates immediately be released to the 10388  
arrested person. 10389

(5) If the impoundment of the vehicle was not authorized 10390  
under this section, the court shall order that the vehicle and its 10391  
license plates be returned immediately to the arrested person or, 10392  
if the arrested person is not the vehicle owner, to the vehicle 10393  
owner and shall order that the state or political subdivision of 10394  
the law enforcement agency served by the law enforcement officer 10395  
who seized the vehicle pay all expenses and charges incurred in 10396  
its removal and storage. 10397

(E) If a vehicle is seized under division (B)(2) of this 10398  
section, the time between the seizure of the vehicle and either 10399  
its release to the arrested person pursuant to division (C) of 10400

this section or the issuance of an order of immobilization of the 10401  
vehicle under section 4503.233 of the Revised Code shall be 10402  
credited against the period of immobilization ordered by the 10403  
court. 10404

(F)(1) Except as provided in division (D)(4) of this section, 10405  
the arrested person may be charged expenses or charges incurred in 10406  
the removal and storage of the immobilized vehicle. The court with 10407  
jurisdiction over the case, after notice to all interested 10408  
parties, including lienholders, and after an opportunity for them 10409  
to be heard, if the court finds that the arrested person does not 10410  
intend to seek release of the vehicle at the end of the period of 10411  
immobilization under section 4503.233 of the Revised Code or that 10412  
the arrested person is not or will not be able to pay the expenses 10413  
and charges incurred in its removal and storage, may order that 10414  
title to the vehicle be transferred, in order of priority, first 10415  
into the name of the person or entity that removed it, next into 10416  
the name of a lienholder, or lastly into the name of the owner of 10417  
the place of storage. 10418

Any lienholder that receives title under a court order shall 10419  
do so on the condition that it pay any expenses or charges 10420  
incurred in the vehicle's removal and storage. If the person or 10421  
entity that receives title to the vehicle is the person or entity 10422  
that removed it, the person or entity shall receive title on the 10423  
condition that it pay any lien on the vehicle. The court shall not 10424  
order that title be transferred to any person or entity other than 10425  
the owner of the place of storage if the person or entity refuses 10426  
to receive the title. Any person or entity that receives title 10427  
either may keep title to the vehicle or may dispose of the vehicle 10428  
in any legal manner that it considers appropriate, including 10429  
assignment of the certificate of title to the motor vehicle to a 10430  
salvage dealer or a scrap metal processing facility. The person or 10431  
entity shall not transfer the vehicle to the person who is the 10432

vehicle's immediate previous owner. 10433

If the person or entity that receives title assigns the motor 10434  
vehicle to a salvage dealer or scrap metal processing facility, 10435  
the person or entity shall send the assigned certificate of title 10436  
to the motor vehicle to the clerk of the court of common pleas of 10437  
the county in which the salvage dealer or scrap metal processing 10438  
facility is located. The person or entity shall mark the face of 10439  
the certificate of title with the words "FOR DESTRUCTION" and 10440  
shall deliver a photocopy of the certificate of title to the 10441  
salvage dealer or scrap metal processing facility for its records. 10442

(2) Whenever a court issues an order under division (F)(1) of 10443  
this section, the court also shall order removal of the license 10444  
plates from the vehicle and cause them to be sent to the registrar 10445  
if they have not already been sent to the registrar. Thereafter, 10446  
no further proceedings shall take place under this section or 10447  
under section 4503.233 of the Revised Code. 10448

(3) Prior to initiating a proceeding under division (F)(1) of 10449  
this section, and upon payment of the fee under division (B) of 10450  
section 4505.14, any interested party may cause a search to be 10451  
made of the public records of the bureau of motor vehicles or the 10452  
clerk of the court of common pleas, to ascertain the identity of 10453  
any lienholder of the vehicle. The initiating party shall furnish 10454  
this information to the clerk of the court with jurisdiction over 10455  
the case, and the clerk shall provide notice to the arrested 10456  
person, any lienholder, and any other interested parties listed by 10457  
the initiating party, at the last known address supplied by the 10458  
initiating party, by certified mail, or, at the option of the 10459  
initiating party, by personal service or ordinary mail. 10460

**Sec. 4510.54.** (A) Except as provided in division (F) of this 10461  
section, a person whose driver's or commercial driver's license 10462  
has been suspended for life under a class one suspension or as 10463

otherwise provided by law or has been suspended for a period in 10464  
excess of fifteen years under a class two suspension may file a 10465  
motion with the sentencing court for modification or termination 10466  
of the suspension. The person filing the motion shall demonstrate 10467  
all of the following: 10468

(1) One of the following applies: 10469

(a) At least fifteen years have elapsed since the suspension 10470  
began. 10471

~~(2)~~ For, and, for the past fifteen years, the person has not 10472  
been found guilty of any felony, any offense involving a moving 10473  
violation under federal law, the law of this state, or the law of 10474  
any of its political subdivisions, or any violation of a 10475  
suspension under this chapter or a substantially equivalent 10476  
municipal ordinance. 10477

(b) At least five years have elapsed since the suspension 10478  
began, and, for the past five years, the person has not been found 10479  
guilty of any offense involving a moving violation under the law 10480  
of this state, the law of any of its political subdivisions, or 10481  
federal law, any violation of section 2903.06 or 2903.08 of the 10482  
Revised Code, or any violation of a suspension under this chapter 10483  
or a substantially equivalent municipal ordinance. 10484

~~(3)~~ (2) The person has proof of financial responsibility, a 10485  
policy of liability insurance in effect that meets the minimum 10486  
standard set forth in section 4509.51 of the Revised Code, or 10487  
proof, to the satisfaction of the registrar of motor vehicles, 10488  
that the person is able to respond in damages in an amount at 10489  
least equal to the minimum amounts specified in that section. 10490

~~(4)~~ (3) If the suspension was imposed because the person was 10491  
under the influence of alcohol, a drug of abuse, or combination of 10492  
them at the time of the offense or because at the time of the 10493

offense the person's whole blood, blood serum or plasma, breath, 10494  
or urine contained at least the concentration of alcohol specified 10495  
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 10496  
Revised Code or at least the concentration of a listed controlled 10497  
substance or a listed metabolite of a controlled substance 10498  
specified in division (A)(1)(j) of section 4511.19 of the Revised 10499  
Code, the person also shall demonstrate all of the following: 10500

(a) The person successfully completed an alcohol, drug, or 10501  
alcohol and drug treatment program. 10502

(b) The person has not abused alcohol or other drugs for a 10503  
period satisfactory to the court. 10504

(c) For the past fifteen years, the person has not been found 10505  
guilty of any alcohol-related or drug-related offense. 10506

(B) Upon receipt of a motion for modification or termination 10507  
of the suspension under this section, the court may schedule a 10508  
hearing on the motion. The court may deny the motion without a 10509  
hearing but shall not grant the motion without a hearing. If the 10510  
court denies a motion without a hearing, the court may consider a 10511  
subsequent motion filed under this section by that person. If a 10512  
court denies the motion after a hearing, the court shall not 10513  
consider a subsequent motion for that person. The court shall hear 10514  
only one motion filed by a person under this section. If 10515  
scheduled, the hearing shall be conducted in open court within 10516  
ninety days after the date on which the motion is filed. 10517

(C) The court shall notify the person whose license was 10518  
suspended and the prosecuting attorney of the date, time, and 10519  
location of the hearing. Upon receipt of the notice from the 10520  
court, the prosecuting attorney shall notify the victim or the 10521  
victim's representative of the date, time, and location of the 10522  
hearing. 10523

(D) At any hearing under this section, the person who seeks 10524

modification or termination of the suspension has the burden to 10525  
demonstrate, under oath, that the person meets the requirements of 10526  
division (A) of this section. At the hearing, the court shall 10527  
afford the offender or the offender's counsel an opportunity to 10528  
present oral or written information relevant to the motion. The 10529  
court shall afford a similar opportunity to provide relevant 10530  
information to the prosecuting attorney and the victim or victim's 10531  
representative. 10532

Before ruling on the motion, the court shall take into 10533  
account the person's driving record, the nature of the offense 10534  
that led to the suspension, and the impact of the offense on any 10535  
victim. In addition, if the offender is eligible for modification 10536  
or termination of the suspension under division (A)~~(2)~~(1)(a) of 10537  
this section, the court shall consider whether the person 10538  
committed any other offense while under suspension and determine 10539  
whether the offense is relevant to a determination under this 10540  
section. The court may modify or terminate the suspension subject 10541  
to any considerations it considers proper if it finds that 10542  
allowing the person to drive is not likely to present a danger to 10543  
the public. After the court makes a ruling on a motion filed under 10544  
this section, the prosecuting attorney shall notify the victim or 10545  
the victim's representative of the court's ruling. 10546

(E) If a court modifies a person's license suspension under 10547  
this section and the person subsequently is found guilty of any 10548  
moving violation or of any substantially equivalent municipal 10549  
ordinance that carries as a possible penalty the suspension of a 10550  
person's driver's or commercial driver's license, the court may 10551  
reimpose the class one or other lifetime suspension, or the class 10552  
two suspension, whichever is applicable. 10553

(F) This section does not apply to any person whose driver's 10554  
or commercial driver's license or permit or nonresident operating 10555  
privilege has been suspended for life under a class one suspension 10556



imposed under division (B)(3) of section 2903.06 or section 10557  
2903.08 of the Revised Code or a class two suspension imposed 10558  
under division (C) of section 2903.06 or section 2903.11, 2923.02, 10559  
or 2929.02 of the Revised Code. 10560

**Sec. 4513.02.** (A) No person shall drive or move, or cause or 10561  
knowingly permit to be driven or moved, on any highway any vehicle 10562  
or combination of vehicles which is in such unsafe condition as to 10563  
endanger any person. 10564

(B) When directed by any state highway patrol trooper, the 10565  
operator of any motor vehicle shall stop and submit such motor 10566  
vehicle to an inspection under division (B)(1) or (2) of this 10567  
section, as appropriate, and such tests as are necessary. 10568

(1) Any motor vehicle not subject to inspection by the public 10569  
utilities commission shall be inspected and tested to determine 10570  
whether it is unsafe or not equipped as required by law, or that 10571  
its equipment is not in proper adjustment or repair, or in 10572  
violation of the equipment provisions of Chapter 4513. of the 10573  
Revised Code. 10574

Such inspection shall be made with respect to the brakes, 10575  
lights, turn signals, steering, horns and warning devices, glass, 10576  
mirrors, exhaust system, windshield wipers, tires, and such other 10577  
items of equipment as designated by the superintendent of the 10578  
state highway patrol by rule or regulation adopted pursuant to 10579  
sections 119.01 to 119.13 of the Revised Code. 10580

Upon determining that a motor vehicle is in safe operating 10581  
condition and its equipment in conformity with Chapter 4513. of 10582  
the Revised Code, the inspecting officer shall issue to the 10583  
operator an official inspection sticker, which shall be in such 10584  
form as the superintendent prescribes except that its color shall 10585  
vary from year to year. 10586

(2) Any motor vehicle subject to inspection by the public 10587  
utilities commission shall be inspected and tested in accordance 10588  
with rules adopted by the commission. Upon determining that the 10589  
vehicle and operator are in compliance with rules adopted by the 10590  
commission, the inspecting officer shall issue to the operator an 10591  
appropriate official inspection sticker. 10592

(C) The superintendent of the state highway patrol, pursuant 10593  
to sections 119.01 to 119.13 of the Revised Code, shall determine 10594  
and promulgate standards for any inspection program conducted by a 10595  
political subdivision of this state. These standards shall exempt 10596  
licensed collector's vehicles and historical motor vehicles from 10597  
inspection. Any motor vehicle bearing a valid certificate of 10598  
inspection issued by another state or a political subdivision of 10599  
this state whose inspection program conforms to the 10600  
superintendent's standards, and any licensed collector's vehicle 10601  
or historical motor vehicle which is not in a condition which 10602  
endangers the safety of persons or property, shall be exempt from 10603  
the tests provided in division (B) of this section. 10604

(D) Every person, firm, association, or corporation that, in 10605  
the conduct of its business, owns and operates not less than 10606  
fifteen motor vehicles in this state that are not subject to 10607  
regulation by the public utilities commission and that, for the 10608  
purpose of storing, repairing, maintaining, and servicing such 10609  
motor vehicles, equips and operates one or more service 10610  
departments within this state, may file with the superintendent of 10611  
the state highway patrol applications for permits for such service 10612  
departments as official inspection stations for its own motor 10613  
vehicles. Upon receiving an application for each such service 10614  
department, and after determining that it is properly equipped and 10615  
has competent personnel to perform the inspections referred to in 10616  
this section, the superintendent shall issue the necessary 10617  
inspection stickers and permit to operate as an official 10618

inspection station. Any such person who has had one or more 10619  
service departments so designated as official inspection stations 10620  
may have motor vehicles that are owned and operated by the person 10621  
and that are not subject to regulation by the public utilities 10622  
commission, excepting private passenger cars owned by the person 10623  
or the person's employees, inspected at such service department; 10624  
and any motor vehicle bearing a valid certificate of inspection 10625  
issued by such service department shall be exempt from the tests 10626  
provided in division (B) of this section. 10627

No permit for an official inspection station shall be 10628  
assigned or transferred or used at any location other than therein 10629  
designated, and every such permit shall be posted in a conspicuous 10630  
place at the location designated. 10631

If a person, firm, association, or corporation owns and 10632  
operates fifteen or more motor vehicles in the conduct of business 10633  
and is subject to regulation by the public utilities commission, 10634  
that person, firm, association, or corporation is not eligible to 10635  
apply to the superintendent for permits to enable any of its 10636  
service departments to serve as official inspection stations for 10637  
its own motor vehicles. 10638

(E) When any motor vehicle is found to be unsafe for 10639  
operation, the inspecting officer may order it removed from the 10640  
highway and not operated, except for purposes of removal and 10641  
repair, until it has been repaired pursuant to a repair order as 10642  
provided in division (F) of this section. 10643

(F) When any motor vehicle is found to be defective or in 10644  
violation of Chapter 4513. of the Revised Code, the inspecting 10645  
officer may issue a repair order, in such form and containing such 10646  
information as the superintendent shall prescribe, to the owner or 10647  
operator of the motor vehicle. The owner or operator shall 10648  
thereupon obtain such repairs as are required and shall, as 10649  
directed by the inspecting officer, return the repair order 10650

together with proof of compliance with its provisions. When any 10651  
motor vehicle or operator subject to rules of the public utilities 10652  
commission fails the inspection, the inspecting officer shall 10653  
issue an appropriate order to obtain compliance with such rules. 10654

(G) Sections 4513.01 to 4513.37 of the Revised Code, with 10655  
respect to equipment on vehicles, do not apply to implements of 10656  
husbandry, road machinery, road rollers, or agricultural tractors 10657  
except as made applicable to such articles of machinery. 10658

(H) ~~Except as otherwise provided in this division, whoever~~ 10659  
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 10660  
~~the offender previously has been convicted of a violation of this~~ 10661  
~~section, whoever violates this section is guilty of a misdemeanor~~ 10662  
~~of the third degree.~~ 10663

**Sec. 4513.021.** (A) As used in this section: 10664

(1) "Passenger car" means any motor vehicle with motive 10665  
power, designed for carrying ten persons or less, except a 10666  
multipurpose passenger vehicle or motorcycle. 10667

(2) "Multipurpose passenger vehicle" means a motor vehicle 10668  
with motive power, except a motorcycle, designed to carry ten 10669  
persons or less, that is constructed either on a truck chassis or 10670  
with special features for occasional off-road operation. 10671

(3) "Truck" means every motor vehicle, except trailers and 10672  
semitrailers, designed and used to carry property and having a 10673  
gross vehicle weight rating of ten thousand pounds or less. 10674

(4) "Manufacturer" has the same meaning as in section 4501.01 10675  
of the Revised Code. 10676

(5) "Gross vehicle weight rating" means the manufacturer's 10677  
gross vehicle weight rating established for that vehicle. 10678

(B) The director of public safety, in accordance with Chapter 10679  
119. of the Revised Code, shall adopt rules in conformance with 10680

standards of the vehicle equipment safety commission, that shall 10681  
govern the maximum bumper height or, in the absence of bumpers and 10682  
in cases where bumper heights have been lowered or modified, the 10683  
maximum height to the bottom of the frame rail, of any passenger 10684  
car, multipurpose passenger vehicle, or truck. 10685

(C) No person shall operate upon a street or highway any 10686  
passenger car, multipurpose passenger vehicle, or truck registered 10687  
in this state that does not conform to the requirements of this 10688  
section or to any applicable rule adopted pursuant to this 10689  
section. 10690

(D) No person shall modify any motor vehicle registered in 10691  
this state in such a manner as to cause the vehicle body or 10692  
chassis to come in contact with the ground, expose the fuel tank 10693  
to damage from collision, or cause the wheels to come in contact 10694  
with the body under normal operation, and no person shall 10695  
disconnect any part of the original suspension system of the 10696  
vehicle to defeat the safe operation of that system. 10697

(E) Nothing contained in this section or in the rules adopted 10698  
pursuant to this section shall be construed to prohibit either of 10699  
the following: 10700

(1) The installation upon a passenger car, multipurpose 10701  
passenger vehicle, or truck registered in this state of heavy duty 10702  
equipment, including shock absorbers and overload springs; 10703

(2) The operation on a street or highway of a passenger car, 10704  
multipurpose passenger vehicle, or truck registered in this state 10705  
with normal wear to the suspension system if the normal wear does 10706  
not adversely affect the control of the vehicle. 10707

(F) This section and the rules adopted pursuant to it do not 10708  
apply to any specially designed or modified passenger car, 10709  
multipurpose passenger vehicle, or truck when operated off a 10710  
street or highway in races and similar events. 10711

(G) ~~Except as otherwise provided in this division, whoever~~ 10712  
~~Whoever~~ violates this section is guilty of a minor misdemeanor. ~~If~~ 10713  
~~the offender previously has been convicted of a violation of this~~ 10714  
~~section, whoever violates this section is guilty of a misdemeanor~~ 10715  
~~of the third degree.~~ 10716

**Sec. 4513.99.** (A) Any violation of section 4513.10, 4513.182, 10717  
4513.20, 4513.201, 4513.202, 4513.25, 4513.26, 4513.27, 4513.29, 10718  
4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code shall be 10719  
punished under division (B) of this section. 10720

(B) Whoever violates the sections of this chapter that are 10721  
specifically required to be punished under this division, or any 10722  
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 10723  
the Revised Code for which violation no penalty is otherwise 10724  
provided, is guilty of a minor misdemeanor ~~on a first offense; on~~ 10725  
~~a second offense within one year after the first offense, the~~ 10726  
~~person is guilty of a misdemeanor of the fourth degree; on each~~ 10727  
~~subsequent offense within one year after the first offense, the~~ 10728  
~~person is guilty of a misdemeanor of the third degree.~~ 10729

**Sec. 4713.07.** The state board of cosmetology shall do all of 10730  
the following: 10731

(A) Prescribe and make available application forms to be used 10732  
by persons seeking admission to an examination conducted under 10733  
section 4713.24 of the Revised Code or a license issued under this 10734  
chapter; 10735

(B) Prescribe and make available application forms to be used 10736  
by persons seeking renewal of a license issued under this chapter; 10737

(C) Report to the proper prosecuting officer all violations 10738  
of section 4713.14 of the Revised Code of which the board is 10739  
aware; 10740

(D) Submit a written report annually to the governor that 10741

provides all of the following: 10742

(1) A discussion of the conditions in this state of the 10743  
branches of cosmetology; 10744

(2) A brief summary of the board's proceedings during the 10745  
year the report covers; 10746

(3) A statement of all money that the board received and 10747  
expended during the year the report covers. 10748

(E) Keep a record of all of the following: 10749

(1) The board's proceedings; 10750

(2) The name and last known address of each person issued a 10751  
license under section 4713.28, 4713.30, 4713.31, 4713.34, or 10752  
4713.39 of the Revised Code; 10753

(3) The name and address of each salon issued a license under 10754  
section 4713.41 of the Revised Code and each school of cosmetology 10755  
issued a license under section 4713.44 of the Revised Code; 10756

(4) The name and address of each tanning facility issued a 10757  
permit under section 4713.48 of the Revised Code; 10758

(5) The date and number of each license and permit that the 10759  
board issues; 10760

(F) Assist ex-offenders and military veterans who hold 10761  
licenses issued by the board to find employment within salons or 10762  
other facilities within this state; 10763

(G) All other duties that this chapter imposes on the board. 10764

**Sec. 4713.28.** The state board of cosmetology shall issue a 10765  
practicing license to an applicant who, except as provided in 10766  
section 4713.30 of the Revised Code, satisfies all of the 10767  
following applicable conditions: 10768

(A) Is at least sixteen years of age; 10769

|   |  |
|---|--|
| (B) Is of good moral character;   | 10770  |
| (C) Has the equivalent of an Ohio public school tenth grade education;  | 10771<br>10772   |
| (D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;  | 10773<br>10774<br>10775  |
| (E) Pays to the board the applicable fee;   | 10776  |
| (F) In the case of an applicant for an initial cosmetologist license, has successfully completed at least fifteen hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;              | 10777<br>10778<br>10779<br>10780<br>10781<br>10782<br>10783          |
| (G) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;   | 10784<br>10785<br>10786<br>10787                                     |
| (H) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code; | 10788<br>10789<br>10790<br>10791<br>10792<br>10793<br>10794<br>10795 |
| (I) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;   | 10796<br>10797<br>10798<br>10799                                     |



(J) In the case of an applicant for an initial natural hair  
stylist license, has successfully completed at least four hundred  
fifty hours of instruction in subjects relating to sanitation,  
scalp care, anatomy, hair styling, communication skills, and laws  
and rules governing the practice of cosmetology;

(K) The board shall not deny a license to any applicant based  
on prior incarceration or conviction for any crime. If the board  
denies an individual a license or license renewal, the reasons for  
such denial shall be put in writing.

**Sec. 4725.44.** (A) The Ohio optical dispensers board shall be  
responsible for the administration of sections 4725.40 to 4725.59  
of the Revised Code and, in particular, shall process applications  
for licensure as licensed dispensing opticians and ocularists;  
schedule, administer, and supervise the qualifying examinations  
for licensure or contract with a testing service to schedule,  
administer, and supervise the qualifying examination for  
licensure; issue licenses to qualified individuals; revoke and  
suspend licenses; and maintain adequate records with respect to  
its operations and responsibilities.

(B) The board shall adopt, amend, or rescind rules, pursuant  
to Chapter 119. of the Revised Code, for the licensure of  
dispensing opticians and ocularists, and such other rules as are  
required by or necessary to carry out the responsibilities imposed  
by sections 4725.40 to 4725.59 of the Revised Code, including  
rules establishing criminal records check requirements under  
section 4776.03 of the Revised Code and rules establishing  
disqualifying offenses for licensure as a dispensing optician or  
certification as an apprentice dispensing optician pursuant to  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised  
Code.

(C) The board shall have no authority to adopt rules

governing the employment of dispensing opticians, the location or 10831  
number of optical stores, advertising of optical products or 10832  
services, or the manner in which optical products can be 10833  
displayed. 10834

**Sec. 4725.48.** (A) Any person who desires to engage in optical 10835  
dispensing, except as provided in section 4725.47 of the Revised 10836  
Code, shall file a properly completed written application for an 10837  
examination with the Ohio optical dispensers board or with the 10838  
testing service the board has contracted with pursuant to section 10839  
4725.49 of the Revised Code. The application for examination shall 10840  
be made on a form provided by the board or testing service and 10841  
shall be accompanied by an examination fee the board shall 10842  
establish by rule. Applicants must return the application to the 10843  
board or testing service at least sixty days prior to the date the 10844  
examination is scheduled to be administered. 10845

(B) Except as provided in section 4725.47 of the Revised 10846  
Code, any person who desires to engage in optical dispensing shall 10847  
file a properly completed written application for a license with 10848  
the board with a licensure application fee of fifty dollars. 10849

No person shall be eligible to apply for a license under this 10850  
division, unless the person is at least eighteen years of age, ~~is~~ 10851  
~~of good moral character~~, is free of contagious or infectious 10852  
disease, has received a passing score, as determined by the board, 10853  
on the examination administered under division (A) of this 10854  
section, is a graduate of an accredited high school of any state, 10855  
or has received an equivalent education and has successfully 10856  
completed either of the following: 10857

(1) Two years of supervised experience under a licensed 10858  
dispensing optician, optometrist, or physician engaged in the 10859  
practice of ophthalmology, up to one year of which may be 10860  
continuous experience of not less than thirty hours a week in an 10861

optical laboratory; 10862

(2) A two-year college level program in optical dispensing 10863  
that has been approved by the board and that includes, but is not 10864  
limited to, courses of study in mathematics, science, English, 10865  
anatomy and physiology of the eye, applied optics, ophthalmic 10866  
optics, measurement and inspection of lenses, lens grinding and 10867  
edging, ophthalmic lens design, keratometry, and the fitting and 10868  
adjusting of spectacle lenses and frames and contact lenses, 10869  
including methods of fitting contact lenses and post-fitting care. 10870

(C) Any person who desires to obtain a license to practice as 10871  
an ocularist shall file a properly completed written application 10872  
with the board accompanied by the appropriate fee and proof that 10873  
the applicant has met the requirements for licensure. The board 10874  
shall establish, by rule, the application fee and the minimum 10875  
requirements for licensure, including education, examination, or 10876  
experience standards recognized by the board as national standards 10877  
for ocularists. The board shall issue a license to practice as an 10878  
ocularist to an applicant who satisfies the requirements of this 10879  
division and rules adopted pursuant to this division. 10880

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 10881  
section, the board shall not adopt, maintain, renew, or enforce 10882  
any rule that precludes an individual from receiving or renewing a 10883  
license as a dispensing optician issued under sections 4725.40 to 10884  
4725.59 of the Revised Code due to any past criminal activity or 10885  
interpretation of moral character, unless the individual has 10886  
committed a crime of moral turpitude or a disqualifying offense as 10887  
those terms are defined in section 4776.10 of the Revised Code. If 10888  
the board denies an individual a license or license renewal, the 10889  
reasons for such denial shall be put in writing. 10890

(2) Except as otherwise provided in this division, if an 10891  
individual applying for a license has been convicted of or pleaded 10892  
guilty to a misdemeanor that is not a crime of moral turpitude or 10893

a disqualifying offense less than one year prior to making the 10894  
application, the board may use its discretion in granting or 10895  
denying the individual a license. Except as otherwise provided in 10896  
this division, if an individual applying for a license has been 10897  
convicted of or pleaded guilty to a felony that is not a crime of 10898  
moral turpitude or a disqualifying offense less than three years 10899  
prior to making the application, the board may use its discretion 10900  
in granting or denying the individual a license. The provisions in 10901  
this paragraph do not apply with respect to any offense unless the 10902  
board, prior to the effective date of this amendment, was required 10903  
or authorized to deny the application based on that offense. 10904

In all other circumstances, the board shall follow the 10905  
procedures it adopts by rule that conform to division (D)(1) of 10906  
this section. 10907

(3) In considering a renewal of an individual's license, the 10908  
board shall not consider any conviction or plea of guilty prior to 10909  
the initial licensing. However, the board may consider a 10910  
conviction or plea of guilty if it occurred after the individual 10911  
was initially licensed, or after the most recent license renewal. 10912

(4) The board may grant an individual a conditional license 10913  
that lasts for one year. After the one-year period has expired, 10914  
the license is no longer considered conditional, and the 10915  
individual shall be considered fully licensed. 10916

**Sec. 4725.52.** Any licensed dispensing optician may supervise 10917  
a maximum of three apprentices who shall be permitted to engage in 10918  
optical dispensing only under the supervision of the licensed 10919  
dispensing optician. 10920

To serve as an apprentice, a person shall register with the 10921  
Ohio optical dispensers board either on a form provided by the 10922  
board or in the form of a statement giving the name and address of 10923  
the supervising licensed dispensing optician, the location at 10924

which the apprentice will be employed, and any other information 10925  
required by the board. For the duration of the apprenticeship, the 10926  
apprentice shall register annually on the form provided by the 10927  
board or in the form of a statement. 10928

Each apprentice shall pay an initial registration fee of 10929  
twenty dollars. For each registration renewal thereafter, each 10930  
apprentice shall pay a registration renewal fee of twenty dollars. 10931

The board shall not deny registration as an apprentice under 10932  
this section to any individual based on the individual's past 10933  
criminal history or an interpretation of moral character unless 10934  
the individual has committed a disqualifying offense or crime of 10935  
moral turpitude as those terms are defined in section 4776.10 of 10936  
the Revised Code. Except as otherwise provided in this division, 10937  
if an individual applying for a registration has been convicted of 10938  
or pleaded guilty to a misdemeanor that is not a crime of moral 10939  
turpitude or a disqualifying offense less than one year prior to 10940  
making the application, the board may use its discretion in 10941  
granting or denying the individual a registration. Except as 10942  
otherwise provided in this division, if an individual applying for 10943  
a registration has been convicted of or pleaded guilty to a felony 10944  
that is not a crime of moral turpitude or a disqualifying offense 10945  
less than three years prior to making the application, the board 10946  
may use its discretion in granting or denying the individual a 10947  
registration. The provisions in this paragraph do not apply with 10948  
respect to any offense unless the board, prior to the effective 10949  
date of this amendment, was required or authorized to deny the 10950  
registration based on that offense. 10951

In all other circumstances, the board shall follow the 10952  
procedures it adopts by rule that conform to this section. In 10953  
considering a renewal of an individual's registration, the board 10954  
shall not consider any conviction or plea of guilty prior to the 10955  
initial registration. However, the board may consider a conviction 10956

or plea of guilty if it occurred after the individual was 10957  
initially registered, or after the most recent registration 10958  
renewal. If the board denies an individual for a registration or 10959  
registration renewal, the reasons for such denial shall be put in 10960  
writing. Additionally, the board may grant an individual a 10961  
conditional registration that lasts for one year. After the 10962  
one-year period has expired, the registration is no longer 10963  
considered conditional, and the individual shall be considered 10964  
fully registered. 10965

A person who is gaining experience under the supervision of a 10966  
licensed optometrist or ophthalmologist that would qualify the 10967  
person under division (B)(1) of section 4725.48 of the Revised 10968  
Code to take the examination for optical dispensing is not 10969  
required to register with the board. 10970

**Sec. 4725.53.** (A) The Ohio optical dispensers board, by a 10971  
majority vote of its members, may refuse to grant a license and, 10972  
in accordance with Chapter 119. of the Revised Code, may suspend 10973  
or revoke the license of a licensed dispensing optician or impose 10974  
a fine or order restitution pursuant to division (B) of this 10975  
section on any of the following grounds: 10976

(1) Conviction of a ~~felony or a~~ crime involving moral 10977  
turpitude or a disqualifying offense as those terms are defined in 10978  
section 4776.10 of the Revised Code; 10979

(2) Obtaining or attempting to obtain a license by fraud or 10980  
deception; 10981

(3) Obtaining any fee or making any sale of an optical aid by 10982  
means of fraud or misrepresentation; 10983

(4) Habitual indulgence in the use of controlled substances 10984  
or other habit-forming drugs, or in the use of alcoholic liquors 10985  
to an extent that affects professional competency; 10986

(5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;

(6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;

(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;

(8) Permitting another person to use ~~his~~ the licensee's license;

(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;

(10) Violation of sections 4725.40 to 4725.59 of the Revised Code;

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider.

(12) Advertising that ~~he~~ the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay.

(B) The board may impose a fine of not more than five hundred

dollars for a first occurrence of an action that is grounds for 11017  
discipline under this section and of not less than five hundred 11018  
nor more than one thousand dollars for a subsequent occurrence, or 11019  
may order the licensee to make restitution to a person who has 11020  
suffered a financial loss as a result of the licensee's failure to 11021  
comply with sections 4725.40 to 4725.59 of the Revised Code. 11022

(C) Notwithstanding divisions (A)(11) and (12) of this 11023  
section, sanctions shall not be imposed against any licensee who 11024  
waives deductibles and copayments: 11025

(1) In compliance with the health benefit plan that expressly 11026  
allows such a practice. Waiver of the deductibles or copays shall 11027  
be made only with the full ~~knowledge~~ knowledge and consent of the 11028  
plan purchaser, payer, and third-party administrator. Such consent 11029  
shall be made available to the board upon request. 11030

(2) For professional services rendered to any other person 11031  
licensed pursuant to this chapter to the extent allowed by this 11032  
chapter and the rules of the board. 11033

**Sec. 4738.04.** Each person applying for a motor vehicle 11034  
salvage dealer license or a salvage motor vehicle auction license 11035  
or a salvage motor vehicle pool license shall make out and deliver 11036  
to the registrar of motor vehicles, upon a blank to be furnished 11037  
by the registrar for that purpose, a separate application for 11038  
license for each county in which the business is to be conducted. 11039  
The application for each type of license shall be in the form 11040  
prescribed by the registrar and shall be signed and sworn to by 11041  
the applicant. The application for a license for a motor vehicle 11042  
salvage dealer, a salvage motor vehicle auction, or salvage motor 11043  
vehicle pool, in addition to other information as is required by 11044  
the registrar, shall include the following: 11045

(A) Name of applicant and location of principal place of 11046  
business; 11047



(B) Name or style under which business is to be conducted 11048  
and, if a corporation, the state of incorporation; 11049

(C) Name and address of each owner or partner and, if a 11050  
corporation, the names of the officers and directors; 11051

(D) The county in which the business is to be conducted and 11052  
the address of each place of business therein; 11053

(E) A financial statement of the applicant showing the true 11054  
financial condition as of a date not earlier than six months prior 11055  
to the date of the application; 11056

(F) A statement of the previous history, record, and 11057  
association of the applicant and of each owner, partner, officer, 11058  
and director, which statement shall be sufficient to establish to 11059  
the satisfaction of the registrar the reputation in business of 11060  
the applicant; 11061

(G) A statement showing whether the applicant has previously 11062  
been convicted of a ~~felony~~ crime of moral turpitude or a 11063  
disqualifying offense as those terms are defined in section 11064  
4776.10 of the Revised Code; 11065

(H) A statement showing whether the applicant has previously 11066  
applied for a license under this chapter and the result of the 11067  
application, and whether the applicant has ever been the holder of 11068  
any such license which was revoked or suspended; 11069

(I) If the applicant is a corporation or partnership, a 11070  
statement showing whether any of the partners, officers, or 11071  
directors have been refused a license under this chapter, or have 11072  
been the holder of any such license which was revoked or 11073  
suspended. 11074

**Sec. 4738.07.** The (A) Except as otherwise provided in 11075  
division (B) of this section, the registrar of motor vehicles 11076  
shall deny the application of any person for a license under this 11077

chapter and refuse to issue ~~him~~ the person a license if the 11078  
registrar finds that the applicant: 11079

~~(A)~~(1) Has made false statement of a material fact in ~~his~~ the 11080  
individual's application; 11081

~~(B)~~(2) Has not complied with sections 4738.01 to 4738.15 of 11082  
the Revised Code: 11083

~~(C)~~(3) Is of bad business repute or has habitually defaulted 11084  
on financial obligations; 11085

~~(D)~~(4) Has been convicted of or pleaded guilty to a felony 11086  
crime of moral turpitude or a disqualifying offense as defined in 11087  
section 4776.10 of the Revised Code; 11088

~~(E)~~(5) Has been guilty of a fraudulent act in connection with 11089  
dealing in salvage motor vehicles or when operating as a motor 11090  
vehicle salvage dealer, salvage motor vehicle auction, or salvage 11091  
motor vehicle pool; 11092

~~(F)~~(6) Is insolvent; 11093

~~(G)~~(7) Is of insufficient responsibility to assure the prompt 11094  
payment of any final judgments which might reasonably be entered 11095  
against ~~him~~ the individual because of the transaction of ~~his~~ the 11096  
individual's business during the period of the license applied 11097  
for; 11098

~~(H)~~(8) Has no established place of business; 11099

~~(I)~~(9) Has less than twelve months prior to said application, 11100  
been denied a license under this chapter. 11101

(B)(1) Except as otherwise provided in this division, the 11102  
registrar of motor vehicles may grant, but is not required to 11103  
grant, the application of any person for a license under this 11104  
chapter if the registrar finds that the applicant has been 11105  
convicted of or pleaded guilty to either of the following: 11106

(a) A misdemeanor that is not a crime of moral turpitude or a 11107

disqualifying offense less than a year prior to the person's 11108  
initial application; 11109

(b) A felony that is not a crime of moral turpitude or a 11110  
disqualifying offense less than three years prior to the person's 11111  
application. 11112

(2) The provisions in division (B)(1) of this section do not 11113  
apply with respect to any offense unless the registrar, prior to 11114  
the effective date of this amendment, was required or authorized 11115  
to deny the registration based on that offense. 11116

(3) In considering a renewal of an individual's license, the 11117  
registrar shall not consider any conviction or plea of guilty 11118  
prior to the initial licensing. However, the registrar may 11119  
consider a conviction or plea of guilty if it occurred after the 11120  
individual was initially licensed, or after the most recent 11121  
license renewal. 11122

(C) The registrar may grant a person a conditional license 11123  
that lasts for one year. After the one-year period has expired, 11124  
the license is no longer considered conditional, and the person 11125  
shall be considered fully licensed. 11126

(D) If the applicant is a corporation or partnership, the 11127  
registrar may refuse to issue a license if any officer, director, 11128  
or partner of the applicant has been guilty of any act or omission 11129  
which would be cause for refusing or revoking a license issued to 11130  
the officer, director, or partner as an individual. The 11131  
registrar's finding may be based upon facts contained in the 11132  
application or upon any other information which he may have. 11133  
Immediately upon denying an application for any of the reasons in 11134  
this section, the registrar shall enter a final order together 11135  
with ~~his~~ the registrar's findings and certify the same to the 11136  
motor vehicle salvage dealer's licensing board. 11137

(E) If the registrar refuses an application for a license, 11138

the reasons for such refusal shall be put in writing. An applicant 11139  
who has been refused a license may appeal from the action of the 11140  
registrar to the motor vehicle salvage dealer's licensing board in 11141  
the manner prescribed in section 4738.12 of the Revised Code. 11142

(F) The registrar of motor vehicles shall not adopt, 11143  
maintain, renew, or enforce any rule, or otherwise preclude in any 11144  
way, an individual from receiving or renewing a license under this 11145  
chapter due to any past criminal activity or interpretation of 11146  
moral character, except as pursuant to division (A)(4), (5), and 11147  
(B) of this section. If the registrar denies an individual a 11148  
license or license renewal, the reasons for such denial shall be 11149  
put in writing. 11150

**Sec. 4740.05.** (A) Each section of the Ohio construction 11151  
industry licensing board, other than the administrative section, 11152  
shall do all of the following: 11153

(1) Adopt rules in accordance with Chapter 119. of the 11154  
Revised Code that are limited to the following: 11155

(a) Criteria for the section to use in evaluating the 11156  
qualifications of an individual; 11157

(b) Criteria for the section to use in deciding whether to 11158  
authorize the administrative section to issue, renew, suspend, 11159  
revoke, or refuse to issue or renew a license; 11160

(c) The determinations and approvals the section makes under 11161  
the reciprocity provision of section 4740.08 of the Revised Code; 11162

(d) Criteria for continuing education courses conducted 11163  
pursuant to this chapter; 11164

(e) A requirement that persons seeking approval to provide 11165  
continuing education courses submit the required information to 11166  
the appropriate section of the board at least thirty days, but not 11167  
more than one year, prior to the date on which the course is 11168

proposed to be offered; 11169

(f) A prohibition against any person providing a continuing 11170  
education course unless the administrative section of the board 11171  
approved that person not more than one year prior to the date the 11172  
course is offered; 11173

(g) A list of disqualifying offenses pursuant to sections 11174  
4740.06, 4740.10, and 4776.10 of the Revised Code. 11175

(2) Investigate allegations in reference to violations of 11176  
this chapter and the rules adopted pursuant to it that pertain to 11177  
the section and determine by rule a procedure to conduct 11178  
investigations and hearings on these allegations; 11179

(3) Maintain a record of its proceedings; 11180

(4) Grant approval to a person to offer continuing education 11181  
courses pursuant to rules the board adopts; 11182

(5) As required, do all things necessary to carry out this 11183  
chapter. 11184

(B) In accordance with rules they establish, the trade 11185  
sections of the board shall authorize the administrative section 11186  
to issue, renew, suspend, revoke, or refuse to issue or renew 11187  
licenses for the classes of contractors for which each has primary 11188  
responsibility as set forth in section 4740.02 of the Revised 11189  
Code. 11190

(C) Each trade section of the board shall establish or 11191  
approve a continuing education curriculum for license renewal for 11192  
each class of contractors for which the section has primary 11193  
responsibility. No curriculum may require more than five hours per 11194  
year in specific course requirements. No contractor may be 11195  
required to take more than ten hours per year in continuing 11196  
education courses. The ten hours shall be the aggregate of hours 11197  
of continuing education for all licenses the contractor holds. 11198

**Sec. 4740.06.** (A) Any individual who applies for a license 11199  
shall file a written application with the appropriate section of 11200  
the Ohio construction industry licensing board, accompanied with 11201  
the application fee as determined pursuant to section 4740.09 of 11202  
the Revised Code. The individual shall file the application not 11203  
more than sixty days nor less than thirty days prior to the date 11204  
of the examination. The application shall be on the form the 11205  
section prescribes and verified by the applicant's oath. The 11206  
applicant shall provide information satisfactory to the section 11207  
showing that the applicant meets the requirements of division (B) 11208  
of this section. 11209

(B) To qualify to take an examination, an individual shall: 11210

(1) Be at least eighteen years of age; 11211

(2) Be a United States citizen or legal alien who produces 11212  
valid documentation to demonstrate the individual is a legal 11213  
resident of the United States; 11214

(3) Either have been a tradesperson in the type of licensed 11215  
trade for which the application is filed for not less than five 11216  
years immediately prior to the date the application is filed, be a 11217  
currently registered engineer in this state with three years of 11218  
business experience in the construction industry in the trade for 11219  
which the engineer is applying to take an examination, or have 11220  
other experience acceptable to the appropriate section of the 11221  
board; 11222

(4) Maintain contractor's liability insurance, including 11223  
without limitation, complete operations coverage, in an amount the 11224  
appropriate section of the board determines; 11225

(5) Not have done any of the following: 11226

(a) Been convicted of or pleaded guilty to a ~~misdemeanor~~ 11227  
~~involving crime of~~ crime of moral turpitude or ~~of any felony a~~ 11228

disqualifying offense as those terms are defined in section 11229  
4776.10 of the Revised Code; 11230

(b) Violated this chapter or any rule adopted pursuant to it; 11231

(c) Obtained or renewed a license issued pursuant to this 11232  
chapter, or any order, ruling, or authorization of the board or a 11233  
section of the board by fraud, misrepresentation, or deception; 11234

(d) Engaged in fraud, misrepresentation, or deception in the 11235  
conduct of business. 11236

(C) When an applicant for licensure as a contractor in a 11237  
licensed trade meets the qualifications set forth in division (B) 11238  
of this section and passes the required examination, the 11239  
appropriate section of the board, within ninety days after the 11240  
application was filed, shall authorize the administrative section 11241  
of the board to license the applicant for the type of contractor's 11242  
license for which the applicant qualifies. A section of the board 11243  
may withdraw its authorization to the administrative section for 11244  
issuance of a license for good cause shown, on the condition that 11245  
notice of that withdrawal is given prior to the administrative 11246  
section's issuance of the license. 11247

(D) All licenses a contractor holds pursuant to this chapter 11248  
shall expire annually on the same date, which shall be the 11249  
expiration date of the original license the contractor holds. An 11250  
individual holding a valid, unexpired license may renew the 11251  
license, without reexamination, by submitting an application to 11252  
the appropriate section of the board not more than ninety calendar 11253  
days before the expiration of the license, along with the renewal 11254  
fee the section requires and proof of compliance with the 11255  
applicable continuing education requirements. The applicant shall 11256  
provide information in the renewal application satisfactory to 11257  
demonstrate to the appropriate section that the applicant 11258  
continues to meet the requirements of division (B) of this 11259

section. 11260

Upon application and within one calendar year after a license 11261  
has expired, a section may waive any of the requirements for 11262  
renewal of a license upon finding that an applicant substantially 11263  
meets the renewal requirements or that failure to timely apply for 11264  
renewal is due to excusable neglect. A section that waives 11265  
requirements for renewal of a license may impose conditions upon 11266  
the licensee and assess a late filing fee of not more than double 11267  
the usual renewal fee. An applicant shall satisfy any condition 11268  
the section imposes before a license is reissued. 11269

(E) An individual holding a valid license may request the 11270  
section of the board that authorized that license to place the 11271  
license in inactive status under conditions, and for a period of 11272  
time, as that section determines. 11273

(F) Except for the ninety-day extension provided for a 11274  
license assigned to a business entity under division (D) of 11275  
section 4740.07 of the Revised Code, a license held by an 11276  
individual immediately terminates upon the death of the 11277  
individual. 11278

(G) Nothing in any license issued by the Ohio construction 11279  
industry licensing board shall be construed to limit or eliminate 11280  
any requirement of or any license issued by the Ohio fire marshal. 11281

(H)(1) Subject to divisions (H)(2), (3), and (4) of this 11282  
section, no trade section of the board shall adopt, maintain, 11283  
renew, or enforce any rule, or otherwise preclude in any way, an 11284  
individual from receiving or renewing a license under this chapter 11285  
due to any past criminal activity or interpretation of moral 11286  
character, except as pursuant to division (B)(5)(a) of this 11287  
section. If the section denies an individual a license or license 11288  
renewal, the reasons for such denial shall be put in writing. 11289

(2) Except as otherwise provided in this division, if an 11290



individual applying for a license has been convicted of or pleaded 11291  
guilty to a misdemeanor that is not a crime of moral turpitude or 11292  
a disqualifying offense less than one year prior to making the 11293  
application, the section may use its discretion in granting or 11294  
denying the individual a license. Except as otherwise provided in 11295  
this division, if an individual applying for a license has been 11296  
convicted of or pleaded guilty to a felony that is not a crime of 11297  
moral turpitude or a disqualifying offense less than three years 11298  
prior to making the application, the section may use its 11299  
discretion in granting or denying the individual a license. The 11300  
provisions in this paragraph do not apply with respect to any 11301  
offense unless the section, prior to the effective date of this 11302  
amendment, was required or authorized to deny the application 11303  
based on that offense. 11304

In all other circumstances, the section shall follow the 11305  
procedures it adopts by rule that conform to division (H)(1) of 11306  
this section. 11307

(3) In considering a renewal of an individual's license, the 11308  
section shall not consider any conviction or plea of guilty prior 11309  
to the initial licensing. However, the board may consider a 11310  
conviction or plea of guilty if it occurred after the individual 11311  
was initially licensed, or after the most recent license renewal. 11312

(4) The section may grant an individual a conditional license 11313  
that lasts for one year. After the one-year period has expired, 11314  
the license is no longer considered conditional, and the 11315  
individual shall be considered fully licensed. 11316

**Sec. 4740.10.** (A) The appropriate section of the Ohio 11317  
construction industry licensing board, upon an affirmative vote of 11318  
four of its members, may take any of the following actions against 11319  
a licensee who violates Chapter 4740. of the Revised Code: 11320

(1) Impose a fine on the licensee, not exceeding one thousand 11321

dollars per violation per day; 11322

(2) Direct the administrative section to suspend the 11323  
licensee's license for a period of time the section establishes; 11324

(3) Direct the administrative section to revoke the 11325  
licensee's license; 11326

(4) Require the licensee to complete additional continuing 11327  
education course work. Any continuing education course work 11328  
completed pursuant to this division may not count toward any other 11329  
continuing education requirements this chapter establishes. 11330

(5) Direct the administrative section to refuse to issue or 11331  
renew a license if the section finds that the applicant or 11332  
licensee has done any of the following: 11333

(a) Been convicted of a ~~misdemeanor involving~~ crime of moral 11334  
turpitude or a felony disqualifying offense as those terms are 11335  
defined in section 4776.10 of the Revised Code; 11336

(b) Violated any provision of this chapter or the rules 11337  
adopted pursuant thereto; 11338

(c) Obtained a license or any order, ruling, or authorization 11339  
of the board by fraud, misrepresentation, or deception; 11340

(d) Engaged in fraud, misrepresentation, or deception in the 11341  
conduct of business. 11342

(B) The appropriate section of the board shall determine the 11343  
length of time that a license is to be suspended and whether or 11344  
when an individual whose license has been revoked may apply for 11345  
reinstatement. The appropriate section of the board may accept or 11346  
refuse an application for reinstatement and may require an 11347  
examination for reinstatement. 11348

(C) The appropriate section of the board may investigate any 11349  
alleged violation of this chapter or the rules adopted pursuant to 11350  
it. If, after an investigation, a section determines that any 11351

person has engaged or is engaging in any practice that violates 11352  
this chapter or the rules adopted pursuant to it, that section may 11353  
apply to the court of common pleas of the county in which the 11354  
violation occurred or is occurring for an injunction or other 11355  
appropriate relief to enjoin or terminate the violation. 11356

(D) Any person who wishes to make a complaint against a 11357  
person who holds a license shall submit the complaint in writing 11358  
to the appropriate section of the board within three years after 11359  
the date of the action or event upon which the complaint is based. 11360

**Sec. 4747.04.** The hearing aid dealers and fitters licensing 11361  
board shall meet annually to elect a ~~chairman~~ chairperson and a 11362  
~~vice-chairman~~ vice-chairperson, who shall act as ~~chairman~~ 11363  
chairperson in the absence of the ~~chairman~~ chairperson. A majority 11364  
of the board constitutes a quorum. The board shall meet when 11365  
called by the ~~chairman~~ chairperson. The board shall: 11366

(A) Adopt rules for the transaction of its business; 11367

(B) Design and prepare qualifying examinations for licensing 11368  
of hearing aid dealers, fitters, and trainees; 11369

(C) Determine whether persons holding similar valid licenses 11370  
from other states or jurisdictions shall be required to take and 11371  
successfully pass the appropriate qualifying examination as a 11372  
condition for licensing in this state; 11373

(D) Determine whether charges made against any licensee 11374  
warrant a hearing before the board; 11375

(E) Hold hearings to determine the truth and circumstances of 11376  
all charges filed in writing with the board against any licensee 11377  
and determine whether any license held by any person shall be 11378  
revoked, suspended, or reissued; 11379

(F) Determine and specify the length of time each license 11380  
that is suspended or revoked shall remain suspended or revoked; 11381

(G) Advise and assist the department of health in all matters 11382  
relating to this chapter; 11383

(H) Deposit all payments collected under this chapter into 11384  
the general operations fund created under section 3701.83 of the 11385  
Revised Code to be used in administering and enforcing this 11386  
chapter; 11387

(I) Establish a list of disqualifying offenses for licensure 11388  
as a hearing aid dealer or fitter, or for a hearing aid dealer or 11389  
fitter trainee permit, pursuant to sections 4747.05, 4747.10, 11390  
4747.12, and 4776.10 of the Revised Code. 11391

Nothing in this section shall be interpreted as granting to 11392  
the hearing aid dealers and fitters licensing board the right to 11393  
restrict advertising which is not false or misleading, or to 11394  
prohibit or in any way restrict a hearing aid dealer or fitter 11395  
from renting or leasing space from any person, firm or corporation 11396  
in a mercantile establishment for the purpose of using such space 11397  
for the lawful sale of hearing aids or to prohibit a mercantile 11398  
establishment from selling hearing aids if the sale would be 11399  
otherwise lawful under this chapter. 11400

**Sec. 4747.05.** (A) The hearing aid dealers and fitters 11401  
licensing board shall issue to each applicant, within sixty days 11402  
of receipt of a properly completed application and payment of two 11403  
hundred sixty-two dollars, a hearing aid dealer's or fitter's 11404  
license if the applicant, if an individual: 11405

(1) Is at least eighteen years of age; 11406

(2) ~~Is a person of good moral character~~ Has not committed a 11407  
disqualifying offense or a crime of moral turpitude, as those 11408  
terms are defined in section 4776.10 of the Revised Code; 11409

(3) Is free of contagious or infectious disease; 11410

(4) Has successfully passed a qualifying examination 11411

specified and administered by the board. 11412

(B) If the applicant is a firm, partnership, association, or 11413  
corporation, the application, in addition to such information as 11414  
the board requires, shall be accompanied by an application for a 11415  
license for each person, whether owner or employee, of the firm, 11416  
partnership, association, or corporation, who engages in dealing 11417  
in or fitting of hearing aids, or shall contain a statement that 11418  
such applications are submitted separately. No firm, partnership, 11419  
association, or corporation licensed pursuant to this chapter 11420  
shall permit any unlicensed person to sell or fit hearing aids. 11421

(C)(1) Subject to divisions (C)(2), (3), and (4) of this 11422  
section, the board shall not adopt, maintain, renew, or enforce 11423  
any rule that precludes an individual from receiving or renewing a 11424  
license issued under this chapter due to any past criminal 11425  
activity or interpretation of moral character, unless the 11426  
individual has committed a crime of moral turpitude or a 11427  
disqualifying offense as those terms are defined in section 11428  
4776.10 of the Revised Code. If the board denies an individual a 11429  
license or license renewal, the reasons for such denial shall be 11430  
put in writing. 11431

(2) Except as otherwise provided in this division, if an 11432  
individual applying for a license has been convicted of or pleaded 11433  
guilty to a misdemeanor that is not a crime of moral turpitude or 11434  
a disqualifying offense less than one year prior to making the 11435  
application, the board may use the board's discretion in granting 11436  
or denying the individual a license. Except as otherwise provided 11437  
in this division, if an individual applying for a license has been 11438  
convicted of or pleaded guilty to a felony that is not a crime of 11439  
moral turpitude or a disqualifying offense less than three years 11440  
prior to making the application, the board may use the board's 11441  
discretion in granting or denying the individual a license. The 11442  
provisions in this paragraph do not apply with respect to any 11443

offense unless the board, prior to the effective date of this 11444  
amendment, was required or authorized to deny the application 11445  
based on that offense. 11446

In all other circumstances, the board shall follow the 11447  
procedures it adopts by rule that conform to division (C)(1) of 11448  
this section. 11449

(3) In considering a renewal of an individual's license, the 11450  
board shall not consider any conviction or plea of guilty prior to 11451  
the initial licensing. However, the board may consider a 11452  
conviction or plea of guilty if it occurred after the individual 11453  
was initially licensed, or after the most recent license renewal. 11454

(4) The board may grant an individual a conditional license 11455  
that lasts for one year. After the one-year period has expired, 11456  
the license is no longer considered conditional, and the 11457  
individual shall be considered fully licensed. 11458

(D) Each license issued expires on the thirtieth day of 11459  
January of the year following that in which it was issued. 11460

**Sec. 4747.10.** Each person currently engaged in training to 11461  
become a licensed hearing aid dealer or fitter shall apply to the 11462  
hearing aid dealers and fitters licensing board for a hearing aid 11463  
dealer's and fitter's trainee permit. The board shall issue to 11464  
each applicant within thirty days of receipt of a properly 11465  
completed application and payment of one hundred fifty dollars, a 11466  
trainee permit if such applicant ~~is~~ meets all of the following 11467  
criteria: 11468

(A) ~~At~~ Is at least eighteen years of age; 11469

(B) ~~The~~ Is the holder of a diploma from an accredited high 11470  
school, or possesses an equivalent education; 11471

(C) ~~A person of good moral character~~ Has not committed a 11472  
disqualifying offense or a crime of moral turpitude, as those 11473

terms are defined in section 4776.10 of the Revised Code; 11474

(D) ~~Free~~ Is free of contagious or infectious disease. 11475

Subject to the next paragraph, the board shall not deny a 11476  
trainee permit issued under this section to any individual based 11477  
on the individual's past criminal history or an interpretation of 11478  
moral character unless the individual has committed a 11479  
disqualifying offense or crime of moral turpitude as those terms 11480  
are defined in section 4776.10 of the Revised Code. Except as 11481  
otherwise provided in this paragraph, if an individual applying 11482  
for a trainee permit has been convicted of or pleaded guilty to a 11483  
misdemeanor that is not a crime of moral turpitude or a 11484  
disqualifying offense less than one year prior to making the 11485  
application, the board may use the board's discretion in granting 11486  
or denying the individual a trainee permit. Except as otherwise 11487  
provided in this paragraph, if an individual applying for a 11488  
trainee permit has been convicted of or pleaded guilty to a felony 11489  
that is not a crime of moral turpitude or a disqualifying offense 11490  
less than three years prior to making the application, the board 11491  
may use the board's discretion in granting or denying the 11492  
individual a trainee permit. The provisions in this paragraph do 11493  
not apply with respect to any offense unless the board, prior to 11494  
the effective date of this amendment, was required or authorized 11495  
to deny the application based on that offense. 11496

In all other circumstances not described in the preceding 11497  
paragraph, the board shall follow the procedures it adopts by rule 11498  
that conform to this section. 11499

In considering a renewal of an individual's trainee permit, 11500  
the board shall not consider any conviction or plea of guilty 11501  
prior to the issuance of the initial trainee permit. However, the 11502  
board may consider a conviction or plea of guilty if it occurred 11503  
after the individual was initially granted the trainee permit, or 11504  
after the most recent trainee permit renewal. If the board denies 11505

an individual for a trainee permit or renewal, the reasons for 11506  
such denial shall be put in writing. Additionally, the board may 11507  
grant an individual a conditional trainee permit that lasts for 11508  
one year. After the one-year period has expired, the permit is no 11509  
longer considered conditional, and the individual shall be 11510  
considered to be granted a full trainee permit. 11511

Each trainee permit issued by the board expires one year from 11512  
the date it was first issued, and may be renewed once if the 11513  
trainee has not successfully completed the qualifying requirements 11514  
for licensing as a hearing aid dealer or fitter before the 11515  
expiration date of such permit. The board shall issue a renewed 11516  
permit to each applicant upon receipt of a properly completed 11517  
application and payment of one hundred five dollars. No person 11518  
holding a trainee permit shall engage in the practice of dealing 11519  
in or fitting of hearing aids except while under supervision by a 11520  
licensed hearing aid dealer or fitter. 11521

**Sec. 4747.12.** The hearing aid dealers and fitters licensing 11522  
board may revoke or suspend a license or permit if the person who 11523  
holds such license or permit: 11524

(A) Is convicted of a ~~felony~~ disqualifying offense or a 11525  
~~misdemeanor involving~~ crime of moral turpitude as those terms are 11526  
defined in section 4776.10 of the Revised Code. The record of 11527  
conviction, or a copy thereof certified by the clerk of the court 11528  
or by the judge in whose court the conviction occurs, is 11529  
conclusive evidence of such conviction; 11530

(B) Procured a license or permit by fraud or deceit practiced 11531  
upon the board; 11532

(C) Obtained any fee or made any sale of a hearing aid by 11533  
fraud or misrepresentation; 11534

(D) Knowingly employed any person without a license or a 11535



person whose license was suspended or revoked to engage in the 11536  
fitting or sale of hearing aids; 11537

(E) Used or caused or promoted the use of any advertising 11538  
matter, promotional literature, testimonial, guarantee, warranty, 11539  
label, brand, insignia, or any other representation, however 11540  
disseminated or published, which is misleading, deceptive, or 11541  
untruthful; 11542

(F) Advertised a particular model or type of hearing aid for 11543  
sale when purchasers or prospective purchasers responding to the 11544  
advertisement cannot purchase the specified model or type of 11545  
hearing aid; 11546

(G) Represented or advertised that the service or advice of a 11547  
person licensed to practice medicine will be used or made 11548  
available in the selection, fitting, adjustment, maintenance, or 11549  
repair of hearing aids when such is not true, or using the words 11550  
"doctor," "clinic," or similar words, abbreviations, or symbols 11551  
which connote the medical profession when such use is not 11552  
accurate; 11553

(H) Is found by the board to be a person of habitual 11554  
intemperance or gross immorality; 11555

(I) Advertised a manufacturer's product or used a 11556  
manufacturer's name or trademark in a manner which suggested the 11557  
existence of a relationship with the manufacturer which did not or 11558  
does not exist; 11559

(J) Fitted or sold, or attempted to fit or sell, a hearing 11560  
aid to a person without first utilizing the appropriate procedures 11561  
and instruments required for proper fitting of hearing aids; 11562

(K) Engaged in the fitting and sale of hearing aids under a 11563  
false name or an alias; 11564

(L) Engaged in the practice of dealing in or fitting of 11565

hearing aids while suffering from a contagious or infectious 11566  
disease; 11567

(M) Was found by the board to be guilty of gross incompetence 11568  
or negligence in the fitting or sale of hearing aids; 11569

(N) Permitted another person to use ~~his~~ the licensee's 11570  
license. 11571

**Sec. 4749.03.** (A)(1) Any individual, including a partner in a 11572  
partnership, may be licensed as a private investigator under a 11573  
class B license, or as a security guard provider under a class C 11574  
license, or as a private investigator and a security guard 11575  
provider under a class A license, if the individual meets all of 11576  
the following requirements: 11577

(a) Has a good reputation for integrity, has not been 11578  
convicted of a ~~felony~~ disqualifying offense as defined in section 11579  
4776.10 of the Revised Code within the last ~~twenty~~ three years or 11580  
any ~~offense involving~~ crime of moral turpitude as that term is 11581  
defined in section 4776.10 of the Revised Code, and has not been 11582  
adjudicated incompetent for the purpose of holding the license, as 11583  
provided in section 5122.301 of the Revised Code, without having 11584  
been restored to legal capacity for that purpose. 11585

(b) Depending upon the class of license for which application 11586  
is made, for a continuous period of at least two years immediately 11587  
preceding application for a license, has been engaged in 11588  
investigatory or security services work for a law enforcement or 11589  
other public agency engaged in investigatory activities, or for a 11590  
private investigator or security guard provider, or engaged in the 11591  
practice of law, or has acquired equivalent experience as 11592  
determined by rule of the director of public safety. 11593

(c) Demonstrates competency as a private investigator or 11594  
security guard provider by passing an examination devised for this 11595

purpose by the director, except that any individually licensed 11596  
person who qualifies a corporation for licensure shall not be 11597  
required to be reexamined if the person qualifies the corporation 11598  
in the same capacity that the person was individually licensed. 11599

(d) Submits evidence of comprehensive general liability 11600  
insurance coverage, or other equivalent guarantee approved by the 11601  
director in such form and in principal amounts satisfactory to the 11602  
director, but not less than one hundred thousand dollars for each 11603  
person and three hundred thousand dollars for each occurrence for 11604  
bodily injury liability, and one hundred thousand dollars for 11605  
property damage liability. 11606

(e) Pays the requisite examination and license fees. 11607

(2) A corporation may be licensed as a private investigator 11608  
under a class B license, or as a security guard provider under a 11609  
class C license, or as a private investigator and a security guard 11610  
provider under a class A license, if an application for licensure 11611  
is filed by an officer of the corporation and the officer, another 11612  
officer, or the qualifying agent of the corporation satisfies the 11613  
requirements of divisions (A)(1) and (F)(1) of this section. 11614  
Officers and the statutory agent of a corporation shall be 11615  
determined in accordance with Chapter 1701. of the Revised Code. 11616

(3) At least one partner in a partnership shall be licensed 11617  
as a private investigator, or as a security guard provider, or as 11618  
a private investigator and a security guard provider. Partners in 11619  
a partnership shall be determined as provided for in Chapter 1775. 11620  
or 1776. of the Revised Code. 11621

(B) An application for a class A, B, or C license shall be 11622  
completed in the form the director prescribes. In the case of an 11623  
individual, the application shall state the applicant's name, 11624  
birth date, citizenship, physical description, current residence, 11625  
residences for the preceding ten years, current employment, 11626

employment for the preceding seven years, experience 11627  
qualifications, the location of each of the applicant's offices in 11628  
this state, and any other information that is necessary in order 11629  
for the director to comply with the requirements of this chapter. 11630  
In the case of a corporation, the application shall state the name 11631  
of the officer or qualifying agent filing the application; the 11632  
state in which the corporation is incorporated and the date of 11633  
incorporation; the states in which the corporation is authorized 11634  
to transact business; the name of its qualifying agent; the name 11635  
of the officer or qualifying agent of the corporation who 11636  
satisfies the requirements of divisions (A)(1) and (F)(1) of this 11637  
section and the birth date, citizenship, physical description, 11638  
current residence, residences for the preceding ten years, current 11639  
employment, employment for the preceding seven years, and 11640  
experience qualifications of that officer or qualifying agent; and 11641  
other information that the director requires. A corporation may 11642  
specify in its application information relative to one or more 11643  
individuals who satisfy the requirements of divisions (A)(1) and 11644  
(F)(1) of this section. 11645

The application described in this division shall be 11646  
accompanied by all of the following: 11647

(1) One recent full-face photograph of the applicant or, in 11648  
the case of a corporation, of each officer or qualifying agent 11649  
specified in the application as satisfying the requirements of 11650  
divisions (A)(1) and (F)(1) of this section; 11651

(2) Character references from at least five reputable 11652  
citizens for the applicant or, in the case of a corporation, for 11653  
each officer or qualifying agent specified in the application as 11654  
satisfying the requirements of divisions (A)(1) and (F)(1) of this 11655  
section, each of whom has known the applicant, officer, or 11656  
qualifying agent for at least five years preceding the 11657  
application, and none of whom are connected with the applicant, 11658

officer, or qualifying agent by blood or marriage; 11659

(3) An examination fee of twenty-five dollars for the 11660  
applicant or, in the case of a corporation, for each officer or 11661  
qualifying agent specified in the application as satisfying the 11662  
requirements of divisions (A)(1) and (F)(1) of this section, and a 11663  
license fee in the amount the director determines, not to exceed 11664  
three hundred seventy-five dollars. The license fee shall be 11665  
refunded if a license is not issued. 11666

(C)(1) Each individual applying for a license and each 11667  
individual specified by a corporation as an officer or qualifying 11668  
agent in an application shall submit one complete set of 11669  
fingerprints directly to the superintendent of the bureau of 11670  
criminal identification and investigation for the purpose of 11671  
conducting a criminal records check. The individual shall provide 11672  
the fingerprints using a method the superintendent prescribes 11673  
pursuant to division (C)(2) of section 109.572 of the Revised Code 11674  
and fill out the form the superintendent prescribes pursuant to 11675  
division (C)(1) of section 109.572 of the Revised Code. An 11676  
applicant who intends to carry a firearm as defined in section 11677  
2923.11 of the Revised Code in the course of business or 11678  
employment shall so notify the superintendent. This notification 11679  
is in addition to any other requirement related to carrying a 11680  
firearm that applies to the applicant. The individual or 11681  
corporation requesting the criminal records check shall pay the 11682  
fee the superintendent prescribes. 11683

(2) The superintendent shall conduct the criminal records 11684  
check as set forth in division (B) of section 109.572 of the 11685  
Revised Code. If an applicant intends to carry a firearm in the 11686  
course of business or employment, the superintendent shall make a 11687  
request to the federal bureau of investigation for any information 11688  
and review the information the bureau provides pursuant to 11689  
division (B)(2) of section 109.572 of the Revised Code. The 11690

superintendent shall submit all results of the completed 11691  
investigation to the director of public safety. 11692

(3) If the director determines that the applicant, officer, 11693  
or qualifying agent meets the requirements of divisions (A)(1)(a), 11694  
(b), and (d) of this section and that an officer or qualifying 11695  
agent meets the requirement of division (F)(1) of this section, 11696  
the director shall notify the applicant, officer, or agent of the 11697  
time and place for the examination. If the director determines 11698  
that an applicant does not meet the requirements of divisions 11699  
(A)(1)(a), (b), and (d) of this section, the director shall notify 11700  
the applicant that the applicant's application is refused and 11701  
refund the license fee. If the director determines that none of 11702  
the individuals specified in the application of a corporation as 11703  
satisfying the requirements of divisions (A)(1) and (F)(1) of this 11704  
section meet the requirements of divisions (A)(1)(a), (b), and (d) 11705  
and (F)(1) of this section, the director shall notify the 11706  
corporation that its application is refused and refund the license 11707  
fee. If the bureau assesses the director a fee for any 11708  
investigation, the director, in addition to any other fee assessed 11709  
pursuant to this chapter, may assess the applicant, officer, or 11710  
qualifying agent, as appropriate, a fee that is equal to the fee 11711  
assessed by the bureau. 11712

(4)(a) Subject to divisions (C)(4)(b), (c), and (d) of this 11713  
section, the director shall not adopt, maintain, renew, or enforce 11714  
any rule, or otherwise preclude in any way, an individual from 11715  
receiving or renewing a license under this chapter due to any past 11716  
criminal activity or interpretation of moral character, except as 11717  
pursuant to division (A)(1)(a) of this section. If the director 11718  
denies an individual a license or license renewal, the reasons for 11719  
such denial shall be put in writing. 11720

(b) Except as otherwise provided in this division, if an 11721  
individual applying for a license has been convicted of or pleaded 11722

guilty to a misdemeanor that is not a crime of moral turpitude or 11723  
a disqualifying offense less than one year prior to making the 11724  
application, the director may use the director's discretion in 11725  
granting or denying the individual a license. Except as otherwise 11726  
provided in this division, if an individual applying for a license 11727  
has been convicted of or pleaded guilty to a felony that is not a 11728  
crime of moral turpitude or a disqualifying offense less than 11729  
three years prior to making the application, the director may use 11730  
the director's discretion in granting or denying the individual a 11731  
license. The provisions in this paragraph do not apply with 11732  
respect to any offense unless the director, prior to the effective 11733  
date of this amendment, was required or authorized to deny the 11734  
application based on that offense. 11735

In all other circumstances, the director shall follow the 11736  
procedures the director adopts by rule that conform to division 11737  
(C)(4)(a) of this section. 11738

(c) In considering a renewal of an individual's license, the 11739  
director shall not consider any conviction or plea of guilty prior 11740  
to the initial licensing. However, the director may consider a 11741  
conviction or plea of guilty if it occurred after the individual 11742  
was initially licensed, or after the most recent license renewal. 11743

(d) The director may grant an individual a conditional 11744  
license that lasts for one year. After the one-year period has 11745  
expired, the license is no longer considered conditional, and the 11746  
individual shall be considered fully licensed. 11747

(D) If upon application, investigation, and examination, the 11748  
director finds that the applicant or, in the case of a 11749  
corporation, any officer or qualifying agent specified in the 11750  
application as satisfying the requirements of divisions (A)(1) and 11751  
(F)(1) of this section, meets the applicable requirements, the 11752  
director shall issue the applicant or the corporation a class A, 11753  
B, or C license. The director also shall issue an identification 11754

card to an applicant, but not an officer or qualifying agent of a 11755  
corporation, who meets the applicable requirements. The license 11756  
and identification card shall state the licensee's name, the 11757  
classification of the license, the location of the licensee's 11758  
principal place of business in this state, and the expiration date 11759  
of the license, and, in the case of a corporation, it also shall 11760  
state the name of each officer or qualifying agent who satisfied 11761  
the requirements of divisions (A)(1) and (F)(1) of this section. 11762

Licenses expire on the first day of March following the date 11763  
of initial issue, and on the first day of March of each year 11764  
thereafter. Annual renewals shall be according to the standard 11765  
renewal procedures contained in Chapter 4745. of the Revised Code, 11766  
upon payment of an annual renewal fee the director determines, not 11767  
to exceed two hundred seventy-five dollars. No license shall be 11768  
renewed if the licensee or, in the case of a corporation, each 11769  
officer or qualifying agent who qualified the corporation for 11770  
licensure no longer meets the applicable requirements of this 11771  
section. No license shall be renewed unless the licensee provides 11772  
evidence of workers' compensation risk coverage and unemployment 11773  
compensation insurance coverage, other than for clerical employees 11774  
and excepting sole proprietors who are exempted therefrom, as 11775  
provided for in Chapters 4123. and 4141. of the Revised Code, 11776  
respectively, as well as the licensee's state tax identification 11777  
number. No reexamination shall be required for renewal of a 11778  
current license. 11779

For purposes of this chapter, a class A, B, or C license 11780  
issued to a corporation shall be considered as also having 11781  
licensed the individuals who qualified the corporation for 11782  
licensure, for as long as they are associated with the 11783  
corporation. 11784

For purposes of this division, "sole proprietor" means an 11785  
individual licensed under this chapter who does not employ any 11786



other individual. 11787

(E) The director may issue a duplicate copy of a license 11788  
issued under this section for the purpose of replacement of a 11789  
lost, spoliated, or destroyed license, upon payment of a fee the 11790  
director determines, not exceeding twenty-five dollars. Any change 11791  
in license classification requires new application and application 11792  
fees. 11793

(F)(1) In order to qualify a corporation for a class A, B, or 11794  
C license, an officer or qualifying agent may qualify another 11795  
corporation for similar licensure, provided that the officer or 11796  
qualifying agent is actively engaged in the business of both 11797  
corporations. 11798

(2) Each officer or qualifying agent who qualifies a 11799  
corporation for class A, B, or C licensure shall surrender any 11800  
personal license of a similar nature that the officer or 11801  
qualifying agent possesses. 11802

(3) Upon written notification to the director, completion of 11803  
an application similar to that for original licensure, surrender 11804  
of the corporation's current license, and payment of a 11805  
twenty-five-dollar fee, a corporation's class A, B, or C license 11806  
may be transferred to another corporation. 11807

(4) Upon written notification to the director, completion of 11808  
an application similar to that for an individual seeking class A, 11809  
B, or C licensure, payment of a twenty-five-dollar fee, and, if 11810  
the individual was the only individual that qualified a 11811  
corporation for licensure, surrender of the corporation's license, 11812  
any officer or qualifying agent who qualified a corporation for 11813  
licensure under this chapter may obtain a similar license in the 11814  
individual's own name without reexamination. A request by an 11815  
officer or qualifying agent for an individual license shall not 11816  
affect a corporation's license unless the individual is the only 11817

individual that qualified the corporation for licensure or all the 11818  
other individuals who qualified the corporation for licensure 11819  
submit such requests. 11820

(G) If a corporation is for any reason no longer associated 11821  
with an individual who qualified it for licensure under this 11822  
chapter, an officer of the corporation shall notify the director 11823  
of that fact by certified mail, return receipt requested, within 11824  
ten days after the association terminates. If the notification is 11825  
so given, the individual was the only individual that qualified 11826  
the corporation for licensure, and the corporation submits the 11827  
name of another officer or qualifying agent to qualify the 11828  
corporation for the license within thirty days after the 11829  
association terminates, the corporation may continue to operate in 11830  
the business of private investigation, the business of security 11831  
services, or both businesses in this state under that license for 11832  
ninety days after the association terminates. If the officer or 11833  
qualifying agent whose name is submitted satisfies the 11834  
requirements of divisions (A)(1) and (F)(1) of this section, the 11835  
director shall issue a new license to the corporation within that 11836  
ninety-day period. The names of more than one individual may be 11837  
submitted. 11838

**Sec. 4749.04.** (A) The director of public safety may revoke, 11839  
suspend, or refuse to renew, when a renewal form has been 11840  
submitted, the license of any private investigator or security 11841  
guard provider, or the registration of any employee of a private 11842  
investigator or security guard provider, for any of the following: 11843

(1) Violation of any of the provisions of division (B) or (C) 11844  
of section 4749.13 of the Revised Code; 11845

(2) Conviction of a ~~felony~~ or disqualifying offense as 11846  
defined in section 4776.10 of the Revised Code if the offense 11847  
occurred within the last three years; 11848

(3) Conviction of a crime involving moral turpitude as 11849  
defined in section 4776.10 of the Revised Code; 11850

(4) Conviction of an offense that occurred after the 11851  
individual was initially licensed, or after the most recent 11852  
renewal. 11853

~~(3)~~(5) Violation of any rule of the director governing 11854  
private investigators, the business of private investigation, 11855  
security guard providers, or the business of security services; 11856

~~(4)~~(6) Testifying falsely under oath, or suborning perjury, 11857  
in any judicial proceeding; 11858

~~(5)~~(7) Failure to satisfy the requirements specified in 11859  
division (D) of section 4749.03 of the Revised Code. 11860

Any person whose license or registration is revoked, 11861  
suspended, or not renewed when a renewal form is submitted may 11862  
appeal in accordance with Chapter 119. of the Revised Code. 11863

(B) In lieu of suspending, revoking, or refusing to renew the 11864  
class A, B, or C license, or of suspending, revoking, or refusing 11865  
to renew the registration of an employee of a class A, B, or C 11866  
licensee, the director may impose a civil penalty of not more than 11867  
one hundred dollars for each calendar day of a violation of any of 11868  
the provisions of this section or of division (B) or (C) of 11869  
section 4749.13 of the Revised Code or of a violation of any rule 11870  
of the director governing private investigators, the business of 11871  
private investigation, security guard providers, or the business 11872  
of security services. 11873

**Sec. 4749.06.** (A) Each class A, B, or C licensee shall 11874  
register the licensee's investigator or security guard employees, 11875  
with the department of public safety, which shall maintain a 11876  
record of each licensee and registered employee and make it 11877  
available, upon request, to any law enforcement agency. The class 11878

A, B, or C licensee shall file an application to register a new 11879  
employee no sooner than three days nor later than seven calendar 11880  
days after the date on which the employee is hired. 11881

(B)(1) Each employee's registration application shall be 11882  
accompanied by one recent photograph of the employee, the 11883  
employee's physical description, and the registration fee the 11884  
director determines, not to exceed forty dollars. 11885

(2) The employee shall submit one complete set of 11886  
fingerprints directly to the superintendent of the bureau of 11887  
criminal identification and investigation for the purpose of 11888  
conducting a criminal records check. The employee shall provide 11889  
the fingerprints using a method the superintendent prescribes 11890  
pursuant to division (C)(2) of section 109.572 of the Revised Code 11891  
and fill out the form the superintendent prescribes pursuant to 11892  
division (C)(1) of section 109.572 of the Revised Code. An 11893  
employee who intends to carry a firearm as defined in section 11894  
2923.11 of the Revised Code in the course of business or 11895  
employment shall so notify the superintendent. This notification 11896  
is in addition to any other requirement related to carrying a 11897  
firearm that applies to the employee. The individual or 11898  
corporation requesting the criminal records check shall pay the 11899  
fee the superintendent prescribes. 11900

The superintendent shall conduct the criminal records check 11901  
as set forth in division (B) of section 109.572 of the Revised 11902  
Code. If an employee intends to carry a firearm in the course of 11903  
business or employment, pursuant to division (B)(2) of section 11904  
109.572 of the Revised Code the superintendent shall make a 11905  
request of the federal bureau of investigation for any information 11906  
and review the information the bureau provides. The superintendent 11907  
shall submit all results of the completed investigation to the 11908  
director of public safety. 11909

(3) If, after investigation, the bureau finds that the employee has not been convicted of a ~~felony~~ disqualifying offense as defined in section 4776.10 of the Revised Code within the last ~~twenty~~ three years, the director shall issue to the employee an identification card bearing the license number and signature of the licensee, which in the case of a corporation shall be the signature of its president or its qualifying agent, and containing the employee's name, address, age, physical description, and right thumb print or other identifying mark as the director prescribes, a recent photograph of the employee, and the employee's signature. The director may issue a duplicate of a lost, spoliated, or destroyed identification card issued under this section, upon payment of a fee fixed by the director, not exceeding five dollars.

(C) Except as provided in division (E) of this section, no class A, B, or C licensee shall permit an employee, other than an individual who qualified a corporation for licensure, to engage in the business of private investigation, the business of security services, or both businesses until the employee receives an identification card from the department, except that pending the issuance of an identification card, a class A, B, or C licensee may offer for hire security guard or investigator employees provided the licensee obtains a waiver from the person who receives, for hire, security guard or investigative services, acknowledging that the person is aware the employees have not completed their registration and agreeing to their employment.

(D) If a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, intends to carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business or employment, the licensee or registered employee shall satisfactorily complete a firearms basic training program that includes twenty hours of handgun training and five

hours of training in the use of other firearms, if any other 11942  
firearm is to be used, or equivalency training, if authorized, or 11943  
shall be a former peace officer who previously had successfully 11944  
completed a firearms training course, shall receive a certificate 11945  
of satisfactory completion of that program or written evidence of 11946  
approval of the equivalency training, shall file an application 11947  
for registration, shall receive a firearm-bearer notation on the 11948  
licensee's or registered employee's identification card, and shall 11949  
annually requalify on a firearms range, all as described in 11950  
division (A) of section 4749.10 of the Revised Code. A private 11951  
investigator, security guard provider, or employee is authorized 11952  
to carry a firearm only in accordance with that division. 11953

(E) This section does not apply to commissioned peace 11954  
officers, as defined in division (B) of section 2935.01 of the 11955  
Revised Code, working for, either as an employee or independent 11956  
contractor, a class A, B, or C licensee. For purposes of this 11957  
chapter, a commissioned peace officer is an employee exempt from 11958  
registration. 11959

(F) The registration of an investigator or security guard 11960  
employee expires annually on the anniversary date of its initial 11961  
issuance. Annual renewals shall be made pursuant to procedures the 11962  
director establishes by rule and upon payment of a renewal fee the 11963  
director determines, not to exceed thirty-five dollars. The 11964  
director shall not renew the registration of any investigator or 11965  
security guard employee who no longer meets the requirements of 11966  
this section. No background check is required for annual renewal, 11967  
but an investigator or security guard employee shall report any 11968  
~~felony~~ conviction of a disqualifying offense to the employer and 11969  
the director of public safety as a condition of continued 11970  
registration. 11971

**Sec. 4776.021.** (A) As used in this section and section 11972

4776.04 of the Revised Code, "trainee license" means a license, 11973  
certificate, registration, permit, card, or other authority that 11974  
is issued or conferred by any agency described in division (B) of 11975  
this section that authorizes the holder to engage as a trainee in 11976  
a profession, occupation, or occupational activity, or to operate 11977  
as a trainee certain specific equipment, machinery, or premises, 11978  
over which the agency described in division (B) of this section 11979  
has jurisdiction. 11980

(B) Except as provided in division (E) of this section, if 11981  
any licensing agency issues trainee licenses, or if any agency 11982  
that issues licenses under Chapter 3772., 4729., 4738., 4747., or 11983  
4749. of the Revised Code issues trainee licenses, an applicant 11984  
for a trainee license from the licensing agency or other specified 11985  
agency, in addition to any other eligibility requirements for the 11986  
license, shall submit a request to the bureau of criminal 11987  
identification and investigation for a criminal records check of 11988  
the applicant. Division (A) of section 4776.02 of the Revised Code 11989  
applies with respect to a request required under this division. 11990

(C) Upon receipt of the completed form, the set of 11991  
fingerprint impressions, and the fee provided for in division (B) 11992  
of this section and division (A) of section 4776.02 of the Revised 11993  
Code, the superintendent of the bureau of criminal identification 11994  
and investigation shall conduct a criminal records check of the 11995  
applicant under division (B) of section 109.572 of the Revised 11996  
Code. Upon completion of the criminal records check, the 11997  
superintendent shall report the results of the criminal records 11998  
check and any information the federal bureau of investigation 11999  
provides to the licensing agency or the agency that issues 12000  
licenses under Chapter 3772., 4729., 4738., 4747., or 4749. of the 12001  
Revised Code that was identified in the request for a criminal 12002  
records check. 12003

(D) Except as provided in division (E) of this section, no 12004  
licensing agency that issues trainee licenses, and no agency that 12005  
issues licenses under Chapter 3772., 4729., 4738., 4747., or 4749. 12006  
of the Revised Code and that issues trainee licenses shall issue a 12007  
trainee license to an applicant if the licensing agency or other 12008  
agency determines that the applicant would not be eligible for 12009  
issuance of a license, certificate, registration, permit, card, or 12010  
other authority to engage in the profession, occupation, or 12011  
occupational activity for which the trainee license would apply, 12012  
or for issuance of a license, certificate, registration, permit, 12013  
card, or other authority to operate certain specific equipment, 12014  
machinery, or premises with respect to which the trainee license 12015  
would apply, whichever is applicable. 12016

(E) Divisions (B) to (D) of this section do not apply with 12017  
respect to any person who is participating in an apprenticeship or 12018  
training program operated by or under contract with the department 12019  
of rehabilitation and correction. 12020

**Sec. 4776.04.** The results of any criminal records check 12021  
conducted pursuant to a request made under this chapter and any 12022  
report containing those results, including any information the 12023  
federal bureau of investigation provides, are not public records 12024  
for purposes of section 149.43 of the Revised Code and shall not 12025  
be made available to any person or for any purpose other than as 12026  
follows: 12027

(A) If the request for the criminal records check was 12028  
submitted by an applicant for an initial license or restored 12029  
license, as follows: 12030

(1) The superintendent of the bureau of criminal 12031  
identification and investigation shall make the results available 12032  
to the licensing agency for use in determining, under the agency's 12033  
authorizing chapter of the Revised Code, whether the applicant who 12034



is the subject of the criminal records check should be granted a 12035  
license under that chapter. 12036

(2) The licensing agency shall make the results available to 12037  
the applicant who is the subject of the criminal records check. 12038

(B) If the request for the criminal records check was 12039  
submitted by a person seeking to satisfy the criteria for being a 12040  
qualified pharmacy technician that are specified in section 12041  
4729.42 of the Revised Code or a person seeking to satisfy the 12042  
requirements to be an employee of a pain management clinic as 12043  
specified in section 4729.552 of the Revised Code, the 12044  
superintendent of the bureau of criminal identification and 12045  
investigation shall make the results available in accordance with 12046  
the following: 12047

(1) The superintendent shall make the results of the criminal 12048  
records check, including any information the federal bureau of 12049  
investigation provides, available to the person who submitted the 12050  
request and is the subject of the criminal records check. 12051

(2) The superintendent shall make the results of the portion 12052  
of the criminal records check performed by the bureau of criminal 12053  
identification and investigation under division (B)(1) of section 12054  
109.572 of the Revised Code available to the employer or potential 12055  
employer specified in the request of the person who submitted the 12056  
request and shall send a letter of the type described in division 12057  
(B)(2) of section 4776.02 of the Revised Code to that employer or 12058  
potential employer regarding the information provided by the 12059  
federal bureau of investigation that contains one of the types of 12060  
statements described in that division. 12061

(C) If the request for the criminal records check was 12062  
submitted by an applicant for a trainee license under section 12063  
4776.021 of the Revised Code, as follows: 12064

(1) The superintendent of the bureau of criminal 12065

identification and investigation shall make the results available 12066  
to the licensing agency or other agency identified in division (B) 12067  
of section 4776.021 of the Revised Code for use in determining, 12068  
under the agency's authorizing chapter of the Revised Code and 12069  
division (D) of section 4776.021 of the Revised Code, whether the 12070  
applicant who is the subject of the criminal records check should 12071  
be granted a trainee license under that chapter and that division. 12072

(2) The licensing agency or other agency identified in 12073  
division (B) of section 4776.021 of the Revised Code shall make 12074  
the results available to the applicant who is the subject of the 12075  
criminal records check. 12076

**Sec. 4776.10.** As used in Chapters 4713., 4738., 4740., 4747., 12077  
and 4749. and sections 4725.40 to 4725.59 of the Revised Code: 12078

(A) "Crime of moral turpitude" or "moral turpitude" means all 12079  
of the following: 12080

(1) A violation of section 2903.01 or 2903.02 of the Revised 12081  
Code; 12082

(2) A sexually oriented offense as defined in section 2950.01 12083  
of the Revised Code; 12084

(3) An offense that is an offense of violence as defined in 12085  
section 2901.01 of the Revised Code, if the offense is a felony of 12086  
the first or second degree; 12087

(4) Complicity in committing an offense described in division 12088  
(A)(1) of this section; 12089

(5) An attempt or conspiracy to commit or complicity in 12090  
committing any offense described in division (A)(1), (2), (3), or 12091  
(4) of this section if the attempt, conspiracy, or complicity is a 12092  
felony of the first or second degree; 12093

(6) A violation of any former law of this state, any existing 12094  
or former law applicable in a military court or in an Indian 12095

tribal court, or any existing or former law of any nation other 12096  
than the United States that is or was substantially equivalent to 12097  
any offense listed in division (A)(1), (2), (3), (4), or (5) of 12098  
this section. 12099

(B) "Direct nexus" means that the nature of the offense for 12100  
which the individual was convicted or to which the individual 12101  
pleaded guilty has a direct bearing on the fitness or ability of 12102  
the individual to perform one or more of the duties or 12103  
responsibilities necessarily related to a particular occupation, 12104  
profession, or trade. 12105

(C) "Disqualifying offense" means an offense that is a felony 12106  
and that has a direct nexus to an individual's proposed or current 12107  
field of licensure, certification, or employment. 12108

**Sec. 5111.032.** (A) As used in this section: 12109

(1) "Criminal records check" has the same meaning as in 12110  
section 109.572 of the Revised Code. 12111

(2) "Department" includes a designee of the department of job 12112  
and family services. 12113

(3) "Owner" means a person who has an ownership interest in a 12114  
provider in an amount designated by the department of job and 12115  
family services in rules adopted under this section. 12116

(4) "Provider" means a person, institution, or entity that 12117  
has a provider agreement with the department of job and family 12118  
services pursuant to Title XIX of the "Social Security Act," 49 12119  
~~State Stat.~~ 620 (1965), 42 U.S.C. 1396, as amended. 12120

(B)(1) Except as provided in division (B)(2) of this section, 12121  
the department of job and family services may require that any 12122  
provider, applicant to be a provider, employee or prospective 12123  
employee of a provider, owner or prospective owner of a provider, 12124  
officer or prospective officer of a provider, or board member or 12125

prospective board member of a provider submit to a criminal 12126  
records check as a condition of obtaining a provider agreement, 12127  
continuing to hold a provider agreement, being employed by a 12128  
provider, having an ownership interest in a provider, or being an 12129  
officer or board member of a provider. The department may 12130  
designate the categories of persons who are subject to the 12131  
criminal records check requirement. The department shall designate 12132  
the times at which the criminal records checks must be conducted. 12133

(2) The section does not apply to providers, applicants to be 12134  
providers, employees of a provider, or prospective employees of a 12135  
provider who are subject to criminal records checks under section 12136  
5111.033 or 5111.034 of the Revised Code. 12137

(C)(1) The department shall inform each provider or applicant 12138  
to be a provider whether the provider or applicant is subject to a 12139  
criminal records check requirement under division (B) of this 12140  
section. For providers, the information shall be given at times 12141  
designated in rules adopted under this section. For applicants to 12142  
be providers, the information shall be given at the time of 12143  
initial application. When the information is given, the department 12144  
shall specify which of the provider's or applicant's employees or 12145  
prospective employees, owners or prospective owners, officers or 12146  
prospective officers, or board members or prospective board 12147  
members are subject to the criminal records check requirement. 12148

(2) At times designated in rules adopted under this section, 12149  
a provider that is subject to the criminal records check 12150  
requirement shall inform each person specified by the department 12151  
under division (C)(1) of this section that the person is required, 12152  
as applicable, to submit to a criminal records check for final 12153  
consideration for employment in a full-time, part-time, or 12154  
temporary position; as a condition of continued employment; or as 12155  
a condition of becoming or continuing to be an officer, board 12156  
member or owner of a provider. 12157

(D)(1) If a provider or applicant to be a provider is subject 12158  
to a criminal records check under this section, the department 12159  
shall require the conduct of a criminal records check by the 12160  
superintendent of the bureau of criminal identification and 12161  
investigation. If a provider or applicant to be a provider for 12162  
whom a criminal records check is required does not present proof 12163  
of having been a resident of this state for the five-year period 12164  
immediately prior to the date the criminal records check is 12165  
requested or provide evidence that within that five-year period 12166  
the superintendent has requested information about the individual 12167  
from the federal bureau of investigation in a criminal records 12168  
check, the department shall require the provider or applicant to 12169  
request that the superintendent obtain information from the 12170  
federal bureau of investigation as part of the criminal records 12171  
check of the provider or applicant. Even if a provider or 12172  
applicant for whom a criminal records check request is required 12173  
presents proof of having been a resident of this state for the 12174  
five-year period, the department may require that the provider or 12175  
applicant request that the superintendent obtain information from 12176  
the federal bureau of investigation and include it in the criminal 12177  
records check of the provider or applicant. 12178

(2) A provider shall require the conduct of a criminal 12179  
records check by the superintendent with respect to each of the 12180  
persons specified by the department under division (C)(1) of this 12181  
section. If the person for whom a criminal records check is 12182  
required does not present proof of having been a resident of this 12183  
state for the five-year period immediately prior to the date the 12184  
criminal records check is requested or provide evidence that 12185  
within that five-year period the superintendent of the bureau of 12186  
criminal identification and investigation has requested 12187  
information about the individual from the federal bureau of 12188  
investigation in a criminal records check, the individual shall 12189  
request that the superintendent obtain information from the 12190

federal bureau of investigation as part of the criminal records 12191  
check of the individual. Even if an individual for whom a criminal 12192  
records check request is required presents proof of having been a 12193  
resident of this state for the five-year period, the department 12194  
may require the provider to request that the superintendent obtain 12195  
information from the federal bureau of investigation and include 12196  
it in the criminal records check of the person. 12197

(E)(1) Criminal records checks required under this section 12198  
for providers or applicants to be providers shall be obtained as 12199  
follows: 12200

(a) The department shall provide each provider or applicant 12201  
information about accessing and completing the form prescribed 12202  
pursuant to division (C)(1) of section 109.572 of the Revised Code 12203  
and the standard fingerprint impression sheet prescribed pursuant 12204  
to division (C)(2) of that section. 12205

(b) The provider or applicant shall submit the required form 12206  
and one complete set of fingerprint impressions directly to the 12207  
superintendent for purposes of conducting the criminal records 12208  
check using the applicable methods prescribed by division (C) of 12209  
section 109.572 of the Revised Code. The applicant or provider 12210  
shall pay all fees associated with obtaining the criminal records 12211  
check. 12212

(c) The superintendent shall conduct the criminal records 12213  
check in accordance with section 109.572 of the Revised Code. The 12214  
provider or applicant shall instruct the superintendent to submit 12215  
the report of the criminal records check directly to the director 12216  
of job and family services. 12217

(2) Criminal records checks required under this section for 12218  
persons specified by the department under division (C)(1) of this 12219  
section shall be obtained as follows: 12220

(a) The provider shall give to each person subject to 12221

criminal records check requirement information about accessing and 12222  
completing the form prescribed pursuant to division (C)(1) of 12223  
section 109.572 of the Revised Code and the standard fingerprint 12224  
impression sheet prescribed pursuant to division (C)(2) of that 12225  
section. 12226

(b) The person shall submit the required form and one 12227  
complete set of fingerprint impressions directly to the 12228  
superintendent for purposes of conducting the criminal records 12229  
check using the applicable methods prescribed by division (C) of 12230  
section 109.572 of the Revised Code. The person shall pay all fees 12231  
associated with obtaining the criminal records check. 12232

(c) The superintendent shall conduct the criminal records 12233  
check in accordance with section 109.572 of the Revised Code. The 12234  
person subject to the criminal records check shall instruct the 12235  
superintendent to submit the report of the criminal records check 12236  
directly to the provider. The department may require the provider 12237  
to submit the report to the department. 12238

(F) If a provider or applicant to be a provider is given the 12239  
information specified in division (E)(1)(a) of this section but 12240  
fails to obtain a criminal records check, the department shall, as 12241  
applicable, terminate the provider agreement or deny the 12242  
application to be a provider. 12243

If a person is given the information specified in division 12244  
(E)(2)(a) of this section but fails to obtain a criminal records 12245  
check, the provider shall not, as applicable, permit the person to 12246  
be an employee, owner, officer, or board member of the provider. 12247

(G) Except as provided in rules adopted under division (J) of 12248  
this section, the department shall terminate the provider 12249  
agreement of a provider or the department shall not issue a 12250  
provider agreement to an applicant if the provider or applicant is 12251  
subject to a criminal records check under this section and the 12252

provider or applicant has been convicted of, has pleaded guilty 12253  
to, or has been found eligible for intervention in lieu of 12254  
conviction for any of the following, regardless of the date of the 12255  
conviction, the date of entry of the guilty plea, or the date the 12256  
applicant or provider was found eligible for intervention in lieu 12257  
of conviction: 12258

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 12259  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 12260  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 12261  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 12262  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 12263  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 12264  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 12265  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 12266  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 12267  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 12268  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 12269  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 12270  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 12271  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 12272  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 12273  
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 12274  
felonious sexual penetration in violation of former section 12275  
2907.12 of the Revised Code, a violation of section 2905.04 of the 12276  
Revised Code as it existed prior to July 1, 1996, a violation of 12277  
section 2919.23 of the Revised Code that would have been a 12278  
violation of section 2905.04 of the Revised Code as it existed 12279  
prior to July 1, 1996, had the violation been committed prior to 12280  
that date; 12281

(2) A violation of an existing or former municipal ordinance 12282  
or law of this state, any other state, or the United States that 12283  
is substantially equivalent to any of the offenses listed in 12284



division (G)(1) of this section. 12285

(H)(1)(a) Except as provided in rules adopted under division 12286  
(J) of this section and subject to division (H)(2) of this 12287  
section, no provider shall permit a person to be an employee, 12288  
owner, officer, or board member of the provider if the person is 12289  
subject to a criminal records check under this section and the 12290  
person has been convicted of, has pleaded guilty to, or has been 12291  
found eligible for intervention in lieu of conviction for any of 12292  
the offenses specified in division (G)(1) or (2) of this section. 12293

(b) No provider shall employ a person who has been excluded 12294  
from participating in the medicaid program, the medicare program 12295  
operated pursuant to Title XVIII of the "Social Security Act," or 12296  
any other federal health care program. 12297

(2)(a) A provider may employ conditionally a person for whom 12298  
a criminal records check is required under this section prior to 12299  
obtaining the results of a criminal records check regarding the 12300  
person, but only if the person submits a request for a criminal 12301  
records check not later than five business days after the 12302  
individual begins conditional employment. 12303

(b) A provider that employs a person conditionally under 12304  
authority of division (H)(2)(a) of this section shall terminate 12305  
the person's employment if the results of the criminal records 12306  
check request are not obtained within the period ending sixty days 12307  
after the date the request is made. Regardless of when the results 12308  
of the criminal records check are obtained, if the results 12309  
indicate that the individual has been convicted of, has pleaded 12310  
guilty to, or has been found eligible for intervention in lieu of 12311  
conviction for any of the offenses specified in division (G)(1) or 12312  
(2) of this section, the provider shall terminate the person's 12313  
employment unless the provider chooses to employ the individual 12314  
pursuant to division (J) of this section. 12315

(I) The report of a criminal records check conducted pursuant 12316  
to this section is not a public record for the purposes of section 12317  
149.43 of the Revised Code and shall not be made available to any 12318  
person other than the following: 12319

(1) The person who is the subject of the criminal records 12320  
check or the person's representative; 12321

(2) The director of job and family services and the staff of 12322  
the department in the administration of the medicaid program; 12323

(3) A court, hearing officer, or other necessary individual 12324  
involved in a case dealing with the denial or termination of a 12325  
provider agreement; 12326

(4) A court, hearing officer, or other necessary individual 12327  
involved in a case dealing with a person's denial of employment, 12328  
termination of employment, or employment or unemployment benefits. 12329

(J) The department may adopt rules in accordance with Chapter 12330  
119. of the Revised Code to implement this section. The rules may 12331  
specify circumstances under which the department may continue a 12332  
provider agreement or issue a provider agreement to an applicant 12333  
when the provider or applicant has been convicted of, has pleaded 12334  
guilty to, or has been found eligible for intervention in lieu of 12335  
conviction for any of the offenses specified in division (G)(1) or 12336  
(2) of this section. The rules may also specify circumstances 12337  
under which a provider may permit a person to be an employee, 12338  
owner, officer, or board member of the provider, when the person 12339  
has been convicted of, has pleaded guilty to, or has been found 12340  
eligible for intervention in lieu of conviction for any of the 12341  
offenses specified in division (G)(1) or (2) of this section. 12342

**Sec. 5111.033.** (A) As used in this section: 12343

(1) "Applicant" means a person who is under final 12344  
consideration for employment or, after September 26, 2003, an 12345

existing employee with a waiver agency in a full-time, part-time, 12346  
or temporary position that involves providing home and 12347  
community-based waiver services to a person with disabilities. 12348  
"Applicant" also means an existing employee with a waiver agency 12349  
in a full-time, part-time, or temporary position that involves 12350  
providing home and community-based waiver services to a person 12351  
with disabilities after September 26, 2003. 12352

(2) "Criminal records check" has the same meaning as in 12353  
section 109.572 of the Revised Code. 12354

(3) "Waiver agency" means a person or government entity that 12355  
is not certified under the medicare program and is accredited by 12356  
the community health accreditation program or the joint commission 12357  
on accreditation of health care organizations or a company that 12358  
provides home and community-based waiver services to persons with 12359  
disabilities through department of job and family services 12360  
administered home and community-based waiver programs. 12361

(4) "Home and community-based waiver services" means services 12362  
furnished under the provision of 42 C.F.R. 441, subpart G, that 12363  
permit individuals to live in a home setting rather than a nursing 12364  
facility or hospital. Home and community-based waiver services are 12365  
approved by the centers for medicare and medicaid for specific 12366  
populations and are not otherwise available under the medicaid 12367  
state plan. 12368

(B)(1) The chief administrator of a waiver agency shall 12369  
require each applicant to request that the superintendent of the 12370  
bureau of criminal identification and investigation conduct a 12371  
criminal records check with respect to the applicant. If an 12372  
applicant for whom a criminal records check request is required 12373  
under this division does not present proof of having been a 12374  
resident of this state for the five-year period immediately prior 12375  
to the date the criminal records check is requested or provide 12376  
evidence that within that five-year period the superintendent has 12377

requested information about the applicant from the federal bureau 12378  
of investigation in a criminal records check, the chief 12379  
administrator shall require the applicant to request that the 12380  
superintendent obtain information from the federal bureau of 12381  
investigation as part of the criminal records check of the 12382  
applicant. Even if an applicant for whom a criminal records check 12383  
request is required under this division presents proof of having 12384  
been a resident of this state for the five-year period, the chief 12385  
administrator may require the applicant to request that the 12386  
superintendent include information from the federal bureau of 12387  
investigation in the criminal records check. 12388

(2) The chief administrator shall provide the following to 12389  
each applicant for whom a criminal records check request is 12390  
required under division (B)(1) of this section: 12391

(a) Information about accessing, completing, and forwarding 12392  
to the superintendent of the bureau of criminal identification and 12393  
investigation the form prescribed pursuant to division (C)(1) of 12394  
section 109.572 of the Revised Code and the standard fingerprint 12395  
impression sheet prescribed pursuant to division (C)(2) of that 12396  
section; 12397

(b) Written notification that the applicant is to instruct 12398  
the superintendent to submit the completed report of the criminal 12399  
records check directly to the chief administrator. 12400

(3) An applicant given information and notification under 12401  
divisions (B)(2)(a) and (b) of this section who fails to access, 12402  
complete, and forward to the superintendent the form or the 12403  
standard fingerprint impression sheet, or who fails to instruct 12404  
the superintendent to submit the completed report of the criminal 12405  
records check directly to the chief administrator, shall not be 12406  
employed in any position in a waiver agency for which a criminal 12407  
records check is required by this section. 12408

(C)(1) Except as provided in rules adopted by the department 12409  
of job and family services in accordance with division (F) of this 12410  
section and subject to division (C)(2) of this section, no waiver 12411  
agency shall employ a person in a position that involves providing 12412  
home and community-based waiver services to persons with 12413  
disabilities if the person has been convicted of, has pleaded 12414  
guilty to, or has been found eligible for intervention in lieu of 12415  
conviction for any of the following, regardless of the date of the 12416  
conviction, the date of entry of the guilty plea, or the date the 12417  
person was found eligible for intervention in lieu of conviction: 12418

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 12419  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 12420  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 12421  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 12422  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 12423  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 12424  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 12425  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 12426  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 12427  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 12428  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 12429  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 12430  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 12431  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 12432  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 12433  
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 12434  
felonious sexual penetration in violation of former section 12435  
2907.12 of the Revised Code, a violation of section 2905.04 of the 12436  
Revised Code as it existed prior to July 1, 1996, a violation of 12437  
section 2919.23 of the Revised Code that would have been a 12438  
violation of section 2905.04 of the Revised Code as it existed 12439  
prior to July 1, 1996, had the violation been committed prior to 12440  
that date; 12441

(b) A violation of an existing or former municipal ordinance 12442  
or law of this state, any other state, or the United States that 12443  
is substantially equivalent to any of the offenses listed in 12444  
division (C)(1)(a) of this section. 12445

(2)(a) A waiver agency may employ conditionally an applicant 12446  
for whom a criminal records check request is required under 12447  
division (B) of this section prior to obtaining the results of a 12448  
criminal records check regarding the individual, provided that the 12449  
agency shall require the individual to request a criminal records 12450  
check regarding the individual in accordance with division (B)(1) 12451  
of this section not later than five business days after the 12452  
individual begins conditional employment. 12453

(b) A waiver agency that employs an individual conditionally 12454  
under authority of division (C)(2)(a) of this section shall 12455  
terminate the individual's employment if the results of the 12456  
criminal records check request under division (B) of this section, 12457  
other than the results of any request for information from the 12458  
federal bureau of investigation, are not obtained within the 12459  
period ending sixty days after the date the request is made. 12460  
Regardless of when the results of the criminal records check are 12461  
obtained, if the results indicate that the individual has been 12462  
convicted of, has pleaded guilty to, or has been found eligible 12463  
for intervention in lieu of conviction for any of the offenses 12464  
listed or described in division (C)(1) of this section, the agency 12465  
shall terminate the individual's employment unless the agency 12466  
chooses to employ the individual pursuant to division (F) of this 12467  
section. 12468

(D)(1) The fee prescribed pursuant to division (C)(3) of 12469  
section 109.572 of the Revised Code for each criminal records 12470  
check conducted pursuant to a request made under division (B) of 12471  
this section shall be paid to the bureau of criminal 12472  
identification and investigation by the applicant or the waiver 12473

agency. 12474

(2) If a waiver agency pays the fee, it may charge the 12475  
applicant a fee not exceeding the amount the agency pays under 12476  
division (D)(1) of this section. An agency may collect a fee only 12477  
if the agency notifies the person at the time of initial 12478  
application for employment of the amount of the fee and that, 12479  
unless the fee is paid, the person will not be considered for 12480  
employment. 12481

(E) The report of any criminal records check conducted 12482  
pursuant to a request made under this section is not a public 12483  
record for the purposes of section 149.43 of the Revised Code and 12484  
shall not be made available to any person other than the 12485  
following: 12486

(1) The individual who is the subject of the criminal records 12487  
check or the individual's representative; 12488

(2) The chief administrator of the agency requesting the 12489  
criminal records check or the administrator's representative; 12490

(3) An administrator at the department; 12491

(4) A court, hearing officer, or other necessary individual 12492  
involved in a case dealing with a denial of employment of the 12493  
applicant or dealing with employment or unemployment benefits of 12494  
the applicant. 12495

(F) The department shall adopt rules in accordance with 12496  
Chapter 119. of the Revised Code to implement this section. The 12497  
rules shall specify circumstances under which a waiver agency may 12498  
employ a person who has been convicted of, has pleaded guilty to, 12499  
or has been found eligible for intervention in lieu of conviction 12500  
for an offense listed or described in division (C)(1) of this 12501  
section. 12502

(G) The chief administrator of a waiver agency shall inform 12503

each person, at the time of initial application for a position 12504  
that involves providing home and community-based waiver services 12505  
to a person with a disability, that the person is required to 12506  
provide a set of fingerprint impressions and that a criminal 12507  
records check is required to be conducted if the person comes 12508  
under final consideration for employment. 12509

(H)(1) A person who, on September 26, 2003, is an employee of 12510  
a waiver agency in a full-time, part-time, or temporary position 12511  
that involves providing home and community-based waiver services 12512  
to a person with disabilities shall comply with this section 12513  
within sixty days after September 26, 2003, unless division (H)(2) 12514  
of this section applies. 12515

(2) This section shall not apply to a person to whom all of 12516  
the following apply: 12517

(a) On September 26, 2003, the person is an employee of a 12518  
waiver agency in a full-time, part-time, or temporary position 12519  
that involves providing home and community-based waiver services 12520  
to a person with disabilities. 12521

(b) The person previously had been the subject of a criminal 12522  
background check relating to that position; 12523

(c) The person has been continuously employed in that 12524  
position since that criminal background check had been conducted. 12525

**Sec. 5111.034.** (A) As used in this section: 12526

(1) "Anniversary date" means the later of the effective date 12527  
of the provider agreement relating to the independent provider or 12528  
sixty days after September 26, 2003. 12529

(2) "Criminal records check" has the same meaning as in 12530  
section 109.572 of the Revised Code. 12531

(3) "Department" includes a designee of the department of job 12532  
and family services. 12533



(4) "Independent provider" means a person who is submitting  
an application for a provider agreement or who has a provider  
agreement as an independent provider in a department of job and  
family services administered home and community-based services  
program providing home and community-based waiver services to  
consumers with disabilities.

(5) "Home and community-based waiver services" has the same  
meaning as in section 5111.033 of the Revised Code.

(B)(1) The department of job and family services shall inform  
each independent provider, at the time of initial application for  
a provider agreement that involves providing home and  
community-based waiver services to consumers with disabilities,  
that the independent provider is required to provide a set of  
fingerprint impressions and that a criminal records check is  
required to be conducted if the person is to become an independent  
provider in a department administered home and community-based  
waiver program.

(2) Beginning on September 26, 2003, the department shall  
inform each enrolled medicaid independent provider on or before  
time of the anniversary date of the provider agreement that  
involves providing home and community-based waiver services to  
consumers with disabilities that the independent provider is  
required to provide a set of fingerprint impressions and that a  
criminal records check is required to be conducted.

(C)(1) The department shall require the independent provider  
to complete a criminal records check prior to entering into a  
provider agreement with the independent provider and at least  
annually thereafter. If an independent provider for whom a  
criminal records check is required under this division does not  
present proof of having been a resident of this state for the  
five-year period immediately prior to the date the criminal  
records check is requested or provide evidence that within that

five-year period the superintendent of the bureau of criminal 12566  
identification and investigation has requested information about 12567  
the independent provider from the federal bureau of investigation 12568  
in a criminal records check, the department shall request that the 12569  
independent provider obtain through the superintendent a criminal 12570  
records request from the federal bureau of investigation as part 12571  
of the criminal records check of the independent provider. Even if 12572  
an independent provider for whom a criminal records check request 12573  
is required under this division presents proof of having been a 12574  
resident of this state for the five-year period, the department 12575  
may request that the independent provider obtain information 12576  
through the superintendent from the federal bureau of 12577  
investigation in the criminal records check. 12578

(2) The department shall provide the following to each 12579  
independent provider for whom a criminal records check request is 12580  
required under division (C)(1) of this section: 12581

(a) Information about accessing, completing, and forwarding 12582  
to the superintendent of the bureau of criminal identification and 12583  
investigation the form prescribed pursuant to division (C)(1) of 12584  
section 109.572 of the Revised Code and the standard fingerprint 12585  
impression sheet prescribed pursuant to division (C)(2) of that 12586  
section; 12587

(b) Written notification that the independent provider is to 12588  
instruct the superintendent to submit the completed report of the 12589  
criminal records check directly to the department. 12590

(3) An independent provider given information and 12591  
notification under divisions (C)(2)(a) and (b) of this section who 12592  
fails to access, complete, and forward to the superintendent the 12593  
form or the standard fingerprint impression sheet, or who fails to 12594  
instruct the superintendent to submit the completed report of the 12595  
criminal records check directly to the department, shall not be 12596  
approved as an independent provider. 12597

(D) Except as provided in rules adopted by the department in 12598  
accordance with division (G) of this section, the department shall 12599  
not issue a new provider agreement to, and shall terminate an 12600  
existing provider agreement of, an independent provider if the 12601  
person has been convicted of, has pleaded guilty to, or has been 12602  
found eligible for intervention in lieu of conviction for any of 12603  
the following, regardless of the date of the conviction, the date 12604  
of entry of the guilty plea, or the date the person was found 12605  
eligible for intervention in lieu of conviction: 12606

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 12607  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 12608  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 12609  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 12610  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 12611  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 12612  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 12613  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 12614  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 12615  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 12616  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 12617  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 12618  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 12619  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 12620  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 12621  
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 12622  
felonious sexual penetration in violation of former section 12623  
2907.12 of the Revised Code, a violation of section 2905.04 of the 12624  
Revised Code as it existed prior to July 1, 1996, a violation of 12625  
section 2919.23 of the Revised Code that would have been a 12626  
violation of section 2905.04 of the Revised Code as it existed 12627  
prior to July 1, 1996, had the violation been committed prior to 12628  
that date; 12629

(2) A violation of an existing or former municipal ordinance 12630  
or law of this state, any other state, or the United States that 12631  
is substantially equivalent to any of the offenses listed in 12632  
division (D)(1) of this section. 12633

(E) Each independent provider shall pay to the bureau of 12634  
criminal identification and investigation the fee prescribed 12635  
pursuant to division (C)(3) of section 109.572 of the Revised Code 12636  
for each criminal records check conducted pursuant to a request 12637  
made under division (C) of this section. 12638

(F) The report of any criminal records check conducted by the 12639  
bureau of criminal identification and investigation in accordance 12640  
with section 109.572 of the Revised Code and pursuant to a request 12641  
made under division (C) of this section is not a public record for 12642  
the purposes of section 149.43 of the Revised Code and shall not 12643  
be made available to any person other than the following: 12644

(1) The person who is the subject of the criminal records 12645  
check or the person's representative; 12646

(2) An administrator at the department or the administrator's 12647  
representative; 12648

(3) A court, hearing officer, or other necessary individual 12649  
involved in a case dealing with a denial or termination of a 12650  
provider agreement related to the criminal records check. 12651

(G) The department shall adopt rules in accordance with 12652  
Chapter 119. of the Revised Code to implement this section. The 12653  
rules shall specify circumstances under which the department may 12654  
either issue a provider agreement to an independent provider or 12655  
allow an independent provider to maintain an existing provider 12656  
agreement when the independent provider has been convicted of, has 12657  
pleaded guilty to, or has been found eligible for intervention in 12658  
lieu of conviction for an offense listed or described in division 12659  
(D)(1) or (2) of this section. 12660

**Sec. 5120.07.** (A) There is hereby created the ex-offender 12661  
reentry coalition consisting of the following ~~seventeen~~ eighteen 12662  
members or their designees: 12663

(1) The director of rehabilitation and correction; 12664

(2) The director of aging; 12665

(3) The director of alcohol and drug addiction services; 12666

(4) The director of development; 12667

(5) The superintendent of public instruction; 12668

(6) The director of health; 12669

(7) The director of job and family services; 12670

(8) The director of mental health; 12671

(9) The director of developmental disabilities; 12672

(10) The director of public safety; 12673

(11) The director of youth services; 12674

(12) The chancellor of the Ohio board of regents; 12675

(13) A representative or member of the governor's staff; 12676

(14) The director of the rehabilitation services commission; 12677

(15) The director of the department of commerce; 12678

(16) The executive director of a health care licensing board 12679  
created under Title XLVII of the Revised Code, as appointed by the 12680  
chairperson of the coalition; 12681

(17) The director of veterans services; 12682

(18) An ex-offender appointed by the director of 12683  
rehabilitation and correction. 12684

(B) The members of the coalition shall serve without 12685  
compensation. The director of rehabilitation and correction or the 12686  
director's designee shall be the chairperson of the coalition. 12687

(C) In consultation with persons interested and involved in 12688  
the reentry of ex-offenders into the community, including but not 12689  
limited to, service providers, community-based organizations, and 12690  
local governments, the coalition shall identify and examine social 12691  
service barriers and other obstacles to the reentry of 12692  
ex-offenders into the community. Not later than one year after 12693  
April 7, 2009, and on or before the same date of each year 12694  
thereafter, the coalition shall submit to the speaker of the house 12695  
of representatives and the president of the senate a report, 12696  
including recommendations for legislative action, the activities 12697  
of the coalition, and the barriers affecting the successful 12698  
reentry of ex-offenders into the community. The report shall 12699  
analyze the effects of those barriers on ex-offenders and on their 12700  
children and other family members in various areas, including but 12701  
not limited to, the following: 12702

- (1) Admission to public and other housing; 12703
- (2) Child support obligations and procedures; 12704
- (3) Parental incarceration and family reunification; 12705
- (4) Social security benefits, veterans' benefits, food 12706  
stamps, and other forms of public assistance; 12707
- (5) Employment; 12708
- (6) Education programs and financial assistance; 12709
- (7) Substance abuse, mental health, and sex offender 12710  
treatment programs and financial assistance; 12711
- (8) Civic and political participation; 12712
- (9) Other collateral consequences under the Revised Code or 12713  
the Ohio administrative code law that may result from a criminal 12714  
conviction. 12715

(D)(1) The report shall also include the following 12716  
information: 12717

|  |  |
|--|--|
| (a) Identification of state appropriations for reentry programs;   | 12718<br>12719                                     |
| (b) Identification of other funding sources for reentry programs that are not funded by the state;   | 12720<br>12721                                     |
| (2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:  | 12722<br>12723<br>12724<br>12725                   |
| (a) The amount of funding received;  | 12726  |
| (b) The number of program participants;  | 12727  |
| (c) The composition of the program, including program goals, methods for measuring success, and program success rate;  | 12728<br>12729                                     |
| (d) The type of post-program tracking that is utilized;  | 12730  |
| (e) Information about employment rates and recidivism rates of ex-offenders.   | 12731<br>12732                                     |
| (E) The coalition shall cease to exist on December 31, 2014.   | 12733  |
| <b>Sec. 5149.311.</b> (A) The department of rehabilitation and correction shall establish and administer the probation improvement grant and the probation incentive grant for <del>court of</del> common pleas, <u>municipal, and county court</u> probation departments that supervise <del>felony</del> offenders.  | 12734<br>12735<br>12736<br>12737<br>12738          |
| (B)(1) The probation improvement grant shall provide funding to <del>court of</del> common pleas, <u>municipal, and county court</u> probation departments to adopt policies and practices based on the latest research on how to reduce the number of <del>felony</del> offenders on probation supervision who violate the conditions of their supervision. | 12739<br>12740<br>12741<br>12742<br>12743<br>12744 |
| (2) The department shall adopt rules for the distribution of the probation improvement grant, including the formula for the  | 12745<br>12746                                     |

allocation of the subsidy based on the number of ~~felony~~ offenders 12747  
placed on probation annually in each jurisdiction. 12748

(C)(1) The probation incentive grant shall provide a 12749  
performance-based level of funding to ~~court-of~~ common pleas, 12750  
municipal, and county court probation departments that are 12751  
successful in reducing the number of ~~felony~~ offenders on probation 12752  
supervision whose terms of supervision are revoked. 12753

(2) The department shall calculate annually any cost savings 12754  
realized by the state from a reduction in the percentage of people 12755  
who are incarcerated because their terms of supervised probation 12756  
were revoked. The cost savings estimate shall be calculated for 12757  
each ~~county~~ jurisdiction served by the probation department 12758  
eligible for a grant under this section and be based on the 12759  
difference from fiscal year 2010 and the fiscal year under 12760  
examination. 12761

(3) The department shall adopt rules that specify the subsidy 12762  
amount to be appropriated to ~~court-of~~ common pleas, municipal, and 12763  
county court probation departments that successfully reduce the 12764  
percentage of people on probation who are incarcerated because 12765  
their terms of supervision are revoked. 12766

(D) The following stipulations apply to both the probation 12767  
improvement grant and the probation incentive grant: 12768

(1) In order to be eligible for the probation improvement 12769  
grant and the probation incentive grant, ~~courts-of~~ common pleas, 12770  
municipal, and county courts must satisfy all requirements under 12771  
sections 2301.27 and 2301.30 of the Revised Code ~~and, except,~~ 12772  
Except for sentencing decisions made by a court when use of the 12773  
risk assessment tool is discretionary, in order to be eligible for 12774  
the probation improvement grant and the probation incentive grant, 12775  
a court must utilize the single validated risk assessment tool 12776  
selected by the department of rehabilitation and correction under 12777



section 5120.114 of the Revised Code. 12778

(2) The department may deny a subsidy under this section to 12779  
any applicant if the applicant fails to comply with the terms of 12780  
any agreement entered into pursuant to any of the provisions of 12781  
this section. 12782

(3) The department shall evaluate or provide for the 12783  
evaluation of the policies, practices, and programs the ~~court of~~ 12784  
common pleas, municipal, or county court probation departments 12785  
utilize with the programs of subsidies established under this 12786  
section and establish means of measuring their effectiveness. 12787

(4) The department shall specify the policies, practices, and 12788  
programs for which ~~court of~~ common pleas, municipal, or county 12789  
court probation departments may use the program subsidy and shall 12790  
establish minimum standards of quality and efficiency that 12791  
recipients of the subsidy must follow. The department shall give 12792  
priority to supporting evidence-based policies and practices, as 12793  
defined by the department. 12794

**Sec. 5502.011.** (A) As used in this section, "department of 12795  
public safety" and "department" include all divisions within the 12796  
department of public safety. 12797

(B) The director ~~of the department~~ of public safety is the 12798  
chief executive and administrative officer of the department. The 12799  
director may establish policies governing the department, the 12800  
performance of its employees and officers, the conduct of its 12801  
business, and the custody, use, and preservation of departmental 12802  
records, papers, books, documents, and property. The director also 12803  
may authorize and approve investigations to be conducted by any of 12804  
the department's divisions. Whenever the Revised Code imposes a 12805  
duty upon or requires an action of the department, the director 12806  
may perform the action or duty in the name of the department or 12807  
direct such performance to be performed by the director's 12808

designee. 12809

(C) In addition to any other duties enumerated in the Revised 12810  
Code, the director or the director's designee shall do all of the 12811  
following: 12812

(1) Administer and direct the performance of the duties of 12813  
the department; 12814

(2) Pursuant to Chapter 119. of the Revised Code, approve, 12815  
adopt, and prescribe such forms and rules as are necessary to 12816  
carry out the duties of the department; 12817

(3) On behalf of the department and in addition to any 12818  
authority the Revised Code otherwise grants to the department, 12819  
have the authority and responsibility for approving and entering 12820  
into contracts, agreements, and other business arrangements; 12821

(4) Make appointments for the department as needed to comply 12822  
with requirements of the Revised Code; 12823

(5) Approve employment actions of the department, including 12824  
appointments, promotions, discipline, investigations, and 12825  
terminations; 12826

(6) Accept, hold, and use, for the benefit of the department, 12827  
any gift, donation, bequest, or devise, and may agree to and 12828  
perform all conditions of the gift, donation, bequest, or devise, 12829  
that are not contrary to law; 12830

(7) Apply for, allocate, disburse, and account for grants 12831  
made available under federal law or from other federal, state, or 12832  
private sources; 12833

(8) Develop a list of disqualifying offenses for licensure as 12834  
a private investigator or a security guard provider pursuant to 12835  
sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised 12836  
Code; 12837

(9) Do all other acts necessary or desirable to carry out 12838

this chapter. 12839

(D)(1) The director of public safety may assess a reasonable 12840  
fee, plus the amount of any charge or fee passed on from a 12841  
financial institution, on a drawer or indorser for each of the 12842  
following: 12843

(a) A check, draft, or money order that is returned or 12844  
dishonored; 12845

(b) An automatic bank transfer that is declined, due to 12846  
insufficient funds or for any other reason; 12847

(c) Any financial transaction device that is returned or 12848  
dishonored for any reason. 12849

(2) The director shall deposit any fee collected under this 12850  
division in an appropriate fund as determined by the director 12851  
based on the tax, fee, or fine being paid. 12852

(3) As used in this division, "financial transaction device" 12853  
has the same meaning as in section 113.40 of the Revised Code. 12854

(E) The director shall establish a homeland security advisory 12855  
council to advise the director on homeland security, including 12856  
homeland security funding efforts. The advisory council shall 12857  
include, but not be limited to, state and local government 12858  
officials who have homeland security or emergency management 12859  
responsibilities and who represent first responders. The director 12860  
shall appoint the members of the council, who shall serve without 12861  
compensation. 12862

(F) The director of public safety shall adopt rules in 12863  
accordance with Chapter 119. of the Revised Code as required by 12864  
section 2909.28 of the Revised Code and division (A)(1) of section 12865  
2909.32 of the Revised Code. The director shall adopt rules as 12866  
required by division (D) of section 2909.32 of the Revised Code, 12867  
division (E) of section 2909.33 of the Revised Code, and division 12868

(D) of section 2909.34 of the Revised Code. The director may adopt 12869  
rules pursuant to division (A)(2) of section 2909.32 of the 12870  
Revised Code, division (A)(2) of section 2909.33 of the Revised 12871  
Code, and division (A)(2) of section 2909.34 of the Revised Code. 12872

**Sec. 5743.99.** (A)(1) Except as provided in division (A)(2) of 12873  
this section, whoever violates section 5743.10, 5743.11, or 12874  
5743.12 or division (C) of section 5743.54 of the Revised Code is 12875  
guilty of a misdemeanor of the first degree. If the offender has 12876  
been previously convicted of an offense under this division, 12877  
violation is a felony of the fourth degree. 12878

(2) Unless the total number of cigarettes exceeds one 12879  
thousand two hundred, an individual who violates section 5743.10 12880  
of the Revised Code is guilty of a minor misdemeanor. If the 12881  
offender has been previously convicted of an offense under this 12882  
division, violation is a misdemeanor of the first degree. 12883

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 12884  
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 12885  
felony of the fourth degree. If the offender has been previously 12886  
convicted of an offense under this division, violation is a felony 12887  
of the second degree. 12888

(C) Whoever violates section 5743.41 or 5743.42 of the 12889  
Revised Code is guilty of a misdemeanor of the fourth degree. If 12890  
the offender has been previously convicted of an offense under 12891  
this division, violation is a misdemeanor of the third degree. 12892

(D) Whoever violates section 5743.21 of the Revised Code is 12893  
guilty of a misdemeanor of the first degree. If the offender has 12894  
been previously convicted of an offense under this division, 12895  
violation is a felony of the fifth degree. 12896

(E) Whoever violates division (F) of section 5743.03 of the 12897  
Revised Code is guilty of a misdemeanor of the fourth degree. 12898

(F) Whoever violates any provision of this chapter, or any rule promulgated by the tax commissioner under authority of this chapter, for the violation of which no penalty is provided elsewhere, is guilty of a misdemeanor of the fourth degree.

(G) In addition to any other penalty imposed upon a person convicted of a violation of section 5743.112 or 5743.60 of the Revised Code who was the operator of a motor vehicle used in the violation, the court ~~shall~~ may suspend for not less than thirty days or more than three years the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. ~~The~~ If the court imposes such a suspension, the court shall send a copy of its suspension order and determination to the registrar of motor vehicles, and the registrar, pursuant to the order and determination, shall impose a suspension of the same duration. No judge shall suspend the first thirty days of suspension of an offender's license, permit, or privilege required by this division. The court, in lieu of suspending the offender's driver's or commercial driver's license or permit or nonresident operating privilege, instead may require the offender to perform community service for a number of hours determined by the court.

**Section 2.** That existing sections 109.57, 109.572, 109.578, 307.932, 2151.356, 2152.02, 2152.12, 2152.121, 2152.18, 2152.26, 2152.52, 2152.56, 2152.59, 2301.27, 2301.271, 2705.031, 2907.24, 2913.02, 2921.331, 2923.122, 2925.03, 2925.04, 2925.14, 2925.38, 2929.14, 2929.19, 2929.26, 2929.41, 2947.23, 2949.08, 2951.022, 2953.08, 2953.31, 2953.32, 2953.34, 2953.36, 2961.22, 2967.191, 2967.193, 2967.26, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06,

4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 12931  
4749.06, 4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5149.311, 12932  
5502.011, and 5743.99 of the Revised Code are hereby repealed. 12933

**Section 3.** The Department of Public Safety shall conduct a 12934  
study on the advisability and feasibility of there being held in 12935  
this state a one-time amnesty program for the payment of fees and 12936  
fines owed by persons who have pleaded guilty to or been convicted 12937  
of motor vehicle traffic and equipment offenses or have had their 12938  
driver's license, commercial driver's license, or temporary 12939  
instruction permit suspended for any reason by this state. The 12940  
Department may confer with any public or private organization or 12941  
entity that the Department determines could be of assistance to 12942  
the Department in conducting the study. The Department shall study 12943  
all aspects of such a program, including its scope, duration, the 12944  
amounts or percentages of fees or fines persons would be permitted 12945  
to pay under the program, and which persons would be eligible to 12946  
participate in the program. 12947

Not later than six months after the effective date of this 12948  
section, the Department shall issue a report containing the 12949  
results of the study. The Department shall furnish copies of its 12950  
report to the Governor, the Ohio Senate, and the Ohio House of 12951  
Representatives. 12952

**Section 4.** The General Assembly, applying the principle 12953  
stated in division (B) of section 1.52 of the Revised Code that 12954  
amendments are to be harmonized if reasonably capable of 12955  
simultaneous operation, finds that the following sections, 12956  
presented in this act as composites of the sections as amended by 12957  
the acts indicated, are the resulting versions of the sections in 12958  
effect prior to the effective date of the sections as presented in 12959  
this act: 12960

|   |       |
|---|-------|
| Section 149.43 of the Revised Code as amended by both Sub.              | 12961 |
| H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly.            | 12962 |
| Section 2925.03 of the Revised Code as amended by both Sub.             | 12963 |
| H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly.             | 12964 |
| Section 4503.234 of the Revised Code as amended by both Sub.            | 12965 |
| H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly.           | 12966 |
| Section 4507.164 of the Revised Code as amended by both Sub.            | 12967 |
| H.B. 5 and Am. Sub. H.B. 153 of the 129th General Assembly.             | 12968 |
| <br><b>Section 5.</b> The amendment of section 5120.07 of the Revised   | 12969 |
| Code is not intended to supersede the earlier repeal, with delayed      | 12970 |
| effective date, of that section.  | 12971 |
| <br><b>Section 6.</b> That Section 5 of Am. Sub. H.B. 86 of the 129th   | 12972 |
| General Assembly be amended to read as follows:                         | 12973 |
| <br><b>Sec. 5.</b> (A) The Ohio Interagency Task Force on Mental Health | 12974 |
| and Juvenile Justice is hereby established to investigate and make      | 12975 |
| recommendations on how to most effectively treat delinquent youth       | 12976 |
| who suffer from serious mental illness or emotional and behavioral      | 12977 |
| disorders, while giving attention to the needs of Ohio's economy.       | 12978 |
| The Task Force shall consist of the following members:                  | 12979 |
| (1) The Director of Youth Services;                                     | 12980 |
| (2) The Director of Mental Health;                                      | 12981 |
| (3) The Director of the Governor's Office of Health                     | 12982 |
| Transformation;   | 12983 |
| (4) The Superintendent of Public Instruction;                           | 12984 |
| (5) A justice of the Supreme Court or a designee appointed by           | 12985 |
| the justices of the Supreme Court who has experience in juvenile        | 12986 |
| law or mental health issues;  | 12987 |

|   |  |
|---|--|
| (6) A designee appointed by the President of the Ohio Association of Juvenile Court Judges;   | 12988<br>12989   |
| (7) A board-certified child and adolescent psychiatrist appointed by the Director of the Department of Mental Health;   | 12990<br>12991   |
| (8) A licensed child and adolescent psychologist appointed by the President of the State Board of Psychology;   | 12992<br>12993   |
| (9) Up to ten members with expertise in child and adolescent development, mental health, or juvenile justice appointed by the Governor, including, but not limited to, members representing the Ohio chapter of the National Alliance on Mental Illness, the Ohio Federation for Children's Mental Health, an academic research institution with expertise in juvenile justice and child and adolescent development, and a provider of children's community-based mental health services; | 12994<br>12995<br>12996<br>12997<br>12998<br>12999<br>13000<br>13001 |
| (10) Two members of the General Assembly, one from the majority party and one from the minority party, jointly appointed by the Speaker of the House of Representatives and the President of the Senate;  | 13002<br>13003<br>13004<br>13005                                     |
| (11) A member of the public jointly appointed by the Speaker of the House of Representatives and the President of the Senate;   | 13006<br>13007   |
| (12) A representative of the Ohio Prosecuting Attorneys Association designated by the Association;  | 13008<br>13009   |
| (13) The State Public Defender;   | 13010  |
| (14) A representative of the Ohio Judicial Conference.  | 13011  |
| (B) Members of the Task Force shall be appointed by September 30, 2011. Vacancies on the Task Force shall be filled in the same manner as the original appointments. Members shall serve without compensation.  | 13012<br>13013<br>13014<br>13015                                     |
| (C) The Governor shall designate the chairperson of the Task Force. All meetings of the Task Force shall be held at the call of   | 13016<br>13017   |



the chairperson. 13018

(D) The duties of the Task Force shall include all of the 13019  
following: 13020

(1) Reviewing the current staff training and protocols and 13021  
procedures for treating mentally ill and seriously mentally ill 13022  
youth committed to the Department of Youth Services; 13023

(2) Reviewing the current funding, roles, and 13024  
responsibilities of the Department of Youth Services, Department 13025  
of Mental Health, Department of Education, and other Departments 13026  
providing services to youth, as the funding, roles, and 13027  
responsibilities pertain to youth with serious mental illness, or 13028  
severe emotional and behavioral disorders; 13029

(3) Conducting a review of literature related to the best 13030  
practices in the treatment of youth with mental illness and 13031  
seriously mentally ill youth who are adjudicated to be a 13032  
delinquent child and committed to the Department of Youth 13033  
Services; 13034

(4) Investigating mental health treatment models for youth 13035  
involved in the juvenile justice system of other states and 13036  
jurisdictions, and other relevant data and information, in order 13037  
to identify potential model programs, protocols, and best 13038  
practices; 13039

(5) Conducting at least one visit to a Department of Youth 13040  
Services mental health unit and completing a comprehensive data 13041  
review of the mentally ill and seriously mentally ill youth 13042  
currently committed to the Department of Youth Services to develop 13043  
a profile of such youth currently committed to the Department of 13044  
Youth Services. 13045

(E) The members of the Task Force shall make findings and 13046  
recommendations, based on the results of the Task Force's duties, 13047  
regarding all of the following: 13048

(1) Best practices in the field of treatment for youth with 13049  
mental illness or serious mental illness who are involved in the 13050  
juvenile justice system; 13051

(2) Guiding principles for the treatment of youth with mental 13052  
illness or serious mental illness who are involved in the juvenile 13053  
justice system; 13054

(3) The infrastructure, roles, and responsibilities of and 13055  
other departments providing services to youth, in relation to 13056  
effectively meeting the multiple needs of youth with mental 13057  
illness or serious mental illness who are involved in the juvenile 13058  
justice system; 13059

(4) Funding strategies that maximize public, private, state, 13060  
and federal resources and that create incentives for high 13061  
performance and innovative treatment; 13062

(5) Changes to administrative, court, and legislative rules 13063  
that would support the recommendations of the Task Force. 13064

The members of the Task Force may make other recommendations 13065  
related to effectively treating delinquent youth who suffer from 13066  
mental illness and serious mental health illness, including 13067  
mentally ill youth who also have special education needs, as 13068  
determined to be relevant by the chairperson of the Task Force. 13069

(F) Not later than ~~March 31~~ September 30, 2012, the Task 13070  
Force shall issue a report of the Task Force's findings and 13071  
recommendations to the Governor, the President of the Senate, the 13072  
Speaker of the House of Representatives, and the Chief Justice of 13073  
the Supreme Court. Upon the issuance of the report by the Task 13074  
Force, the Task Force shall cease to exist. 13075

**Section 7.** That existing Section 5 of Am. Sub. H.B. 86 of the 13076  
129th General Assembly is hereby repealed. 13077