

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 337

Senators Seitz, Smith

Cosponsors: Senators Wagoner, Lehner

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A B I L L

To amend sections 109.572, 109.578, 149.43, 2151.356, 1
2151.357, 2152.02, 2152.26, 2901.01, 2907.24, 2
2913.02, 2923.122, 2925.14, 2949.08, 2953.31, 3
2953.32, 2953.34, 2953.36, 2967.01, 2967.04, 4
2967.06, 2967.191, 3119.01, 3119.05, 3123.58, 5
3772.07, 4301.99, 4501.02, 4503.233, 4503.234, 6
4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 7
4510.11, 4510.111, 4510.16, 4510.161, 4510.41, 8
4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 9
4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 10
4738.07, 4740.05, 4740.06, 4740.10, 4747.04, 11
4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 12
4749.06, 5120.07, 5502.011, and 5743.99, and to 13
enact sections 2953.25, 3123.582, and 4776.10 of 14
the Revised Code to exclude juvenile proceedings 15
and adjudications from criminal records checks; to 16
exclude from the definition of "public record" all 17
records pertaining to an alleged or adjudicated 18
unruly or delinquent child or juvenile traffic 19
offender; to ensure that persons sentenced to 20
confinement receive credit for time served in 21
juvenile facilities; to expand eligibility for the 22
sealing of criminal records and to eliminate the 23

prohibition of the sealing of juvenile records in 24
certain cases; to define "indigent" for purposes 25
related to the payment of fines, costs, or fees; 26
to make the use or possession with purpose to use 27
drug paraphernalia with marihuana a minor 28
misdemeanor; to provide for the destruction of the 29
criminal records and the removal of disabilities 30
of a person who is pardoned; to permit an 31
individual subject to civil sanctions as a result 32
of a conviction of or plea of guilty to a criminal 33
offense to file a petition for relief from the 34
sanctions, to establish a procedure for the review 35
of such petitions; to permit the sentencing court 36
to issue an order of limited relief; to permit 37
decision-makers to consider on a case-by-case 38
basis whether it is appropriate to grant or deny 39
the issuance or restoration of an occupational 40
license or employment opportunity; to provide for 41
the revocation of an order of limited relief; to 42
increase from eighteen to twenty-one the age at 43
which certain offenders may be held in places not 44
authorized for the confinement of children; to 45
increase the juvenile court's jurisdiction over 46
certain specified cases solely for the purpose of 47
detaining a person while the person's case is 48
heard in adult court; to create a process by which 49
a prosecutor may file a motion in juvenile court 50
to request that a person be held in a place other 51
than those specified for the placement for 52
children while the person's case is heard in adult 53
court; to amend the law governing child support; 54
to reduce the penalty for driving under suspension 55
if the suspension was imposed as part of the 56

penalty for certain violations that do not 57
directly involve the operation of a motor vehicle; 58
to make changes in certain other driver's license 59
suspension provisions; to require the Bureau of 60
Motor Vehicles to study the advisability and 61
feasibility of a one-time amnesty program for 62
drivers who have not paid fees or fines owed by 63
them for motor vehicle offenses and driver's 64
license suspensions; to define the terms moral 65
turpitude and disqualifying offense as applied to 66
certain employment; to add an ex-offender 67
appointed by the Director of Rehabilitation and 68
Correction to the Ex-offender Reentry Coalition; 69
and to prohibit the preclusion of individuals from 70
obtaining or renewing certain licenses, 71
certifications, or permits due to any past 72
criminal history unless the individual had 73
committed a crime of moral turpitude or a 74
disqualifying offense. 75

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

Section 1. That sections 109.572, 109.578, 149.43, 2151.356, 76
2151.357, 2152.02, 2152.26, 2901.01, 2907.24, 2913.02, 2923.122, 77
2925.14, 2949.08, 2953.31, 2953.32, 2953.34, 2953.36, 2967.01, 78
2967.04, 2967.06, 2967.191, 3119.01, 3119.05, 3123.58, 3772.07, 79
4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 80
4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.41, 81
4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 82
4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 83
4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 84
5120.07, 5502.011, and 5743.99 be amended, and sections 2953.25, 85
3123.582, and 4776.10 of the Revised Code be enacted to read as 86

follows: 87

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 88
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 89
a completed form prescribed pursuant to division (C)(1) of this 90
section, and a set of fingerprint impressions obtained in the 91
manner described in division (C)(2) of this section, the 92
superintendent of the bureau of criminal identification and 93
investigation shall conduct a criminal records check in the manner 94
described in division (B) of this section to determine whether any 95
information exists that indicates that the person who is the 96
subject of the request previously has been convicted of or pleaded 97
guilty to any of the following: 98

(a) A violation of section 2903.01, 2903.02, 2903.03, 99
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 100
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 101
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 102
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 103
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 104
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 105
2925.06, or 3716.11 of the Revised Code, felonious sexual 106
penetration in violation of former section 2907.12 of the Revised 107
Code, a violation of section 2905.04 of the Revised Code as it 108
existed prior to July 1, 1996, a violation of section 2919.23 of 109
the Revised Code that would have been a violation of section 110
2905.04 of the Revised Code as it existed prior to July 1, 1996, 111
had the violation been committed prior to that date, or a 112
violation of section 2925.11 of the Revised Code that is not a 113
minor drug possession offense; 114

(b) A violation of an existing or former law of this state, 115
any other state, or the United States that is substantially 116
equivalent to any of the offenses listed in division (A)(1)(a) of 117

this section. 118

(2) On receipt of a request pursuant to section 5123.081 of 119
the Revised Code with respect to an applicant for employment in 120
any position with the department of developmental disabilities, 121
pursuant to section 5126.28 of the Revised Code with respect to an 122
applicant for employment in any position with a county board of 123
developmental disabilities, or pursuant to section 5126.281 of the 124
Revised Code with respect to an applicant for employment in a 125
direct services position with an entity contracting with a county 126
board for employment, a completed form prescribed pursuant to 127
division (C)(1) of this section, and a set of fingerprint 128
impressions obtained in the manner described in division (C)(2) of 129
this section, the superintendent of the bureau of criminal 130
identification and investigation shall conduct a criminal records 131
check. The superintendent shall conduct the criminal records check 132
in the manner described in division (B) of this section to 133
determine whether any information exists that indicates that the 134
person who is the subject of the request has been convicted of or 135
pleaded guilty to any of the following: 136

(a) A violation of section 2903.01, 2903.02, 2903.03, 137
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 138
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 139
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 140
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 141
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 142
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 143
2925.03, or 3716.11 of the Revised Code; 144

(b) An existing or former municipal ordinance or law of this 145
state, any other state, or the United States that is substantially 146
equivalent to any of the offenses listed in division (A)(2)(a) of 147
this section. 148

(3) On receipt of a request pursuant to section 173.27, 149

173.394, 3712.09, 3721.121, 5119.693, or 5119.85 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau

of criminal identification and investigation shall conduct a 182
criminal records check. The superintendent shall conduct the 183
criminal records check in the manner described in division (B) of 184
this section to determine whether any information exists that 185
indicates that the person who is the subject of the request 186
previously has been convicted of or pleaded guilty to any of the 187
following: 188

(a) A violation of section 2903.01, 2903.02, 2903.03, 189
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 190
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 191
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 192
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 193
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 194
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 195
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 196
violation of section 2925.11 of the Revised Code that is not a 197
minor drug possession offense; 198

(b) An existing or former law of this state, any other state, 199
or the United States that is substantially equivalent to any of 200
the offenses listed in division (A)(4)(a) of this section. 201

(5) On receipt of a request pursuant to section 5111.032, 202
5111.033, or 5111.034 of the Revised Code, a completed form 203
prescribed pursuant to division (C)(1) of this section, and a set 204
of fingerprint impressions obtained in the manner described in 205
division (C)(2) of this section, the superintendent of the bureau 206
of criminal identification and investigation shall conduct a 207
criminal records check. The superintendent shall conduct the 208
criminal records check in the manner described in division (B) of 209
this section to determine whether any information exists that 210
indicates that the person who is the subject of the request 211
previously has been convicted of, has pleaded guilty to, or has 212
been found eligible for intervention in lieu of conviction for any 213

of the following, regardless of the date of the conviction, the 214
date of entry of the guilty plea, or the date the person was found 215
eligible for intervention in lieu of conviction: 216

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 217
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 218
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 219
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 220
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 221
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 222
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 223
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 224
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 225
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 226
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 227
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 228
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 229
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 230
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 231
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 232
penetration in violation of former section 2907.12 of the Revised 233
Code, a violation of section 2905.04 of the Revised Code as it 234
existed prior to July 1, 1996, a violation of section 2919.23 of 235
the Revised Code that would have been a violation of section 236
2905.04 of the Revised Code as it existed prior to July 1, 1996, 237
had the violation been committed prior to that date; 238

(b) A violation of an existing or former municipal ordinance 239
or law of this state, any other state, or the United States that 240
is substantially equivalent to any of the offenses listed in 241
division (A)(5)(a) of this section. 242

(6) On receipt of a request pursuant to section 3701.881 of 243
the Revised Code with respect to an applicant for employment with 244
a home health agency in a position that involves providing direct 245

care to an older adult, a completed form prescribed pursuant to 246
division (C)(1) of this section, and a set of fingerprint 247
impressions obtained in the manner described in division (C)(2) of 248
this section, the superintendent of the bureau of criminal 249
identification and investigation shall conduct a criminal records 250
check. The superintendent shall conduct the criminal records check 251
in the manner described in division (B) of this section to 252
determine whether any information exists that indicates that the 253
person who is the subject of the request previously has been 254
convicted of or pleaded guilty to any of the following: 255

(a) A violation of section 2903.01, 2903.02, 2903.03, 256
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 257
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 258
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 259
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 260
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 261
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 262
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 263
2925.22, 2925.23, or 3716.11 of the Revised Code; 264

(b) An existing or former law of this state, any other state, 265
or the United States that is substantially equivalent to any of 266
the offenses listed in division (A)(6)(a) of this section. 267

(7) When conducting a criminal records check upon a request 268
pursuant to section 3319.39 of the Revised Code for an applicant 269
who is a teacher, in addition to the determination made under 270
division (A)(1) of this section, the superintendent shall 271
determine whether any information exists that indicates that the 272
person who is the subject of the request previously has been 273
convicted of or pleaded guilty to any offense specified in section 274
3319.31 of the Revised Code. 275

(8) On receipt of a request pursuant to section 2151.86 of 276
the Revised Code, a completed form prescribed pursuant to division 277

(C)(1) of this section, and a set of fingerprint impressions 278
obtained in the manner described in division (C)(2) of this 279
section, the superintendent of the bureau of criminal 280
identification and investigation shall conduct a criminal records 281
check in the manner described in division (B) of this section to 282
determine whether any information exists that indicates that the 283
person who is the subject of the request previously has been 284
convicted of or pleaded guilty to any of the following: 285

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 286
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 287
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 288
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 289
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 290
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 291
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 292
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 293
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 294
of the Revised Code, a violation of section 2905.04 of the Revised 295
Code as it existed prior to July 1, 1996, a violation of section 296
2919.23 of the Revised Code that would have been a violation of 297
section 2905.04 of the Revised Code as it existed prior to July 1, 298
1996, had the violation been committed prior to that date, a 299
violation of section 2925.11 of the Revised Code that is not a 300
minor drug possession offense, two or more OVI or OVUAC violations 301
committed within the three years immediately preceding the 302
submission of the application or petition that is the basis of the 303
request, or felonious sexual penetration in violation of former 304
section 2907.12 of the Revised Code; 305

(b) A violation of an existing or former law of this state, 306
any other state, or the United States that is substantially 307
equivalent to any of the offenses listed in division (A)(8)(a) of 308
this section. 309

(9) Upon receipt of a request pursuant to section 5104.012 or 310
5104.013 of the Revised Code, a completed form prescribed pursuant 311
to division (C)(1) of this section, and a set of fingerprint 312
impressions obtained in the manner described in division (C)(2) of 313
this section, the superintendent of the bureau of criminal 314
identification and investigation shall conduct a criminal records 315
check in the manner described in division (B) of this section to 316
determine whether any information exists that indicates that the 317
person who is the subject of the request has been convicted of or 318
pleaded guilty to any of the following: 319

(a) A violation of section 2903.01, 2903.02, 2903.03, 320
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 321
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 322
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 323
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 324
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 325
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 326
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 327
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 328
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 329
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 330
3716.11 of the Revised Code, felonious sexual penetration in 331
violation of former section 2907.12 of the Revised Code, a 332
violation of section 2905.04 of the Revised Code as it existed 333
prior to July 1, 1996, a violation of section 2919.23 of the 334
Revised Code that would have been a violation of section 2905.04 335
of the Revised Code as it existed prior to July 1, 1996, had the 336
violation been committed prior to that date, a violation of 337
section 2925.11 of the Revised Code that is not a minor drug 338
possession offense, a violation of section 2923.02 or 2923.03 of 339
the Revised Code that relates to a crime specified in this 340
division, or a second violation of section 4511.19 of the Revised 341
Code within five years of the date of application for licensure or 342

certification. 343

(b) A violation of an existing or former law of this state, 344
any other state, or the United States that is substantially 345
equivalent to any of the offenses or violations described in 346
division (A)(9)(a) of this section. 347

(10) Upon receipt of a request pursuant to section 5153.111 348
of the Revised Code, a completed form prescribed pursuant to 349
division (C)(1) of this section, and a set of fingerprint 350
impressions obtained in the manner described in division (C)(2) of 351
this section, the superintendent of the bureau of criminal 352
identification and investigation shall conduct a criminal records 353
check in the manner described in division (B) of this section to 354
determine whether any information exists that indicates that the 355
person who is the subject of the request previously has been 356
convicted of or pleaded guilty to any of the following: 357

(a) A violation of section 2903.01, 2903.02, 2903.03, 358
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 359
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 360
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 361
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 362
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 363
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 364
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 365
felonious sexual penetration in violation of former section 366
2907.12 of the Revised Code, a violation of section 2905.04 of the 367
Revised Code as it existed prior to July 1, 1996, a violation of 368
section 2919.23 of the Revised Code that would have been a 369
violation of section 2905.04 of the Revised Code as it existed 370
prior to July 1, 1996, had the violation been committed prior to 371
that date, or a violation of section 2925.11 of the Revised Code 372
that is not a minor drug possession offense; 373

(b) A violation of an existing or former law of this state, 374

any other state, or the United States that is substantially 375
equivalent to any of the offenses listed in division (A)(10)(a) of 376
this section. 377

(11) On receipt of a request for a criminal records check 378
from an individual pursuant to section 4749.03 or 4749.06 of the 379
Revised Code, accompanied by a completed copy of the form 380
prescribed in division (C)(1) of this section and a set of 381
fingerprint impressions obtained in a manner described in division 382
(C)(2) of this section, the superintendent of the bureau of 383
criminal identification and investigation shall conduct a criminal 384
records check in the manner described in division (B) of this 385
section to determine whether any information exists indicating 386
that the person who is the subject of the request has been 387
convicted of or pleaded guilty to a felony in this state or in any 388
other state. If the individual indicates that a firearm will be 389
carried in the course of business, the superintendent shall 390
require information from the federal bureau of investigation as 391
described in division (B)(2) of this section. The superintendent 392
shall report the findings of the criminal records check and any 393
information the federal bureau of investigation provides to the 394
director of public safety. 395

(12) On receipt of a request pursuant to section 1321.37, 396
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 397
Code, a completed form prescribed pursuant to division (C)(1) of 398
this section, and a set of fingerprint impressions obtained in the 399
manner described in division (C)(2) of this section, the 400
superintendent of the bureau of criminal identification and 401
investigation shall conduct a criminal records check with respect 402
to any person who has applied for a license, permit, or 403
certification from the department of commerce or a division in the 404
department. The superintendent shall conduct the criminal records 405
check in the manner described in division (B) of this section to 406

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

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

(14) On receipt of a request pursuant to section 1121.23, 440
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 441
Code, a completed form prescribed pursuant to division (C)(1) of 442
this section, and a set of fingerprint impressions obtained in the 443
manner described in division (C)(2) of this section, the 444
superintendent of the bureau of criminal identification and 445
investigation shall conduct a criminal records check in the manner 446
described in division (B) of this section to determine whether any 447
information exists that indicates that the person who is the 448
subject of the request previously has been convicted of or pleaded 449
guilty to any criminal offense under any existing or former law of 450
this state, any other state, or the United States. 451

(15) On receipt of a request for a criminal records check 452
from an appointing or licensing authority under section 3772.07 of 453
the Revised Code, a completed form prescribed under division 454
(C)(1) of this section, and a set of fingerprint impressions 455
obtained in the manner prescribed in division (C)(2) of this 456
section, the superintendent of the bureau of criminal 457
identification and investigation shall conduct a criminal records 458
check in the manner described in division (B) of this section to 459
determine whether any information exists that indicates that the 460
person who is the subject of the request previously has been 461
convicted of or pleaded guilty or no contest to any offense under 462
any existing or former law of this state, any other state, or the 463
United States that is a disqualifying offense as defined in 464
section 3772.07 of the Revised Code or substantially equivalent to 465
such an offense. 466

(16) Not later than thirty days after the date the 467
superintendent receives a request of a type described in division 468
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 469
(14), or (15) of this section, the completed form, and the 470
fingerprint impressions, the superintendent shall send the person, 471

board, or entity that made the request any information, other than 472
information the dissemination of which is prohibited by federal 473
law, the superintendent determines exists with respect to the 474
person who is the subject of the request that indicates that the 475
person previously has been convicted of or pleaded guilty to any 476
offense listed or described in division (A)(1), (2), (3), (4), 477
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 478
section, as appropriate. The superintendent shall send the person, 479
board, or entity that made the request a copy of the list of 480
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 481
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 482
appropriate. If the request was made under section 3701.881 of the 483
Revised Code with regard to an applicant who may be both 484
responsible for the care, custody, or control of a child and 485
involved in providing direct care to an older adult, the 486
superintendent shall provide a list of the offenses specified in 487
divisions (A)(4) and (6) of this section. 488

Not later than thirty days after the superintendent receives 489
a request for a criminal records check pursuant to section 113.041 490
of the Revised Code, the completed form, and the fingerprint 491
impressions, the superintendent shall send the treasurer of state 492
any information, other than information the dissemination of which 493
is prohibited by federal law, the superintendent determines exist 494
with respect to the person who is the subject of the request that 495
indicates that the person previously has been convicted of or 496
pleaded guilty to any criminal offense in this state or any other 497
state. 498

(B) The Subject to division (F) of this section, the 499
superintendent shall conduct any criminal records check requested 500
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 501
1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 502
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 503

3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 504
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 505
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 506
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 507
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 508
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 509
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 510
Revised Code as follows: 511

(1) The superintendent shall review or cause to be reviewed 512
any relevant information gathered and compiled by the bureau under 513
division (A) of section 109.57 of the Revised Code that relates to 514
the person who is the subject of the request, including, if the 515
criminal records check was requested under section 113.041, 516
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 517
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 518
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 519
3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 520
5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 521
5126.281, or 5153.111 of the Revised Code, any relevant 522
information contained in records that have been sealed under 523
section 2953.32 of the Revised Code; 524

(2) If the request received by the superintendent asks for 525
information from the federal bureau of investigation, the 526
superintendent shall request from the federal bureau of 527
investigation any information it has with respect to the person 528
who is the subject of the request, including fingerprint-based 529
checks of national crime information databases as described in 42 530
U.S.C. 671 if the request is made pursuant to section 2151.86, 531
5104.012, or 5104.013 of the Revised Code or if any other Revised 532
Code section requires fingerprint-based checks of that nature, and 533
shall review or cause to be reviewed any information the 534
superintendent receives from that bureau. If a request under 535

section 3319.39 of the Revised Code asks only for information from 536
the federal bureau of investigation, the superintendent shall not 537
conduct the review prescribed by division (B)(1) of this section. 538

(3) The superintendent or the superintendent's designee may 539
request criminal history records from other states or the federal 540
government pursuant to the national crime prevention and privacy 541
compact set forth in section 109.571 of the Revised Code. 542

(C)(1) The superintendent shall prescribe a form to obtain 543
the information necessary to conduct a criminal records check from 544
any person for whom a criminal records check is requested under 545
section 113.041 of the Revised Code or required by section 121.08, 546
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 547
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 548
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 549
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 550
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 551
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 552
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 553
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 554
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 555
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 556
form that the superintendent prescribes pursuant to this division 557
may be in a tangible format, in an electronic format, or in both 558
tangible and electronic formats. 559

(2) The superintendent shall prescribe standard impression 560
sheets to obtain the fingerprint impressions of any person for 561
whom a criminal records check is requested under section 113.041 562
of the Revised Code or required by section 121.08, 173.27, 563
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 564
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 565
3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 566
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 567

4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 568
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 569
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 570
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 571
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 572
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 573
person for whom a records check is requested under or required by 574
any of those sections shall obtain the fingerprint impressions at 575
a county sheriff's office, municipal police department, or any 576
other entity with the ability to make fingerprint impressions on 577
the standard impression sheets prescribed by the superintendent. 578
The office, department, or entity may charge the person a 579
reasonable fee for making the impressions. The standard impression 580
sheets the superintendent prescribes pursuant to this division may 581
be in a tangible format, in an electronic format, or in both 582
tangible and electronic formats. 583

(3) Subject to division (D) of this section, the 584
superintendent shall prescribe and charge a reasonable fee for 585
providing a criminal records check requested under section 586
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 587
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 588
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 589
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 590
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 591
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 592
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 593
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 594
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 595
5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 596
Code. The person making a criminal records request under any of 597
those sections shall pay the fee prescribed pursuant to this 598
division. A person making a request under section 3701.881 of the 599
Revised Code for a criminal records check for an applicant who may 600

be both responsible for the care, custody, or control of a child 601
and involved in providing direct care to an older adult shall pay 602
one fee for the request. In the case of a request under section 603
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 604
of the Revised Code, the fee shall be paid in the manner specified 605
in that section. 606

(4) The superintendent of the bureau of criminal 607
identification and investigation may prescribe methods of 608
forwarding fingerprint impressions and information necessary to 609
conduct a criminal records check, which methods shall include, but 610
not be limited to, an electronic method. 611

(D) A determination whether any information exists that 612
indicates that a person previously has been convicted of or 613
pleaded guilty to any offense listed or described in division 614
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 615
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 616
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 617
of this section, or that indicates that a person previously has 618
been convicted of or pleaded guilty to any criminal offense in 619
this state or any other state regarding a criminal records check 620
of a type described in division (A)(13) of this section, and that 621
is made by the superintendent with respect to information 622
considered in a criminal records check in accordance with this 623
section is valid for the person who is the subject of the criminal 624
records check for a period of one year from the date upon which 625
the superintendent makes the determination. During the period in 626
which the determination in regard to a person is valid, if another 627
request under this section is made for a criminal records check 628
for that person, the superintendent shall provide the information 629
that is the basis for the superintendent's initial determination 630
at a lower fee than the fee prescribed for the initial criminal 631
records check. 632

(E) When the superintendent receives a request for 633
information from a registered private provider, the superintendent 634
shall proceed as if the request was received from a school 635
district board of education under section 3319.39 of the Revised 636
Code. The superintendent shall apply division (A)(7) of this 637
section to any such request for an applicant who is a teacher. 638

(F) A criminal records check conducted under this section 639
shall not include any proceeding or adjudication in a juvenile 640
court and shall not include any proceeding in criminal court 641
against a person under eighteen years of age or any criminal 642
conviction of a person under eighteen years of age if the 643
proceeding or case was transferred back to the juvenile court 644
under section 2152.121 of the Revised Code. 645

(G) As used in this section: 646

(1) "Criminal records check" means any criminal records check 647
conducted by the superintendent of the bureau of criminal 648
identification and investigation in accordance with division (B) 649
of this section. 650

(2) "Minor drug possession offense" has the same meaning as 651
in section 2925.01 of the Revised Code. 652

(3) "Older adult" means a person age sixty or older. 653

(4) "OVI or OVUAC violation" means a violation of section 654
4511.19 of the Revised Code or a violation of an existing or 655
former law of this state, any other state, or the United States 656
that is substantially equivalent to section 4511.19 of the Revised 657
Code. 658

(5) "Registered private provider" means a nonpublic school or 659
entity registered with the superintendent of public instruction 660
under section 3310.41 of the Revised Code to participate in the 661
autism scholarship program or section 3310.58 of the Revised Code 662
to participate in the Jon Peterson special needs scholarship 663

program. 664

Sec. 109.578. (A) On receipt of a request pursuant to section 665
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 666
completed form prescribed pursuant to division (C)(1) of this 667
section, and a set of fingerprint impressions obtained in the 668
manner described in division (C)(2) of this section, the 669
superintendent of the bureau of criminal identification and 670
investigation shall conduct a criminal records check in the manner 671
described in division (B) of this section to determine whether any 672
information exists that indicates that the person who is the 673
subject of the request previously has been convicted of or pleaded 674
guilty to any of the following: 675

(1) A felony; 676

(2) A violation of section 2909.03 of the Revised Code; 677

(3) A violation of an existing or former law of this state, 678
any other state, or the United States that is substantially 679
equivalent to any of the offenses listed in division (A)(1) or (2) 680
of this section. 681

(B) ~~The~~ Subject to division (E) of this section, the 682
superintendent shall conduct any criminal records check pursuant 683
to division (A) of this section as follows: 684

(1) The superintendent shall review or cause to be reviewed 685
any relevant information gathered and compiled by the bureau under 686
division (A) of section 109.57 of the Revised Code that relates to 687
the person who is the subject of the request, including any 688
relevant information contained in records that have been sealed 689
under section 2953.32 of the Revised Code. 690

(2) If the request received by the superintendent asks for 691
information from the federal bureau of investigation, the 692
superintendent shall request from the federal bureau of 693

investigation any information it has with respect to the person 694
who is the subject of the request and shall review or cause to be 695
reviewed any information the superintendent receives from that 696
bureau. 697

(C)(1) The superintendent shall prescribe a form to obtain 698
the information necessary to conduct a criminal records check from 699
any person for whom a criminal records check is requested pursuant 700
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 701
Code. The form that the superintendent prescribes pursuant to this 702
division may be in a tangible format, in an electronic format, or 703
in both tangible and electronic formats. 704

(2) The superintendent shall prescribe standard impression 705
sheets to obtain the fingerprint impressions of any person for 706
whom a criminal records check is requested pursuant to section 707
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 708
person for whom a records check is requested pursuant to any of 709
those sections shall obtain the fingerprint impressions at a 710
county sheriff's office, a municipal police department, or any 711
other entity with the ability to make fingerprint impressions on 712
the standard impression sheets prescribed by the superintendent. 713
The office, department, or entity may charge the person a 714
reasonable fee for making the impressions. The standard impression 715
sheets the superintendent prescribes pursuant to this division may 716
be in a tangible format, in an electronic format, or in both 717
tangible and electronic formats. 718

(3) Subject to division (D) of this section, the 719
superintendent shall prescribe and charge a reasonable fee for 720
providing a criminal records check requested under section 721
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 722
person making the criminal records request shall pay the fee 723
prescribed pursuant to this division. 724

(4) The superintendent may prescribe methods of forwarding 725

fingerprint impressions and information necessary to conduct a 726
criminal records check. The methods shall include, but are not 727
limited to, an electronic method. 728

(D) A determination whether any information exists that 729
indicates that a person previously has been convicted of or 730
pleaded guilty to any offense listed or described in division (A) 731
of this section and that the superintendent made with respect to 732
information considered in a criminal records check in accordance 733
with this section is valid for the person who is the subject of 734
the criminal records check for a period of one year from the date 735
upon which the superintendent makes the determination. During the 736
period in which the determination in regard to a person is valid, 737
if another request under this section is made for a criminal 738
records check for that person, the superintendent shall provide 739
the information that is the basis for the superintendent's initial 740
determination at a lower fee than the fee prescribed for the 741
initial criminal records check. 742

(E) A criminal records check conducted under this section 743
shall not include any proceeding or adjudication in a juvenile 744
court and shall not include any proceeding in criminal court 745
against a person under eighteen years of age or any criminal 746
conviction of a person under eighteen years of age if the 747
proceeding or case was transferred back to juvenile court under 748
section 2152.121 of the Revised Code. 749

(F) As used in this section, "criminal records check" means 750
any criminal records check conducted by the superintendent of the 751
bureau of criminal identification and investigation in accordance 752
with division (B) of this section. 753

Sec. 149.43. (A) As used in this section: 754

(1) "Public record" means records kept by any public office, 755
including, but not limited to, state, county, city, village, 756

township, and school district units, and records pertaining to the 757
delivery of educational services by an alternative school in this 758
state kept by the nonprofit or for-profit entity operating the 759
alternative school pursuant to section 3313.533 of the Revised 760
Code. "Public record" does not mean any of the following: 761

- (a) Medical records; 762
- (b) Records pertaining to probation and parole proceedings or 763
to proceedings related to the imposition of community control 764
sanctions and post-release control sanctions; 765
- (c) Records pertaining to actions under section 2151.85 and 766
division (C) of section 2919.121 of the Revised Code and to 767
appeals of actions arising under those sections; 768
- (d) Records pertaining to adoption proceedings, including the 769
contents of an adoption file maintained by the department of 770
health under section 3705.12 of the Revised Code; 771
- (e) Information in a record contained in the putative father 772
registry established by section 3107.062 of the Revised Code, 773
regardless of whether the information is held by the department of 774
job and family services or, pursuant to section 3111.69 of the 775
Revised Code, the office of child support in the department or a 776
child support enforcement agency; 777
- (f) Records listed in division (A) of section 3107.42 of the 778
Revised Code or specified in division (A) of section 3107.52 of 779
the Revised Code; 780
- (g) Trial preparation records; 781
- (h) Confidential law enforcement investigatory records; 782
- (i) Records containing information that is confidential under 783
section 2710.03 or 4112.05 of the Revised Code; 784
- (j) DNA records stored in the DNA database pursuant to 785
section 109.573 of the Revised Code; 786

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	787 788 789 790
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	791 792 793 794
(m) Intellectual property records;	795
(n) Donor profile records;	796
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	797 798
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	799 800 801 802 803
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	804 805 806 807 808
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	809 810
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report	811 812 813 814 815 816

prepared pursuant to division (A) of section 307.626 of the Revised Code;	817 818
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	819 820 821 822
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	823 824 825 826 827
(v) Records the release of which is prohibited by state or federal law;	828 829
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	830 831 832
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	833 834
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	835 836 837 838 839 840
(z) Records listed in section 5101.29 of the Revised Code;	841
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	842 843 844
(bb) Usage information including names and addresses of specific residential and commercial customers of a municipally	845 846

owned or operated public utility; 847

(cc) Records pertaining to a case or proceeding in which a 848
person was or is alleged to be or adjudicated an unruly or 849
delinquent child or a juvenile traffic offender under Chapter 850
2151. or 2152. of the Revised Code. 851

(2) "Confidential law enforcement investigatory record" means 852
any record that pertains to a law enforcement matter of a 853
criminal, quasi-criminal, civil, or administrative nature, but 854
only to the extent that the release of the record would create a 855
high probability of disclosure of any of the following: 856

(a) The identity of a suspect who has not been charged with 857
the offense to which the record pertains, or of an information 858
source or witness to whom confidentiality has been reasonably 859
promised; 860

(b) Information provided by an information source or witness 861
to whom confidentiality has been reasonably promised, which 862
information would reasonably tend to disclose the source's or 863
witness's identity; 864

(c) Specific confidential investigatory techniques or 865
procedures or specific investigatory work product; 866

(d) Information that would endanger the life or physical 867
safety of law enforcement personnel, a crime victim, a witness, or 868
a confidential information source. 869

(3) "Medical record" means any document or combination of 870
documents, except births, deaths, and the fact of admission to or 871
discharge from a hospital, that pertains to the medical history, 872
diagnosis, prognosis, or medical condition of a patient and that 873
is generated and maintained in the process of medical treatment. 874

(4) "Trial preparation record" means any record that contains 875
information that is specifically compiled in reasonable 876

anticipation of, or in defense of, a civil or criminal action or 877
proceeding, including the independent thought processes and 878
personal trial preparation of an attorney. 879

(5) "Intellectual property record" means a record, other than 880
a financial or administrative record, that is produced or 881
collected by or for faculty or staff of a state institution of 882
higher learning in the conduct of or as a result of study or 883
research on an educational, commercial, scientific, artistic, 884
technical, or scholarly issue, regardless of whether the study or 885
research was sponsored by the institution alone or in conjunction 886
with a governmental body or private concern, and that has not been 887
publicly released, published, or patented. 888

(6) "Donor profile record" means all records about donors or 889
potential donors to a public institution of higher education 890
except the names and reported addresses of the actual donors and 891
the date, amount, and conditions of the actual donation. 892

(7) "Peace officer, parole officer, probation officer, 893
bailiff, prosecuting attorney, assistant prosecuting attorney, 894
correctional employee, youth services employee, firefighter, EMT, 895
or investigator of the bureau of criminal identification and 896
investigation residential and familial information" means any 897
information that discloses any of the following about a peace 898
officer, parole officer, probation officer, bailiff, prosecuting 899
attorney, assistant prosecuting attorney, correctional employee, 900
youth services employee, firefighter, EMT, or investigator of the 901
bureau of criminal identification and investigation: 902

(a) The address of the actual personal residence of a peace 903
officer, parole officer, probation officer, bailiff, assistant 904
prosecuting attorney, correctional employee, youth services 905
employee, firefighter, EMT, or an investigator of the bureau of 906
criminal identification and investigation, except for the state or 907
political subdivision in which the peace officer, parole officer, 908

probation officer, bailiff, assistant prosecuting attorney, 909
correctional employee, youth services employee, firefighter, EMT, 910
or investigator of the bureau of criminal identification and 911
investigation resides; 912

(b) Information compiled from referral to or participation in 913
an employee assistance program; 914

(c) The social security number, the residential telephone 915
number, any bank account, debit card, charge card, or credit card 916
number, or the emergency telephone number of, or any medical 917
information pertaining to, a peace officer, parole officer, 918
probation officer, bailiff, prosecuting attorney, assistant 919
prosecuting attorney, correctional employee, youth services 920
employee, firefighter, EMT, or investigator of the bureau of 921
criminal identification and investigation; 922

(d) The name of any beneficiary of employment benefits, 923
including, but not limited to, life insurance benefits, provided 924
to a peace officer, parole officer, probation officer, bailiff, 925
prosecuting attorney, assistant prosecuting attorney, correctional 926
employee, youth services employee, firefighter, EMT, or 927
investigator of the bureau of criminal identification and 928
investigation by the peace officer's, parole officer's, probation 929
officer's, bailiff's, prosecuting attorney's, assistant 930
prosecuting attorney's, correctional employee's, youth services 931
employee's, firefighter's, EMT's, or investigator of the bureau of 932
criminal identification and investigation's employer; 933

(e) The identity and amount of any charitable or employment 934
benefit deduction made by the peace officer's, parole officer's, 935
probation officer's, bailiff's, prosecuting attorney's, assistant 936
prosecuting attorney's, correctional employee's, youth services 937
employee's, firefighter's, EMT's, or investigator of the bureau of 938
criminal identification and investigation's employer from the 939
peace officer's, parole officer's, probation officer's, bailiff's, 940

prosecuting attorney's, assistant prosecuting attorney's, 941
correctional employee's, youth services employee's, firefighter's, 942
EMT's, or investigator of the bureau of criminal identification 943
and investigation's compensation unless the amount of the 944
deduction is required by state or federal law; 945

(f) The name, the residential address, the name of the 946
employer, the address of the employer, the social security number, 947
the residential telephone number, any bank account, debit card, 948
charge card, or credit card number, or the emergency telephone 949
number of the spouse, a former spouse, or any child of a peace 950
officer, parole officer, probation officer, bailiff, prosecuting 951
attorney, assistant prosecuting attorney, correctional employee, 952
youth services employee, firefighter, EMT, or investigator of the 953
bureau of criminal identification and investigation; 954

(g) A photograph of a peace officer who holds a position or 955
has an assignment that may include undercover or plain clothes 956
positions or assignments as determined by the peace officer's 957
appointing authority. 958

As used in divisions (A)(7) and (B)(9) of this section, 959
"peace officer" has the same meaning as in section 109.71 of the 960
Revised Code and also includes the superintendent and troopers of 961
the state highway patrol; it does not include the sheriff of a 962
county or a supervisory employee who, in the absence of the 963
sheriff, is authorized to stand in for, exercise the authority of, 964
and perform the duties of the sheriff. 965

As used in divisions (A)(7) and (B)(5) of this section, 966
"correctional employee" means any employee of the department of 967
rehabilitation and correction who in the course of performing the 968
employee's job duties has or has had contact with inmates and 969
persons under supervision. 970

As used in divisions (A)(7) and (B)(5) of this section, 971

"youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a 1002
person under the age of eighteen for the purpose of allowing that 1003
person to participate in any recreational activity conducted or 1004
sponsored by a public office or to use or obtain admission 1005
privileges to any recreational facility owned or operated by a 1006
public office. 1007

(9) "Community control sanction" has the same meaning as in 1008
section 2929.01 of the Revised Code. 1009

(10) "Post-release control sanction" has the same meaning as 1010
in section 2967.01 of the Revised Code. 1011

(11) "Redaction" means obscuring or deleting any information 1012
that is exempt from the duty to permit public inspection or 1013
copying from an item that otherwise meets the definition of a 1014
"record" in section 149.011 of the Revised Code. 1015

(12) "Designee" and "elected official" have the same meanings 1016
as in section 109.43 of the Revised Code. 1017

(B)(1) Upon request and subject to division (B)(8) of this 1018
section, all public records responsive to the request shall be 1019
promptly prepared and made available for inspection to any person 1020
at all reasonable times during regular business hours. Subject to 1021
division (B)(8) of this section, upon request, a public office or 1022
person responsible for public records shall make copies of the 1023
requested public record available at cost and within a reasonable 1024
period of time. If a public record contains information that is 1025
exempt from the duty to permit public inspection or to copy the 1026
public record, the public office or the person responsible for the 1027
public record shall make available all of the information within 1028
the public record that is not exempt. When making that public 1029
record available for public inspection or copying that public 1030
record, the public office or the person responsible for the public 1031
record shall notify the requester of any redaction or make the 1032

redaction plainly visible. A redaction shall be deemed a denial of 1033
a request to inspect or copy the redacted information, except if 1034
federal or state law authorizes or requires a public office to 1035
make the redaction. 1036

(2) To facilitate broader access to public records, a public 1037
office or the person responsible for public records shall organize 1038
and maintain public records in a manner that they can be made 1039
available for inspection or copying in accordance with division 1040
(B) of this section. A public office also shall have available a 1041
copy of its current records retention schedule at a location 1042
readily available to the public. If a requester makes an ambiguous 1043
or overly broad request or has difficulty in making a request for 1044
copies or inspection of public records under this section such 1045
that the public office or the person responsible for the requested 1046
public record cannot reasonably identify what public records are 1047
being requested, the public office or the person responsible for 1048
the requested public record may deny the request but shall provide 1049
the requester with an opportunity to revise the request by 1050
informing the requester of the manner in which records are 1051
maintained by the public office and accessed in the ordinary 1052
course of the public office's or person's duties. 1053

(3) If a request is ultimately denied, in part or in whole, 1054
the public office or the person responsible for the requested 1055
public record shall provide the requester with an explanation, 1056
including legal authority, setting forth why the request was 1057
denied. If the initial request was provided in writing, the 1058
explanation also shall be provided to the requester in writing. 1059
The explanation shall not preclude the public office or the person 1060
responsible for the requested public record from relying upon 1061
additional reasons or legal authority in defending an action 1062
commenced under division (C) of this section. 1063

(4) Unless specifically required or authorized by state or 1064

federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking

the copy makes a choice under this division, the public office or 1097
person responsible for the public record shall provide a copy of 1098
it in accordance with the choice made by the person seeking the 1099
copy. Nothing in this section requires a public office or person 1100
responsible for the public record to allow the person seeking a 1101
copy of the public record to make the copies of the public record. 1102

(7) Upon a request made in accordance with division (B) of 1103
this section and subject to division (B)(6) of this section, a 1104
public office or person responsible for public records shall 1105
transmit a copy of a public record to any person by United States 1106
mail or by any other means of delivery or transmission within a 1107
reasonable period of time after receiving the request for the 1108
copy. The public office or person responsible for the public 1109
record may require the person making the request to pay in advance 1110
the cost of postage if the copy is transmitted by United States 1111
mail or the cost of delivery if the copy is transmitted other than 1112
by United States mail, and to pay in advance the costs incurred 1113
for other supplies used in the mailing, delivery, or transmission. 1114

Any public office may adopt a policy and procedures that it 1115
will follow in transmitting, within a reasonable period of time 1116
after receiving a request, copies of public records by United 1117
States mail or by any other means of delivery or transmission 1118
pursuant to this division. A public office that adopts a policy 1119
and procedures under this division shall comply with them in 1120
performing its duties under this division. 1121

In any policy and procedures adopted under this division, a 1122
public office may limit the number of records requested by a 1123
person that the office will transmit by United States mail to ten 1124
per month, unless the person certifies to the office in writing 1125
that the person does not intend to use or forward the requested 1126
records, or the information contained in them, for commercial 1127
purposes. For purposes of this division, "commercial" shall be 1128

narrowly construed and does not include reporting or gathering 1129
news, reporting or gathering information to assist citizen 1130
oversight or understanding of the operation or activities of 1131
government, or nonprofit educational research. 1132

(8) A public office or person responsible for public records 1133
is not required to permit a person who is incarcerated pursuant to 1134
a criminal conviction or a juvenile adjudication to inspect or to 1135
obtain a copy of any public record concerning a criminal 1136
investigation or prosecution or concerning what would be a 1137
criminal investigation or prosecution if the subject of the 1138
investigation or prosecution were an adult, unless the request to 1139
inspect or to obtain a copy of the record is for the purpose of 1140
acquiring information that is subject to release as a public 1141
record under this section and the judge who imposed the sentence 1142
or made the adjudication with respect to the person, or the 1143
judge's successor in office, finds that the information sought in 1144
the public record is necessary to support what appears to be a 1145
justiciable claim of the person. 1146

(9)(a) Upon written request made and signed by a journalist 1147
on or after December 16, 1999, a public office, or person 1148
responsible for public records, having custody of the records of 1149
the agency employing a specified peace officer, parole officer, 1150
probation officer, bailiff, prosecuting attorney, assistant 1151
prosecuting attorney, correctional employee, youth services 1152
employee, firefighter, EMT, or investigator of the bureau of 1153
criminal identification and investigation shall disclose to the 1154
journalist the address of the actual personal residence of the 1155
peace officer, parole officer, probation officer, bailiff, 1156
prosecuting attorney, assistant prosecuting attorney, correctional 1157
employee, youth services employee, firefighter, EMT, or 1158
investigator of the bureau of criminal identification and 1159
investigation and, if the peace officer's, parole officer's, 1160

probation officer's, bailiff's, prosecuting attorney's, assistant 1161
prosecuting attorney's, correctional employee's, youth services 1162
employee's, firefighter's, EMT's, or investigator of the bureau of 1163
criminal identification and investigation's spouse, former spouse, 1164
or child is employed by a public office, the name and address of 1165
the employer of the peace officer's, parole officer's, probation 1166
officer's, bailiff's, prosecuting attorney's, assistant 1167
prosecuting attorney's, correctional employee's, youth services 1168
employee's, firefighter's, EMT's, or investigator of the bureau of 1169
criminal identification and investigation's spouse, former spouse, 1170
or child. The request shall include the journalist's name and 1171
title and the name and address of the journalist's employer and 1172
shall state that disclosure of the information sought would be in 1173
the public interest. 1174

(b) Division (B)(9)(a) of this section also applies to 1175
journalist requests for customer information maintained by a 1176
municipally owned or operated public utility, other than social 1177
security numbers and any private financial information such as 1178
credit reports, payment methods, credit card numbers, and bank 1179
account information. 1180

(c) As used in division (B)(9) of this section, "journalist" 1181
means a person engaged in, connected with, or employed by any news 1182
medium, including a newspaper, magazine, press association, news 1183
agency, or wire service, a radio or television station, or a 1184
similar medium, for the purpose of gathering, processing, 1185
transmitting, compiling, editing, or disseminating information for 1186
the general public. 1187

(C)(1) If a person allegedly is aggrieved by the failure of a 1188
public office or the person responsible for public records to 1189
promptly prepare a public record and to make it available to the 1190
person for inspection in accordance with division (B) of this 1191
section or by any other failure of a public office or the person 1192

responsible for public records to comply with an obligation in 1193
accordance with division (B) of this section, the person allegedly 1194
aggrieved may commence a mandamus action to obtain a judgment that 1195
orders the public office or the person responsible for the public 1196
record to comply with division (B) of this section, that awards 1197
court costs and reasonable attorney's fees to the person that 1198
instituted the mandamus action, and, if applicable, that includes 1199
an order fixing statutory damages under division (C)(1) of this 1200
section. The mandamus action may be commenced in the court of 1201
common pleas of the county in which division (B) of this section 1202
allegedly was not complied with, in the supreme court pursuant to 1203
its original jurisdiction under Section 2 of Article IV, Ohio 1204
Constitution, or in the court of appeals for the appellate 1205
district in which division (B) of this section allegedly was not 1206
complied with pursuant to its original jurisdiction under Section 1207
3 of Article IV, Ohio Constitution. 1208

If a requestor transmits a written request by hand delivery 1209
or certified mail to inspect or receive copies of any public 1210
record in a manner that fairly describes the public record or 1211
class of public records to the public office or person responsible 1212
for the requested public records, except as otherwise provided in 1213
this section, the requestor shall be entitled to recover the 1214
amount of statutory damages set forth in this division if a court 1215
determines that the public office or the person responsible for 1216
public records failed to comply with an obligation in accordance 1217
with division (B) of this section. 1218

The amount of statutory damages shall be fixed at one hundred 1219
dollars for each business day during which the public office or 1220
person responsible for the requested public records failed to 1221
comply with an obligation in accordance with division (B) of this 1222
section, beginning with the day on which the requester files a 1223
mandamus action to recover statutory damages, up to a maximum of 1224

one thousand dollars. The award of statutory damages shall not be 1225
construed as a penalty, but as compensation for injury arising 1226
from lost use of the requested information. The existence of this 1227
injury shall be conclusively presumed. The award of statutory 1228
damages shall be in addition to all other remedies authorized by 1229
this section. 1230

The court may reduce an award of statutory damages or not 1231
award statutory damages if the court determines both of the 1232
following: 1233

(a) That, based on the ordinary application of statutory law 1234
and case law as it existed at the time of the conduct or 1235
threatened conduct of the public office or person responsible for 1236
the requested public records that allegedly constitutes a failure 1237
to comply with an obligation in accordance with division (B) of 1238
this section and that was the basis of the mandamus action, a 1239
well-informed public office or person responsible for the 1240
requested public records reasonably would believe that the conduct 1241
or threatened conduct of the public office or person responsible 1242
for the requested public records did not constitute a failure to 1243
comply with an obligation in accordance with division (B) of this 1244
section; 1245

(b) That a well-informed public office or person responsible 1246
for the requested public records reasonably would believe that the 1247
conduct or threatened conduct of the public office or person 1248
responsible for the requested public records would serve the 1249
public policy that underlies the authority that is asserted as 1250
permitting that conduct or threatened conduct. 1251

(2)(a) If the court issues a writ of mandamus that orders the 1252
public office or the person responsible for the public record to 1253
comply with division (B) of this section and determines that the 1254
circumstances described in division (C)(1) of this section exist, 1255
the court shall determine and award to the relator all court 1256

costs. 1257

(b) If the court renders a judgment that orders the public 1258
office or the person responsible for the public record to comply 1259
with division (B) of this section, the court may award reasonable 1260
attorney's fees subject to reduction as described in division 1261
(C)(2)(c) of this section. The court shall award reasonable 1262
attorney's fees, subject to reduction as described in division 1263
(C)(2)(c) of this section when either of the following applies: 1264

(i) The public office or the person responsible for the 1265
public records failed to respond affirmatively or negatively to 1266
the public records request in accordance with the time allowed 1267
under division (B) of this section. 1268

(ii) The public office or the person responsible for the 1269
public records promised to permit the relator to inspect or 1270
receive copies of the public records requested within a specified 1271
period of time but failed to fulfill that promise within that 1272
specified period of time. 1273

(c) Court costs and reasonable attorney's fees awarded under 1274
this section shall be construed as remedial and not punitive. 1275
Reasonable attorney's fees shall include reasonable fees incurred 1276
to produce proof of the reasonableness and amount of the fees and 1277
to otherwise litigate entitlement to the fees. The court may 1278
reduce an award of attorney's fees to the relator or not award 1279
attorney's fees to the relator if the court determines both of the 1280
following: 1281

(i) That, based on the ordinary application of statutory law 1282
and case law as it existed at the time of the conduct or 1283
threatened conduct of the public office or person responsible for 1284
the requested public records that allegedly constitutes a failure 1285
to comply with an obligation in accordance with division (B) of 1286
this section and that was the basis of the mandamus action, a 1287

well-informed public office or person responsible for the 1288
requested public records reasonably would believe that the conduct 1289
or threatened conduct of the public office or person responsible 1290
for the requested public records did not constitute a failure to 1291
comply with an obligation in accordance with division (B) of this 1292
section; 1293

(ii) That a well-informed public office or person responsible 1294
for the requested public records reasonably would believe that the 1295
conduct or threatened conduct of the public office or person 1296
responsible for the requested public records as described in 1297
division (C)(2)(c)(i) of this section would serve the public 1298
policy that underlies the authority that is asserted as permitting 1299
that conduct or threatened conduct. 1300

(D) Chapter 1347. of the Revised Code does not limit the 1301
provisions of this section. 1302

(E)(1) To ensure that all employees of public offices are 1303
appropriately educated about a public office's obligations under 1304
division (B) of this section, all elected officials or their 1305
appropriate designees shall attend training approved by the 1306
attorney general as provided in section 109.43 of the Revised 1307
Code. In addition, all public offices shall adopt a public records 1308
policy in compliance with this section for responding to public 1309
records requests. In adopting a public records policy under this 1310
division, a public office may obtain guidance from the model 1311
public records policy developed and provided to the public office 1312
by the attorney general under section 109.43 of the Revised Code. 1313
Except as otherwise provided in this section, the policy may not 1314
limit the number of public records that the public office will 1315
make available to a single person, may not limit the number of 1316
public records that it will make available during a fixed period 1317
of time, and may not establish a fixed period of time before it 1318
will respond to a request for inspection or copying of public 1319

records, unless that period is less than eight hours. 1320

(2) The public office shall distribute the public records 1321
policy adopted by the public office under division (E)(1) of this 1322
section to the employee of the public office who is the records 1323
custodian or records manager or otherwise has custody of the 1324
records of that office. The public office shall require that 1325
employee to acknowledge receipt of the copy of the public records 1326
policy. The public office shall create a poster that describes its 1327
public records policy and shall post the poster in a conspicuous 1328
place in the public office and in all locations where the public 1329
office has branch offices. The public office may post its public 1330
records policy on the internet web site of the public office if 1331
the public office maintains an internet web site. A public office 1332
that has established a manual or handbook of its general policies 1333
and procedures for all employees of the public office shall 1334
include the public records policy of the public office in the 1335
manual or handbook. 1336

(F)(1) The bureau of motor vehicles may adopt rules pursuant 1337
to Chapter 119. of the Revised Code to reasonably limit the number 1338
of bulk commercial special extraction requests made by a person 1339
for the same records or for updated records during a calendar 1340
year. The rules may include provisions for charges to be made for 1341
bulk commercial special extraction requests for the actual cost of 1342
the bureau, plus special extraction costs, plus ten per cent. The 1343
bureau may charge for expenses for redacting information, the 1344
release of which is prohibited by law. 1345

(2) As used in division (F)(1) of this section: 1346

(a) "Actual cost" means the cost of depleted supplies, 1347
records storage media costs, actual mailing and alternative 1348
delivery costs, or other transmitting costs, and any direct 1349
equipment operating and maintenance costs, including actual costs 1350
paid to private contractors for copying services. 1351

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

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

(B)(1) The juvenile court shall promptly order the immediate

sealing of records pertaining to a juvenile in any of the 1383
following circumstances: 1384

(a) If the court receives a record from a public office or 1385
agency under division (B)(2) of this section; 1386

(b) If a person was brought before or referred to the court 1387
for allegedly committing a delinquent or unruly act and the case 1388
was resolved without the filing of a complaint against the person 1389
with respect to that act pursuant to section 2151.27 of the 1390
Revised Code; 1391

(c) If a person was charged with violating division (E)(1) of 1392
section 4301.69 of the Revised Code and the person has 1393
successfully completed a diversion program under division 1394
(E)(2)(a) of section 4301.69 of the Revised Code with respect to 1395
that charge; 1396

(d) If a complaint was filed against a person alleging that 1397
the person was a delinquent child, an unruly child, or a juvenile 1398
traffic offender and the court dismisses the complaint after a 1399
trial on the merits of the case or finds the person not to be a 1400
delinquent child, an unruly child, or a juvenile traffic offender; 1401

(e) Notwithstanding division (C) of this section and subject 1402
to section 2151.358 of the Revised Code, if a person has been 1403
adjudicated an unruly child, that person has attained eighteen 1404
years of age, and the person is not under the jurisdiction of the 1405
court in relation to a complaint alleging the person to be a 1406
delinquent child. 1407

(2) The appropriate public office or agency shall immediately 1408
deliver all original records at that public office or agency 1409
pertaining to a juvenile to the court, if the person was arrested 1410
or taken into custody for allegedly committing a delinquent or 1411
unruly act, no complaint was filed against the person with respect 1412
to the commission of the act pursuant to section 2151.27 of the 1413

Revised Code, and the person was not brought before or referred to 1414
the court for the commission of the act. The records delivered to 1415
the court as required under this division shall not include 1416
fingerprints, DNA specimens, and DNA records described under 1417
division (A)(3) of section 2151.357 of the Revised Code. 1418

(C)(1) The juvenile court shall consider the sealing of 1419
records pertaining to a juvenile upon the court's own motion or 1420
upon the application of a person if the person has been 1421
adjudicated a delinquent child for committing an act other than a 1422
violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03, or~~ 1423
~~2907.05~~ of the Revised Code, an unruly child, or a juvenile 1424
traffic offender and if, at the time of the motion or application, 1425
the person is not under the jurisdiction of the court in relation 1426
to a complaint alleging the person to be a delinquent child. The 1427
court shall not require a fee for the filing of the application. 1428
The motion or application may be made at any time after ~~two years~~ 1429
~~after the later of~~ each of the following that applies: 1430

(a) The termination of any order made by the court in 1431
relation to the adjudication; 1432

(b) The unconditional discharge of the person from the 1433
department of youth services with respect to a dispositional order 1434
made in relation to the adjudication or from an institution or 1435
facility to which the person was committed pursuant to a 1436
dispositional order made in relation to the adjudication; 1437

(c) The court enters an order under section 2152.84 or 1438
2152.85 of the Revised Code that contains a determination that the 1439
child is no longer a juvenile offender registrant. 1440

(2) In making the determination whether to seal records 1441
pursuant to division (C)(1) of this section, all of the following 1442
apply: 1443

(a) The court may require a person filing an application 1444

under division (C)(1) of this section to submit any relevant 1445
documentation to support the application. 1446

(b) The court may cause an investigation to be made to 1447
determine if the person who is the subject of the proceedings has 1448
been rehabilitated to a satisfactory degree. 1449

(c) The court shall promptly notify the prosecuting attorney 1450
of any proceedings to seal records initiated pursuant to division 1451
(C)(1) of this section. 1452

(d)(i) The prosecuting attorney may file a response with the 1453
court within thirty days of receiving notice of the sealing 1454
proceedings. 1455

(ii) If the prosecuting attorney does not file a response 1456
with the court or if the prosecuting attorney files a response but 1457
indicates that the prosecuting attorney does not object to the 1458
sealing of the records, the court may order the records of the 1459
person that are under consideration to be sealed without 1460
conducting a hearing on the motion or application. If the court 1461
decides in its discretion to conduct a hearing on the motion or 1462
application, the court shall conduct the hearing within thirty 1463
days after making that decision and shall give notice, by regular 1464
mail, of the date, time, and location of the hearing to the 1465
prosecuting attorney and to the person who is the subject of the 1466
records under consideration. 1467

(iii) If the prosecuting attorney files a response with the 1468
court that indicates that the prosecuting attorney objects to the 1469
sealing of the records, the court shall conduct a hearing on the 1470
motion or application within thirty days after the court receives 1471
the response. The court shall give notice, by regular mail, of the 1472
date, time, and location of the hearing to the prosecuting 1473
attorney and to the person who is the subject of the records under 1474
consideration. 1475

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

(i) The age of the person;

(ii) The nature of the case;

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

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

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

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

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

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

by regular mail to the person's last known address, if that person 1506
is not present in the court at the time the court issues a sealing 1507
order and if the court does not seal the person's record upon the 1508
court's own motion, that explains what sealing a record means, 1509
states that the person may apply to have those records expunged 1510
under section 2151.358 of the Revised Code, and explains what 1511
expunging a record means. 1512

(2) Upon final disposition of a case in which a person has 1513
been adjudicated a delinquent child for committing an act other 1514
than a violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03,~~ 1515
~~or 2907.05~~ of the Revised Code, an unruly child, or a juvenile 1516
traffic offender, the juvenile court shall provide written notice 1517
to the person that does all of the following: 1518

(a) States that the person may apply to the court for an 1519
order to seal the record; 1520

(b) Explains what sealing a record means; 1521

(c) States that the person may apply to the court for an 1522
order to expunge the record under section 2151.358 of the Revised 1523
Code; 1524

(d) Explains what expunging a record means. 1525

(3) The department of youth services and any other 1526
institution or facility that unconditionally discharges a person 1527
who has been adjudicated a delinquent child, an unruly child, or a 1528
juvenile traffic offender shall immediately give notice of the 1529
discharge to the court that committed the person. The court shall 1530
note the date of discharge on a separate record of discharges of 1531
those natures. 1532

Sec. 2151.357. (A) If the court orders the records of a 1533
person sealed pursuant to section 2151.356 of the Revised Code, 1534
the person who is subject of the order properly may, and the court 1535

shall, reply that no record exists with respect to the person upon 1536
any inquiry in the matter, and the court, except as provided in 1537
division (D) of this section, shall do all of the following: 1538

(1) Order that the proceedings in a case described in 1539
divisions (B) and (C) of section 2151.356 of the Revised Code be 1540
deemed never to have occurred; 1541

(2) Except as provided in division (C) of this section, 1542
delete all index references to the case and the person so that the 1543
references are permanently irretrievable; 1544

(3) Order that all original records of the case maintained by 1545
any public office or agency, except fingerprints held by a law 1546
enforcement agency, DNA specimens collected pursuant to section 1547
2152.74 of the Revised Code, and DNA records derived from DNA 1548
specimens pursuant to section 109.573 of the Revised Code, be 1549
delivered to the court; 1550

(4) Order each public office or agency, upon the delivering 1551
of records to the court under division (A)(3) of this section, to 1552
expunge remaining records of the case that are the subject of the 1553
sealing order that are maintained by that public office or agency, 1554
except fingerprints, DNA specimens, and DNA records described 1555
under division (A)(3) of this section; 1556

(5) Send notice of the order to seal to any public office or 1557
agency that the court has reason to believe may have a record of 1558
the sealed record; 1559

(6) Seal all of the records delivered to the court under 1560
division (A)(3) of this section, in a separate file in which only 1561
sealed records are maintained. 1562

(B) Except as provided in division (D) of this section, an 1563
order to seal under section 2151.356 of the Revised Code applies 1564
to every public office or agency that has a record relating to the 1565
case, regardless of whether it receives notice of the hearing on 1566

the sealing of the record or a copy of the order. Except as 1567
provided in division (D) of this section, upon the written request 1568
of a person whose record has been sealed and the presentation of a 1569
copy of the order and compliance with division (A)(3) of this 1570
section, a public office or agency shall expunge its record 1571
relating to the case, except a record of the adjudication or 1572
arrest or taking into custody that is maintained for compiling 1573
statistical data and that does not contain any reference to the 1574
person who is the subject of the order. 1575

(C) The court that maintains sealed records pursuant to this 1576
section may maintain a manual or computerized index of the sealed 1577
records and shall make the index available only for the purposes 1578
set forth in division (E) of this section. 1579

(1) Each entry regarding a sealed record in the index of 1580
sealed records shall contain all of the following: 1581

(a) The name of the person who is the subject of the sealed 1582
record; 1583

(b) An alphanumeric identifier relating to the person who is 1584
the subject of the sealed record; 1585

(c) The word "sealed"; 1586

(d) The name of the court that has custody of the sealed 1587
record. 1588

(2) Any entry regarding a sealed record in the index of 1589
sealed records shall not contain either of the following: 1590

(a) The social security number of the person who is subject 1591
of the sealed record; 1592

(b) The name or a description of the act committed. 1593

(D) Notwithstanding any provision of this section that 1594
requires otherwise, a board of education of a city, local, 1595
exempted village, or joint vocational school district that 1596

maintains records of an individual who has been permanently 1597
excluded under sections 3301.121 and 3313.662 of the Revised Code 1598
is permitted to maintain records regarding an adjudication that 1599
the individual is a delinquent child that was used as the basis 1600
for the individual's permanent exclusion, regardless of a court 1601
order to seal the record. An order issued under section 2151.356 1602
of the Revised Code to seal the record of an adjudication that an 1603
individual is a delinquent child does not revoke the adjudication 1604
order of the superintendent of public instruction to permanently 1605
exclude the individual who is the subject of the sealing order. An 1606
order to seal the record of an adjudication that an individual is 1607
a delinquent child may be presented to a district superintendent 1608
as evidence to support the contention that the superintendent 1609
should recommend that the permanent exclusion of the individual 1610
who is the subject of the sealing order be revoked. Except as 1611
otherwise authorized by this division and sections 3301.121 and 1612
3313.662 of the Revised Code, any school employee in possession of 1613
or having access to the sealed adjudication records of an 1614
individual that were the basis of a permanent exclusion of the 1615
individual is subject to division (F) of this section. 1616

(E) Inspection of records that have been ordered sealed under 1617
section 2151.356 of the Revised Code may be made only by the 1618
following persons or for the following purposes: 1619

(1) By the court; 1620

(2) If the records in question pertain to an act that would 1621
be an offense of violence that would be a felony if committed by 1622
an adult, by any law enforcement officer or any prosecutor, or the 1623
assistants of a law enforcement officer or prosecutor, for any 1624
valid law enforcement or prosecutorial purpose; 1625

(3) Upon application by the person who is the subject of the 1626
sealed records, by the person that is named in that application; 1627

(4) If the records in question pertain to an alleged 1628
violation of division (E)(1) of section 4301.69 of the Revised 1629
Code, by any law enforcement officer or any prosecutor, or the 1630
assistants of a law enforcement officer or prosecutor, for the 1631
purpose of determining whether the person is eligible for 1632
diversion under division (E)(2) of section 4301.69 of the Revised 1633
Code; 1634

(5) At the request of a party in a civil action that is based 1635
on a case the records for which are the subject of a sealing order 1636
issued under section 2151.356 of the Revised Code, as needed for 1637
the civil action. The party also may copy the records as needed 1638
for the civil action. The sealed records shall be used solely in 1639
the civil action and are otherwise confidential and subject to the 1640
provisions of this section; 1641

(6) By the attorney general or an authorized employee of the 1642
attorney general or the court for purposes of determining whether 1643
a child is a public registry-qualified juvenile offender 1644
registrant, as defined in section 2950.01 of the Revised Code, for 1645
purposes of Chapter 2950. of the Revised Code. 1646

(F) No officer or employee of the state or any of its 1647
political subdivisions shall knowingly release, disseminate, or 1648
make available for any purpose involving employment, bonding, 1649
licensing, or education to any person or to any department, 1650
agency, or other instrumentality of the state or of any of its 1651
political subdivisions any information or other data concerning 1652
any arrest, taking into custody, complaint, indictment, 1653
information, trial, hearing, adjudication, or correctional 1654
supervision, the records of which have been sealed pursuant to 1655
section 2151.356 of the Revised Code and the release, 1656
dissemination, or making available of which is not expressly 1657
permitted by this section. Whoever violates this division is 1658
guilty of divulging confidential information, a misdemeanor of the 1659

fourth degree. 1660

(G) In any application for employment, license, or other 1661
right or privilege, any appearance as a witness, or any other 1662
inquiry, a person may not be questioned with respect to any arrest 1663
or taking into custody for which the records were sealed. If an 1664
inquiry is made in violation of this division, the person may 1665
respond as if the sealed arrest or taking into custody did not 1666
occur, and the person shall not be subject to any adverse action 1667
because of the arrest or taking into custody or the response. 1668

(H) The judgment rendered by the court under this chapter 1669
shall not impose any of the civil disabilities ordinarily imposed 1670
by conviction of a crime in that the child is not a criminal by 1671
reason of the adjudication, and no child shall be charged with or 1672
convicted of a crime in any court except as provided by this 1673
chapter. The disposition of a child under the judgment rendered or 1674
any evidence given in court shall not operate to disqualify a 1675
child in any future civil service examination, appointment, or 1676
application. Evidence of a judgment rendered and the disposition 1677
of a child under the judgment is not admissible to impeach the 1678
credibility of the child in any action or proceeding. Otherwise, 1679
the disposition of a child under the judgment rendered or any 1680
evidence given in court is admissible as evidence for or against 1681
the child in any action or proceeding in any court in accordance 1682
with the Rules of Evidence and also may be considered by any court 1683
as to the matter of sentence or to the granting of probation, and 1684
a court may consider the judgment rendered and the disposition of 1685
a child under that judgment for purposes of determining whether 1686
the child, for a future criminal conviction or guilty plea, is a 1687
repeat violent offender, as defined in section 2929.01 of the 1688
Revised Code. 1689

Sec. 2152.02. As used in this chapter: 1690

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

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

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

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

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

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

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, unless a serious youthful offender dispositional sentence is imposed on the child for that offense under division

(B)(2) or (3) of section 2152.121 of the Revised Code and the 1722
adult portion of that sentence is not invoked pursuant to section 1723
2152.14 of the Revised Code, and any person who is adjudicated a 1724
delinquent child for the commission of an act, who has a serious 1725
youthful offender dispositional sentence imposed for the act 1726
pursuant to section 2152.13 of the Revised Code, and whose adult 1727
portion of the dispositional sentence is invoked pursuant to 1728
section 2152.14 of the Revised Code, shall be deemed after the 1729
~~transfer conviction, plea,~~ or invocation not to be a child in any 1730
case in which a complaint is filed against the person. 1731

(6) The juvenile court has jurisdiction over a person who is 1732
adjudicated a delinquent child or juvenile traffic offender prior 1733
to attaining eighteen years of age until the person attains 1734
twenty-one years of age, and, for purposes of that jurisdiction 1735
related to that adjudication, except as otherwise provided in this 1736
division, a person who is so adjudicated a delinquent child or 1737
juvenile traffic offender shall be deemed a "child" until the 1738
person attains twenty-one years of age. If a person is so 1739
adjudicated a delinquent child or juvenile traffic offender and 1740
the court makes a disposition of the person under this chapter, at 1741
any time after the person attains ~~eighteen~~ twenty-one years of 1742
age, the places at which the person may be held under that 1743
disposition are not limited to places authorized under this 1744
chapter solely for confinement of children, and the person may be 1745
confined under that disposition, in accordance with division 1746
(F)(2) of section 2152.26 of the Revised Code, in places other 1747
than those authorized under this chapter solely for confinement of 1748
children. 1749

(7) The juvenile court has jurisdiction over any person whose 1750
case is transferred for criminal prosecution solely for the 1751
purpose of detaining the person as authorized in division (F)(4) 1752
of section 2152.26 of the Revised Code unless the person is 1753

convicted of or pleads guilty to a felony in the adult court. 1754

(8) Any person who, while eighteen years of age, violates 1755
division (A)(1) or (2) of section 2919.27 of the Revised Code by 1756
violating a protection order issued or consent agreement approved 1757
under section 2151.34 or 3113.31 of the Revised Code shall be 1758
considered a child for the purposes of that violation of section 1759
2919.27 of the Revised Code. 1760

(D) "Chronic truant" means any child of compulsory school age 1761
who is absent without legitimate excuse for absence from the 1762
public school the child is supposed to attend for seven or more 1763
consecutive school days, ten or more school days in one school 1764
month, or fifteen or more school days in a school year. 1765

(E) "Community corrections facility," "public safety beds," 1766
"release authority," and "supervised release" have the same 1767
meanings as in section 5139.01 of the Revised Code. 1768

(F) "Delinquent child" includes any of the following: 1769

(1) Any child, except a juvenile traffic offender, who 1770
violates any law of this state or the United States, or any 1771
ordinance of a political subdivision of the state, that would be 1772
an offense if committed by an adult; 1773

(2) Any child who violates any lawful order of the court made 1774
under this chapter or under Chapter 2151. of the Revised Code 1775
other than an order issued under section 2151.87 of the Revised 1776
Code; 1777

(3) Any child who violates division (C) of section 2907.39, 1778
division (A) of section 2923.211, or division (C)(1) or (D) of 1779
section 2925.55 of the Revised Code; 1780

(4) Any child who is a habitual truant and who previously has 1781
been adjudicated an unruly child for being a habitual truant; 1782

(5) Any child who is a chronic truant. 1783

(G) "Discretionary serious youthful offender" means a person 1784
who is eligible for a discretionary SYO and who is not transferred 1785
to adult court under a mandatory or discretionary transfer. 1786

(H) "Discretionary SYO" means a case in which the juvenile 1787
court, in the juvenile court's discretion, may impose a serious 1788
youthful offender disposition under section 2152.13 of the Revised 1789
Code. 1790

(I) "Discretionary transfer" means that the juvenile court 1791
has discretion to transfer a case for criminal prosecution under 1792
division (B) of section 2152.12 of the Revised Code. 1793

(J) "Drug abuse offense," "felony drug abuse offense," and 1794
"minor drug possession offense" have the same meanings as in 1795
section 2925.01 of the Revised Code. 1796

(K) "Electronic monitoring" and "electronic monitoring 1797
device" have the same meanings as in section 2929.01 of the 1798
Revised Code. 1799

(L) "Economic loss" means any economic detriment suffered by 1800
a victim of a delinquent act or juvenile traffic offense as a 1801
direct and proximate result of the delinquent act or juvenile 1802
traffic offense and includes any loss of income due to lost time 1803
at work because of any injury caused to the victim and any 1804
property loss, medical cost, or funeral expense incurred as a 1805
result of the delinquent act or juvenile traffic offense. 1806
"Economic loss" does not include non-economic loss or any punitive 1807
or exemplary damages. 1808

(M) "Firearm" has the same meaning as in section 2923.11 of 1809
the Revised Code. 1810

(N) "Juvenile traffic offender" means any child who violates 1811
any traffic law, traffic ordinance, or traffic regulation of this 1812
state, the United States, or any political subdivision of this 1813
state, other than a resolution, ordinance, or regulation of a 1814

political subdivision of this state the violation of which is 1815
required to be handled by a parking violations bureau or a joint 1816
parking violations bureau pursuant to Chapter 4521. of the Revised 1817
Code. 1818

(O) A "legitimate excuse for absence from the public school 1819
the child is supposed to attend" has the same meaning as in 1820
section 2151.011 of the Revised Code. 1821

(P) "Mandatory serious youthful offender" means a person who 1822
is eligible for a mandatory SYO and who is not transferred to 1823
adult court under a mandatory or discretionary transfer and also 1824
includes, for purposes of imposition of a mandatory serious 1825
youthful dispositional sentence under section 2152.13 of the 1826
Revised Code, a person upon whom a juvenile court is required to 1827
impose such a sentence under division (B)(3) of section 2152.121 1828
of the Revised Code. 1829

(Q) "Mandatory SYO" means a case in which the juvenile court 1830
is required to impose a mandatory serious youthful offender 1831
disposition under section 2152.13 of the Revised Code. 1832

(R) "Mandatory transfer" means that a case is required to be 1833
transferred for criminal prosecution under division (A) of section 1834
2152.12 of the Revised Code. 1835

(S) "Mental illness" has the same meaning as in section 1836
5122.01 of the Revised Code. 1837

(T) "Mentally retarded person" has the same meaning as in 1838
section 5123.01 of the Revised Code. 1839

(U) "Monitored time" and "repeat violent offender" have the 1840
same meanings as in section 2929.01 of the Revised Code. 1841

(V) "Of compulsory school age" has the same meaning as in 1842
section 3321.01 of the Revised Code. 1843

(W) "Public record" has the same meaning as in section 149.43 1844

of the Revised Code. 1845

(X) "Serious youthful offender" means a person who is 1846
eligible for a mandatory SYO or discretionary SYO but who is not 1847
transferred to adult court under a mandatory or discretionary 1848
transfer and also includes, for purposes of imposition of a 1849
mandatory serious youthful dispositional sentence under section 1850
2152.13 of the Revised Code, a person upon whom a juvenile court 1851
is required to impose such a sentence under division (B)(3) of 1852
section 2152.121 of the Revised Code. 1853

(Y) "Sexually oriented offense," "juvenile offender 1854
registrant," "child-victim oriented offense," "tier I sex 1855
offender/child-victim offender," "tier II sex 1856
offender/child-victim offender," "tier III sex 1857
offender/child-victim offender," and "public registry-qualified 1858
juvenile offender registrant" have the same meanings as in section 1859
2950.01 of the Revised Code. 1860

(Z) "Traditional juvenile" means a case that is not 1861
transferred to adult court under a mandatory or discretionary 1862
transfer, that is eligible for a disposition under sections 1863
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1864
that is not eligible for a disposition under section 2152.13 of 1865
the Revised Code. 1866

(AA) "Transfer" means the transfer for criminal prosecution 1867
of a case involving the alleged commission by a child of an act 1868
that would be an offense if committed by an adult from the 1869
juvenile court to the appropriate court that has jurisdiction of 1870
the offense. 1871

(BB) "Category one offense" means any of the following: 1872

(1) A violation of section 2903.01 or 2903.02 of the Revised 1873
Code; 1874

(2) A violation of section 2923.02 of the Revised Code 1875

involving an attempt to commit aggravated murder or murder.	1876
(CC) "Category two offense" means any of the following:	1877
(1) A violation of section 2903.03, 2905.01, 2907.02,	1878
2909.02, 2911.01, or 2911.11 of the Revised Code;	1879
(2) A violation of section 2903.04 of the Revised Code that	1880
is a felony of the first degree;	1881
(3) A violation of section 2907.12 of the Revised Code as it	1882
existed prior to September 3, 1996.	1883
(DD) "Non-economic loss" means nonpecuniary harm suffered by	1884
a victim of a delinquent act or juvenile traffic offense as a	1885
result of or related to the delinquent act or juvenile traffic	1886
offense, including, but not limited to, pain and suffering; loss	1887
of society, consortium, companionship, care, assistance,	1888
attention, protection, advice, guidance, counsel, instruction,	1889
training, or education; mental anguish; and any other intangible	1890
loss.	1891
Sec. 2152.26. (A) Except as provided in divisions (B) and (F)	1892
of this section, a child alleged to be or adjudicated a delinquent	1893
child or a juvenile traffic offender may be held only in the	1894
following places:	1895
(1) A certified foster home or a home approved by the court;	1896
(2) A facility operated by a certified child welfare agency;	1897
(3) Any other suitable place designated by the court.	1898
(B) In addition to the places listed in division (A) of this	1899
section, a child alleged to be or adjudicated a delinquent child	1900
<u>or a person described in division (C)(7) of section 2152.02 of the</u>	1901
<u>Revised Code</u> may be held in a detention facility for delinquent	1902
children that is under the direction or supervision of the court	1903
or other public authority or of a private agency and approved by	1904

the court and a child adjudicated a delinquent child may be held 1905
in accordance with division (F)(2) of this section in a facility 1906
of a type specified in that division. Division (B) of this section 1907
does not apply to a child alleged to be or adjudicated a 1908
delinquent child for chronic truancy, unless the child violated a 1909
lawful court order made pursuant to division (A)(6) of section 1910
2152.19 of the Revised Code. Division (B) of this section also 1911
does not apply to a child alleged to be or adjudicated a 1912
delinquent child for being an habitual truant who previously has 1913
been adjudicated an unruly child for being an habitual truant, 1914
unless the child violated a lawful court order made pursuant to 1915
division (C)(1)(e) of section 2151.354 of the Revised Code. 1916

(C)(1) Except as provided under division (C)(1) of section 1917
2151.311 of the Revised Code or division (A)(5) of section 2152.21 1918
of the Revised Code, a child alleged to be or adjudicated a 1919
juvenile traffic offender may not be held in any of the following 1920
facilities: 1921

(a) A state correctional institution, county, multicounty, or 1922
municipal jail or workhouse, or other place in which an adult 1923
convicted of crime, under arrest, or charged with a crime is held. 1924

(b) A secure correctional facility. 1925

(2) Except as provided under this section, sections 2151.56 1926
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the 1927
Revised Code, a child alleged to be or adjudicated a juvenile 1928
traffic offender may not be held for more than twenty-four hours 1929
in a detention facility. 1930

(D) Except as provided in division (F) of this section or in 1931
division (C) of section 2151.311, in division (C)(2) of section 1932
5139.06 and section 5120.162, or in division (B) of section 1933
5120.16 of the Revised Code, a child who is alleged to be or is 1934
adjudicated a delinquent child or a person described in division 1935

(C)(7) of section 2152.02 of the Revised Code may not be held in a 1936
state correctional institution, county, multicounty, or municipal 1937
jail or workhouse, or other place where an adult convicted of 1938
crime, under arrest, or charged with crime is held. 1939

(E) Unless the detention is pursuant to division (F) of this 1940
section or division (C) of section 2151.311, division (C)(2) of 1941
section 5139.06 and section 5120.162, or division (B) of section 1942
5120.16 of the Revised Code, the official in charge of the 1943
institution, jail, workhouse, or other facility shall inform the 1944
court immediately when a child, who is or appears to be under the 1945
age of ~~eighteen~~ twenty-one years, is received at the facility, and 1946
shall deliver the child to the court upon request or transfer the 1947
child to a detention facility designated by the court. 1948

(F)(1) If a case is transferred to another court for criminal 1949
prosecution pursuant to section 2152.12 of the Revised Code and 1950
the alleged offender is a person described in division (C)(7) of 1951
section 2152.02 of the Revised Code, the ~~child~~ person may not be 1952
transferred for detention pending the criminal prosecution in a 1953
jail or other facility ~~in accordance with the law governing the~~ 1954
~~detention of persons charged with crime~~ except under the 1955
circumstances described in division (F)(4) of this section. Any 1956
child ~~is~~ held in accordance with division (F)(3) of this section 1957
shall be confined in a manner that keeps the child beyond the 1958
~~range of touch~~ sight and sound of all adult detainees. The child 1959
shall be supervised at all times during the detention. 1960

(2) If a person is adjudicated a delinquent child or juvenile 1961
traffic offender or is a person described in division (C)(7) of 1962
section 2152.02 of the Revised Code and the court makes a 1963
disposition of the person under this chapter, at any time after 1964
the person attains ~~eighteen~~ twenty-one years of age, the person 1965
may be held under that disposition or under the circumstances 1966
described in division (F)(4) of this section in places other than 1967

those specified in division (A) of this section, including, but 1968
not limited to, a county, multicounty, or municipal jail or 1969
workhouse, or other place where an adult convicted of crime, under 1970
arrest, or charged with crime is held. 1971

(3)(a) A person alleged to be a delinquent child may be held 1972
in places other than those specified in division (A) of this 1973
section, including, but not limited to, a county, multicounty, or 1974
municipal jail, if the delinquent act that the child allegedly 1975
committed would be a felony if committed by an adult, and if 1976
either of the following applies: 1977

(i) The person attains ~~eighteen~~ twenty-one years of age 1978
before the person is arrested or apprehended for that act. 1979

(ii) The person is arrested or apprehended for that act 1980
before the person attains ~~eighteen~~ twenty-one years of age, but 1981
the person attains ~~eighteen~~ twenty-one years of age before the 1982
court orders a disposition in the case. 1983

(b) If, pursuant to division (F)(3)(a) of this section, a 1984
person is held in a place other than a place specified in division 1985
(A) of this section, the person has the same rights to bail as an 1986
adult charged with the same offense who is confined in a jail 1987
pending trial. 1988

(4)(a) Any person whose case is transferred for criminal 1989
prosecution pursuant to section 2151.10 or 2152.12 of the Revised 1990
Code may be held under that disposition in places other than those 1991
specified in division (A) of this section, including a county, 1992
multicounty, or municipal jail or workhouse, or other place where 1993
an adult under arrest or charged with crime is held if the 1994
juvenile court, upon motion by the prosecutor and after notice and 1995
hearing, establishes by a preponderance of the evidence and makes 1996
written findings that the youth has done any of the following: 1997

(i) Injured or created an imminent danger to the life or 1998

<u>health of another youth or staff member in the facility or program</u>	1999
<u>by violent behavior;</u>	2000
<u>(ii) Escaped from the facility or program in which the youth</u>	2001
<u>is being held on more than one occasion;</u>	2002
<u>(iii) Established a pattern of disruptive behavior as</u>	2003
<u>verified by a written record that the youth's behavior is not</u>	2004
<u>conducive to the established policies and procedures of the</u>	2005
<u>facility or program in which the youth is being held.</u>	2006
<u>(b) If the prosecutor submits a motion requesting that the</u>	2007
<u>person be held in a place other than those specified in division</u>	2008
<u>(A) of this section, the juvenile court shall hold a hearing</u>	2009
<u>within five days of the filing of the motion, and, in determining</u>	2010
<u>whether a place other than those specified in division (A) of this</u>	2011
<u>section is the appropriate place of confinement for the person,</u>	2012
<u>the court shall consider the following factors:</u>	2013
<u>(i) The age of the person;</u>	2014
<u>(ii) Whether the person would be deprived of contact with</u>	2015
<u>other people for a significant portion of the day or would not</u>	2016
<u>have access to recreational facilities or age-appropriate</u>	2017
<u>educational opportunities in order to provide physical separation</u>	2018
<u>from adults;</u>	2019
<u>(iii) The person's current emotional state, intelligence, and</u>	2020
<u>developmental maturity, including any emotional and psychological</u>	2021
<u>trauma, and the risk to the person in an adult facility, which may</u>	2022
<u>be evidenced by mental health or psychological assessments or</u>	2023
<u>screenings made available to the prosecuting attorney and the</u>	2024
<u>defense counsel;</u>	2025
<u>(iv) Whether detention in a juvenile facility would</u>	2026
<u>adequately serve the need for community protection pending the</u>	2027
<u>outcome of the criminal proceeding;</u>	2028

(v) The relative ability of the available adult and juvenile detention facilities to meet the needs of the person, including the person's need for age-appropriate mental health and educational services delivered by individuals specifically trained to deal with youth; 2029
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(vi) Whether the person presents an imminent risk of self-inflicted harm or an imminent risk of harm to others within a juvenile facility; 2034
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(vii) Any other factors the juvenile court considers to be relevant. 2037
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(c) If the juvenile court determines that a place other than those specified in division (A) of this section is the appropriate place for confinement of a person pursuant to division (F)(4)(a) of this section, the person may petition the juvenile court for a review hearing thirty days after the initial confinement decision or thirty days after any subsequent review hearing. Upon receipt of the petition, the juvenile court has discretion over whether to conduct the review hearing and may set the matter for a review hearing if the youth has alleged facts or circumstances that, if true, would warrant reconsideration of the youth's placement in a place other than those specified in division (A) of this section based on the factors listed in division (F)(4)(b) of this section. 2039
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(d) Upon the admission of a person described in division (F)(4)(a) of this section to a place other than those specified in division (A) of this section, the facility shall advise the person of the person's right to request a review hearing as described in division (F)(4)(d) of this section. 2051
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(e) Any person transferred under division (F)(4)(a) of this section to a place other than those specified in division (A) of this section shall be confined in a manner that keeps the person beyond sight and sound of all adult detainees. The person shall be 2056
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supervised at all times during the detention. 2060

Sec. 2901.01. (A) As used in the Revised Code: 2061

(1) "Force" means any violence, compulsion, or constraint 2062
physically exerted by any means upon or against a person or thing. 2063

(2) "Deadly force" means any force that carries a substantial 2064
risk that it will proximately result in the death of any person. 2065

(3) "Physical harm to persons" means any injury, illness, or 2066
other physiological impairment, regardless of its gravity or 2067
duration. 2068

(4) "Physical harm to property" means any tangible or 2069
intangible damage to property that, in any degree, results in loss 2070
to its value or interferes with its use or enjoyment. "Physical 2071
harm to property" does not include wear and tear occasioned by 2072
normal use. 2073

(5) "Serious physical harm to persons" means any of the 2074
following: 2075

(a) Any mental illness or condition of such gravity as would 2076
normally require hospitalization or prolonged psychiatric 2077
treatment; 2078

(b) Any physical harm that carries a substantial risk of 2079
death; 2080

(c) Any physical harm that involves some permanent 2081
incapacity, whether partial or total, or that involves some 2082
temporary, substantial incapacity; 2083

(d) Any physical harm that involves some permanent 2084
disfigurement or that involves some temporary, serious 2085
disfigurement; 2086

(e) Any physical harm that involves acute pain of such 2087
duration as to result in substantial suffering or that involves 2088

any degree of prolonged or intractable pain. 2089

(6) "Serious physical harm to property" means any physical 2090
harm to property that does either of the following: 2091

(a) Results in substantial loss to the value of the property 2092
or requires a substantial amount of time, effort, or money to 2093
repair or replace; 2094

(b) Temporarily prevents the use or enjoyment of the property 2095
or substantially interferes with its use or enjoyment for an 2096
extended period of time. 2097

(7) "Risk" means a significant possibility, as contrasted 2098
with a remote possibility, that a certain result may occur or that 2099
certain circumstances may exist. 2100

(8) "Substantial risk" means a strong possibility, as 2101
contrasted with a remote or significant possibility, that a 2102
certain result may occur or that certain circumstances may exist. 2103

(9) "Offense of violence" means any of the following: 2104

(a) A violation of section 2903.01, 2903.02, 2903.03, 2105
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2106
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2107
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2108
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2109
2921.34, or 2923.161, of division (A)(1), (2), or (3) of section 2110
2911.12, or of division (B)(1), (2), (3), or (4) of section 2111
2919.22 of the Revised Code or felonious sexual penetration in 2112
violation of former section 2907.12 of the Revised Code; 2113

(b) A violation of an existing or former municipal ordinance 2114
or law of this or any other state or the United States, 2115
substantially equivalent to any section, division, or offense 2116
listed in division (A)(9)(a) of this section; 2117

(c) An offense, other than a traffic offense, under an 2118

existing or former municipal ordinance or law of this or any other 2119
state or the United States, committed purposely or knowingly, and 2120
involving physical harm to persons or a risk of serious physical 2121
harm to persons; 2122

(d) A conspiracy or attempt to commit, or complicity in 2123
committing, any offense under division (A)(9)(a), (b), or (c) of 2124
this section. 2125

(10)(a) "Property" means any property, real or personal, 2126
tangible or intangible, and any interest or license in that 2127
property. "Property" includes, but is not limited to, cable 2128
television service, other telecommunications service, 2129
telecommunications devices, information service, computers, data, 2130
computer software, financial instruments associated with 2131
computers, other documents associated with computers, or copies of 2132
the documents, whether in machine or human readable form, trade 2133
secrets, trademarks, copyrights, patents, and property protected 2134
by a trademark, copyright, or patent. "Financial instruments 2135
associated with computers" include, but are not limited to, 2136
checks, drafts, warrants, money orders, notes of indebtedness, 2137
certificates of deposit, letters of credit, bills of credit or 2138
debit cards, financial transaction authorization mechanisms, 2139
marketable securities, or any computer system representations of 2140
any of them. 2141

(b) As used in division (A)(10) of this section, "trade 2142
secret" has the same meaning as in section 1333.61 of the Revised 2143
Code, and "telecommunications service" and "information service" 2144
have the same meanings as in section 2913.01 of the Revised Code. 2145

(c) As used in divisions (A)(10) and (13) of this section, 2146
"cable television service," "computer," "computer software," 2147
"computer system," "computer network," "data," and 2148
"telecommunications device" have the same meanings as in section 2149
2913.01 of the Revised Code. 2150

- (11) "Law enforcement officer" means any of the following: 2151
- (a) A sheriff, deputy sheriff, constable, police officer of a 2152
township or joint police district, marshal, deputy marshal, 2153
municipal police officer, member of a police force employed by a 2154
metropolitan housing authority under division (D) of section 2155
3735.31 of the Revised Code, or state highway patrol trooper; 2156
- (b) An officer, agent, or employee of the state or any of its 2157
agencies, instrumentalities, or political subdivisions, upon whom, 2158
by statute, a duty to conserve the peace or to enforce all or 2159
certain laws is imposed and the authority to arrest violators is 2160
conferred, within the limits of that statutory duty and authority; 2161
- (c) A mayor, in the mayor's capacity as chief conservator of 2162
the peace within the mayor's municipal corporation; 2163
- (d) A member of an auxiliary police force organized by 2164
county, township, or municipal law enforcement authorities, within 2165
the scope of the member's appointment or commission; 2166
- (e) A person lawfully called pursuant to section 311.07 of 2167
the Revised Code to aid a sheriff in keeping the peace, for the 2168
purposes and during the time when the person is called; 2169
- (f) A person appointed by a mayor pursuant to section 737.01 2170
of the Revised Code as a special patrolling officer during riot or 2171
emergency, for the purposes and during the time when the person is 2172
appointed; 2173
- (g) A member of the organized militia of this state or the 2174
armed forces of the United States, lawfully called to duty to aid 2175
civil authorities in keeping the peace or protect against domestic 2176
violence; 2177
- (h) A prosecuting attorney, assistant prosecuting attorney, 2178
secret service officer, or municipal prosecutor; 2179
- (i) A veterans' home police officer appointed under section 2180

5907.02 of the Revised Code;	2181
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	2182 2183 2184
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	2185 2186
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	2187 2188 2189 2190
(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	2191 2192 2193 2194 2195 2196 2197 2198 2199
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	2200 2201 2202 2203
(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:	2204 2205 2206 2207 2208 2209
(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;	2210 2211

(b) Any unlawful gambling device or paraphernalia;	2212
(c) Any dangerous ordnance or obscene material.	2213
(14) A person is "not guilty by reason of insanity" relative	2214
to a charge of an offense only if the person proves, in the manner	2215
specified in section 2901.05 of the Revised Code, that at the time	2216
of the commission of the offense, the person did not know, as a	2217
result of a severe mental disease or defect, the wrongfulness of	2218
the person's acts.	2219
(B)(1)(a) Subject to division (B)(2) of this section, as used	2220
in any section contained in Title XXIX of the Revised Code that	2221
sets forth a criminal offense, "person" includes all of the	2222
following:	2223
(i) An individual, corporation, business trust, estate,	2224
trust, partnership, and association;	2225
(ii) An unborn human who is viable.	2226
(b) As used in any section contained in Title XXIX of the	2227
Revised Code that does not set forth a criminal offense, "person"	2228
includes an individual, corporation, business trust, estate,	2229
trust, partnership, and association.	2230
(c) As used in division (B)(1)(a) of this section:	2231
(i) "Unborn human" means an individual organism of the	2232
species Homo sapiens from fertilization until live birth.	2233
(ii) "Viable" means the stage of development of a human fetus	2234
at which there is a realistic possibility of maintaining and	2235
nourishing of a life outside the womb with or without temporary	2236
artificial life-sustaining support.	2237
(2) Notwithstanding division (B)(1)(a) of this section, in no	2238
case shall the portion of the definition of the term "person" that	2239
is set forth in division (B)(1)(a)(ii) of this section be applied	2240
or construed in any section contained in Title XXIX of the Revised	2241

Code that sets forth a criminal offense in any of the following 2242
manners: 2243

(a) Except as otherwise provided in division (B)(2)(a) of 2244
this section, in a manner so that the offense prohibits or is 2245
construed as prohibiting any pregnant woman or her physician from 2246
performing an abortion with the consent of the pregnant woman, 2247
with the consent of the pregnant woman implied by law in a medical 2248
emergency, or with the approval of one otherwise authorized by law 2249
to consent to medical treatment on behalf of the pregnant woman. 2250
An abortion that violates the conditions described in the 2251
immediately preceding sentence may be punished as a violation of 2252
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2253
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 2254
of the Revised Code, as applicable. An abortion that does not 2255
violate the conditions described in the second immediately 2256
preceding sentence, but that does violate section 2919.12, 2257
division (B) of section 2919.13, or section 2919.151, 2919.17, or 2258
2919.18 of the Revised Code, may be punished as a violation of 2259
section 2919.12, division (B) of section 2919.13, or section 2260
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 2261
Consent is sufficient under this division if it is of the type 2262
otherwise adequate to permit medical treatment to the pregnant 2263
woman, even if it does not comply with section 2919.12 of the 2264
Revised Code. 2265

(b) In a manner so that the offense is applied or is 2266
construed as applying to a woman based on an act or omission of 2267
the woman that occurs while she is or was pregnant and that 2268
results in any of the following: 2269

(i) Her delivery of a stillborn baby; 2270

(ii) Her causing, in any other manner, the death in utero of 2271
a viable, unborn human that she is carrying; 2272

(iii) Her causing the death of her child who is born alive	2273
but who dies from one or more injuries that are sustained while	2274
the child is a viable, unborn human;	2275
(iv) Her causing her child who is born alive to sustain one	2276
or more injuries while the child is a viable, unborn human;	2277
(v) Her causing, threatening to cause, or attempting to	2278
cause, in any other manner, an injury, illness, or other	2279
physiological impairment, regardless of its duration or gravity,	2280
or a mental illness or condition, regardless of its duration or	2281
gravity, to a viable, unborn human that she is carrying.	2282
(C) As used in Title XXIX of the Revised Code:	2283
(1) "School safety zone" consists of a school, school	2284
building, school premises, school activity, and school bus.	2285
(2) "School," "school building," and "school premises" have	2286
the same meanings as in section 2925.01 of the Revised Code.	2287
(3) "School activity" means any activity held under the	2288
auspices of a board of education of a city, local, exempted	2289
village, joint vocational, or cooperative education school	2290
district; a governing authority of a community school established	2291
under Chapter 3314. of the Revised Code; a governing board of an	2292
educational service center, or the governing body of a school for	2293
which the state board of education prescribes minimum standards	2294
under section 3301.07 of the Revised Code.	2295
(4) "School bus" has the same meaning as in section 4511.01	2296
of the Revised Code.	2297
<u>(5) "Indigent," when used in connection with the payment of a</u>	2298
<u>fine, costs, or a fee, means unable to pay the fine, costs, or</u>	2299
<u>fee. There is a rebuttable presumption that a person is indigent</u>	2300
<u>if the person has an income that is equal to or less than the</u>	2301
<u>income set forth in the federal poverty guidelines as revised</u>	2302

annually by the United States department of health and human 2303
services in accordance with section 673(2) of the "Omnibus Budget 2304
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 2305
amended, for a family size equal to the size of the family of the 2306
person whose income is being determined. 2307

Sec. 2907.24. (A) No person shall solicit another to engage 2308
with such other person in sexual activity for hire. 2309

(B) No person, with knowledge that the person has tested 2310
positive as a carrier of a virus that causes acquired 2311
immunodeficiency syndrome, shall engage in conduct in violation of 2312
division (A) of this section. 2313

(C)(1) Whoever violates division (A) of this section is 2314
guilty of soliciting, a misdemeanor of the third degree. 2315

(2) Whoever violates division (B) of this section is guilty 2316
of engaging in solicitation after a positive HIV test. If the 2317
offender commits the violation prior to July 1, 1996, engaging in 2318
solicitation after a positive HIV test is a felony of the second 2319
degree. If the offender commits the violation on or after July 1, 2320
1996, engaging in solicitation after a positive HIV test is a 2321
felony of the third degree. 2322

(D) If a person is convicted of or pleads guilty to a 2323
violation of any provision of this section, an attempt to commit a 2324
violation of any provision of this section, or a violation of or 2325
an attempt to commit a violation of a municipal ordinance that is 2326
substantially equivalent to any provision of this section and if 2327
the person, in committing or attempting to commit the violation, 2328
was in, was on, or used a motor vehicle, the court, in addition to 2329
or independent of all other penalties imposed for the violation, 2330
~~shall~~ may impose upon the offender a class six suspension of the 2331
person's driver's license, commercial driver's license, temporary 2332
instruction permit, probationary license, or nonresident operating 2333

privilege from the range specified in division (A)(6) of section 2334
4510.02 of the Revised Code. In lieu of imposing upon the offender 2335
the class six suspension, the court instead may require the 2336
offender to perform community service for a number of hours 2337
determined by the court. 2338

Sec. 2913.02. (A) No person, with purpose to deprive the 2339
owner of property or services, shall knowingly obtain or exert 2340
control over either the property or services in any of the 2341
following ways: 2342

(1) Without the consent of the owner or person authorized to 2343
give consent; 2344

(2) Beyond the scope of the express or implied consent of the 2345
owner or person authorized to give consent; 2346

(3) By deception; 2347

(4) By threat; 2348

(5) By intimidation. 2349

(B)(1) Whoever violates this section is guilty of theft. 2350

(2) Except as otherwise provided in this division or division 2351
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 2352
this section is petty theft, a misdemeanor of the first degree. If 2353
the value of the property or services stolen is one thousand 2354
dollars or more and is less than seven thousand five hundred 2355
dollars or if the property stolen is any of the property listed in 2356
section 2913.71 of the Revised Code, a violation of this section 2357
is theft, a felony of the fifth degree. If the value of the 2358
property or services stolen is seven thousand five hundred dollars 2359
or more and is less than one hundred fifty thousand dollars, a 2360
violation of this section is grand theft, a felony of the fourth 2361
degree. If the value of the property or services stolen is one 2362
hundred fifty thousand dollars or more and is less than seven 2363

hundred fifty thousand dollars, a violation of this section is 2364
aggravated theft, a felony of the third degree. If the value of 2365
the property or services is seven hundred fifty thousand dollars 2366
or more and is less than one million five hundred thousand 2367
dollars, a violation of this section is aggravated theft, a felony 2368
of the second degree. If the value of the property or services 2369
stolen is one million five hundred thousand dollars or more, a 2370
violation of this section is aggravated theft of one million five 2371
hundred thousand dollars or more, a felony of the first degree. 2372

(3) Except as otherwise provided in division (B)(4), (5), 2373
(6), (7), or (8) of this section, if the victim of the offense is 2374
an elderly person or disabled adult, a violation of this section 2375
is theft from an elderly person or disabled adult, and division 2376
(B)(3) of this section applies. Except as otherwise provided in 2377
this division, theft from an elderly person or disabled adult is a 2378
felony of the fifth degree. If the value of the property or 2379
services stolen is one thousand dollars or more and is less than 2380
seven thousand five hundred dollars, theft from an elderly person 2381
or disabled adult is a felony of the fourth degree. If the value 2382
of the property or services stolen is seven thousand five hundred 2383
dollars or more and is less than thirty-seven thousand five 2384
hundred dollars, theft from an elderly person or disabled adult is 2385
a felony of the third degree. If the value of the property or 2386
services stolen is thirty-seven thousand five hundred dollars or 2387
more and is less than one hundred fifty thousand dollars, theft 2388
from an elderly person or disabled adult is a felony of the second 2389
degree. If the value of the property or services stolen is one 2390
hundred fifty thousand dollars or more, theft from an elderly 2391
person or disabled adult is a felony of the first degree. 2392

(4) If the property stolen is a firearm or dangerous 2393
ordnance, a violation of this section is grand theft. Except as 2394
otherwise provided in this division, grand theft when the property 2395

stolen is a firearm or dangerous ordnance is a felony of the third 2396
degree, and there is a presumption in favor of the court imposing 2397
a prison term for the offense. If the firearm or dangerous 2398
ordnance was stolen from a federally licensed firearms dealer, 2399
grand theft when the property stolen is a firearm or dangerous 2400
ordnance is a felony of the first degree. The offender shall serve 2401
a prison term imposed for grand theft when the property stolen is 2402
a firearm or dangerous ordnance consecutively to any other prison 2403
term or mandatory prison term previously or subsequently imposed 2404
upon the offender. 2405

(5) If the property stolen is a motor vehicle, a violation of 2406
this section is grand theft of a motor vehicle, a felony of the 2407
fourth degree. 2408

(6) If the property stolen is any dangerous drug, a violation 2409
of this section is theft of drugs, a felony of the fourth degree, 2410
or, if the offender previously has been convicted of a felony drug 2411
abuse offense, a felony of the third degree. 2412

(7) If the property stolen is a police dog or horse or an 2413
assistance dog and the offender knows or should know that the 2414
property stolen is a police dog or horse or an assistance dog, a 2415
violation of this section is theft of a police dog or horse or an 2416
assistance dog, a felony of the third degree. 2417

(8) If the property stolen is anhydrous ammonia, a violation 2418
of this section is theft of anhydrous ammonia, a felony of the 2419
third degree. 2420

(9) In addition to the penalties described in division (B)(2) 2421
of this section, if the offender committed the violation by 2422
causing a motor vehicle to leave the premises of an establishment 2423
at which gasoline is offered for retail sale without the offender 2424
making full payment for gasoline that was dispensed into the fuel 2425
tank of the motor vehicle or into another container, the court may 2426

do one of the following: 2427

(a) Unless division (B)(9)(b) of this section applies, 2428
suspend for not more than six months the offender's driver's 2429
license, probationary driver's license, commercial driver's 2430
license, temporary instruction permit, or nonresident operating 2431
privilege; 2432

(b) If the offender's driver's license, probationary driver's 2433
license, commercial driver's license, temporary instruction 2434
permit, or nonresident operating privilege has previously been 2435
suspended pursuant to division (B)(9)(a) of this section, impose a 2436
class seven suspension of the offender's license, permit, or 2437
privilege from the range specified in division (A)(7) of section 2438
4510.02 of the Revised Code, provided that the suspension shall be 2439
for at least six months. 2440

(c) The court, in lieu of suspending the offender's driver's 2441
or commercial driver's license, probationary driver's license, 2442
temporary instruction permit, or nonresident operating privilege 2443
pursuant to division (B)(9)(a) or (b) of this section, instead may 2444
require the offender to perform community service for a number of 2445
hours determined by the court. 2446

(10) In addition to the penalties described in division 2447
(B)(2) of this section, if the offender committed the violation by 2448
stealing rented property or rental services, the court may order 2449
that the offender make restitution pursuant to section 2929.18 or 2450
2929.28 of the Revised Code. Restitution may include, but is not 2451
limited to, the cost of repairing or replacing the stolen 2452
property, or the cost of repairing the stolen property and any 2453
loss of revenue resulting from deprivation of the property due to 2454
theft of rental services that is less than or equal to the actual 2455
value of the property at the time it was rented. Evidence of 2456
intent to commit theft of rented property or rental services shall 2457
be determined pursuant to the provisions of section 2913.72 of the 2458

Revised Code. 2459

(C) The sentencing court that suspends an offender's license, 2460
permit, or nonresident operating privilege under division (B)(9) 2461
of this section may grant the offender limited driving privileges 2462
during the period of the suspension in accordance with Chapter 2463
4510. of the Revised Code. 2464

Sec. 2923.122. (A) No person shall knowingly convey, or 2465
attempt to convey, a deadly weapon or dangerous ordnance into a 2466
school safety zone. 2467

(B) No person shall knowingly possess a deadly weapon or 2468
dangerous ordnance in a school safety zone. 2469

(C) No person shall knowingly possess an object in a school 2470
safety zone if both of the following apply: 2471

(1) The object is indistinguishable from a firearm, whether 2472
or not the object is capable of being fired. 2473

(2) The person indicates that the person possesses the object 2474
and that it is a firearm, or the person knowingly displays or 2475
brandishes the object and indicates that it is a firearm. 2476

(D)(1) This section does not apply to any of the following: 2477

(a) An officer, agent, or employee of this or any other state 2478
or the United States, or a law enforcement officer, who is 2479
authorized to carry deadly weapons or dangerous ordnance and is 2480
acting within the scope of the officer's, agent's, or employee's 2481
duties, a security officer employed by a board of education or 2482
governing body of a school during the time that the security 2483
officer is on duty pursuant to that contract of employment, or any 2484
other person who has written authorization from the board of 2485
education or governing body of a school to convey deadly weapons 2486
or dangerous ordnance into a school safety zone or to possess a 2487
deadly weapon or dangerous ordnance in a school safety zone and 2488

who conveys or possesses the deadly weapon or dangerous ordnance 2489
in accordance with that authorization; 2490

(b) Any person who is employed in this state, who is 2491
authorized to carry deadly weapons or dangerous ordnance, and who 2492
is subject to and in compliance with the requirements of section 2493
109.801 of the Revised Code, unless the appointing authority of 2494
the person has expressly specified that the exemption provided in 2495
division (D)(1)(b) of this section does not apply to the person. 2496

(2) Division (C) of this section does not apply to premises 2497
upon which home schooling is conducted. Division (C) of this 2498
section also does not apply to a school administrator, teacher, or 2499
employee who possesses an object that is indistinguishable from a 2500
firearm for legitimate school purposes during the course of 2501
employment, a student who uses an object that is indistinguishable 2502
from a firearm under the direction of a school administrator, 2503
teacher, or employee, or any other person who with the express 2504
prior approval of a school administrator possesses an object that 2505
is indistinguishable from a firearm for a legitimate purpose, 2506
including the use of the object in a ceremonial activity, a play, 2507
reenactment, or other dramatic presentation, or a ROTC activity or 2508
another similar use of the object. 2509

(3) This section does not apply to a person who conveys or 2510
attempts to convey a handgun into, or possesses a handgun in, a 2511
school safety zone if, at the time of that conveyance, attempted 2512
conveyance, or possession of the handgun, all of the following 2513
apply: 2514

(a) The person does not enter into a school building or onto 2515
school premises and is not at a school activity. 2516

(b) The person is carrying a valid license or temporary 2517
emergency license to carry a concealed handgun issued to the 2518
person under section 2923.125 or 2923.1213 of the Revised Code or 2519

a license to carry a concealed handgun that was issued by another 2520
state with which the attorney general has entered into a 2521
reciprocity agreement under section 109.69 of the Revised Code. 2522

(c) The person is in the school safety zone in accordance 2523
with 18 U.S.C. 922(q)(2)(B). 2524

(d) The person is not knowingly in a place described in 2525
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 2526
Revised Code. 2527

(4) This section does not apply to a person who conveys or 2528
attempts to convey a handgun into, or possesses a handgun in, a 2529
school safety zone if at the time of that conveyance, attempted 2530
conveyance, or possession of the handgun all of the following 2531
apply: 2532

(a) The person is carrying a valid license or temporary 2533
emergency license to carry a concealed handgun issued to the 2534
person under section 2923.125 or 2923.1213 of the Revised Code or 2535
a license to carry a concealed handgun that was issued by another 2536
state with which the attorney general has entered into a 2537
reciprocity agreement under section 109.69 of the Revised Code. 2538

(b) The person is the driver or passenger in a motor vehicle 2539
and is in the school safety zone while immediately in the process 2540
of picking up or dropping off a child. 2541

(c) The person is not in violation of section 2923.16 of the 2542
Revised Code. 2543

(E)(1) Whoever violates division (A) or (B) of this section 2544
is guilty of illegal conveyance or possession of a deadly weapon 2545
or dangerous ordnance in a school safety zone. Except as otherwise 2546
provided in this division, illegal conveyance or possession of a 2547
deadly weapon or dangerous ordnance in a school safety zone is a 2548
felony of the fifth degree. If the offender previously has been 2549
convicted of a violation of this section, illegal conveyance or 2550

possession of a deadly weapon or dangerous ordnance in a school 2551
safety zone is a felony of the fourth degree. 2552

(2) Whoever violates division (C) of this section is guilty 2553
of illegal possession of an object indistinguishable from a 2554
firearm in a school safety zone. Except as otherwise provided in 2555
this division, illegal possession of an object indistinguishable 2556
from a firearm in a school safety zone is a misdemeanor of the 2557
first degree. If the offender previously has been convicted of a 2558
violation of this section, illegal possession of an object 2559
indistinguishable from a firearm in a school safety zone is a 2560
felony of the fifth degree. 2561

(F)(1) In addition to any other penalty imposed upon a person 2562
who is convicted of or pleads guilty to a violation of this 2563
section and subject to division (F)(2) of this section, if the 2564
offender has not attained nineteen years of age, regardless of 2565
whether the offender is attending or is enrolled in a school 2566
operated by a board of education or for which the state board of 2567
education prescribes minimum standards under section 3301.07 of 2568
the Revised Code, the court shall impose upon the offender a class 2569
four suspension of the offender's probationary driver's license, 2570
restricted license, driver's license, commercial driver's license, 2571
temporary instruction permit, or probationary commercial driver's 2572
license that then is in effect from the range specified in 2573
division (A)(4) of section 4510.02 of the Revised Code and shall 2574
deny the offender the issuance of any permit or license of that 2575
type during the period of the suspension. 2576

If the offender is not a resident of this state, the court 2577
shall impose a class four suspension of the nonresident operating 2578
privilege of the offender from the range specified in division 2579
(A)(4) of section 4510.02 of the Revised Code. 2580

(2) If the offender shows good cause why the court should not 2581
suspend one of the types of licenses, permits, or privileges 2582

specified in division (F)(1) of this section or deny the issuance 2583
of one of the temporary instruction permits specified in that 2584
division, the court in its discretion may choose not to impose the 2585
suspension, revocation, or denial required in that division, but 2586
the court, in its discretion, instead may require the offender to 2587
perform community service for a number of hours determined by the 2588
court. 2589

(G) As used in this section, "object that is 2590
indistinguishable from a firearm" means an object made, 2591
constructed, or altered so that, to a reasonable person without 2592
specialized training in firearms, the object appears to be a 2593
firearm. 2594

Sec. 2925.14. (A) As used in this section, "drug 2595
paraphernalia" means any equipment, product, or material of any 2596
kind that is used by the offender, intended by the offender for 2597
use, or designed for use, in propagating, cultivating, growing, 2598
harvesting, manufacturing, compounding, converting, producing, 2599
processing, preparing, testing, analyzing, packaging, repackaging, 2600
storing, containing, concealing, injecting, ingesting, inhaling, 2601
or otherwise introducing into the human body, a controlled 2602
substance in violation of this chapter. "Drug paraphernalia" 2603
includes, but is not limited to, any of the following equipment, 2604
products, or materials that are used by the offender, intended by 2605
the offender for use, or designed by the offender for use, in any 2606
of the following manners: 2607

(1) A kit for propagating, cultivating, growing, or 2608
harvesting any species of a plant that is a controlled substance 2609
or from which a controlled substance can be derived; 2610

(2) A kit for manufacturing, compounding, converting, 2611
producing, processing, or preparing a controlled substance; 2612

(3) Any object, instrument, or device for manufacturing, 2613

compounding, converting, producing, processing, or preparing	2614
methamphetamine;	2615
(4) An isomerization device for increasing the potency of any	2616
species of a plant that is a controlled substance;	2617
(5) Testing equipment for identifying, or analyzing the	2618
strength, effectiveness, or purity of, a controlled substance;	2619
(6) A scale or balance for weighing or measuring a controlled	2620
substance;	2621
(7) A diluent or adulterant, such as quinine hydrochloride,	2622
mannitol, mannite, dextrose, or lactose, for cutting a controlled	2623
substance;	2624
(8) A separation gin or sifter for removing twigs and seeds	2625
from, or otherwise cleaning or refining, marihuana;	2626
(9) A blender, bowl, container, spoon, or mixing device for	2627
compounding a controlled substance;	2628
(10) A capsule, balloon, envelope, or container for packaging	2629
small quantities of a controlled substance;	2630
(11) A container or device for storing or concealing a	2631
controlled substance;	2632
(12) A hypodermic syringe, needle, or instrument for	2633
parenterally injecting a controlled substance into the human body;	2634
(13) An object, instrument, or device for ingesting,	2635
inhaling, or otherwise introducing into the human body, marihuana,	2636
cocaine, hashish, or hashish oil, such as a metal, wooden,	2637
acrylic, glass, stone, plastic, or ceramic pipe, with or without a	2638
screen, permanent screen, hashish head, or punctured metal bowl;	2639
water pipe; carburetion tube or device; smoking or carburetion	2640
mask; roach clip or similar object used to hold burning material,	2641
such as a marihuana cigarette, that has become too small or too	2642
short to be held in the hand; miniature cocaine spoon, or cocaine	2643

vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2644
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(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, the following: 2646
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(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 2649
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(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 2651
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(3) The proximity of the equipment, product, or material to any controlled substance; 2654
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(4) The existence of any residue of a controlled substance on the equipment, product, or material; 2656
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(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. 2658
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(6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 2668
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(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 2670
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(8) National or local advertising concerning the use of the equipment, product, or material; 2672
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(9) The manner and circumstances in which the equipment,	2674
product, or material is displayed for sale;	2675
(10) Direct or circumstantial evidence of the ratio of the	2676
sales of the equipment, product, or material to the total sales of	2677
the business enterprise;	2678
(11) The existence and scope of legitimate uses of the	2679
equipment, product, or material in the community;	2680
(12) Expert testimony concerning the use of the equipment,	2681
product, or material.	2682
(C)(1) No person shall knowingly use, or possess with purpose	2683
to use, drug paraphernalia.	2684
(2) No person shall knowingly sell, or possess or manufacture	2685
with purpose to sell, drug paraphernalia, if the person knows or	2686
reasonably should know that the equipment, product, or material	2687
will be used as drug paraphernalia.	2688
(3) No person shall place an advertisement in any newspaper,	2689
magazine, handbill, or other publication that is published and	2690
printed and circulates primarily within this state, if the person	2691
knows that the purpose of the advertisement is to promote the	2692
illegal sale in this state of the equipment, product, or material	2693
that the offender intended or designed for use as drug	2694
paraphernalia.	2695
(D) This section does not apply to manufacturers, licensed	2696
health professionals authorized to prescribe drugs, pharmacists,	2697
owners of pharmacies, and other persons whose conduct is in	2698
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731.,	2699
and 4741. of the Revised Code. This section shall not be construed	2700
to prohibit the possession or use of a hypodermic as authorized by	2701
section 3719.172 of the Revised Code.	2702
(E) Notwithstanding Chapter 2981. of the Revised Code, any	2703

drug paraphernalia that was used, possessed, sold, or manufactured 2704
in a violation of this section shall be seized, after a conviction 2705
for that violation shall be forfeited, and upon forfeiture shall 2706
be disposed of pursuant to division (B) of section 2981.12 of the 2707
Revised Code. 2708

(F)(1) Whoever violates division (C)(1) of this section is 2709
guilty of illegal use or possession of drug paraphernalia⁷. Except 2710
as otherwise provided in division (F)(1) of this section, illegal 2711
use or possession of drug paraphernalia is a misdemeanor of the 2712
fourth degree. If the offender uses or possesses with purpose to 2713
use the drug paraphernalia with marihuana, illegal use or 2714
possession of drug paraphernalia is a minor misdemeanor. 2715

(2) Except as provided in division (F)(3) of this section, 2716
whoever violates division (C)(2) of this section is guilty of 2717
dealing in drug paraphernalia, a misdemeanor of the second degree. 2718

(3) Whoever violates division (C)(2) of this section by 2719
selling drug paraphernalia to a juvenile is guilty of selling drug 2720
paraphernalia to juveniles, a misdemeanor of the first degree. 2721

(4) Whoever violates division (C)(3) of this section is 2722
guilty of illegal advertising of drug paraphernalia, a misdemeanor 2723
of the second degree. 2724

(G) In addition to any other sanction imposed upon an 2725
offender for a violation of this section, the court shall suspend 2726
for not less than six months or more than five years the 2727
offender's driver's or commercial driver's license or permit. If 2728
the offender is a professionally licensed person, in addition to 2729
any other sanction imposed for a violation of this section, the 2730
court immediately shall comply with section 2925.38 of the Revised 2731
Code. 2732

Sec. 2949.08. (A) When a person who is convicted of or pleads 2733

guilty to a felony is sentenced to a community residential 2734
sanction in a community-based correctional facility pursuant to 2735
section 2929.16 of the Revised Code or when a person who is 2736
convicted of or pleads guilty to a felony or a misdemeanor is 2737
sentenced to a term of imprisonment in a jail, the judge or 2738
magistrate shall order the person into the custody of the sheriff 2739
or constable, and the sheriff or constable shall deliver the 2740
person with the record of the person's conviction to the jailer, 2741
administrator, or keeper, in whose custody the person shall remain 2742
until the term of imprisonment expires or the person is otherwise 2743
legally discharged. 2744

(B) The record of the person's conviction shall specify the 2745
total number of days, if any, that the person was confined for any 2746
reason arising out of the offense for which the person was 2747
convicted and sentenced prior to delivery to the jailer, 2748
administrator, or keeper under this section. The record shall be 2749
used to determine any reduction of sentence under division (C) of 2750
this section. 2751

(C)(1) If the person is sentenced to a jail for a felony or a 2752
misdemeanor, the jailer in charge of a jail shall reduce the 2753
sentence of a person delivered into the jailer's custody pursuant 2754
to division (A) of this section by the total number of days the 2755
person was confined for any reason arising out of the offense for 2756
which the person was convicted and sentenced, including 2757
confinement in lieu of bail while awaiting trial, confinement for 2758
examination to determine the person's competence to stand trial or 2759
to determine sanity, ~~and~~ confinement while awaiting transportation 2760
to the place where the person is to serve the sentence, and 2761
confinement in a juvenile facility. 2762

(2) If the person is sentenced to a community-based 2763
correctional facility for a felony, the total amount of time that 2764
a person shall be confined in a community-based correctional 2765

facility, in a jail, and for any reason arising out of the offense 2766
for which the person was convicted and sentenced prior to delivery 2767
to the jailer, administrator, or keeper shall not exceed the 2768
maximum prison term available for that offense. Any term in a jail 2769
shall be reduced first pursuant to division (C)(1) of this section 2770
by the total number of days the person was confined prior to 2771
delivery to the jailer, administrator, or keeper. Only after the 2772
term in a jail has been entirely reduced may the term in a 2773
community-based correctional facility be reduced pursuant to this 2774
division. This division does not affect the limitations placed on 2775
the duration of a term in a jail or a community-based correctional 2776
facility under divisions (A)(1), (2), and (3) of section 2929.16 2777
of the Revised Code. 2778

(D) For purposes of divisions (B) and (C) of this section, a 2779
person shall be considered to have been confined for a day if the 2780
person was confined for any period or periods of time totaling 2781
more than eight hours during that day. 2782

(E) As used in this section, "community-based correctional 2783
facility" and "jail" have the same meanings as in section 2929.01 2784
of the Revised Code. 2785

Sec. 2953.25. (A) As used in this section: 2786

(1) "Collateral sanction" means a penalty, disability, or 2787
disadvantage that is related to employment or occupational 2788
licensing, however denominated, as a result of the individual's 2789
conviction of or plea of guilty to an offense and that applies by 2790
operation of law in this state whether or not the penalty, 2791
disability, or disadvantage is included in the sentence or 2792
judgment imposed. 2793

"Collateral sanction" does not include imprisonment, 2794
probation, parole, supervised release, forfeiture, restitution, 2795
fine, assessment, or costs of prosecution. 2796

(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of any function of government, a political subdivision, an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance. 2797
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(3) "Designee" means the person designated by the deputy director of the division of parole and community services of the department of rehabilitation and correction to perform the duties designated in division (B) of this section. 2804
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(4) "Offense" means any felony or misdemeanor under the laws of this state. 2808
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(5) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code. 2810
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(B)(1) An individual who is subject to collateral sanctions as a result of being convicted of or pleading guilty to an offense may file a petition with the designee of the deputy director of the division of parole and community services of the department of rehabilitation and correction for a court order of limited relief. The individual may file a petition for an order of limited relief at any time after the individual completes a period of confinement in a state or local correctional facility. 2812
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(2) Upon receiving a petition for an order of limited relief, the designee shall notify the prosecutor's office that prosecuted the offense that resulted in the imposition of the collateral sanction from which the individual seeks relief. 2820
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(3)(a) The designee shall review the individual's petition for an order of limited relief, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the adult parole authority, and 2824
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all other relevant evidence. The designee may order any test, 2828
report, investigation, or disclosure by the individual that the 2829
designee believes is necessary for the designee to reach a 2830
decision on whether to forward the individual's petition for an 2831
order of limited relief to the court that sentenced the individual 2832
for the offense that resulted in the imposition of collateral 2833
sanctions on the individual. 2834

(b) If the designee determines that the individual's petition 2835
for an order of limited relief should be considered by the 2836
sentencing court, the designee shall forward the petition to the 2837
sentencing court. The designee shall make all filings, evidence, 2838
reports, investigations, disclosures, and test results that the 2839
designee obtained under division (B)(3)(a) of this section 2840
available to the sentencing court. 2841

(c) If the designee declines to forward the individual's 2842
petition for an order of limited relief to the sentencing court, 2843
the designee shall provide written notice to the individual of the 2844
designee's decision not to forward the petition. The designee may 2845
place conditions on the individual regulating the individual's 2846
filing of any subsequent petition for an order of limited relief. 2847
The written notice shall notify the individual of any conditions 2848
placed on the individual's filing of a new petition for an order 2849
of limited relief. 2850

(C)(1) The court that receives an individual's petition for 2851
an order of limited relief from the designee shall review the 2852
individual's petition. 2853

(2) Subject to division (C)(3) of this section, the court 2854
that receives an individual's petition for an order of limited 2855
relief from the designee may issue an order of limited relief, at 2856
the court's discretion, if the court finds that the individual has 2857
established all of the following by a preponderance of the 2858
evidence: 2859

(a) Granting the petition will materially assist the individual in obtaining employment, education, housing, public benefits, or occupational licensing. 2860
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(b) The individual has a substantial need for the relief requested in order to live a law-abiding life. 2863
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(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual. 2865
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(3) The sentencing court shall not issue an order of limited relief from any of the following collateral sanctions: 2867
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(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code; 2869
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(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code; 2872
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(c) Restrictions on employment as a prosecutor or law enforcement officer; 2877
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(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code; 2879
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(e) The immediate suspension of a license, certificate, or 2889

evidence of registration that is imposed upon an individual 2890
holding a license as a health care professional under Title XLVII 2891
of the Revised Code pursuant to division (C) of section 3719.121 2892
of the Revised Code; 2893

(f) The denial or ineligibility for employment in a pain 2894
clinic under division (B)(4) of section 4729.552 of the Revised 2895
Code; 2896

(g) The mandatory suspension of a license that is imposed on 2897
an individual applying for or holding a license as a health care 2898
professional under Title XLVII of the Revised Code pursuant to 2899
section 3123.43 of the Revised Code. 2900

(D) An order of limited relief lifts the automatic bar of a 2901
collateral sanction, and a decision-maker may consider on a 2902
case-by-case basis whether it is appropriate to grant or deny the 2903
issuance or restoration of an occupational license or an 2904
employment opportunity. 2905

(E) An order of limited relief does not grant the individual 2906
to whom the order was issued relief from the mandatory civil 2907
impacts identified in division (A)(1) of section 2961.01 or 2908
division (B) of section 2961.02 of the Revised Code at any time 2909
during the individual's term of supervision. 2910

(F) The adult parole authority may adopt rules in accordance 2911
with Chapter 119. of the Revised Code governing the designee's 2912
performance of the duties assigned to the designee by division (B) 2913
of this section. 2914

(G)(1) In a judicial or administrative proceeding alleging 2915
negligence or other fault, an order of limited relief may be 2916
introduced as evidence of a person's due care in hiring, 2917
retaining, licensing, leasing to, admitting to a school or 2918
program, or otherwise transacting business or engaging in activity 2919
with the individual to whom the order of limited relief was issued 2920

if the person knew of the order at the time of the alleged 2921
negligence or other fault. 2922

(2) In any proceeding on a claim against an employer for 2923
negligent hiring, an order of limited relief shall provide 2924
immunity for the employer as to the claim if the employer knew of 2925
the order at the time of the alleged negligence. 2926

(H) An order of limited relief shall be presumptively revoked 2927
if the individual to whom the order of limited relief was issued 2928
is convicted of or pleads guilty to a felony offense committed 2929
subsequent to the issuance of the order of limited relief. 2930

(I) The designee's forwarding of, or failure to forward, an 2931
individual's petition for an order of limited relief under 2932
division (B) of this section does not give rise to a claim for 2933
damages against the department of rehabilitation and correction. 2934

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 2935
Revised Code: 2936

(A) "~~First~~ Eligible offender" means anyone who has been 2937
convicted of an offense in this state or any other jurisdiction 2938
and who ~~previously or subsequently has not been convicted of the~~ 2939
~~same or a different offense~~ has not more than one felony 2940
conviction and not more than one misdemeanor conviction in this 2941
state or any other jurisdiction. When two or more convictions 2942
result from or are connected with the same act or result from 2943
offenses committed at the same time, they shall be counted as one 2944
conviction. When two or three convictions result from the same 2945
indictment, information, or complaint, from the same plea of 2946
guilty, or from the same official proceeding, and result from 2947
related criminal acts that were committed within a three-month 2948
period but do not result from the same act or from offenses 2949
committed at the same time, they shall be counted as one 2950
conviction, provided that a court may decide as provided in 2951

division (C)(1)(a) of section 2953.32 of the Revised Code that it 2952
is not in the public interest for the two or three convictions to 2953
be counted as one conviction. 2954

For purposes of, and except as otherwise provided in, this 2955
division, a conviction for a minor misdemeanor, for a violation of 2956
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 2957
Revised Code, or for a violation of a municipal ordinance that is 2958
substantially similar to any section in those chapters is not a 2959
~~previous or subsequent~~ conviction. However, a conviction for a 2960
violation of section 4511.19, 4511.251, 4549.02, 4549.021, 2961
4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of 2962
the Revised Code, for a violation of section 4510.11 or 4510.14 of 2963
the Revised Code that is based upon the offender's operation of a 2964
vehicle during a suspension imposed under section 4511.191 or 2965
4511.196 of the Revised Code, for a violation of a substantially 2966
equivalent municipal ordinance, for a felony violation of Title 2967
XLV of the Revised Code, or for a violation of a substantially 2968
equivalent former law of this state or former municipal ordinance 2969
shall be considered a ~~previous or subsequent~~ conviction. 2970

(B) "Prosecutor" means the county prosecuting attorney, city 2971
director of law, village solicitor, or similar chief legal 2972
officer, who has the authority to prosecute a criminal case in the 2973
court in which the case is filed. 2974

(C) "Bail forfeiture" means the forfeiture of bail by a 2975
defendant who is arrested for the commission of a misdemeanor, 2976
other than a defendant in a traffic case as defined in Traffic 2977
Rule 2, if the forfeiture is pursuant to an agreement with the 2978
court and prosecutor in the case. 2979

(D) "Official records" has the same meaning as in division 2980
(D) of section 2953.51 of the Revised Code. 2981

(E) "Official proceeding" has the same meaning as in section 2982

2921.01 of the Revised Code. 2983

(F) "Community control sanction" has the same meaning as in 2984
section 2929.01 of the Revised Code. 2985

(G) "Post-release control" and "post-release control 2986
sanction" have the same meanings as in section 2967.01 of the 2987
Revised Code. 2988

(H) "DNA database," "DNA record," and "law enforcement 2989
agency" have the same meanings as in section 109.573 of the 2990
Revised Code. 2991

(I) "Fingerprints filed for record" means any fingerprints 2992
obtained by the superintendent of the bureau of criminal 2993
identification and investigation pursuant to sections 109.57 and 2994
109.571 of the Revised Code. 2995

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 2996
the Revised Code, ~~a first~~ an eligible offender may apply to the 2997
sentencing court if convicted in this state, or to a court of 2998
common pleas if convicted in another state or in a federal court, 2999
for the sealing of the conviction record. Application may be made 3000
at the expiration of three years after the offender's final 3001
discharge if convicted of a felony, or at the expiration of one 3002
year after the offender's final discharge if convicted of a 3003
misdemeanor. 3004

(2) Any person who has been arrested for any misdemeanor 3005
offense and who has effected a bail forfeiture may apply to the 3006
court in which the misdemeanor criminal case was pending when bail 3007
was forfeited for the sealing of the record of the case. Except as 3008
provided in section 2953.61 of the Revised Code, the application 3009
may be filed at any time after the expiration of one year from the 3010
date on which the bail forfeiture was entered upon the minutes of 3011
the court or the journal, whichever entry occurs first. 3012

(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 (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 period but do not result from the same act or from offenses committed at the same time, in making its determination under this division, the court initially shall determine whether it is not in the public interest for the two or three convictions to be counted as one conviction. If the court determines that it is not in the

public interest for the two or three convictions to be counted as 3045
one conviction, the court shall determine that the applicant is 3046
not a ~~first~~ an eligible offender; if the court does not make that 3047
determination, the court shall determine that the offender is a 3048
~~first~~ an eligible offender. 3049

(b) Determine whether criminal proceedings are pending 3050
against the applicant; 3051

(c) If the applicant is a ~~first~~ an eligible offender who 3052
applies pursuant to division (A)(1) of this section, determine 3053
whether the applicant has been rehabilitated to the satisfaction 3054
of the court; 3055

(d) If the prosecutor has filed an objection in accordance 3056
with division (B) of this section, consider the reasons against 3057
granting the application specified by the prosecutor in the 3058
objection; 3059

(e) Weigh the interests of the applicant in having the 3060
records pertaining to the applicant's conviction sealed against 3061
the legitimate needs, if any, of the government to maintain those 3062
records. 3063

(2) If the court determines, after complying with division 3064
(C)(1) of this section, that the applicant is a ~~first~~ an eligible 3065
offender or the subject of a bail forfeiture, that no criminal 3066
proceeding is pending against the applicant, and that the 3067
interests of the applicant in having the records pertaining to the 3068
applicant's conviction or bail forfeiture sealed are not 3069
outweighed by any legitimate governmental needs to maintain those 3070
records, and that the rehabilitation of an applicant who is a 3071
~~first~~ an eligible offender applying pursuant to division (A)(1) of 3072
this section has been attained to the satisfaction of the court, 3073
the court, except as provided in divisions (G) and (H) of this 3074
section, shall order all official records pertaining to the case 3075

sealed and, except as provided in division (F) of this section, 3076
all index references to the case deleted and, in the case of bail 3077
forfeitures, shall dismiss the charges in the case. The 3078
proceedings in the case shall be considered not to have occurred 3079
and the conviction or bail forfeiture of the person who is the 3080
subject of the proceedings shall be sealed, except that upon 3081
conviction of a subsequent offense, the sealed record of prior 3082
conviction or bail forfeiture may be considered by the court in 3083
determining the sentence or other appropriate disposition, 3084
including the relief provided for in sections 2953.31 to 2953.33 3085
of the Revised Code. 3086

(3) Upon the filing of an application under this section, the 3087
applicant, unless indigent, shall pay a fee of fifty dollars. The 3088
court shall pay thirty dollars of the fee into the state treasury. 3089
It shall pay twenty dollars of the fee into the county general 3090
revenue fund if the sealed conviction or bail forfeiture was 3091
pursuant to a state statute, or into the general revenue fund of 3092
the municipal corporation involved if the sealed conviction or 3093
bail forfeiture was pursuant to a municipal ordinance. 3094

(D) Inspection of the sealed records included in the order 3095
may be made only by the following persons or for the following 3096
purposes: 3097

(1) By a law enforcement officer or prosecutor, or the 3098
assistants of either, to determine whether the nature and 3099
character of the offense with which a person is to be charged 3100
would be affected by virtue of the person's previously having been 3101
convicted of a crime; 3102

(2) By the parole or probation officer of the person who is 3103
the subject of the records, for the exclusive use of the officer 3104
in supervising the person while on parole or under a community 3105
control sanction or a post-release control sanction, and in making 3106
inquiries and written reports as requested by the court or adult 3107

parole authority;	3108
(3) Upon application by the person who is the subject of the records, by the persons named in the application;	3109 3110
(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;	3111 3112 3113
(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;	3114 3115 3116 3117
(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;	3118 3119 3120 3121 3122
(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;	3123 3124 3125
(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;	3126 3127 3128 3129
(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;	3130 3131 3132 3133 3134
(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual	3135 3136 3137

pursuant to division (B) of section 109.572 of the Revised Code 3138
that was requested pursuant to any of the sections identified in 3139
division (B)(1) of that section; 3140

(11) By the bureau of criminal identification and 3141
investigation, an authorized employee of the bureau, a sheriff, or 3142
an authorized employee of a sheriff in connection with a criminal 3143
records check described in section 311.41 of the Revised Code; 3144

(12) By the attorney general or an authorized employee of the 3145
attorney general or a court for purposes of determining a person's 3146
classification pursuant to Chapter 2950. of the Revised Code. 3147

When the nature and character of the offense with which a 3148
person is to be charged would be affected by the information, it 3149
may be used for the purpose of charging the person with an 3150
offense. 3151

(E) In any criminal proceeding, proof of any otherwise 3152
admissible prior conviction may be introduced and proved, 3153
notwithstanding the fact that for any such prior conviction an 3154
order of sealing previously was issued pursuant to sections 3155
2953.31 to 2953.36 of the Revised Code. 3156

(F) The person or governmental agency, office, or department 3157
that maintains sealed records pertaining to convictions or bail 3158
forfeitures that have been sealed pursuant to this section may 3159
maintain a manual or computerized index to the sealed records. The 3160
index shall contain only the name of, and alphanumeric identifiers 3161
that relate to, the persons who are the subject of the sealed 3162
records, the word "sealed," and the name of the person, agency, 3163
office, or department that has custody of the sealed records, and 3164
shall not contain the name of the crime committed. The index shall 3165
be made available by the person who has custody of the sealed 3166
records only for the purposes set forth in divisions (C), (D), and 3167
(E) of this section. 3168

(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under this section to seal the record of a conviction does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An order issued under this section to seal the record of a conviction of an individual may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed conviction records of an individual that were the basis of a permanent exclusion of the individual is subject to section 2953.35 of the Revised Code.

(H) For purposes of sections 2953.31 to 2953.36 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation shall not be sealed unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.

Sec. 2953.34. Nothing in sections 2953.31 to 2953.33 of the

Revised Code precludes ~~a first~~ an eligible offender from taking an 3201
appeal or seeking any relief from ~~his~~ the eligible offender's 3202
conviction or from relying on it in lieu of any subsequent 3203
prosecution for the same offense. 3204

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code 3205
do not apply to any of the following: 3206

(A) Convictions when the offender is subject to a mandatory 3207
prison term; 3208

(B) Convictions under section 2907.02, 2907.03, 2907.04, 3209
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 3210
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 3211
Code, or a conviction for a violation of a municipal ordinance 3212
that is substantially similar to any section contained in any of 3213
those chapters; 3214

(C) Convictions of an offense of violence when the offense is 3215
a misdemeanor of the first degree or a felony and when the offense 3216
is not a violation of section 2917.03 of the Revised Code and is 3217
not a violation of section 2903.13, 2917.01, or 2917.31 of the 3218
Revised Code that is a misdemeanor of the first degree; 3219

(D) Convictions on or after ~~the effective date of this~~ 3220
~~amendment~~ October 10, 2007, under section 2907.07 of the Revised 3221
Code or a conviction on or after ~~the effective date of this~~ 3222
~~amendment~~ October 10, 2007, for a violation of a municipal 3223
ordinance that is substantially similar to that section; 3224

(E) Convictions on or after ~~the effective date of this~~ 3225
~~amendment~~ October 10, 2007, under section 2907.08, 2907.09, 3226
2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 3227
of the Revised Code when the victim of the offense was under 3228
eighteen years of age; 3229

(F) Convictions of an offense in circumstances in which the 3230

victim of the offense was under eighteen years of age when the 3231
offense is a misdemeanor of the first degree or a felony, except 3232
for convictions under section 2919.21 of the Revised Code; 3233

(G) Convictions of a felony of the first or second degree; 3234

(H) Bail forfeitures in a traffic case as defined in Traffic 3235
Rule 2. 3236

Sec. 2967.01. As used in this chapter: 3237

(A) "State correctional institution" includes any institution 3238
or facility that is operated by the department of rehabilitation 3239
and correction and that is used for the custody, care, or 3240
treatment of criminal, delinquent, or psychologically or 3241
psychiatrically disturbed offenders. 3242

(B) "Pardon" means the remission of penalty, guilt, and all 3243
criminal and civil disabilities by the governor in accordance with 3244
the power vested in the governor by the constitution. 3245

(C) "Commutation" or "commutation of sentence" means the 3246
substitution by the governor of a lesser for a greater punishment. 3247
A stated prison term may be commuted without the consent of the 3248
convict, except when granted upon the acceptance and performance 3249
by the convict of conditions precedent. After commutation, the 3250
commuted prison term shall be the only one in existence. The 3251
commutation may be stated in terms of commuting from a named 3252
offense to a lesser included offense with a shorter prison term, 3253
in terms of commuting from a stated prison term in months and 3254
years to a shorter prison term in months and years, or in terms of 3255
commuting from any other stated prison term to a shorter prison 3256
term. 3257

(D) "Reprieve" means the temporary suspension by the governor 3258
of the execution of a sentence or prison term. The governor may 3259
grant a reprieve without the consent of and against the will of 3260

the convict. 3261

(E) "Parole" means, regarding a prisoner who is serving a 3262
prison term for aggravated murder or murder, who is serving a 3263
prison term of life imprisonment for rape or for felonious sexual 3264
penetration as it existed under section 2907.12 of the Revised 3265
Code prior to September 3, 1996, or who was sentenced prior to 3266
July 1, 1996, a release of the prisoner from confinement in any 3267
state correctional institution by the adult parole authority that 3268
is subject to the eligibility criteria specified in this chapter 3269
and that is under the terms and conditions, and for the period of 3270
time, prescribed by the authority in its published rules and 3271
official minutes or required by division (A) of section 2967.131 3272
of the Revised Code or another provision of this chapter. 3273

(F) "Head of a state correctional institution" or "head of 3274
the institution" means the resident head of the institution and 3275
the person immediately in charge of the institution, whether 3276
designated warden, superintendent, or any other name by which the 3277
head is known. 3278

(G) "Convict" means a person who has been convicted of a 3279
felony under the laws of this state, whether or not actually 3280
confined in a state correctional institution, unless the person 3281
has been pardoned or has served the person's sentence or prison 3282
term. 3283

(H) "Prisoner" means a person who is in actual confinement in 3284
a state correctional institution. 3285

(I) "Parolee" means any inmate who has been released from 3286
confinement on parole by order of the adult parole authority or 3287
conditionally pardoned, who is under supervision of the adult 3288
parole authority and has not been granted a final release, and who 3289
has not been declared in violation of the inmate's parole by the 3290
authority or is performing the prescribed conditions of a 3291

conditional pardon.	3292
(J) "Releasee" means an inmate who has been released from	3293
confinement pursuant to section 2967.28 of the Revised Code under	3294
a period of post-release control that includes one or more	3295
post-release control sanctions.	3296
(K) "Final release" means a remission by the adult parole	3297
authority of the balance of the sentence or prison term of a	3298
parolee or prisoner or the termination by the authority of a term	3299
of post-release control of a releasee.	3300
(L) "Parole violator" or "release violator" means any parolee	3301
or releasee who has been declared to be in violation of the	3302
condition of parole or post-release control specified in division	3303
(A) or (B) of section 2967.131 of the Revised Code or in violation	3304
of any other term, condition, or rule of the parolee's or	3305
releasee's parole or of the parolee's or releasee's post-release	3306
control sanctions, the determination of which has been made by the	3307
adult parole authority and recorded in its official minutes.	3308
(M) "Administrative release" means a termination of	3309
jurisdiction over a particular sentence or prison term by the	3310
adult parole authority for administrative convenience.	3311
(N) "Post-release control" means a period of supervision by	3312
the adult parole authority after a prisoner's release from	3313
imprisonment that includes one or more post-release control	3314
sanctions imposed under section 2967.28 of the Revised Code.	3315
(O) "Post-release control sanction" means a sanction that is	3316
authorized under sections 2929.16 to 2929.18 of the Revised Code	3317
and that is imposed upon a prisoner upon the prisoner's release	3318
from a prison term.	3319
(P) "Community control sanction," "prison term," "mandatory	3320
prison term," and "stated prison term" have the same meanings as	3321
in section 2929.01 of the Revised Code.	3322

(Q) "Transitional control" means control of a prisoner under 3323
the transitional control program established by the department of 3324
rehabilitation and correction under section 2967.26 of the Revised 3325
Code, if the department establishes a program of that nature under 3326
that section. 3327

(R) "Random drug testing" has the same meaning as in section 3328
5120.63 of the Revised Code. 3329

Sec. 2967.04. (A) A pardon or commutation may be granted upon 3330
~~such~~ any conditions precedent or subsequent ~~as~~ that the governor 3331
may impose, ~~which~~ and the conditions shall be stated in the 3332
warrant. ~~Such~~ A pardon or commutation shall not take effect until 3333
the conditions so imposed are accepted by the convict or prisoner 3334
so pardoned or having ~~his~~ a sentence commuted, and ~~his~~ the 3335
convict's or prisoner's acceptance is indorsed upon the warrant, 3336
signed by ~~him~~ the prisoner or convict, and attested by one 3337
witness. ~~Such~~ The witness shall go before the clerk of the court 3338
~~of common pleas~~ in whose office the case, conviction, and sentence 3339
~~is~~ are recorded and prove the signature of the convict. The clerk 3340
shall thereupon record the warrant, indorsement, and proof in the 3341
journal of the court, which record, or a duly certified transcript 3342
thereof, shall be evidence of ~~such~~ the pardon or commutation, the 3343
conditions thereof, and the acceptance of the conditions. Upon 3344
presentation of proof that the conditions of the conditional 3345
pardon have been met, the clerk shall destroy all paper and 3346
electronic records of the case, conviction, and sentence. The 3347
clerk shall then notify all prosecution agencies and law 3348
enforcement agencies that had a part in the convict's charge, 3349
arrest, and any incarceration and the bureau of criminal 3350
identification and investigation of the pardon. Upon receipt of 3351
the notification, the prosecution agencies and law enforcement 3352
agencies and the bureau shall destroy all paper and electronic 3353
records of the case, conviction, and sentence. 3354

(B) An unconditional pardon relieves the person to whom it is granted of the penalty, the guilt, and all civil and criminal disabilities arising out of the conviction or convictions from which it is granted. For purposes of this section, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired. Upon receipt of a warrant of unconditional pardon, the clerk of court in whose office the case, conviction, and sentence are recorded shall record the warrant and destroy all paper and electronic records of the charge or charges and conviction or convictions. The clerk shall then notify all prosecution agencies and law enforcement agencies that had a part in the convict's charge, arrest, and incarceration and the bureau of criminal identification and investigation of the pardon. Upon receipt of the notification, the prosecution agencies and law enforcement agencies and the bureau shall destroy all paper and electronic records of the case, conviction, and sentence.

Sec. 2967.06. Warrants of pardon and commutation shall be issued in triplicate, one to be given to the convict, one to be filed with the clerk of the court ~~of common pleas~~ in whose office the case, conviction, and sentence ~~is~~ are recorded, and one to be filed with the head of the institution in which the convict was confined, ~~in case he~~ if the convict was confined.

All warrants of pardon, whether conditional or otherwise, shall be recorded by ~~said~~ the clerk and the officer of the institution with whom ~~such~~ the warrants and copies are filed, in a book provided for that purpose, which record shall include the indorsements on such warrants. A copy of such a warrant with all indorsements, certified by ~~said~~ the clerk under seal, shall be received in evidence as proof of the facts set forth in such copy with indorsements.

Sec. 2967.191. The department of rehabilitation and 3386
correction shall reduce the stated prison term of a prisoner or, 3387
if the prisoner is serving a term for which there is parole 3388
eligibility, the minimum and maximum term or the parole 3389
eligibility date of the prisoner by the total number of days that 3390
the prisoner was confined for any reason arising out of the 3391
offense for which the prisoner was convicted and sentenced, 3392
including confinement in lieu of bail while awaiting trial, 3393
confinement for examination to determine the prisoner's competence 3394
to stand trial or sanity, ~~and~~ confinement while awaiting 3395
transportation to the place where the prisoner is to serve the 3396
prisoner's prison term, and confinement in a juvenile facility. 3397

Sec. 3119.01. (A) As used in the Revised Code, "child support 3398
enforcement agency" means a child support enforcement agency 3399
designated under former section 2301.35 of the Revised Code prior 3400
to October 1, 1997, or a private or government entity designated 3401
as a child support enforcement agency under section 307.981 of the 3402
Revised Code. 3403

(B) As used in this chapter and Chapters 3121., 3123., and 3404
3125. of the Revised Code: 3405

(1) "Administrative child support order" means any order 3406
issued by a child support enforcement agency for the support of a 3407
child pursuant to section 3109.19 or 3111.81 of the Revised Code 3408
or former section 3111.211 of the Revised Code, section 3111.21 of 3409
the Revised Code as that section existed prior to January 1, 1998, 3410
or section 3111.20 or 3111.22 of the Revised Code as those 3411
sections existed prior to March 22, 2001. 3412

(2) "Child support order" means either a court child support 3413
order or an administrative child support order. 3414

(3) "Obligee" means the person who is entitled to receive the 3415

support payments under a support order.	3416
(4) "Obligor" means the person who is required to pay support under a support order.	3417 3418
(5) "Support order" means either an administrative child support order or a court support order.	3419 3420
(C) As used in this chapter:	3421
(1) "Combined gross income" means the combined gross income of both parents.	3422 3423
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	3424 3425 3426 3427 3428 3429 3430
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	3431 3432 3433 3434 3435
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	3436 3437 3438
(5) "Income" means either of the following:	3439
(a) For a parent who is employed to full capacity, the gross income of the parent;	3440 3441
(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.	3442 3443 3444
(6) "Insurer" means any person authorized under Title XXXIX	3445

of the Revised Code to engage in the business of insurance in this 3446
state, any health insuring corporation, and any legal entity that 3447
is self-insured and provides benefits to its employees or members. 3448

(7) "Gross income" means, except as excluded in division 3449
(C)(7) of this section, the total of all earned and unearned 3450
income from all sources during a calendar year, whether or not the 3451
income is taxable, and includes income from salaries, wages, 3452
overtime pay, and bonuses to the extent described in division (D) 3453
of section 3119.05 of the Revised Code; commissions; royalties; 3454
tips; rents; dividends; severance pay; pensions; interest; trust 3455
income; annuities; social security benefits, including retirement, 3456
disability, and survivor benefits that are not means-tested; 3457
workers' compensation benefits; unemployment insurance benefits; 3458
disability insurance benefits; benefits that are not means-tested 3459
and that are received by and in the possession of the veteran who 3460
is the beneficiary for any service-connected disability under a 3461
program or law administered by the United States department of 3462
veterans' affairs or veterans' administration; spousal support 3463
actually received; and all other sources of income. "Gross income" 3464
includes income of members of any branch of the United States 3465
armed services or national guard, including, amounts representing 3466
base pay, basic allowance for quarters, basic allowance for 3467
subsistence, supplemental subsistence allowance, cost of living 3468
adjustment, specialty pay, variable housing allowance, and pay for 3469
training or other types of required drills; self-generated income; 3470
and potential cash flow from any source. 3471

"Gross income" does not include any of the following: 3472

(a) Benefits received from means-tested government 3473
administered programs, including Ohio works first; prevention, 3474
retention, and contingency; means-tested veterans' benefits; 3475
supplemental security income; supplemental nutrition assistance 3476
program; disability financial assistance; or other assistance for 3477

which eligibility is determined on the basis of income or assets;	3478
(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;	3479 3480 3481 3482 3483 3484 3485
(c) Child support received for children who were not born or adopted during the marriage at issue;	3486 3487
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	3488 3489 3490
(e) Nonrecurring or unsustainable income or cash flow items;	3491
(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	3492 3493 3494
(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	3495 3496 3497 3498 3499 3500 3501 3502 3503 3504
(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	3505 3506 3507 3508

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(10) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(11) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child

support is being calculated under this section;	3539
(ix) The parent's increased earning capacity because of experience;	3540 3541
(x) <u>The parent's decreased earning capacity because of a felony conviction;</u>	3542 3543
(xi) Any other relevant factor.	3544
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	3545 3546 3547 3548 3549
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	3550 3551
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	3552 3553 3554 3555 3556 3557 3558 3559 3560 3561
(14) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.	3562 3563 3564 3565 3566
(15) "Worksheet" means the applicable worksheet that is used to calculate a parent's child support obligation as set forth in	3567 3568

sections 3119.022 and 3119.023 of the Revised Code. 3569

Sec. 3119.05. When a court computes the amount of child 3570
support required to be paid under a court child support order or a 3571
child support enforcement agency computes the amount of child 3572
support to be paid pursuant to an administrative child support 3573
order, all of the following apply: 3574

(A) The parents' current and past income and personal 3575
earnings shall be verified by electronic means or with suitable 3576
documents, including, but not limited to, paystubs, employer 3577
statements, receipts and expense vouchers related to 3578
self-generated income, tax returns, and all supporting 3579
documentation and schedules for the tax returns. 3580

(B) The amount of any pre-existing child support obligation 3581
of a parent under a child support order and the amount of any 3582
court-ordered spousal support actually paid shall be deducted from 3583
the gross income of that parent to the extent that payment under 3584
the child support order or that payment of the court-ordered 3585
spousal support is verified by supporting documentation. 3586

(C) If other minor children who were born to the parent and a 3587
person other than the other parent who is involved in the 3588
immediate child support determination live with the parent, the 3589
court or agency shall deduct an amount from that parent's gross 3590
income that equals the number of such minor children times the 3591
federal income tax exemption for such children less child support 3592
received for them for the year, not exceeding the federal income 3593
tax exemption. 3594

(D) When the court or agency calculates the gross income of a 3595
parent, it shall include the lesser of the following as income 3596
from overtime and bonuses: 3597

(1) The yearly average of all overtime, commissions, and 3598

bonuses received during the three years immediately prior to the 3599
time when the person's child support obligation is being computed; 3600

(2) The total overtime, commissions, and bonuses received 3601
during the year immediately prior to the time when the person's 3602
child support obligation is being computed. 3603

(E) When the court or agency calculates the gross income of a 3604
parent, it shall not include any income earned by the spouse of 3605
that parent. 3606

(F) The court shall issue a separate order for extraordinary 3607
medical or dental expenses, including, but not limited to, 3608
orthodontia, psychological, appropriate private education, and 3609
other expenses, and may consider the expenses in adjusting a child 3610
support order. 3611

(G) When a court or agency calculates the amount of child 3612
support to be paid pursuant to a court child support order or an 3613
administrative child support order, if the combined gross income 3614
of both parents is an amount that is between two amounts set forth 3615
in the first column of the schedule, the court or agency may use 3616
the basic child support obligation that corresponds to the higher 3617
of the two amounts in the first column of the schedule, use the 3618
basic child support obligation that corresponds to the lower of 3619
the two amounts in the first column of the schedule, or calculate 3620
a basic child support obligation that is between those two amounts 3621
and corresponds proportionally to the parents' actual combined 3622
gross income. 3623

(H) When the court or agency calculates gross income, the 3624
court or agency, when appropriate, may average income over a 3625
reasonable period of years. 3626

(I) A Unless it would be unjust, inappropriate, and not in 3627
the best interest of the child, a court or agency shall not 3628
determine a parent ~~receiving means tested public assistance~~ 3629

~~benefits to be voluntarily unemployed or underemployed and shall~~ 3630
~~not impute income to that parent, unless not making such~~ 3631
~~determination and not imputing income would be unjust,~~ 3632
~~inappropriate, and not in the best interest of the child if either~~ 3633
of the following conditions exist: 3634

(1) The parent is receiving means-tested public assistance 3635
benefits; 3636

(2) The parent is incarcerated or institutionalized for a 3637
period of twelve months or more with no other available assets, 3638
unless the parent is incarcerated for an offense relating to the 3639
abuse or neglect of a child who is the subject of the support 3640
order or an offense under Title XXIX of the Revised Code when the 3641
obligee or a child who is the subject of the support order is a 3642
victim of the offense. 3643

(J) When a court or agency requires a parent to pay an amount 3644
for that parent's failure to support a child for a period of time 3645
prior to the date the court modifies or issues a court child 3646
support order or an agency modifies or issues an administrative 3647
child support order for the current support of the child, the 3648
court or agency shall calculate that amount using the basic child 3649
support schedule, worksheets, and child support laws in effect, 3650
and the incomes of the parents as they existed, for that prior 3651
period of time. 3652

(K) A court or agency may disregard a parent's additional 3653
income from overtime or additional employment when the court or 3654
agency finds that the additional income was generated primarily to 3655
support a new or additional family member or members, or under 3656
other appropriate circumstances. 3657

(L) If both parents involved in the immediate child support 3658
determination have a prior order for support relative to a minor 3659
child or children born to both parents, the court or agency shall 3660

collect information about the existing order or orders and 3661
consider those together with the current calculation for support 3662
to ensure that the total of all orders for all children of the 3663
parties does not exceed the amount that would have been ordered if 3664
all children were addressed in a single judicial or administrative 3665
proceeding. 3666

Sec. 3123.58. (A) On receipt of a notice pursuant to section 3667
3123.54 of the Revised Code, the registrar of motor vehicles shall 3668
determine whether the individual named in the notice holds or has 3669
applied for a driver's license or commercial driver's license, 3670
motorcycle operator's license or endorsement, or temporary 3671
instruction permit or commercial driver's temporary instruction 3672
permit. If the registrar determines that the individual holds or 3673
has applied for a license, permit, or endorsement and the 3674
individual is the individual named in the notice and does not 3675
receive a notice pursuant to section 3123.56 or 3123.57 of the 3676
Revised Code, the registrar immediately shall provide notice of 3677
the determination to each deputy registrar. The registrar or a 3678
deputy registrar may not issue to the individual a driver's or 3679
commercial driver's license, motorcycle operator's license or 3680
endorsement, or temporary instruction permit or commercial 3681
driver's temporary instruction permit and may not renew for the 3682
individual a driver's or commercial driver's license, motorcycle 3683
operator's license or endorsement, or commercial driver's 3684
temporary instruction permit. The registrar or a deputy registrar 3685
also shall impose a class F suspension of the license, permit, or 3686
endorsement held by the individual under division (B)(6) of 3687
section 4510.02 of the Revised Code. 3688

(B) A court may grant an individual whose license, permit, or 3689
endorsement is suspended under this section limited driving 3690
privileges in accordance with division (B) of section 4510.021 of 3691
the Revised Code. Prior to granting privileges under this 3692

division, the court shall request the child support enforcement agency that issued the notice pursuant to section 3123.54 of the Revised Code relative to the individual to advise the court, either in person through a representative testifying at a hearing or through a written document, the position of the agency relative to the issue of the granting of privileges to the individual. The court, in determining whether to grant the individual privileges under this division, shall take into consideration the position of the agency, but the court is not bound by the position of the agency. 3693
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Sec. 3123.582. (A) In any case in which a person is charged with a violation of section 4510.111 of the Revised Code because the person's driver's or commercial driver's license has been suspended pursuant to section 3123.58 of the Revised Code, the prosecuting attorney prosecuting the case shall file a motion with the court dismissing the case against the person if, at any time, the prosecuting attorney becomes aware in any manner that the records of the bureau of motor vehicles indicate that the bureau received a notice from the proper child support enforcement agency pursuant to section 3123.57 of the Revised Code informing the bureau that the operator is no longer out of compliance with a child support order and the date that the notice lists as being the date on which the person no longer was out of compliance with the child support order is not greater than fifteen days after the date that the person was stopped and charged with the violation of section 4510.111 of the Revised Code. 3703
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(B) In any case in which a law enforcement officer stops a motor vehicle being operated upon any highway or any private property used by the public for purposes of vehicular travel or parking in this state and the records of the bureau indicate that the driver's or commercial driver's license of the person operating the vehicle has been suspended pursuant to section 3719
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3123.58 of the Revised Code, the law enforcement officer shall 3725
issue to the operator a citation, ticket, or summons for violating 3726
section 4510.111 of the Revised Code. The law enforcement officer 3727
shall not arrest the operator solely for that violation. If the 3728
law enforcement officer issues the person a citation, ticket, or 3729
summons for violating section 4510.111 of the Revised Code because 3730
the person's driver's or commercial driver's license has been 3731
suspended pursuant to section 3123.58 of the Revised Code, at the 3732
time the officer issues the citation, ticket, or summons the 3733
officer shall inform the person that if, not later than fifteen 3734
days after the date the officer issues the person the citation, 3735
ticket, or summons the person goes to the proper child support 3736
enforcement agency and either makes payments or arrangements so 3737
that the operator is no longer out of compliance with the child 3738
support order, the citation, ticket, or summons will be dismissed. 3739

Sec. 3772.07. The following appointing or licensing 3740
authorities shall obtain a criminal records check of the person 3741
who is to be appointed or licensed: 3742

(A) The governor, before appointing an individual as a member 3743
of the commission; 3744

(B) The commission, before appointing an individual as 3745
executive director or a gaming agent; 3746

(C) The commission, before issuing a license for a key 3747
employee or casino gaming employee, and before issuing a license 3748
for each investor, except an institutional investor, for a casino 3749
operator, management company, holding company, or gaming-related 3750
vendor; 3751

(D) The executive director, before appointing an individual 3752
as a professional, technical, or clerical employee of the 3753
commission. 3754

Thereafter, such an appointing or licensing authority shall 3755
obtain a criminal records check of the same individual at 3756
three-year intervals. 3757

The appointing or licensing authority shall provide to each 3758
person of whom a criminal records check is required a copy of the 3759
form and the standard fingerprint impression sheet prescribed 3760
under divisions (C)(1) and (2) of section 109.572 of the Revised 3761
Code. The person shall complete the form and impression sheet and 3762
return them to the appointing or licensing authority. If a person 3763
fails to complete and return the form and impression sheet within 3764
a reasonable time, the person is ineligible to be appointed or 3765
licensed or to continue in the appointment or licensure. 3766

The appointing or licensing authority shall forward the 3767
completed form and impression sheet to the superintendent of the 3768
bureau of criminal identification and investigation. The 3769
appointing or licensing authority shall request the superintendent 3770
also to obtain information from the federal bureau of 3771
investigation, including fingerprint-based checks of the national 3772
crime information databases, and from other states and the federal 3773
government under the national crime prevention and privacy compact 3774
as part of the criminal records check. 3775

The commission shall pay the fee the bureau of criminal 3776
identification and investigation charges for all criminal records 3777
checks conducted under this section. An applicant for a casino 3778
operator, management company, holding company, or gaming-related 3779
vendor license shall reimburse the commission for the amount of 3780
the fee paid on the applicant's behalf. An applicant for a key 3781
employee or casino gaming employee license shall reimburse the 3782
commission for the amount of the fee paid on the applicant's 3783
behalf, unless the applicant is applying at the request of a 3784
casino operator or management company, in which case the casino 3785
operator or management company shall reimburse the commission. 3786

The appointing or licensing authority shall review the 3787
results of a criminal records check. An appointee for a commission 3788
member shall forward the results of the criminal records check to 3789
the president of the senate before the senate advises and consents 3790
to the appointment of the commission member. The appointing or 3791
licensing authority shall not appoint or license or retain the 3792
appointment or licensure of a person a criminal records check 3793
discloses has been convicted of or has pleaded guilty or no 3794
contest to a disqualifying offense. A "disqualifying offense" has 3795
the same meaning as in section 4776.10 of the Revised Code, but 3796
also means any gambling offense, any theft offense, any offense 3797
having an element of fraud or misrepresentation, and any offense 3798
~~having an element that is a crime of moral turpitude, and any~~ 3799
~~felony not otherwise included in the foregoing list, except as~~ 3800
~~otherwise provided in section 3772.10 of the Revised Code as~~ 3801
defined in section 4776.10 of the Revised Code. 3802

The report of a criminal records check is not a public record 3803
that is open to public inspection and copying. The commission 3804
shall not make the report available to any person other than the 3805
person who was the subject of the criminal records check; an 3806
appointing or licensing authority; a member, the executive 3807
director, or an employee of the commission; or any court or 3808
agency, including a hearing examiner, in a judicial or 3809
administrative proceeding relating to the person's employment with 3810
the entity requesting the criminal records check in which the 3811
criminal records check is relevant. 3812

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 3813
4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or 3814
division (B) of section 4301.691 of the Revised Code is guilty of 3815
a minor misdemeanor. 3816

(B) Whoever violates section 4301.15, division (A)(2) or (C) 3817

of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 3818
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 3819
Code is guilty of a misdemeanor of the fourth degree. 3820

If an offender who violates section 4301.64 of the Revised 3821
Code was under the age of eighteen years at the time of the 3822
offense, the court, in addition to any other penalties it imposes 3823
upon the offender, ~~shall~~ may suspend the offender's temporary 3824
instruction permit, probationary driver's license, or driver's 3825
license for a period of not less than six months and not more than 3826
one year. In lieu of suspending the offender's temporary 3827
instruction permit, probationary driver's license, or driver's 3828
license, the court instead may require the offender to perform 3829
community service for a number of hours determined by the court. 3830
If the offender is fifteen years and six months of age or older 3831
and has not been issued a temporary instruction permit or 3832
probationary driver's license, the offender shall not be eligible 3833
to be issued such a license or permit for a period of six months. 3834
If the offender has not attained the age of fifteen years and six 3835
months, the offender shall not be eligible to be issued a 3836
temporary instruction permit until the offender attains the age of 3837
sixteen years. 3838

(C) Whoever violates division (D) of section 4301.21, section 3839
4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 3840
or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 3841
4301.69, or division (C), (D), (E), (F), (G), or (I) of section 3842
4301.691 of the Revised Code is guilty of a misdemeanor of the 3843
first degree. 3844

If an offender who violates division (E)(1) of section 3845
4301.69 of the Revised Code was under the age of eighteen years at 3846
the time of the offense and the offense occurred while the 3847
offender was the operator of or a passenger in a motor vehicle, 3848
the court, in addition to any other penalties it imposes upon the 3849

offender, shall suspend the offender's temporary instruction 3850
permit or probationary driver's license for a period of not less 3851
than six months and not more than one year. If the offender is 3852
fifteen years and six months of age or older and has not been 3853
issued a temporary instruction permit or probationary driver's 3854
license, the offender shall not be eligible to be issued such a 3855
license or permit for a period of six months. If the offender has 3856
not attained the age of fifteen years and six months, the offender 3857
shall not be eligible to be issued a temporary instruction permit 3858
until the offender attains the age of sixteen years. 3859

(D) Whoever violates division (B) of section 4301.14, or 3860
division (A)(1) or (3) or (B) of section 4301.22 of the Revised 3861
Code is guilty of a misdemeanor of the third degree. 3862

(E) Whoever violates section 4301.63 or division (B) of 3863
section 4301.631 of the Revised Code shall be fined not less than 3864
twenty-five nor more than one hundred dollars. The court imposing 3865
a fine for a violation of section 4301.63 or division (B) of 3866
section 4301.631 of the Revised Code may order that the fine be 3867
paid by the performance of public work at a reasonable hourly rate 3868
established by the court. The court shall designate the time 3869
within which the public work shall be completed. 3870

(F)(1) Whoever violates section 4301.634 of the Revised Code 3871
is guilty of a misdemeanor of the first degree. If, in committing 3872
a first violation of that section, the offender presented to the 3873
permit holder or the permit holder's employee or agent a false, 3874
fictitious, or altered identification card, a false or fictitious 3875
driver's license purportedly issued by any state, or a driver's 3876
license issued by any state that has been altered, the offender is 3877
guilty of a misdemeanor of the first degree and shall be fined not 3878
less than two hundred fifty and not more than one thousand 3879
dollars, and may be sentenced to a term of imprisonment of not 3880
more than six months. 3881

(2) On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.

(3) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The Except as provided in this division, the court also shall impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court also, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of

the community service the offender shall perform. 3915

(G) Whoever violates section 4301.636 of the Revised Code is 3916
guilty of a felony of the fifth degree. 3917

(H) Whoever violates division (A)(1) of section 4301.22 of 3918
the Revised Code is guilty of a misdemeanor, shall be fined not 3919
less than five hundred and not more than one thousand dollars, 3920
and, in addition to the fine, may be imprisoned for a definite 3921
term of not more than sixty days. 3922

(I) Whoever violates division (A) of section 4301.69 or 3923
division (H) of section 4301.691 of the Revised Code is guilty of 3924
a misdemeanor, shall be fined not less than five hundred and not 3925
more than one thousand dollars, and, in addition to the fine, may 3926
be imprisoned for a definite term of not more than six months. 3927

(J) Whoever violates division (B) of section 4301.65 of the 3928
Revised Code is guilty of a misdemeanor of the third degree. For a 3929
second or subsequent violation occurring within a period of five 3930
consecutive years after the first violation, a person is guilty of 3931
a misdemeanor of the first degree. 3932

Sec. 4501.02. (A) There is hereby created in the department 3933
of public safety a bureau of motor vehicles, which shall be 3934
administered by a registrar of motor vehicles. The registrar shall 3935
be appointed by the director of public safety and shall serve at 3936
the director's pleasure. 3937

The registrar shall administer the laws of the state relative 3938
to the registration of and certificates of title for motor 3939
vehicles, and the licensing of motor vehicle dealers, motor 3940
vehicle leasing dealers, distributors, and salespersons, and of 3941
motor vehicle salvage dealers, salvage motor vehicle auctions, and 3942
salvage motor vehicle pools. The registrar also shall, in 3943
accordance with section 4503.61 of the Revised Code, take those 3944

steps necessary to enter this state into membership in the 3945
international registration plan and carry out the registrar's 3946
other duties under that section. The registrar, with the approval 3947
of the director of public safety, may do all of the following: 3948

(1) Adopt such forms and rules as are necessary to carry out 3949
all laws the registrar is required to administer; 3950

(2) Appoint such number of assistants, deputies, clerks, 3951
stenographers, and other employees as are necessary to carry out 3952
such laws; 3953

(3) Acquire or lease such facilities as are necessary to 3954
carry out the duties of the registrar's office; 3955

(4) Apply for, allocate, disburse, and account for grants 3956
made available under federal law or from other federal, state, or 3957
private sources; 3958

(5) Establish accounts in a bank or depository and deposit 3959
any funds collected by the registrar in those accounts to the 3960
credit of "state of Ohio, bureau of motor vehicles." Within three 3961
days after the deposit of funds in such an account, the registrar 3962
shall draw on that account in favor of the treasurer of state. The 3963
registrar may reserve funds against the draw to the treasurer of 3964
state to the extent reasonably necessary to ensure that the 3965
deposited items are not dishonored. The registrar may pay any 3966
service charge usually collected by the bank or depository; 3967

(6) Develop rules that establish disqualifying offenses for 3968
licensure as a motor vehicle salvage dealer pursuant to sections 3969
4738.04, 4738.07, and 4776.10 of the Revised Code. 3970

The registrar shall give a bond for the faithful performance 3971
of the registrar's duties in such amount and with such security as 3972
the director approves. When in the opinion of the director it is 3973
advisable, any deputy or other employee may be required to give 3974
bond in such amount and with such security as the director 3975

approves. In the discretion of the director, the bonds authorized 3976
to be taken on deputies or other employees may be individual, 3977
schedule, or blanket bonds. 3978

The director of public safety may investigate the activities 3979
of the bureau and have access to its records at any time, and the 3980
registrar shall make a report to the director at any time upon 3981
request. 3982

All laws relating to the licensing of motor vehicle dealers, 3983
motor vehicle leasing dealers, distributors, and salespersons, and 3984
of motor vehicle salvage dealers, salvage motor vehicle auctions, 3985
and salvage motor vehicle pools, designating and granting power to 3986
the registrar shall be liberally construed to the end that the 3987
practice or commission of fraud in the business of selling motor 3988
vehicles and of disposing of salvage motor vehicles may be 3989
prohibited and prevented. 3990

(B) There is hereby created in the department of public 3991
safety a division of emergency medical services, which shall be 3992
administered by an executive director of emergency medical 3993
services appointed under section 4765.03 of the Revised Code. 3994

Sec. 4503.233. (A)(1) If a court is required to order the 3995
immobilization of a vehicle for a specified period of time 3996
pursuant to section 4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 3997
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 3998
subject to section 4503.235 of the Revised Code, shall issue the 3999
immobilization order in accordance with this division and for the 4000
period of time specified in the particular section, and the 4001
immobilization under the order shall be in accordance with this 4002
section. The court, at the time of sentencing the offender for the 4003
offense relative to which the immobilization order is issued or as 4004
soon thereafter as is practicable, shall give a copy of the order 4005
to the offender or the offender's counsel. The court promptly 4006

shall send a copy of the order to the registrar on a form 4007
prescribed by the registrar and to the person or agency it 4008
designates to execute the order. 4009

The order shall indicate the date on which it is issued, 4010
shall identify the vehicle that is subject to the order, and shall 4011
specify all of the following: 4012

(a) The period of the immobilization; 4013

(b) The place at which the court determines that the 4014
immobilization shall be carried out, provided that the court shall 4015
not determine and shall not specify that the immobilization is to 4016
be carried out at any place other than a commercially operated 4017
private storage lot, a place owned by a law enforcement or other 4018
government agency, or a place to which one of the following 4019
applies: 4020

(i) The place is leased by or otherwise under the control of 4021
a law enforcement or other government agency. 4022

(ii) The place is owned by the offender, the offender's 4023
spouse, or a parent or child of the offender. 4024

(iii) The place is owned by a private person or entity, and, 4025
prior to the issuance of the order, the private entity or person 4026
that owns the place, or the authorized agent of that private 4027
entity or person, has given express written consent for the 4028
immobilization to be carried out at that place. 4029

(iv) The place is a public street or highway on which the 4030
vehicle is parked in accordance with the law. 4031

(c) The person or agency designated by the court to execute 4032
the order, which shall be either the law enforcement agency that 4033
employs the law enforcement officer who seized the vehicle, a 4034
bailiff of the court, another person the court determines to be 4035
appropriate to execute the order, or the law enforcement agency 4036

with jurisdiction over the place of residence of the vehicle 4037
owner; 4038

(d) That neither the registrar nor a deputy registrar will be 4039
permitted to accept an application for the license plate 4040
registration of any motor vehicle in the name of the vehicle owner 4041
until the immobilization fee is paid. 4042

(2) The person or agency the court designates to immobilize 4043
the vehicle shall seize or retain that vehicle's license plates 4044
and forward them to the bureau of motor vehicles. 4045

(3) In all cases, the offender shall be assessed an 4046
immobilization fee of one hundred dollars, and the immobilization 4047
fee shall be paid to the registrar before the vehicle may be 4048
released to the offender. Neither the registrar nor a deputy 4049
registrar shall accept an application for the registration of any 4050
motor vehicle in the name of the offender until the immobilization 4051
fee is paid. 4052

(4) If the vehicle subject to the order is immobilized 4053
pursuant to the order and is found being operated upon any street 4054
or highway in this state during the immobilization period, it 4055
shall be seized, removed from the street or highway, and 4056
criminally forfeited and disposed of pursuant to section 4503.234 4057
of the Revised Code. 4058

(5) The registrar shall deposit the immobilization fee into 4059
the law enforcement reimbursement fund created by section 4501.19 4060
of the Revised Code. Money in the fund shall be expended only as 4061
provided in division (A)(5) of this section. If the court 4062
designated in the order a court bailiff or another appropriate 4063
person other than a law enforcement officer to immobilize the 4064
vehicle, the amount of the fee deposited into the law enforcement 4065
reimbursement fund shall be paid out to the county treasury if the 4066
court that issued the order is a county court, to the treasury of 4067

the municipal corporation served by the court if the court that 4068
issued the order is a mayor's court, or to the city treasury of 4069
the legislative authority of the court, both as defined in section 4070
1901.03 of the Revised Code, if the court that issued the order is 4071
a municipal court. If the court designated a law enforcement 4072
agency to immobilize the vehicle and if the law enforcement agency 4073
immobilizes the vehicle, the amount of the fee deposited into the 4074
law enforcement reimbursement fund shall be paid out to the law 4075
enforcement agency to reimburse the agency for the costs it incurs 4076
in obtaining immobilization equipment and, if required, in sending 4077
an officer or other person to search for and locate the vehicle 4078
specified in the immobilization order and to immobilize the 4079
vehicle. 4080

In addition to the immobilization fee required to be paid 4081
under division (A)(3) of this section, the offender may be charged 4082
expenses or charges incurred in the removal and storage of the 4083
immobilized vehicle. 4084

(B) If a court issues an immobilization order under division 4085
(A)(1) of this section, the person or agency designated by the 4086
court to execute the immobilization order promptly shall 4087
immobilize or continue the immobilization of the vehicle at the 4088
place specified by the court in the order. The registrar shall not 4089
authorize the release of the vehicle or authorize the issuance of 4090
new identification license plates for the vehicle at the end of 4091
the immobilization period until the immobilization fee has been 4092
paid. 4093

(C) Upon receipt of the license plates for a vehicle under 4094
this section, the registrar shall destroy the license plates. At 4095
the end of the immobilization period and upon the payment of the 4096
immobilization fee that must be paid under this section, the 4097
registrar shall authorize the release of the vehicle and authorize 4098
the issuance, upon the payment of the same fee as is required for 4099

the replacement of lost, mutilated, or destroyed license plates 4100
and certificates of registration, of new license plates and, if 4101
necessary, a new certificate of registration to the offender for 4102
the vehicle in question. 4103

(D)(1) If a court issues an immobilization order under 4104
division (A) of this section, the immobilization period commences 4105
on the day on which the vehicle in question is immobilized. If the 4106
vehicle in question had been seized under section 4510.41 or 4107
4511.195 of the Revised Code, the time between the seizure and the 4108
beginning of the immobilization period shall be credited against 4109
the immobilization period specified in the immobilization order 4110
issued under division (A) of this section. No vehicle that is 4111
immobilized under this section is eligible to have restricted 4112
license plates under section 4503.231 of the Revised Code issued 4113
for that vehicle. 4114

(2) If a court issues an immobilization order under division 4115
(A) of this section, if the vehicle subject to the order is 4116
immobilized under the order, and if the vehicle is found being 4117
operated upon any street or highway of this state during the 4118
immobilization period, it shall be seized, removed from the street 4119
or highway, and criminally forfeited, and disposed of pursuant to 4120
section 4503.234 of the Revised Code. No vehicle that is forfeited 4121
under this provision shall be considered contraband for purposes 4122
of Chapter 2981. of the Revised Code, but shall be held by the law 4123
enforcement agency that employs the officer who seized it for 4124
disposal in accordance with section 4503.234 of the Revised Code. 4125

(3) If a court issues an immobilization order under division 4126
(A) of this section, and if the vehicle is not claimed within 4127
seven days after the end of the period of immobilization or if the 4128
offender has not paid the immobilization fee, the person or agency 4129
that immobilized the vehicle shall send a written notice to the 4130
offender at the offender's last known address informing the 4131

offender of the date on which the period of immobilization ended, 4132
that the offender has twenty days after the date of the notice to 4133
pay the immobilization fee and obtain the release of the vehicle, 4134
and that if the offender does not pay the fee and obtain the 4135
release of the vehicle within that twenty-day period, the vehicle 4136
will be forfeited under section 4503.234 of the Revised Code to 4137
the entity that is entitled to the immobilization fee. 4138

(4) An offender whose motor vehicle is subject to an 4139
immobilization order issued under division (A) of this section 4140
shall not sell the motor vehicle without approval of the court 4141
that issued the order. If such an offender wishes to sell the 4142
motor vehicle during the immobilization period, the offender shall 4143
apply to the court that issued the immobilization order for 4144
permission to assign the title to the vehicle. If the court is 4145
satisfied that the sale will be in good faith and not for the 4146
purpose of circumventing the provisions of division (A)(1) of this 4147
section, it may certify its consent to the offender and to the 4148
registrar. Upon receipt of the court's consent, the registrar 4149
shall enter the court's notice in the offender's vehicle license 4150
plate registration record. 4151

If, during a period of immobilization under an immobilization 4152
order issued under division (A) of this section, the title to the 4153
immobilized motor vehicle is transferred by the foreclosure of a 4154
chattel mortgage, a sale upon execution, the cancellation of a 4155
conditional sales contract, or an order of a court, the involved 4156
court shall notify the registrar of the action, and the registrar 4157
shall enter the court's notice in the offender's vehicle license 4158
plate registration record. 4159

Nothing in this section shall be construed as requiring the 4160
registrar or the clerk of the court of common pleas to note upon 4161
the certificate of title records any prohibition regarding the 4162
sale of a motor vehicle. 4163

(5) If the title to a motor vehicle that is subject to an immobilization order under division (A) of this section is assigned or transferred without court approval between the time of arrest of the offender who committed the offense for which such an order is to be issued and the time of the actual immobilization of the vehicle, the court shall order that, for a period of two years from the date of the order, neither the registrar nor any deputy registrar shall accept an application for the registration of any motor vehicle in the name of the offender whose vehicle was assigned or transferred without court approval. The court shall notify the registrar of the order on a form prescribed by the registrar for that purpose.

(6) If the title to a motor vehicle that is subject to an immobilization order under division (A) of this section is assigned or transferred without court approval in violation of division (D)(4) of this section, then, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds from any fine so imposed shall be distributed in the same manner as the proceeds of the sale of a forfeited vehicle are distributed pursuant to division (C)(2) of section 4503.234 of the Revised Code.

(E)(1) The court with jurisdiction over the case, after notice to all interested parties including lienholders, and after an opportunity for them to be heard, if the offender fails to appear in person, without good cause, or if the court finds that the offender does not intend to seek release of the vehicle at the end of the period of immobilization or that the offender is not or will not be able to pay the expenses and charges incurred in its removal and storage, may order that title to the vehicle be transferred, in order of priority, first into the name of the

entity entitled to the immobilization fee under division (A)(5) of 4196
this section, next into the name of a lienholder, or lastly, into 4197
the name of the owner of the place of storage. 4198

A lienholder that receives title under a court order shall do 4199
so on the condition that it pay any expenses or charges incurred 4200
in the vehicle's removal and storage. If the entity that receives 4201
title to the vehicle is the entity that is entitled to the 4202
immobilization fee under division (A)(5) of this section, it shall 4203
receive title on the condition that it pay any lien on the 4204
vehicle. The court shall not order that title be transferred to 4205
any person or entity other than the owner of the place of storage 4206
if the person or entity refuses to receive the title. Any person 4207
or entity that receives title may either keep title to the vehicle 4208
or may dispose of the vehicle in any legal manner that it 4209
considers appropriate, including assignment of the certificate of 4210
title to the motor vehicle to a salvage dealer or a scrap metal 4211
processing facility. The person or entity shall not transfer the 4212
vehicle to the person who is the vehicle's immediate previous 4213
owner. 4214

If the person or entity assigns the motor vehicle to a 4215
salvage dealer or scrap metal processing facility, the person or 4216
entity shall send the assigned certificate of title to the motor 4217
vehicle to the clerk of the court of common pleas of the county in 4218
which the salvage dealer or scrap metal processing facility is 4219
located. The person or entity shall mark the face of the 4220
certificate of title with the words "FOR DESTRUCTION" and shall 4221
deliver a photocopy of the certificate of title to the salvage 4222
dealer or scrap metal processing facility for its records. 4223

(2) Whenever a court issues an order under division (E)(1) of 4224
this section, the court also shall order removal of the license 4225
plates from the vehicle and cause them to be sent to the registrar 4226
if they have not already been sent to the registrar. Thereafter, 4227

no further proceedings shall take place under this section, but 4228
the offender remains liable for payment of the immobilization fee 4229
described in division (A)(3) of this section if an immobilization 4230
order previously had been issued by the court. 4231

(3) Prior to initiating a proceeding under division (E)(1) of 4232
this section, and upon payment of the fee under division (B) of 4233
section 4505.14 of the Revised Code, any interested party may 4234
cause a search to be made of the public records of the bureau of 4235
motor vehicles or the clerk of the court of common pleas, to 4236
ascertain the identity of any lienholder of the vehicle. The 4237
initiating party shall furnish this information to the clerk of 4238
the court with jurisdiction over the case, and the clerk shall 4239
provide notice to the vehicle owner, the defendant, any 4240
lienholder, and any other interested parties listed by the 4241
initiating party, at the last known address supplied by the 4242
initiating party, by certified mail or, at the option of the 4243
initiating party, by personal service or ordinary mail. 4244

As used in this section, "interested party" includes the 4245
offender, all lienholders, the owner of the place of storage, the 4246
person or entity that caused the vehicle to be removed, and the 4247
person or entity, if any, entitled to the immobilization fee under 4248
division (A)(5) of this section. 4249

Sec. 4503.234. (A) If a court orders the criminal forfeiture 4250
of a vehicle pursuant to section 4503.233, 4503.236, 4510.11, 4251
4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, or 4252
4511.203 of the Revised Code, the order shall be issued and 4253
enforced in accordance with this division, subject to division (B) 4254
of this section. An order of criminal forfeiture issued under this 4255
division shall authorize an appropriate law enforcement agency to 4256
seize the vehicle ordered criminally forfeited upon the terms and 4257
conditions that the court determines proper. No vehicle ordered 4258

criminally forfeited pursuant to this division shall be considered 4259
contraband for purposes of Chapter 2981. of the Revised Code, but 4260
the law enforcement agency that employs the officer who seized it 4261
shall hold the vehicle for disposal in accordance with this 4262
section. A forfeiture order may be issued only after the offender 4263
has been provided with an opportunity to be heard. The prosecuting 4264
attorney shall give the offender written notice of the possibility 4265
of forfeiture by sending a copy of the relevant uniform traffic 4266
ticket or other written notice to the offender not less than seven 4267
days prior to the date of issuance of the forfeiture order. A 4268
vehicle is subject to an order of criminal forfeiture pursuant to 4269
this division upon the conviction of the offender of or plea of 4270
guilty by the offender to a violation of division (A) of section 4271
4503.236, section 4510.11, 4510.14, ~~4510.16~~, or 4511.203, or 4272
division (A) of section 4511.19 of the Revised Code, or a 4273
municipal ordinance that is substantially equivalent to any of 4274
those sections or divisions. 4275

(B)(1) Prior to the issuance of an order of criminal 4276
forfeiture pursuant to this section, the law enforcement agency 4277
that employs the law enforcement officer who seized the vehicle 4278
shall conduct or cause to be conducted a search of the appropriate 4279
public records that relate to the vehicle and shall make or cause 4280
to be made reasonably diligent inquiries to identify any 4281
lienholder or any person or entity with an ownership interest in 4282
the vehicle. The court that is to issue the forfeiture order also 4283
shall cause a notice of the potential order relative to the 4284
vehicle and of the expected manner of disposition of the vehicle 4285
after its forfeiture to be sent to any lienholder or person who is 4286
known to the court to have any right, title, or interest in the 4287
vehicle. The court shall give the notice by certified mail, return 4288
receipt requested, or by personal service. 4289

(2) No order of criminal forfeiture shall be issued pursuant 4290

to this section if a lienholder or other person with an ownership interest in the vehicle establishes to the court, by a preponderance of the evidence after filing a motion with the court, that the lienholder or other person neither knew nor should have known after a reasonable inquiry that the vehicle would be used or involved, or likely would be used or involved, in the violation resulting in the issuance of the order of criminal forfeiture or the violation of the order of immobilization issued under section 4503.233 of the Revised Code, that the lienholder or other person did not expressly or impliedly consent to the use or involvement of the vehicle in that violation, and that the lien or ownership interest was perfected pursuant to law prior to the seizure of the vehicle under section 4503.236, 4510.41, 4511.195, or 4511.203 of the Revised Code. If the lienholder or holder of the ownership interest satisfies the court that these criteria have been met, the court shall preserve the lienholder's or other person's lien or interest, and the court either shall return the vehicle to the holder, or shall order that the proceeds of any sale held pursuant to division (C)(2) of this section be paid to the lienholder or holder of the interest less the costs of seizure, storage, and maintenance of the vehicle. The court shall not return a vehicle to a lienholder or a holder of an ownership interest unless the lienholder or holder submits an affidavit to the court that states that the lienholder or holder will not return the vehicle to the person from whom the vehicle was seized pursuant to the order of criminal forfeiture or to any member of that person's family and will not otherwise knowingly permit that person or any member of that person's family to obtain possession of the vehicle.

(3) No order of criminal forfeiture shall be issued pursuant to this section if a person with an interest in the vehicle establishes to the court, by a preponderance of the evidence after filing a motion with the court, that the person neither knew nor

should have known after a reasonable inquiry that the vehicle had 4324
been used or was involved in the violation resulting in the 4325
issuance of the order of criminal forfeiture or the violation of 4326
the order of immobilization issued under section 4503.233 of the 4327
Revised Code, that the person did not expressly or impliedly 4328
consent to the use or involvement of the vehicle in that 4329
violation, that the interest was perfected in good faith and for 4330
value pursuant to law between the time of the arrest of the 4331
offender and the final disposition of the criminal charge in 4332
question, and that the vehicle was in the possession of the 4333
interest holder at the time of the perfection of the interest. If 4334
the court is satisfied that the interest holder has met these 4335
criteria, the court shall preserve the interest holder's interest, 4336
and the court either shall return the vehicle to the interest 4337
holder or order that the proceeds of any sale held pursuant to 4338
division (C) of this section be paid to the holder of the interest 4339
less the costs of seizure, storage, and maintenance of the 4340
vehicle. The court shall not return a vehicle to an interest 4341
holder unless the holder submits an affidavit to the court stating 4342
that the holder will not return the vehicle to the person from 4343
whom the holder acquired the holder's interest, nor to any member 4344
of that person's family, and the holder will not otherwise 4345
knowingly permit that person or any member of that person's family 4346
to obtain possession of the vehicle. 4347

(C) A vehicle ordered criminally forfeited to the state 4348
pursuant to this section shall be disposed of as follows: 4349

(1) It shall be given to the law enforcement agency that 4350
employs the law enforcement officer who seized the vehicle, if 4351
that agency desires to have it; 4352

(2) If a vehicle is not disposed of pursuant to division 4353
(C)(1) of this section, the vehicle shall be sold, without 4354
appraisal, if the value of the vehicle is two thousand dollars or 4355

more as determined by publications of the national auto dealer's 4356
association, at a public auction to the highest bidder for cash. 4357
Prior to the sale, the prosecuting attorney in the case shall 4358
cause a notice of the proposed sale to be given in accordance with 4359
law. The court shall cause notice of the sale of the vehicle to be 4360
published in a newspaper of general circulation in the county in 4361
which the court is located at least seven days prior to the date 4362
of the sale. The proceeds of a sale under this division or 4363
division (F) of this section shall be applied in the following 4364
order: 4365

(a) First, they shall be applied to the payment of the costs 4366
incurred in connection with the seizure, storage, and maintenance 4367
of, and provision of security for, the vehicle, any proceeding 4368
arising out of the forfeiture, and if any, the sale. 4369

(b) Second, the remaining proceeds after compliance with 4370
division (C)(2)(a) of this section, shall be applied to the 4371
payment of the value of any lien or ownership interest in the 4372
vehicle preserved under division (B) of this section. 4373

(c) Third, the remaining proceeds, after compliance with 4374
divisions (C)(2)(a) and (b) of this section, shall be applied to 4375
the appropriate funds in accordance with divisions (B) and (C) of 4376
section 2981.13 of the Revised Code, provided that the total of 4377
the amount so deposited under this division shall not exceed one 4378
thousand dollars. The remaining proceeds deposited under this 4379
division shall be used only for the purposes authorized by those 4380
divisions and division (D) of that section. 4381

(d) Fourth, the remaining proceeds after compliance with 4382
divisions (C)(2)(a) and (b) of this section and after deposit of a 4383
total amount of one thousand dollars under division (C)(2)(c) of 4384
this section shall be applied so that fifty per cent of those 4385
remaining proceeds is paid into the reparation fund established by 4386
section 2743.191 of the Revised Code, twenty-five per cent is paid 4387

into the drug abuse resistance education programs fund created by 4388
division (F)(2)(e) of section 4511.191 of the Revised Code and 4389
shall be used only for the purposes authorized by division 4390
(F)(2)(e) of that section, and twenty-five per cent is applied to 4391
the appropriate funds in accordance with divisions (B) and (C) of 4392
section 2981.13 of the Revised Code. The proceeds deposited into 4393
any fund described in section 2981.13 of the Revised Code shall be 4394
used only for the purposes authorized by divisions (B)(4)(c), (C), 4395
and (D) of that section. 4396

(D) Except as provided in division (E) of section 4511.203 of 4397
the Revised Code and notwithstanding any other provision of law, 4398
neither the registrar of motor vehicles nor any deputy registrar 4399
shall accept an application for the registration of any motor 4400
vehicle in the name of any person, or register any motor vehicle 4401
in the name of any person, if both of the following apply: 4402

(1) Any vehicle registered in the person's name was 4403
criminally forfeited under this section and section 4503.233, 4404
4503.236, 4510.10, 4510.11, 4510.14, ~~4510.16~~, 4510.41, 4511.19, 4405
4511.193, or 4511.203 of the Revised Code; 4406

(2) Less than five years have expired since the issuance of 4407
the most recent order of criminal forfeiture issued in relation to 4408
a vehicle registered in the person's name. 4409

(E) If a court orders the criminal forfeiture to the state of 4410
a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 4411
4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, 4412
or 4511.203 of the Revised Code, the title to the motor vehicle is 4413
assigned or transferred, and division (B)(2) or (3) of this 4414
section applies, in addition to or independent of any other 4415
penalty established by law, the court may fine the offender the 4416
value of the vehicle as determined by publications of the national 4417
auto dealer's association. The proceeds from any fine imposed 4418
under this division shall be distributed in accordance with 4419

division (C)(2) of this section. 4420

(F) As used in this section and divisions (B)(4)(c), (C), and 4421
(D) of section 2981.13 of the Revised Code in relation to proceeds 4422
of the sale of a vehicle under division (C) of this section, 4423
"prosecuting attorney" includes the prosecuting attorney, village 4424
solicitor, city director of law, or similar chief legal officer of 4425
a municipal corporation who prosecutes the case resulting in the 4426
conviction or guilty plea in question. 4427

(G) If the vehicle to be forfeited has an average retail 4428
value of less than two thousand dollars as determined by 4429
publications of the national auto dealer's association, no public 4430
auction is required to be held. In such a case, the court may 4431
direct that the vehicle be disposed of in any manner that it 4432
considers appropriate, including assignment of the certificate of 4433
title to the motor vehicle to a salvage dealer or a scrap metal 4434
processing facility. The court shall not transfer the vehicle to 4435
the person who is the vehicle's immediate previous owner. 4436

If the court assigns the motor vehicle to a salvage dealer or 4437
scrap metal processing facility and the court is in possession of 4438
the certificate of title to the motor vehicle, it shall send the 4439
assigned certificate of title to the motor vehicle to the clerk of 4440
the court of common pleas of the county in which the salvage 4441
dealer or scrap metal processing facility is located. The court 4442
shall mark the face of the certificate of title with the words 4443
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 4444
of title to the salvage dealer or scrap metal processing facility 4445
for its records. 4446

If the court is not in possession of the certificate of title 4447
to the motor vehicle, the court shall issue an order transferring 4448
ownership of the motor vehicle to a salvage dealer or scrap metal 4449
processing facility, send the order to the clerk of the court of 4450
common pleas of the county in which the salvage dealer or scrap 4451

metal processing facility is located, and send a photocopy of the 4452
order to the salvage dealer or scrap metal processing facility for 4453
its records. The clerk shall make the proper notations or entries 4454
in the clerk's records concerning the disposition of the motor 4455
vehicle. 4456

Sec. 4507.02. (A)(1) No person shall permit the operation of 4457
a motor vehicle upon any public or private property used by the 4458
public for purposes of vehicular travel or parking knowing the 4459
operator does not have a valid driver's license issued to the 4460
operator by the registrar of motor vehicles under this chapter or 4461
a valid commercial driver's license issued under Chapter 4506. of 4462
the Revised Code. Except as otherwise provided in this division, 4463
whoever violates this division is guilty of an unclassified 4464
misdemeanor. When the offense is an unclassified misdemeanor, the 4465
offender shall be sentenced pursuant to sections 2929.21 to 4466
2929.28 of the Revised Code, except that the offender shall not be 4467
sentenced to a jail term; the offender shall not be sentenced to a 4468
community residential sanction pursuant to section 2929.26 of the 4469
Revised Code; notwithstanding division (A)(2)(a) of section 4470
2929.28 of the Revised Code, the offender may be fined up to one 4471
thousand dollars; and, notwithstanding division (A)(3) of section 4472
2929.27 of the Revised Code, the offender may be ordered pursuant 4473
to division (C) of that section to serve a term of community 4474
service of up to five hundred hours. The failure of an offender to 4475
complete a term of community service imposed by the court may be 4476
punished as indirect criminal contempt under division (A) of 4477
section 2705.02 of the Revised Code that may be filed in the 4478
underlying case. 4479

If, within three years of the offense, the offender 4480
previously has been convicted of or pleaded guilty to two or more 4481
violations of this section or a substantially equivalent municipal 4482
ordinance, the offense is a misdemeanor of the first degree. 4483

(2) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until the person surrenders to the registrar all valid licenses issued to the person by another jurisdiction recognized by this state. The registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The registrar shall destroy any such license that is not returned to the issuing authority. No person shall be permitted to have more than one valid license at any time.

(B)(1) If a person is convicted of a violation of section 4510.11, 4510.14, ~~4510.16 when division (C)(2) and (3) of that section applies,~~ or 4510.21 of the Revised Code or if division ~~(F)~~(E) of section 4507.164 of the Revised Code applies, the trial judge of any court, in addition to or independent of any other penalties provided by law or ordinance, may impound the identification license plates of any motor vehicle registered in the name of the person. ~~If a person is convicted of a violation of section 4510.16 of the Revised Code and division (C)(1) of that section applies, the trial judge of any court, in addition to or independent of any other penalties provided by law or ordinance, may impound the identification license plates of any motor vehicle registered in the name of the person.~~ The court shall send the impounded license plates to the registrar, who may retain the license plates until the driver's or commercial driver's license of the owner has been reinstated or destroy them pursuant to section 4503.232 of the Revised Code.

If the license plates of a person convicted of a violation of any provision of those sections have been impounded in accordance with the provisions of this division, the court shall notify the registrar of that action. The notice shall contain the name and address of the driver, the serial number of the driver's or

commercial driver's license, the serial numbers of the license 4516
plates of the motor vehicle, and the length of time for which the 4517
license plates have been impounded. The registrar shall record the 4518
data in the notice as part of the driver's permanent record. 4519

(2) Any motor vehicle owner who has had the license plates of 4520
a motor vehicle impounded pursuant to division (B)(1) of this 4521
section may apply to the registrar, or to a deputy registrar, for 4522
restricted license plates that shall conform to the requirements 4523
of section 4503.231 of the Revised Code. The registrar or deputy 4524
registrar forthwith shall notify the court of the application and, 4525
upon approval of the court, shall issue restricted license plates 4526
to the applicant. Until the driver's or commercial driver's 4527
license of the owner is reinstated, any new license plates issued 4528
to the owner also shall conform to the requirements of section 4529
4503.231 of the Revised Code. 4530

The registrar or deputy registrar shall charge the owner of a 4531
vehicle the fees provided in section 4503.19 of the Revised Code 4532
for restricted license plates that are issued in accordance with 4533
this division, except upon renewal as specified in section 4503.10 4534
of the Revised Code, when the regular fee as provided in section 4535
4503.04 of the Revised Code shall be charged. The registrar or 4536
deputy registrar shall charge the owner of a vehicle the fees 4537
provided in section 4503.19 of the Revised Code whenever 4538
restricted license plates are exchanged, by reason of the 4539
reinstatement of the driver's or commercial driver's license of 4540
the owner, for those ordinarily issued. 4541

(3) If an owner wishes to sell a motor vehicle during the 4542
time the restricted license plates provided under division (B)(2) 4543
of this section are in use, the owner may apply to the court that 4544
impounded the license plates of the motor vehicle for permission 4545
to transfer title to the motor vehicle. If the court is satisfied 4546
that the sale will be made in good faith and not for the purpose 4547

of circumventing the provisions of this section, it may certify 4548
its consent to the owner and to the registrar of motor vehicles 4549
who shall enter notice of the transfer of the title of the motor 4550
vehicle in the vehicle registration record. 4551

If, during the time the restricted license plates provided 4552
under division (B)(2) of this section are in use, the title to a 4553
motor vehicle is transferred by the foreclosure of a chattel 4554
mortgage, a sale upon execution, the cancellation of a conditional 4555
sales contract, or by order of a court, the court shall notify the 4556
registrar of the action and the registrar shall enter notice of 4557
the transfer of the title to the motor vehicle in the vehicle 4558
registration record. 4559

(C) This section is not intended to change or modify any 4560
provision of Chapter 4503. of the Revised Code with respect to the 4561
taxation of motor vehicles or the time within which the taxes on 4562
motor vehicles shall be paid. 4563

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 4564
of this section, when the license of any person is suspended 4565
pursuant to any provision of the Revised Code other than division 4566
(G) of section 4511.19 of the Revised Code and other than section 4567
4510.07 of the Revised Code for a violation of a municipal OVI 4568
ordinance, the trial judge may impound the identification license 4569
plates of any motor vehicle registered in the name of the person. 4570

(B)(1) When the license of any person is suspended pursuant 4571
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 4572
pursuant to section 4510.07 of the Revised Code for a municipal 4573
OVI offense when the suspension is equivalent in length to the 4574
suspension under division (G) of section 4511.19 of the Revised 4575
Code that is specified in this division, the trial judge of the 4576
court of record or the mayor of the mayor's court that suspended 4577
the license may impound the identification license plates of any 4578

motor vehicle registered in the name of the person. 4579

(2) When the license of any person is suspended pursuant to 4580
division (G)(1)(b) of section 4511.19 of the Revised Code, or 4581
pursuant to section 4510.07 of the Revised Code for a municipal 4582
OVI offense when the suspension is equivalent in length to the 4583
suspension under division (G) of section 4511.19 of the Revised 4584
Code that is specified in this division, the trial judge of the 4585
court of record that suspended the license shall order the 4586
impoundment of the identification license plates of the motor 4587
vehicle the offender was operating at the time of the offense and 4588
the immobilization of that vehicle in accordance with section 4589
4503.233 and division (G)(1)(b) of section 4511.19 or division 4590
(C)(2)(a) of section 4511.193 of the Revised Code and may impound 4591
the identification license plates of any other motor vehicle 4592
registered in the name of the person whose license is suspended. 4593

(3) When the license of any person is suspended pursuant to 4594
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 4595
Code, or pursuant to section 4510.07 of the Revised Code for a 4596
municipal OVI offense when the suspension is equivalent in length 4597
to the suspension under division (G) of section 4511.19 of the 4598
Revised Code that is specified in this division, the trial judge 4599
of the court of record that suspended the license shall order the 4600
criminal forfeiture to the state of the motor vehicle the offender 4601
was operating at the time of the offense in accordance with 4602
section 4503.234 and division (G)(1)(c), (d), or (e) of section 4603
4511.19 or division (C)(2)(b) of section 4511.193 of the Revised 4604
Code and may impound the identification license plates of any 4605
other motor vehicle registered in the name of the person whose 4606
license is suspended. 4607

(C)(1) When a person is convicted of or pleads guilty to a 4608
violation of section 4510.14 of the Revised Code or a 4609
substantially equivalent municipal ordinance and division (B)(1) 4610

or (2) of section 4510.14 or division ~~(C)~~(B)(1) or (2) of section 4611
4510.161 of the Revised Code applies, the trial judge of the court 4612
of record or the mayor of the mayor's court that imposes sentence 4613
shall order the immobilization of the vehicle the person was 4614
operating at the time of the offense and the impoundment of its 4615
identification license plates in accordance with section 4503.233 4616
and division (B)(1) or (2) of section 4510.14 or division 4617
~~(C)~~(B)(1) or (2) of section 4510.161 of the Revised Code and may 4618
impound the identification license plates of any other vehicle 4619
registered in the name of that person. 4620

(2) When a person is convicted of or pleads guilty to a 4621
violation of section 4510.14 of the Revised Code or a 4622
substantially equivalent municipal ordinance and division (B)(3) 4623
of section 4510.14 or division ~~(C)~~(B)(3) of section 4510.161 of 4624
the Revised Code applies, the trial judge of the court of record 4625
that imposes sentence shall order the criminal forfeiture to the 4626
state of the vehicle the person was operating at the time of the 4627
offense in accordance with section 4503.234 and division (B)(3) of 4628
section 4510.14 or division ~~(C)~~(B)(3) of section 4510.161 of the 4629
Revised Code and may impound the identification license plates of 4630
any other vehicle registered in the name of that person. 4631

~~(D) When a person is convicted of or pleads guilty to a 4632
violation of division (A) of section 4510.16 of the Revised Code 4633
or a substantially equivalent municipal ordinance, division (D) or 4634
(C) of section 4510.16 or division (B) of section 4510.161 of the 4635
Revised Code applies in determining whether the immobilization of 4636
the vehicle the person was operating at the time of the offense 4637
and the impoundment of its identification license plates or the 4638
criminal forfeiture to the state of the vehicle the person was 4639
operating at the time of the offense is authorized or required. 4640
The trial judge of the court of record or the mayor of the mayor's 4641
court that imposes sentence may impound the identification license 4642~~

~~plates of any other vehicle registered in the name of that person.~~ 4643

~~(E)~~(1) When a person is convicted of or pleads guilty to a 4644
violation of section 4511.203 of the Revised Code and the person 4645
is sentenced pursuant to division (C)(3)(a) or (b) of section 4646
4511.203 of the Revised Code, the trial judge of the court of 4647
record or the mayor of the mayor's court that imposes sentence 4648
shall order the immobilization of the vehicle that was involved in 4649
the commission of the offense and the impoundment of its 4650
identification license plates in accordance with division 4651
(C)(3)(a) or (b) of section 4511.203 and section 4503.233 of the 4652
Revised Code and may impound the identification license plates of 4653
any other vehicle registered in the name of that person. 4654

(2) When a person is convicted of or pleads guilty to a 4655
violation of section 4511.203 of the Revised Code and the person 4656
is sentenced pursuant to division (C)(3)(c) of section 4511.203 of 4657
the Revised Code, the trial judge of the court of record or the 4658
mayor of the mayor's court that imposes sentence shall order the 4659
criminal forfeiture to the state of the vehicle that was involved 4660
in the commission of the offense in accordance with division 4661
(C)(3)(c) of section 4511.203 and section 4503.234 of the Revised 4662
Code and may impound the identification license plates of any 4663
other vehicle registered in the name of that person. 4664

~~(F)~~(E) Except as provided in section 4503.233 or 4503.234 of 4665
the Revised Code, when the certificate of registration, the 4666
identification license plates, or both have been impounded, 4667
division (B) of section 4507.02 of the Revised Code is applicable. 4668

~~(G)~~(F) As used in this section, "municipal OVI offense" has 4669
the same meaning as in section 4511.181 of the Revised Code. 4670

Sec. 4509.06. (A) The driver of any motor vehicle which is in 4671
any manner involved in a motor vehicle accident within six months 4672
of the accident may forward a written report of the accident to 4673

the registrar of motor vehicles on a form prescribed by the 4674
registrar alleging that a driver or owner of any other vehicle 4675
involved in the accident was uninsured at the time of the 4676
accident. 4677

(B) Upon receipt of the accident report, the registrar shall 4678
send a notice by regular mail to the driver and owner alleged to 4679
be uninsured requiring the person to give evidence that the person 4680
had proof of financial responsibility in effect at the time of the 4681
accident. 4682

(C) Within thirty days after the mailing of the notice by the 4683
registrar, the driver of the vehicle alleged to be uninsured shall 4684
forward a report together with acceptable proof of financial 4685
responsibility to the registrar in a form prescribed by the 4686
registrar. The forwarding of the report by the owner of the motor 4687
vehicle involved in the accident is deemed compliance with this 4688
section by the driver. This section does not change or modify the 4689
duties of the driver or operator of a motor vehicle as set forth 4690
in section 4549.02 of the Revised Code. 4691

~~(D) In accordance with sections 4509.01 to 4509.78 of the 4692
Revised Code, the registrar shall suspend the license of any 4693
person who fails to give acceptable proof of financial 4694
responsibility as required in this section. 4695~~

Sec. 4509.101. (A)(1) No person shall operate, or permit the 4696
operation of, a motor vehicle in this state, unless proof of 4697
financial responsibility is maintained continuously throughout the 4698
registration period with respect to that vehicle, or, in the case 4699
of a driver who is not the owner, with respect to that driver's 4700
operation of that vehicle. 4701

(2) Whoever violates division (A)(1) of this section shall be 4702
subject to the following civil penalties: 4703

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class E suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. ~~No~~ The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, except that no court may grant limited driving

privileges ~~during~~ for the first thirty days of the suspension. 4736

(d) In addition to the suspension of an owner's license under 4737
division (A)(2)(a), (b), or (c) of this section, the suspension of 4738
the rights of the owner to register the motor vehicle and the 4739
impoundment of the owner's certificate of registration and license 4740
plates until the owner complies with division (A)(5) of this 4741
section. 4742

(3) A person to whom this state has issued a certificate of 4743
registration for a motor vehicle or a license to operate a motor 4744
vehicle or who is determined to have operated any motor vehicle or 4745
permitted the operation in this state of a motor vehicle owned by 4746
the person shall be required to verify the existence of proof of 4747
financial responsibility covering the operation of the motor 4748
vehicle or the person's operation of the motor vehicle under any 4749
of the following circumstances: 4750

(a) The person or a motor vehicle owned by the person is 4751
involved in a traffic accident that requires the filing of an 4752
accident report under section 4509.06 of the Revised Code. 4753

(b) The person receives a traffic ticket indicating that 4754
proof of the maintenance of financial responsibility was not 4755
produced upon the request of a peace officer or state highway 4756
patrol trooper made in accordance with division (D)(2) of this 4757
section. 4758

(c) Whenever, in accordance with rules adopted by the 4759
registrar, the person is randomly selected by the registrar and 4760
requested to provide such verification. 4761

(4) An order of the registrar that suspends and impounds a 4762
license or registration, or both, shall state the date on or 4763
before which the person is required to surrender the person's 4764
license or certificate of registration and license plates. The 4765
person is deemed to have surrendered the license or certificate of 4766

registration and license plates, in compliance with the order, if 4767
the person does either of the following: 4768

(a) On or before the date specified in the order, personally 4769
delivers the license or certificate of registration and license 4770
plates, or causes the delivery of the items, to the registrar; 4771

(b) Mails the license or certificate of registration and 4772
license plates to the registrar in an envelope or container 4773
bearing a postmark showing a date no later than the date specified 4774
in the order. 4775

(5) Except as provided in division (A)(6) or (L) of this 4776
section, the registrar shall not restore any operating privileges 4777
or registration rights suspended under this section, return any 4778
license, certificate of registration, or license plates impounded 4779
under this section, or reissue license plates under section 4780
4503.232 of the Revised Code, if the registrar destroyed the 4781
impounded license plates under that section, or reissue a license 4782
under section 4510.52 of the Revised Code, if the registrar 4783
destroyed the suspended license under that section, unless the 4784
rights are not subject to suspension or revocation under any other 4785
law and unless the person, in addition to complying with all other 4786
conditions required by law for reinstatement of the operating 4787
privileges or registration rights, complies with all of the 4788
following: 4789

(a) Pays to the registrar or an eligible deputy registrar a 4790
financial responsibility reinstatement fee of one hundred dollars 4791
for the first violation of division (A)(1) of this section, three 4792
hundred dollars for a second violation of that division, and six 4793
hundred dollars for a third or subsequent violation of that 4794
division; 4795

(b) If the person has not voluntarily surrendered the 4796
license, certificate, or license plates in compliance with the 4797

order, pays to the registrar or an eligible deputy registrar a 4798
financial responsibility nonvoluntary compliance fee in an amount, 4799
not to exceed fifty dollars, determined by the registrar; 4800

(c) Files and continuously maintains proof of financial 4801
responsibility under sections 4509.44 to 4509.65 of the Revised 4802
Code; 4803

(d) Pays a deputy registrar a service fee of ten dollars to 4804
compensate the deputy registrar for services performed under this 4805
section. The deputy registrar shall retain eight dollars of the 4806
service fee and shall transmit the reinstatement fee, any 4807
nonvoluntary compliance fee, and two dollars of the service fee to 4808
the registrar in the manner the registrar shall determine. 4809

(6) If the registrar issues an order under division (A)(2) of 4810
this section resulting from the failure of a person to respond to 4811
a financial responsibility random verification request under 4812
division (A)(3)(c) of this section and the person successfully 4813
maintains an affirmative defense to a violation of section 4510.16 4814
of the Revised Code or is determined by the registrar or a deputy 4815
registrar to have been in compliance with division (A)(1) of this 4816
section at the time of the initial financial responsibility random 4817
verification request, the registrar shall do both of the 4818
following: 4819

(a) Terminate the order of suspension or impoundment; 4820

(b) Restore the operating privileges and registration rights 4821
of the person without payment of the fees established in divisions 4822
(A)(5)(a) and (b) of this section and without a requirement to 4823
file proof of financial responsibility. 4824

(B)(1) Every party required to file an accident report under 4825
section 4509.06 of the Revised Code also shall include with the 4826
report a document described in division (G)(1) of this section. 4827

If the registrar determines, within forty-five days after the 4828

report is filed, that an operator or owner has violated division 4829
(A)(1) of this section, the registrar shall do all of the 4830
following: 4831

(a) Order the impoundment, with respect to the motor vehicle 4832
involved, required under division (A)(2)(d) of this section, of 4833
the certificate of registration and license plates of any owner 4834
who has violated division (A)(1) of this section; 4835

(b) Order the suspension required under division (A)(2)(a), 4836
(b), or (c) of this section of the license of any operator or 4837
owner who has violated division (A)(1) of this section; 4838

(c) Record the name and address of the person whose 4839
certificate of registration and license plates have been impounded 4840
or are under an order of impoundment, or whose license has been 4841
suspended or is under an order of suspension; the serial number of 4842
the person's license; the serial numbers of the person's 4843
certificate of registration and license plates; and the person's 4844
social security account number, if assigned, or, where the motor 4845
vehicle is used for hire or principally in connection with any 4846
established business, the person's federal taxpayer identification 4847
number. The information shall be recorded in such a manner that it 4848
becomes a part of the person's permanent record, and assists the 4849
registrar in monitoring compliance with the orders of suspension 4850
or impoundment. 4851

(d) Send written notification to every person to whom the 4852
order pertains, at the person's last known address as shown on the 4853
records of the bureau. The person, within ten days after the date 4854
of the mailing of the notification, shall surrender to the 4855
registrar, in a manner set forth in division (A)(4) of this 4856
section, any certificate of registration and registration plates 4857
under an order of impoundment, or any license under an order of 4858
suspension. 4859

(2) The registrar shall issue any order under division (B)(1) 4860
of this section without a hearing. Any person adversely affected 4861
by the order, within ten days after the issuance of the order, may 4862
request an administrative hearing before the registrar, who shall 4863
provide the person with an opportunity for a hearing in accordance 4864
with this paragraph. A request for a hearing does not operate as a 4865
suspension of the order. The scope of the hearing shall be limited 4866
to whether the person in fact demonstrated to the registrar proof 4867
of financial responsibility in accordance with this section. The 4868
registrar shall determine the date, time, and place of any 4869
hearing, provided that the hearing shall be held, and an order 4870
issued or findings made, within thirty days after the registrar 4871
receives a request for a hearing. If requested by the person in 4872
writing, the registrar may designate as the place of hearing the 4873
county seat of the county in which the person resides or a place 4874
within fifty miles of the person's residence. The person shall pay 4875
the cost of the hearing before the registrar, if the registrar's 4876
order of suspension or impoundment is upheld. 4877

(C) Any order of suspension or impoundment issued under this 4878
section or division (B) of section 4509.37 of the Revised Code may 4879
be terminated at any time if the registrar determines upon a 4880
showing of proof of financial responsibility that the operator or 4881
owner of the motor vehicle was in compliance with division (A)(1) 4882
of this section at the time of the traffic offense, motor vehicle 4883
inspection, or accident that resulted in the order against the 4884
person. A determination may be made without a hearing. This 4885
division does not apply unless the person shows good cause for the 4886
person's failure to present satisfactory proof of financial 4887
responsibility to the registrar prior to the issuance of the 4888
order. 4889

(D)(1) For the purpose of enforcing this section, every peace 4890
officer is deemed an agent of the registrar. 4891

(a) Except as provided in division (D)(1)(b) of this section, 4892
any peace officer who, in the performance of the peace officer's 4893
duties as authorized by law, becomes aware of a person whose 4894
license is under an order of suspension, or whose certificate of 4895
registration and license plates are under an order of impoundment, 4896
pursuant to this section, may confiscate the license, certificate 4897
of registration, and license plates, and return them to the 4898
registrar. 4899

(b) Any peace officer who, in the performance of the peace 4900
officer's duties as authorized by law, becomes aware of a person 4901
whose license is under an order of suspension, or whose 4902
certificate of registration and license plates are under an order 4903
of impoundment resulting from failure to respond to a financial 4904
responsibility random verification, shall not, for that reason, 4905
arrest the owner or operator or seize the vehicle or license 4906
plates. Instead, the peace officer shall issue a citation for a 4907
violation of section 4510.16 of the Revised Code specifying the 4908
circumstances as failure to respond to a financial responsibility 4909
random verification. 4910

(2) A peace officer shall request the owner or operator of a 4911
motor vehicle to produce proof of financial responsibility in a 4912
manner described in division (G) of this section at the time the 4913
peace officer acts to enforce the traffic laws of this state and 4914
during motor vehicle inspections conducted pursuant to section 4915
4513.02 of the Revised Code. 4916

(3) A peace officer shall indicate on every traffic ticket 4917
whether the person receiving the traffic ticket produced proof of 4918
the maintenance of financial responsibility in response to the 4919
officer's request under division (D)(2) of this section. The peace 4920
officer shall inform every person who receives a traffic ticket 4921
and who has failed to produce proof of the maintenance of 4922
financial responsibility that the person must submit proof to the 4923

traffic violations bureau with any payment of a fine and costs for 4924
the ticketed violation or, if the person is to appear in court for 4925
the violation, the person must submit proof to the court. 4926

(4)(a) If a person who has failed to produce proof of the 4927
maintenance of financial responsibility appears in court for a 4928
ticketed violation, the court may permit the defendant to present 4929
evidence of proof of financial responsibility to the court at such 4930
time and in such manner as the court determines to be necessary or 4931
appropriate. In a manner prescribed by the registrar, the clerk of 4932
courts shall provide the registrar with the identity of any person 4933
who fails to submit proof of the maintenance of financial 4934
responsibility pursuant to division (D)(3) of this section. 4935

(b) If a person who has failed to produce proof of the 4936
maintenance of financial responsibility also fails to submit that 4937
proof to the traffic violations bureau with payment of a fine and 4938
costs for the ticketed violation, the traffic violations bureau, 4939
in a manner prescribed by the registrar, shall notify the 4940
registrar of the identity of that person. 4941

(5)(a) Upon receiving notice from a clerk of courts or 4942
traffic violations bureau pursuant to division (D)(4) of this 4943
section, the registrar shall order the suspension of the license 4944
of the person required under division (A)(2)(a), (b), or (c) of 4945
this section and the impoundment of the person's certificate of 4946
registration and license plates required under division (A)(2)(d) 4947
of this section, effective thirty days after the date of the 4948
mailing of notification. The registrar also shall notify the 4949
person that the person must present the registrar with proof of 4950
financial responsibility in accordance with this section, 4951
surrender to the registrar the person's certificate of 4952
registration, license plates, and license, or submit a statement 4953
subject to section 2921.13 of the Revised Code that the person did 4954
not operate or permit the operation of the motor vehicle at the 4955

time of the offense. Notification shall be in writing and shall be 4956
sent to the person at the person's last known address as shown on 4957
the records of the bureau of motor vehicles. The person, within 4958
fifteen days after the date of the mailing of notification, shall 4959
present proof of financial responsibility, surrender the 4960
certificate of registration, license plates, and license to the 4961
registrar in a manner set forth in division (A)(4) of this 4962
section, or submit the statement required under this section 4963
together with other information the person considers appropriate. 4964

If the registrar does not receive proof or the person does 4965
not surrender the certificate of registration, license plates, and 4966
license, in accordance with this division, the registrar shall 4967
permit the order for the suspension of the license of the person 4968
and the impoundment of the person's certificate of registration 4969
and license plates to take effect. 4970

(b) In the case of a person who presents, within the 4971
fifteen-day period, documents to show proof of financial 4972
responsibility, the registrar shall terminate the order of 4973
suspension and the impoundment of the registration and license 4974
plates required under division (A)(2)(d) of this section and shall 4975
send written notification to the person, at the person's last 4976
known address as shown on the records of the bureau. 4977

(c) Any person adversely affected by the order of the 4978
registrar under division (D)(5)(a) or (b) of this section, within 4979
ten days after the issuance of the order, may request an 4980
administrative hearing before the registrar, who shall provide the 4981
person with an opportunity for a hearing in accordance with this 4982
paragraph. A request for a hearing does not operate as a 4983
suspension of the order. The scope of the hearing shall be limited 4984
to whether, at the time of the hearing, the person presents proof 4985
of financial responsibility covering the vehicle and whether the 4986
person is eligible for an exemption in accordance with this 4987

section or any rule adopted under it. The registrar shall 4988
determine the date, time, and place of any hearing; provided, that 4989
the hearing shall be held, and an order issued or findings made, 4990
within thirty days after the registrar receives a request for a 4991
hearing. If requested by the person in writing, the registrar may 4992
designate as the place of hearing the county seat of the county in 4993
which the person resides or a place within fifty miles of the 4994
person's residence. Such person shall pay the cost of the hearing 4995
before the registrar, if the registrar's order of suspension or 4996
impoundment under division (D)(5)(a) or (b) of this section is 4997
upheld. 4998

(6) A peace officer may charge an owner or operator of a 4999
motor vehicle with a violation of section 4510.16 of the Revised 5000
Code when the owner or operator fails to show proof of the 5001
maintenance of financial responsibility pursuant to a peace 5002
officer's request under division (D)(2) of this section, if a 5003
check of the owner or operator's driving record indicates that the 5004
owner or operator, at the time of the operation of the motor 5005
vehicle, is required to file and maintain proof of financial 5006
responsibility under section 4509.45 of the Revised Code for a 5007
previous violation of this chapter. 5008

(7) Any forms used by law enforcement agencies in 5009
administering this section shall be prescribed, supplied, and paid 5010
for by the registrar. 5011

(8) No peace officer, law enforcement agency employing a 5012
peace officer, or political subdivision or governmental agency 5013
that employs a peace officer shall be liable in a civil action for 5014
damages or loss to persons arising out of the performance of any 5015
duty required or authorized by this section. 5016

(9) As used in this division and divisions (E) and (G) of 5017
this section, "peace officer" has the meaning set forth in section 5018
2935.01 of the Revised Code. 5019

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the financial responsibility compliance fund. The financial responsibility compliance fund shall be used exclusively to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section, except that the director of budget and management may transfer excess money from the financial responsibility compliance fund to the state bureau of motor vehicles fund if the registrar determines that the amount of money in the financial responsibility compliance fund exceeds the amount required to cover such costs incurred by the bureau or a law enforcement agency and requests the director to make the transfer.

Of each financial responsibility reinstatement fee the registrar collects pursuant to division (A)(5)(a) of this section or receives from a deputy registrar under division (A)(5)(d) of this section, the registrar shall deposit twenty-five dollars of each one-hundred-dollar reinstatement fee, fifty dollars of each three-hundred-dollar reinstatement fee, and one hundred dollars of each six-hundred-dollar reinstatement fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code.

All investment earnings of the financial responsibility compliance fund shall be credited to the fund.

(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not clearly inconsistent with this section.

(G)(1) The registrar, court, traffic violations bureau, or 5052
peace officer may require proof of financial responsibility to be 5053
demonstrated by use of a standard form prescribed by the 5054
registrar. If the use of a standard form is not required, a person 5055
may demonstrate proof of financial responsibility under this 5056
section by presenting to the traffic violations bureau, court, 5057
registrar, or peace officer any of the following documents or a 5058
copy of the documents: 5059

(a) A financial responsibility identification card as 5060
provided in section 4509.103 of the Revised Code; 5061

(b) A certificate of proof of financial responsibility on a 5062
form provided and approved by the registrar for the filing of an 5063
accident report required to be filed under section 4509.06 of the 5064
Revised Code; 5065

(c) A policy of liability insurance, a declaration page of a 5066
policy of liability insurance, or liability bond, if the policy or 5067
bond complies with section 4509.20 or sections 4509.49 to 4509.61 5068
of the Revised Code; 5069

(d) A bond or certification of the issuance of a bond as 5070
provided in section 4509.59 of the Revised Code; 5071

(e) A certificate of deposit of money or securities as 5072
provided in section 4509.62 of the Revised Code; 5073

(f) A certificate of self-insurance as provided in section 5074
4509.72 of the Revised Code. 5075

(2) If a person fails to demonstrate proof of financial 5076
responsibility in a manner described in division (G)(1) of this 5077
section, the person may demonstrate proof of financial 5078
responsibility under this section by any other method that the 5079
court or the bureau, by reason of circumstances in a particular 5080
case, may consider appropriate. 5081

(3) A motor carrier certificated by the interstate commerce 5082
commission or by the public utilities commission may demonstrate 5083
proof of financial responsibility by providing a statement 5084
designating the motor carrier's operating authority and averring 5085
that the insurance coverage required by the certificating 5086
authority is in full force and effect. 5087

(4)(a) A finding by the registrar or court that a person is 5088
covered by proof of financial responsibility in the form of an 5089
insurance policy or surety bond is not binding upon the named 5090
insurer or surety or any of its officers, employees, agents, or 5091
representatives and has no legal effect except for the purpose of 5092
administering this section. 5093

(b) The preparation and delivery of a financial 5094
responsibility identification card or any other document 5095
authorized to be used as proof of financial responsibility under 5096
this division does not do any of the following: 5097

(i) Create any liability or estoppel against an insurer or 5098
surety, or any of its officers, employees, agents, or 5099
representatives; 5100

(ii) Constitute an admission of the existence of, or of any 5101
liability or coverage under, any policy or bond; 5102

(iii) Waive any defenses or counterclaims available to an 5103
insurer, surety, agent, employee, or representative in an action 5104
commenced by an insured or third-party claimant upon a cause of 5105
action alleged to have arisen under an insurance policy or surety 5106
bond or by reason of the preparation and delivery of a document 5107
for use as proof of financial responsibility. 5108

(c) Whenever it is determined by a final judgment in a 5109
judicial proceeding that an insurer or surety, which has been 5110
named on a document accepted by a court or the registrar as proof 5111
of financial responsibility covering the operation of a motor 5112

vehicle at the time of an accident or offense, is not liable to 5113
pay a judgment for injuries or damages resulting from such 5114
operation, the registrar, notwithstanding any previous contrary 5115
finding, shall forthwith suspend the operating privileges and 5116
registration rights of the person against whom the judgment was 5117
rendered as provided in division (A)(2) of this section. 5118

(H) In order for any document described in division (G)(1)(b) 5119
of this section to be used for the demonstration of proof of 5120
financial responsibility under this section, the document shall 5121
state the name of the insured or obligor, the name of the insurer 5122
or surety company, and the effective and expiration dates of the 5123
financial responsibility, and designate by explicit description or 5124
by appropriate reference all motor vehicles covered which may 5125
include a reference to fleet insurance coverage. 5126

(I) For purposes of this section, "owner" does not include a 5127
licensed motor vehicle leasing dealer as defined in section 5128
4517.01 of the Revised Code, but does include a motor vehicle 5129
renting dealer as defined in section 4549.65 of the Revised Code. 5130
Nothing in this section or in section 4509.51 of the Revised Code 5131
shall be construed to prohibit a motor vehicle renting dealer from 5132
entering into a contractual agreement with a person whereby the 5133
person renting the motor vehicle agrees to be solely responsible 5134
for maintaining proof of financial responsibility, in accordance 5135
with this section, with respect to the operation, maintenance, or 5136
use of the motor vehicle during the period of the motor vehicle's 5137
rental. 5138

(J) The purpose of this section is to require the maintenance 5139
of proof of financial responsibility with respect to the operation 5140
of motor vehicles on the highways of this state, so as to minimize 5141
those situations in which persons are not compensated for injuries 5142
and damages sustained in motor vehicle accidents. The general 5143
assembly finds that this section contains reasonable civil 5144

penalties and procedures for achieving this purpose. 5145

(K) Nothing in this section shall be construed to be subject 5146
to section 4509.78 of the Revised Code. 5147

(L)(1) The registrar may terminate any suspension imposed 5148
under this section and not require the owner to comply with 5149
divisions (A)(5)(a), (b), and (c) of this section if the registrar 5150
with or without a hearing determines that the owner of the vehicle 5151
has established by clear and convincing evidence that all of the 5152
following apply: 5153

(a) The owner customarily maintains proof of financial 5154
responsibility. 5155

(b) Proof of financial responsibility was not in effect for 5156
the vehicle on the date in question for one of the following 5157
reasons: 5158

(i) The vehicle was inoperable. 5159

(ii) The vehicle is operated only seasonally, and the date in 5160
question was outside the season of operation. 5161

(iii) A person other than the vehicle owner or driver was at 5162
fault for the lapse of proof of financial responsibility through 5163
no fault of the owner or driver. 5164

(iv) The lapse of proof of financial responsibility was 5165
caused by excusable neglect under circumstances that are not 5166
likely to recur and do not suggest a purpose to evade the 5167
requirements of this chapter. 5168

(2) The registrar may grant an owner or driver relief for a 5169
reason specified in division (L)(1)(b)(i) or (ii) of this section 5170
whenever the owner or driver is randomly selected to verify the 5171
existence of proof of financial responsibility for such a vehicle. 5172
However, the registrar may grant an owner or driver relief for a 5173
reason specified in division (L)(1)(b)(iii) or (iv) of this 5174

section only if the owner or driver has not previously been 5175
granted relief under division (L)(1)(b)(iii) or (iv) of this 5176
section. 5177

(M) The registrar shall adopt rules in accordance with 5178
Chapter 119. of the Revised Code that are necessary to administer 5179
and enforce this section. The rules shall include procedures for 5180
the surrender of license plates upon failure to maintain proof of 5181
financial responsibility and provisions relating to reinstatement 5182
of registration rights, acceptable forms of proof of financial 5183
responsibility, and verification of the existence of financial 5184
responsibility during the period of registration. 5185

Sec. 4510.10. (A) As used in this section, "reinstatement 5186
fees" means the fees that are required under section 4507.1612, 5187
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 5188
provision of the Revised Code, or under a schedule established by 5189
the bureau of motor vehicles, in order to reinstate a driver's or 5190
commercial driver's license or permit or nonresident operating 5191
privilege of an offender under a suspension. 5192

(B) Reinstatement fees are those fees that compensate the 5193
bureau of motor vehicles for suspensions, cancellations, or 5194
disqualifications of a person's driving privileges and to 5195
compensate the bureau and other agencies in their administration 5196
of programs intended to reduce and eliminate threats to public 5197
safety through education, treatment, and other activities. The 5198
registrar of motor vehicles shall not reinstate a driver's or 5199
commercial driver's license or permit or nonresident operating 5200
privilege of a person until the person has paid all reinstatement 5201
fees and has complied with all conditions for each suspension, 5202
cancellation, or disqualification incurred by that person. 5203

(C) When a municipal court or county court determines in a 5204
pending case involving an offender that the offender cannot 5205

reasonably pay reinstatement fees due and owing by the offender 5206
relative to one or more suspensions that have been or will be 5207
imposed by the bureau of motor vehicles or by a court of this 5208
state, the court, by order, may undertake an installment payment 5209
plan or a payment extension plan for the payment of reinstatement 5210
fees due and owing to the bureau in that pending case. The court 5211
shall establish an installment payment plan or a payment extension 5212
plan under this division in accordance with the requirements of 5213
divisions (D)(1) and (2) of this section. 5214

(D) Independent of the provisions of division (C) of this 5215
section, an offender who cannot reasonably pay reinstatement fees 5216
due and owing by the offender relative to a suspension that has 5217
been imposed on the offender may file a petition in the municipal 5218
court, county court, or, if the person is under the age of 5219
eighteen, the juvenile division of the court of common pleas in 5220
whose jurisdiction the person resides or, if the person is not a 5221
resident of this state, in the Franklin county municipal court or 5222
juvenile division of the Franklin county court of common pleas for 5223
an order that does either of the following, in order of 5224
preference: 5225

(1) Establishes a reasonable payment plan of not less than 5226
fifty dollars per month, to be paid by the offender to the 5227
registrar of motor vehicles or an eligible deputy registrar, in 5228
all succeeding months until all reinstatement fees required of the 5229
offender are paid in full. If the person is making payments to a 5230
deputy registrar, the deputy registrar shall collect a service fee 5231
of ten dollars each time the deputy registrar collects a payment 5232
to compensate the deputy registrar for services performed under 5233
this section. The deputy registrar shall retain eight dollars of 5234
the service fee and shall transmit the reinstatement payments, 5235
plus two dollars of each service fee, to the registrar in the 5236
manner the registrar shall determine. 5237

(2) If the offender, but for the payment of the reinstatement fees, otherwise would be entitled to operate a vehicle in this state or to obtain reinstatement of the offender's operating privileges, permits the offender to operate a motor vehicle, as authorized by the court, until a future date upon which date all reinstatement fees must be paid in full. A payment extension granted under this division shall not exceed one hundred eighty days, and any operating privileges granted under this division shall be solely for the purpose of permitting the offender occupational or "family necessity" privileges in order to enable the offender to reasonably acquire the delinquent reinstatement fees due and owing.

(E) If a municipal court, county court, or juvenile division enters an order of the type described in division (C) or division (D)(1) or (2) of this section, the court, at any time after the issuance of the order, may determine that a change of circumstances has occurred and may amend the order as justice requires, provided that the amended order also shall be an order that is permitted under division (C) or division (D)(1) or (2) of this section.

(F) If a court enters an order of the type described in division (C), (D)(1), (D)(2), or (E) of this section, during the pendency of the order, the offender in relation to whom it applies is not subject to prosecution for failing to pay the reinstatement fees covered by the order.

(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. 5270
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(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. 5274
5275
5276

(4) Any other provision the registrar reasonably may prescribe. 5277
5278

(H) Reinstatement fees are debts that may be discharged in bankruptcy. 5279
5280

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, 5281
5282
no person whose driver's or commercial driver's license or permit 5283
or nonresident operating privilege has been suspended under any 5284
provision of the Revised Code, other than Chapter 4509. of the 5285
Revised Code, or under any applicable law in any other 5286
jurisdiction in which the person's license or permit was issued, 5287
shall operate any motor vehicle upon the public roads and highways 5288
or upon any public or private property used by the public for 5289
purposes of vehicular travel or parking within this state during 5290
the period of suspension unless the person is granted limited 5291
driving privileges and is operating the vehicle in accordance with 5292
the terms of the limited driving privileges. 5293

(B) No person shall operate any motor vehicle upon a highway 5294
or any public or private property used by the public for purposes 5295
of vehicular travel or parking in this state in violation of any 5296
restriction of the person's driver's or commercial driver's 5297
license or permit imposed under division (D) of section 4506.10 or 5298
under section 4507.14 of the Revised Code. 5299

(C) Upon the request or motion of the prosecuting authority, 5300
a noncertified copy of the law enforcement automated data system 5301
report or a noncertified copy of a record of the registrar of 5302
motor vehicles that shows the name, date of birth, and social 5303
security number of a person charged with a violation of division 5304
(A) or (B) of this section may be admitted into evidence as 5305
prima-facie evidence that the license of the person was under 5306
suspension at the time of the alleged violation of division (A) of 5307
this section or the person operated a motor vehicle in violation 5308
of a restriction at the time of the alleged violation of division 5309
(B) of this section. The person charged with a violation of 5310
division (A) or (B) of this section may offer evidence to rebut 5311
this prima-facie evidence. 5312

(D)(1) Whoever violates division (A) or (B) of this section 5313
is guilty of a misdemeanor of the first degree. The court may 5314
impose upon the offender a class seven suspension of the 5315
offender's driver's license, commercial driver's license, 5316
temporary instruction permit, probationary license, or nonresident 5317
operating privilege from the range specified in division (A)(7) of 5318
section 4510.02 of the Revised Code. 5319

(2)(a) Except as provided in division (D)(2)(b) or (c) of 5320
this section, the court, in addition to any other penalty that it 5321
imposes on the offender and if the vehicle is registered in the 5322
offender's name and if, within three years of the offense, the 5323
offender previously has been convicted of or pleaded guilty to one 5324
violation of this section or section 4510.111 or 4510.16 of the 5325
Revised Code, or a substantially equivalent municipal ordinance, 5326
the court, in addition to or independent of any other sentence 5327
that it imposes upon the offender, may order the immobilization of 5328
the vehicle involved in the offense for thirty days and the 5329
impoundment of that vehicle's license plates for thirty days in 5330
accordance with section 4503.233 of the Revised Code. 5331

(b) If the vehicle is registered in the offender's name and 5332
if, within three years of the offense, the offender previously has 5333
been convicted of or pleaded guilty to two violations of this 5334
section, or any combination of two violations of this section or 5335
section 4510.111 or 4510.16 of the Revised Code, or of a 5336
substantially similar municipal ordinance, the court, in addition 5337
to any other sentence that it imposes on the offender, may order 5338
the immobilization of the vehicle involved in the offense for 5339
sixty days and the impoundment of that vehicle's license plates 5340
for sixty days in accordance with section 4503.233 of the Revised 5341
Code. 5342

(c)(i) If the vehicle is registered in the offender's name 5343
and if, within three years of the offense, the offender previously 5344
has been convicted of or pleaded guilty to three or more 5345
violations of this section, or any combination of three or more 5346
violations of this section or section 4510.111 or 4510.16 of the 5347
Revised Code, or of a substantially similar municipal ordinance, 5348
the court, in addition to any other sentence that it imposes on 5349
the offender, may order the criminal forfeiture of the vehicle 5350
involved in the offense to the state. 5351

(ii) If the vehicle is registered in the offender's name and 5352
if, at the time the offender violated division (A) of this 5353
section, the offender's driver's or commercial driver's license or 5354
permit or nonresident operating privilege was suspended under 5355
division (B)(2)(d) of section 2903.06 of the Revised Code, the 5356
court shall order the criminal forfeiture of the vehicle involved 5357
in the offense to the state. 5358

(E) Any order for immobilization and impoundment under this 5359
section shall be issued and enforced under sections 4503.233 and 5360
4507.02 of the Revised Code, as applicable. The court shall not 5361
release a vehicle from immobilization ordered under this section 5362
unless the court is presented with current proof of financial 5363

responsibility with respect to that vehicle. 5364

(F) Any order of criminal forfeiture under this section shall 5365
be issued and enforced under section 4503.234 of the Revised Code. 5366
Upon receipt of the copy of the order from the court, neither the 5367
registrar of motor vehicles nor a deputy registrar shall accept 5368
any application for the registration or transfer of registration 5369
of any motor vehicle owned or leased by the person named in the 5370
declaration of forfeiture. The period of registration denial shall 5371
be five years after the date of the order, unless, during that 5372
period, the court having jurisdiction of the offense that led to 5373
the order terminates the forfeiture and notifies the registrar of 5374
the termination. The registrar then shall take necessary measures 5375
to permit the person to register a vehicle owned or leased by the 5376
person or to transfer registration of the vehicle. 5377

(G) The offender shall provide the court with proof of 5378
financial responsibility as defined in section 4509.01 of the 5379
Revised Code. If the offender fails to provide that proof of 5380
financial responsibility, then, in addition to any other penalties 5381
provided by law, the court may order restitution pursuant to 5382
section 2929.28 of the Revised Code in an amount not exceeding 5383
five thousand dollars for any economic loss arising from an 5384
accident or collision that was the direct and proximate result of 5385
the offender's operation of the vehicle before, during, or after 5386
committing the offense for which the offender is sentenced under 5387
this section. 5388

Sec. 4510.111. (A) No person shall operate any motor vehicle 5389
upon a highway or any public or private property used by the 5390
public for purposes of vehicular travel or parking in this state 5391
whose driver's or commercial driver's license has been suspended 5392
pursuant to section 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 5393
4510.032, 4510.22, or 4510.33 of the Revised Code ~~for failing to~~ 5394

~~appear in court or to pay a fine, resulting in license forfeiture.~~ 5395

~~(B) No person shall operate any motor vehicle upon a highway 5396
or any public or private property used by the public for purposes 5397
of vehicular travel or parking in this state whose driver's or 5398
commercial driver's license has been suspended pursuant to section 5399
3123.58 of the Revised Code for being in default in payment of 5400
child support. 5401~~

~~(C) Upon the request or motion of the prosecuting authority, 5402
a noncertified copy of the law enforcement automated data system 5403
report or a noncertified copy of a record of the registrar of 5404
motor vehicles that shows the name, date of birth, and social 5405
security number of a person charged with a violation of division 5406
(A) ~~or (B)~~ of this section may be admitted into evidence as 5407
prima-facie evidence that the license of the person was under 5408
suspension at the time of the alleged violation of division (A) ~~or~~ 5409
~~(B)~~ of this section. The person charged with a violation of 5410
division (A) ~~or (B)~~ of this section may offer evidence to rebut 5411
this prima-facie evidence. 5412~~

~~(D) Whoever (C) Except as otherwise provided in this 5413
division, whoever violates division (A) ~~or (B)~~ of this section is 5414
guilty of driving under suspension, and ~~shall be punished as 5415
provided in division (D) of this section.~~ 5416~~

~~(1) Except as otherwise provided in division (D)(2) of this 5417
section, the offense is an unclassified a minor misdemeanor. The 5418
offender shall be sentenced pursuant to sections 2929.21 to 5419
2929.28 of the Revised Code, except that the offender shall not be 5420
sentenced to a jail term; the offender shall not be sentenced to a 5421
community residential sanction pursuant to section 2929.26 of the 5422
Revised Code; notwithstanding division (A)(2)(a) of section 5423
2929.28 of the Revised Code, the offender may be fined up to one 5424
thousand dollars; and, notwithstanding division (A)(3) of section 5425~~

~~2929.27 of the Revised Code, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of section 2705.02 of the Revised Code that may be filed in the underlying case.~~

~~(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of division (A) ~~or (B)~~ of this section, or any combination of two or more violations of division (A) ~~or (B)~~ of this section or section 4510.11 or 4510.16 of the Revised Code, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the ~~first~~ fourth degree. ~~The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any penalties provided by law, the court may order restitution pursuant to section 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.~~~~

~~(3) In all cases, the court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range of time specified in division (A)(7) of section 4507.02 of the Revised Code.~~

~~(4)(a) In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one~~

~~violation of division (A) or (B) of this section or section 5458
4510.11 or 4510.16 of the Revised Code, or a substantially 5459
equivalent municipal ordinance, the court, in addition to any 5460
other sentence that it imposes upon the offender, may order the 5461
immobilization of the vehicle involved in the offense for thirty 5462
days and the impoundment of that vehicle's license plates for 5463
thirty days in accordance with section 4503.233 of the Revised 5464
Code. 5465~~

~~(b) In all cases, if the vehicle is registered in the 5466
offender's name and if, within three years of the offense, the 5467
offender previously has been convicted of or pleaded guilty to two 5468
violations of division (A) or (B) of this section, or any 5469
combination of two violations of division (A) or (B) of this 5470
section or section 4510.11 or 4510.16 of the Revised Code, or a 5471
substantially equivalent municipal ordinance, the court, in 5472
addition to any other sentence that it imposes upon the offender, 5473
may order the immobilization of the vehicle involved in the 5474
offense for sixty days and the impoundment of that vehicle's 5475
license plates for sixty days in accordance with section 4503.233 5476
of the Revised Code. 5477~~

~~(c) In all cases, if the vehicle is registered in the 5478
offender's name and if, within three years of the offense, the 5479
offender previously has been convicted of or pleaded guilty to 5480
three or more violations of this section, or any combination of 5481
three or more violations of this section or section 4510.11 or 5482
4510.16 of the Revised Code, or a substantially equivalent 5483
municipal ordinance, the court, in addition to any other sentence 5484
that it imposes upon the offender, may order the criminal 5485
forfeiture of the vehicle involved in the offense to the state. 5486~~

~~(E) An order for immobilization and impoundment under this 5487
section shall be issued and enforced under sections 4503.233 and 5488
4507.02 of the Revised Code, as applicable. The court shall not 5489~~

~~release a motor vehicle from immobilization ordered under this 5490
section unless the court is presented with current proof of 5491
financial responsibility with respect to that motor vehicle. 5492~~

~~(F) An order for criminal forfeiture under this section shall 5493
be issued and enforced under section 4503.234 of the Revised Code. 5494
Upon receipt of a copy of the order from the court, neither the 5495
registrar of motor vehicles nor a deputy registrar shall accept 5496
any application for the registration or transfer of registration 5497
of any motor vehicle owned or leased by the person named in the 5498
declaration of forfeiture. The period of registration denial shall 5499
be five years after the date of the order unless, during that 5500
period, the court having jurisdiction of the offense that led to 5501
the order terminates the forfeiture and notifies the registrar of 5502
the termination. The registrar then shall take the necessary 5503
measures to permit the person to register a vehicle owned or 5504
leased by the person or to transfer registration of the vehicle. 5505~~

Sec. 4510.16. (A) No person, whose driver's or commercial 5506
driver's license or temporary instruction permit or nonresident's 5507
operating privilege has been suspended or canceled pursuant to 5508
Chapter 4509. of the Revised Code, shall operate any motor vehicle 5509
within this state, or knowingly permit any motor vehicle owned by 5510
the person to be operated by another person in the state, during 5511
the period of the suspension or cancellation, except as 5512
specifically authorized by Chapter 4509. of the Revised Code. No 5513
person shall operate a motor vehicle within this state, or 5514
knowingly permit any motor vehicle owned by the person to be 5515
operated by another person in the state, during the period in 5516
which the person is required by section 4509.45 of the Revised 5517
Code to file and maintain proof of financial responsibility for a 5518
violation of section 4509.101 of the Revised Code, unless proof of 5519
financial responsibility is maintained with respect to that 5520
vehicle. 5521

(B) No person shall operate any motor vehicle upon a highway 5522
or any public or private property used by the public for purposes 5523
of vehicular travel or parking in this state if the person's 5524
driver's or commercial driver's license or temporary instruction 5525
permit or nonresident operating privilege has been suspended 5526
pursuant to section 4509.37 or 4509.40 of the Revised Code for 5527
nonpayment of a judgment. 5528

(C) Upon the request or motion of the prosecuting authority, 5529
a noncertified copy of the law enforcement automated data system 5530
report or a noncertified copy of a record of the registrar of 5531
motor vehicles that shows the name, date of birth, and social 5532
security number of a person charged with a violation of division 5533
(A) or (B) of this section may be admitted into evidence as 5534
prima-facie evidence that the license of the person was under 5535
either a financial responsibility law suspension at the time of 5536
the alleged violation of division (A) of this section or a 5537
nonpayment of judgment suspension at the time of the alleged 5538
violation of division (B) of this section. The person charged with 5539
a violation of division (A) or (B) of this section may offer 5540
evidence to rebut this prima-facie evidence. 5541

(D) ~~Whoever~~ (1) Except as otherwise provided in division 5542
(D)(1) of this section, whoever violates division (A) of this 5543
section is guilty of driving under financial responsibility law 5544
suspension or cancellation, ~~and shall be punished as provided in~~ 5545
~~divisions (D) to (I) of this section. Whoever~~ the offense is a 5546
minor misdemeanor. If, within three years of the offense, the 5547
offender previously was convicted of or pleaded guilty to two or 5548
more violations of this section, or any combination of two 5549
violations of this section or section 4510.11 or 4510.111 of the 5550
Revised Code, or a substantially equivalent municipal ordinance, 5551
the offense is a misdemeanor of the fourth degree. 5552

(2) Except as otherwise provided in division (D)(2) of this 5553

~~section, whoever violates division (B) of this section is guilty 5554
of driving under a nonpayment of judgment suspension, and shall be 5555
punished as provided in divisions (D) to (I) of this section. 5556~~

~~(1) Except as otherwise provided in division (D)(2) of this 5557
section, the offense is an unclassified a minor misdemeanor. When 5558
the offense is an unclassified misdemeanor, the offender shall be 5559
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 5560
Code, except that the offender shall not be sentenced to a jail 5561
term; the offender shall not be sentenced to a community 5562
residential sanction pursuant to section 2929.26 of the Revised 5563
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 5564
Revised Code, the offender may be fined up to one thousand 5565
dollars; and, notwithstanding division (A)(3) of section 2929.27 5566
of the Revised Code, the offender may be ordered pursuant to 5567
division (C) of that section to serve a term of community service 5568
of up to five hundred hours. The failure of an offender to 5569
complete a term of community service imposed by the court may be 5570
punished as indirect criminal contempt under division (A) of 5571
section 2705.02 of the Revised Code that may be filed in the 5572
underlying case. 5573~~

~~(2) If, within three years of the offense, the offender 5574
previously was convicted of or pleaded guilty to two or more 5575
violations of this section, or any combination of two violations 5576
of this section or section 4510.11 or 4510.111 of the Revised 5577
Code, or a substantially equivalent municipal ordinance, the 5578
offense is a misdemeanor of the ~~first~~ fourth degree. 5579~~

~~(E) The offender shall provide the court with proof of 5580
financial responsibility as defined in section 4509.01 of the 5581
Revised Code. If the offender fails to provide that proof of 5582
financial responsibility, then, in addition to any other penalties 5583
provided by law, the court may order restitution pursuant to 5584
section 2929.28 of the Revised Code in an amount not exceeding 5585~~

~~five thousand dollars for any economic loss arising from an 5586
accident or collision that was the direct and proximate result of 5587
the offender's operation of the vehicle before, during, or after 5588
committing the offense for which the offender is sentenced under 5589
this section. 5590~~

~~(F) The court may impose a class seven suspension of the 5591
offender's driver's or commercial driver's license or permit or 5592
nonresident operating privilege from the range of time specified 5593
in division (A)(7) of section 4510.02 of the Revised Code. 5594~~

~~(G)(1) If the vehicle is registered in the offender's name 5595
and if, within three years of the offense, the offender previously 5596
has been convicted of or pleaded guilty to one violation of 5597
division (A) or (B) of this section or section 4510.11 or 4510.111 5598
of the Revised Code or a substantially equivalent municipal 5599
ordinance, the court, in addition to or independent of any other 5600
sentence that it imposes upon the offender, may order the 5601
immobilization for thirty days of the vehicle involved in the 5602
offense and the impoundment for thirty days of the license plates 5603
of that vehicle in accordance with section 4503.233 of the Revised 5604
Code. 5605~~

~~(2) If the vehicle is registered in the offender's name and 5606
if, within three years of the offense, the offender has been 5607
convicted of or pleaded guilty to two violations of division (A) 5608
or (B) of this section or section 4510.11 or 4510.111 of the 5609
Revised Code, or any combination of two violations of this section 5610
or section 4510.11 or 4510.111 of the Revised Code, or a 5611
substantially similar municipal ordinance, the court, in addition 5612
to or independent of any other sentence that it imposes on the 5613
offender, may order the immobilization for sixty days of the 5614
vehicle involved in the offense and the impoundment for sixty days 5615
of the license plates of that vehicle in accordance with section 5616
4503.233 of the Revised Code. 5617~~

~~(3) If the vehicle is registered in the offender's name and 5618
if, within three years of the offense, the offender has been 5619
convicted of or pleaded guilty to three or more violations of this 5620
section or section 4510.11 or 4510.111 of the Revised Code, or any 5621
combination of three or more violations of this section or section 5622
4510.11 or 4510.111 of the Revised Code, or a substantially 5623
similar municipal ordinance, the court, in addition to or 5624
independent of any other sentence that it imposes upon the 5625
offender, may order the criminal forfeiture to the state of the 5626
vehicle involved in the offense. If title to a motor vehicle that 5627
is subject to an order for criminal forfeiture under this division 5628
is assigned or transferred and division (B)(2) or (3) of section 5629
4503.234 of the Revised Code applies, in addition to or 5630
independent of any other penalty established by law, the court may 5631
fine the offender the value of the vehicle as determined by 5632
publications of the national automobile dealers association. The 5633
proceeds from any fine so imposed shall be distributed in 5634
accordance with division (C)(2) of that section. 5635~~

~~(H) Any order for immobilization and impoundment under this 5636
section shall be issued and enforced in accordance with sections 5637
4503.233 and 4507.02 of the Revised Code, as applicable. The court 5638
shall not release a vehicle from immobilization ordered under this 5639
section unless the court is presented with current proof of 5640
financial responsibility with respect to that vehicle. 5641~~

~~(I) An order for criminal forfeiture under this section shall 5642
be issued and enforced under section 4503.234 of the Revised Code. 5643
Upon receipt of a copy of the order from the court, neither the 5644
registrar of motor vehicles nor a deputy registrar shall accept 5645
any application for the registration or transfer of registration 5646
of any motor vehicle owned or leased by the person named in the 5647
declaration of forfeiture. The period of registration denial shall 5648
be five years after the date of the order unless, during that 5649~~

~~period, the court having jurisdiction of the offense that led to 5650
the order terminates the forfeiture and notifies the registrar of 5651
the termination. The registrar then shall take the necessary 5652
measures to permit the person to register a vehicle owned or 5653
leased by the person or to transfer registration of the vehicle. 5654~~

Sec. 4510.161. (A) The requirements and sanctions imposed by 5655
divisions (B) and (C) of this section are an adjunct to and derive 5656
from the state's exclusive authority over the registration and 5657
titling of motor vehicles and do not comprise a part of the 5658
criminal sentence to be imposed upon a person who violates a 5659
municipal ordinance that is substantially equivalent to section 5660
4510.14 ~~or to division (A) of section 4510.16~~ of the Revised Code. 5661

~~(B) If a person is convicted of or pleads guilty to a 5662
violation of a municipal ordinance that is substantially 5663
equivalent to division (A) of section 4510.16 of the Revised Code 5664
or former division (B)(1) of section 4507.02 of the Revised Code 5665
or a municipal ordinance that is substantially equivalent to 5666
either of those divisions, the court, in addition to or 5667
independent of any sentence that it imposes upon the offender for 5668
the offense, may do whichever of the following is applicable: 5669~~

~~(1) If the vehicle is registered in the offender's name and 5670
if, within three years of the current offense, the offender 5671
previously has been convicted of or pleaded guilty to one 5672
violation of this section or section 4510.11, 4510.111, or 4510.16 5673
of the Revised Code or a substantially equivalent municipal 5674
ordinance, the court, in addition to or independent of any other 5675
sentence that it imposes upon the offender, may order the 5676
immobilization of the vehicle involved in the offense for thirty 5677
days and the impoundment of that vehicle's license plates for 5678
thirty days in accordance with section 4503.233 of the Revised 5679
Code. 5680~~

~~(2) If the vehicle is registered in the offender's name and
if, within three years of the current offense, the offender
previously has been convicted of or pleaded guilty to two
violations of this section or any combination of two violations of
this section or section 4510.11, 4510.111, or 4510.16 of the
Revised Code, or a substantially equivalent municipal ordinance,
the court, in addition to or independent of any other sentence
that it imposes upon the offender, may order the immobilization
for sixty days of the vehicle involved in the offense and the
impoundment of that vehicle's license plates for sixty days in
accordance with section 4503.233 of the Revised Code.~~

~~(3) If the vehicle is registered in the offender's name and
if, within three years of the current offense, the offender
previously has been convicted of or pleaded guilty to three or
more violations of this section or any combination of three or
more violations of this section or section 4510.11, 4510.111, or
4510.16 of the Revised Code, or a substantially equivalent
municipal ordinance, the court may order the criminal forfeiture
to the state of the vehicle the offender was operating at the time
of the offense. If title to a motor vehicle that is subject to an
order for criminal forfeiture under this division is assigned or
transferred and division (B)(2) or (3) of section 4503.234 of the
Revised Code applies, in addition to or independent of any other
penalty established by law, the court may fine the offender the
value of the motor vehicle as determined by publications of the
national automobile dealers association. The proceeds from any
fine so imposed shall be distributed in accordance with division
(C)(2) of that section.~~

~~(C) If a person is convicted of or pleads guilty to a
violation of a municipal ordinance that is substantially
equivalent to section 4510.14 of the Revised Code, the court, in
addition to and independent of any sentence that it imposes upon~~

the offender for the offense, if the vehicle the offender was 5713
operating at the time of the offense is registered in the 5714
offender's name, shall do whichever of the following is 5715
applicable: 5716

(1) If, within six years of the current offense, the offender 5717
has not been convicted of or pleaded guilty to a violation of 5718
section 4510.14 or former division (D)(2) of section 4507.02 of 5719
the Revised Code or a municipal ordinance that is substantially 5720
equivalent to that section or former division, the court shall 5721
order the immobilization for thirty days of the vehicle involved 5722
in the offense and the impoundment for thirty days of the license 5723
plates of that vehicle in accordance with section 4503.233 of the 5724
Revised Code. 5725

(2) If, within six years of the current offense, the offender 5726
has been convicted of or pleaded guilty to one violation of 5727
section 4510.14 or former division (D)(2) of section 4507.02 of 5728
the Revised Code or a municipal ordinance that is substantially 5729
equivalent to that section or former division, the court shall 5730
order the immobilization for sixty days of the vehicle involved in 5731
the offense and the impoundment for sixty days of the license 5732
plates of that vehicle in accordance with section 4503.233 of the 5733
Revised Code. 5734

(3) If, within six years of the current offense, the offender 5735
has been convicted of or pleaded guilty to two or more violations 5736
of section 4510.14 or former division (D)(2) of section 4507.02 of 5737
the Revised Code or a municipal ordinance that is substantially 5738
equivalent to that section or former division, the court shall 5739
order the criminal forfeiture to the state of the vehicle the 5740
offender was operating at the time of the offense. 5741

~~(D)~~(C) An order for immobilization and impoundment of a 5742
vehicle under this section shall be issued and enforced in 5743
accordance with sections 4503.233 and 4507.02 of the Revised Code, 5744

as applicable. The court shall not release a vehicle from 5745
immobilization ordered under this section unless the court is 5746
presented with current proof of financial responsibility with 5747
respect to that vehicle. 5748

~~(E)~~(D) An order for criminal forfeiture of a vehicle under 5749
this section shall be issued and enforced under section 4503.234 5750
of the Revised Code. Upon receipt of a copy of the order from the 5751
court, neither the registrar of motor vehicles nor a deputy 5752
registrar shall accept any application for the registration or 5753
transfer of registration of any motor vehicle owned or leased by 5754
the person named in the declaration of forfeiture. The period of 5755
registration denial shall be five years after the date of the 5756
order unless, during that period, the court having jurisdiction of 5757
the offense that led to the order terminates the forfeiture and 5758
notifies the registrar of the termination. The registrar then 5759
shall take the necessary measures to permit the person to register 5760
a vehicle owned or leased by the person or to transfer 5761
registration of the vehicle. 5762

Sec. 4510.41. (A) As used in this section: 5763

(1) "Arrested person" means a person who is arrested for a 5764
violation of section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 5765
Code, or a municipal ordinance that is substantially equivalent to 5766
~~any~~ either of those sections, and whose arrest results in a 5767
vehicle being seized under division (B) of this section. 5768

(2) "Vehicle owner" means either of the following: 5769

(a) The person in whose name is registered, at the time of 5770
the seizure, a vehicle that is seized under division (B) of this 5771
section; 5772

(b) A person to whom the certificate of title to a vehicle 5773
that is seized under division (B) of this section has been 5774

assigned and who has not obtained a certificate of title to the 5775
vehicle in that person's name, but who is deemed by the court as 5776
being the owner of the vehicle at the time the vehicle was seized 5777
under division (B) of this section. 5778

(3) "Interested party" includes the owner of a vehicle seized 5779
under this section, all lienholders, the arrested person, the 5780
owner of the place of storage at which a vehicle seized under this 5781
section is stored, and the person or entity that caused the 5782
vehicle to be removed. 5783

(B)(1) If a person is arrested for a violation of section 5784
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 5785
that is substantially equivalent to either of those sections ~~or if~~ 5786
~~a person is arrested for a violation of section 4510.16 of the~~ 5787
~~Revised Code or a municipal ordinance that is substantially~~ 5788
~~equivalent to that section and if division (G)(2) of section~~ 5789
~~4510.16 or division (B) of section 4510.161 of the Revised Code~~ 5790
~~applies~~, the arresting officer or another officer of the law 5791
enforcement agency that employs the arresting officer, in addition 5792
to any action that the arresting officer is required or authorized 5793
to take by any other provision of law, shall seize the vehicle 5794
that the person was operating at the time of, or that was involved 5795
in, the alleged offense if the vehicle is registered in the 5796
arrested person's name and its license plates. A law enforcement 5797
agency that employs a law enforcement officer who makes an arrest 5798
of a type that is described in this division and that involves a 5799
rented or leased vehicle that is being rented or leased for a 5800
period of thirty days or less shall notify, within twenty-four 5801
hours after the officer makes the arrest, the lessor or owner of 5802
the vehicle regarding the circumstances of the arrest and the 5803
location at which the vehicle may be picked up. At the time of the 5804
seizure of the vehicle, the law enforcement officer who made the 5805
arrest shall give the arrested person written notice that the 5806

vehicle and its license plates have been seized; that the vehicle 5807
either will be kept by the officer's law enforcement agency or 5808
will be immobilized at least until the person's initial appearance 5809
on the charge of the offense for which the arrest was made; that, 5810
at the initial appearance, the court in certain circumstances may 5811
order that the vehicle and license plates be released to the 5812
arrested person until the disposition of that charge; that, if the 5813
arrested person is convicted of that charge, the court generally 5814
must order the immobilization of the vehicle and the impoundment 5815
of its license plates or the forfeiture of the vehicle; and that 5816
the arrested person may be charged expenses or charges incurred 5817
under this section and section 4503.233 of the Revised Code for 5818
the removal and storage of the vehicle. 5819

(2) The arresting officer or a law enforcement officer of the 5820
agency that employs the arresting officer shall give written 5821
notice of the seizure under division (B)(1) of this section to the 5822
court that will conduct the initial appearance of the arrested 5823
person on the charges arising out of the arrest. Upon receipt of 5824
the notice, the court promptly shall determine whether the 5825
arrested person is the vehicle owner. If the court determines that 5826
the arrested person is not the vehicle owner, it promptly shall 5827
send by regular mail written notice of the seizure to the 5828
vehicle's registered owner. The written notice shall contain all 5829
of the information required by division (B)(1) of this section to 5830
be in a notice to be given to the arrested person and also shall 5831
specify the date, time, and place of the arrested person's initial 5832
appearance. The notice also shall inform the vehicle owner that if 5833
title to a motor vehicle that is subject to an order for criminal 5834
forfeiture under this section is assigned or transferred and 5835
division (B)(2) or (3) of section 4503.234 of the Revised Code 5836
applies, the court may fine the arrested person the value of the 5837
vehicle. The notice also shall state that if the vehicle is 5838
immobilized under division (A) of section 4503.233 of the Revised 5839

Code, seven days after the end of the period of immobilization a 5840
law enforcement agency will send the vehicle owner a notice, 5841
informing the owner that if the release of the vehicle is not 5842
obtained in accordance with division (D)(3) of section 4503.233 of 5843
the Revised Code, the vehicle shall be forfeited. The notice also 5844
shall inform the vehicle owner that the owner may be charged 5845
expenses or charges incurred under this section and section 5846
4503.233 of the Revised Code for the removal and storage of the 5847
vehicle. 5848

The written notice that is given to the arrested person also 5849
shall state that if the person is convicted of or pleads guilty to 5850
the offense and the court issues an immobilization and impoundment 5851
order relative to that vehicle, division (D)(4) of section 5852
4503.233 of the Revised Code prohibits the vehicle from being sold 5853
during the period of immobilization without the prior approval of 5854
the court. 5855

(3) At or before the initial appearance, the vehicle owner 5856
may file a motion requesting the court to order that the vehicle 5857
and its license plates be released to the vehicle owner. Except as 5858
provided in this division and subject to the payment of expenses 5859
or charges incurred in the removal and storage of the vehicle, the 5860
court, in its discretion, then may issue an order releasing the 5861
vehicle and its license plates to the vehicle owner. Such an order 5862
may be conditioned upon such terms as the court determines 5863
appropriate, including the posting of a bond in an amount 5864
determined by the court. If the arrested person is not the vehicle 5865
owner and if the vehicle owner is not present at the arrested 5866
person's initial appearance, and if the court believes that the 5867
vehicle owner was not provided with adequate notice of the initial 5868
appearance, the court, in its discretion, may allow the vehicle 5869
owner to file a motion within seven days of the initial 5870
appearance. If the court allows the vehicle owner to file such a 5871

motion after the initial appearance, the extension of time granted 5872
by the court does not extend the time within which the initial 5873
appearance is to be conducted. If the court issues an order for 5874
the release of the vehicle and its license plates, a copy of the 5875
order shall be made available to the vehicle owner. If the vehicle 5876
owner presents a copy of the order to the law enforcement agency 5877
that employs the law enforcement officer who arrested the arrested 5878
person, the law enforcement agency promptly shall release the 5879
vehicle and its license plates to the vehicle owner upon payment 5880
by the vehicle owner of any expenses or charges incurred in the 5881
removal or storage of the vehicle. 5882

(4) A vehicle seized under division (B)(1) of this section 5883
either shall be towed to a place specified by the law enforcement 5884
agency that employs the arresting officer to be safely kept by the 5885
agency at that place for the time and in the manner specified in 5886
this section or shall be otherwise immobilized for the time and in 5887
the manner specified in this section. A law enforcement officer of 5888
that agency shall remove the identification license plates of the 5889
vehicle, and they shall be safely kept by the agency for the time 5890
and in the manner specified in this section. No vehicle that is 5891
seized and either towed or immobilized pursuant to this division 5892
shall be considered contraband for purposes of Chapter 2981. of 5893
the Revised Code. The vehicle shall not be immobilized at any 5894
place other than a commercially operated private storage lot, a 5895
place owned by a law enforcement or other government agency, or a 5896
place to which one of the following applies: 5897

(a) The place is leased by or otherwise under the control of 5898
a law enforcement or other government agency. 5899

(b) The place is owned by the arrested person, the arrested 5900
person's spouse, or a parent or child of the arrested person. 5901

(c) The place is owned by a private person or entity, and, 5902
prior to the immobilization, the private entity or person that 5903

owns the place, or the authorized agent of that private entity or 5904
person, has given express written consent for the immobilization 5905
to be carried out at that place. 5906

(d) The place is a public street or highway on which the 5907
vehicle is parked in accordance with the law. 5908

(C)(1) A vehicle seized under division (B)(1) of this section 5909
shall be safely kept at the place to which it is towed or 5910
otherwise moved by the law enforcement agency that employs the 5911
arresting officer until the initial appearance of the arrested 5912
person relative to the charge in question. The license plates of 5913
the vehicle that are removed pursuant to division (B)(1) of this 5914
section shall be safely kept by the law enforcement agency that 5915
employs the arresting officer until at least the initial 5916
appearance of the arrested person relative to the charge in 5917
question. 5918

(2)(a) At the initial appearance or not less than seven days 5919
prior to the date of final disposition, the court shall notify the 5920
arrested person that, if title to a motor vehicle that is subject 5921
to an order for criminal forfeiture under this section is assigned 5922
or transferred and division (B)(2) or (3) of section 4503.234 of 5923
the Revised Code applies, the court may fine the arrested person 5924
the value of the vehicle. If, at the initial appearance, the 5925
arrested person pleads guilty to the violation of section 4510.14, 5926
~~4510.16~~, or 4511.203 of the Revised Code, or a municipal ordinance 5927
that is substantially equivalent to ~~any~~ either of those sections 5928
or pleads no contest to and is convicted of the violation, the 5929
following sentencing provisions apply: 5930

(i) If the person violated section 4510.14 of the Revised 5931
Code or a municipal ordinance that is substantially equivalent to 5932
that section, the court shall impose sentence upon the person as 5933
provided by law or ordinance; the court shall order the 5934
immobilization of the vehicle the arrested person was operating at 5935

the time of, or that was involved in, the offense if registered in 5936
the arrested person's name and the impoundment of its license 5937
plates under sections 4503.233 and 4510.14 of the Revised Code or 5938
the criminal forfeiture to the state of the vehicle if registered 5939
in the arrested person's name under sections 4503.234 and 4510.14 5940
of the Revised Code, whichever is applicable; and the vehicle and 5941
its license plates shall not be returned or released to the 5942
arrested person. 5943

(ii) If the person violated section 4511.203 of the Revised 5944
Code or a municipal ordinance that is substantially equivalent to 5945
that section, ~~or violated section 4510.16 of the Revised Code or a~~ 5946
~~municipal ordinance that is substantially equivalent to that~~ 5947
~~section and division (C)(2) of section 4510.16 or division (B) of~~ 5948
~~section 4510.161 of the Revised Code applies,~~ the court shall 5949
impose sentence upon the person as provided by law or ordinance; 5950
the court may order the immobilization of the vehicle the arrested 5951
person was operating at the time of, or that was involved in, the 5952
offense if registered in the arrested person's name and the 5953
impoundment of its license plates under section 4503.233 and 5954
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 5955
criminal forfeiture to the state of the vehicle if registered in 5956
the arrested person's name under section 4503.234 and section 5957
~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code, whichever is 5958
applicable; and the vehicle and its license plates shall not be 5959
returned or released to the arrested person. 5960

~~(ii) If the person violated section 4510.16 of the Revised~~ 5961
~~Code or a municipal ordinance that is substantially equivalent to~~ 5962
~~that section and division (C)(1) of section 4510.16 or division~~ 5963
~~(B) of section 4510.161 applies, the court shall impose sentence~~ 5964
~~upon the person as provided by law or ordinance and may order the~~ 5965
~~immobilization of the vehicle the person was operating at the time~~ 5966
~~of, or that was involved in, the offense if it is registered in~~ 5967

~~the arrested person's name and the impoundment of its license 5968
plates under section 4503.233 and section 4510.16 or 4510.161 of 5969
the Revised Code, and the vehicle and its license plates shall not 5970
be returned or released to the arrested person. 5971~~

(b) If, at any time, the charge that the arrested person 5972
violated section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 5973
Code, or a municipal ordinance that is substantially equivalent to 5974
~~any~~ either of those sections is dismissed for any reason, the 5975
court shall order that the vehicle seized at the time of the 5976
arrest and its license plates immediately be released to the 5977
person. 5978

(D) If a vehicle and its license plates are seized under 5979
division (B)(1) of this section and are not returned or released 5980
to the arrested person pursuant to division (C) of this section, 5981
the vehicle and its license plates shall be retained until the 5982
final disposition of the charge in question. Upon the final 5983
disposition of that charge, the court shall do whichever of the 5984
following is applicable: 5985

(1) If the arrested person is convicted of or pleads guilty 5986
to the violation of section 4510.14 of the Revised Code or a 5987
municipal ordinance that is substantially equivalent to that 5988
section, the court shall impose sentence upon the person as 5989
provided by law or ordinance and shall order the immobilization of 5990
the vehicle the person was operating at the time of, or that was 5991
involved in, the offense if it is registered in the arrested 5992
person's name and the impoundment of its license plates under 5993
sections 4503.233 and 4510.14 of the Revised Code or the criminal 5994
forfeiture of the vehicle if it is registered in the arrested 5995
person's name under sections 4503.234 and 4510.14 of the Revised 5996
Code, whichever is applicable. 5997

(2) If the arrested person is convicted of or pleads guilty 5998
to the violation of section 4511.203 of the Revised Code, or a 5999

municipal ordinance that is substantially equivalent to that 6000
section, ~~or to the violation of section 4510.16 of the Revised~~ 6001
~~Code or a municipal ordinance that is substantially equivalent to~~ 6002
~~that section and division (F)(2) of section 4510.16 or division~~ 6003
~~(B) of section 4510.161 of the Revised Code applies,~~ the court 6004
shall impose sentence upon the person as provided by law or 6005
ordinance and may order the immobilization of the vehicle the 6006
person was operating at the time of, or that was involved in, the 6007
offense if it is registered in the arrested person's name and the 6008
impoundment of its license plates under section 4503.233 and 6009
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 6010
criminal forfeiture of the vehicle if it is registered in the 6011
arrested person's name under section 4503.234 and section ~~4510.16,~~ 6012
~~4510.161, or~~ 4511.203 of the Revised Code, whichever is 6013
applicable. 6014

~~(2) If the person violated section 4510.16 of the Revised~~ 6015
~~Code or a municipal ordinance that is substantially equivalent to~~ 6016
~~that section and division (G)(1) of section 4510.16 or division~~ 6017
~~(B) of section 4510.161 applies, the court shall impose sentence~~ 6018
~~upon the person as provided by law or ordinance and may order the~~ 6019
~~immobilization of the vehicle the person was operating at the time~~ 6020
~~of, or that was involved in, the offense if it is registered in~~ 6021
~~the person's name and the impoundment of its license plates under~~ 6022
~~section 4503.233 and section 4510.16 or 4510.161 of the Revised~~ 6023
~~Code.~~ 6024

(3) If the arrested person is found not guilty of the 6025
violation of section 4510.14, ~~4510.16,~~ or 4511.203 of the Revised 6026
Code, or a municipal ordinance that is substantially equivalent to 6027
~~any~~ either of those sections, the court shall order that the 6028
vehicle and its license plates immediately be released to the 6029
arrested person. 6030

(4) If the charge that the arrested person violated section 6031

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 is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

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

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

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

the name of a lienholder, or lastly into the name of the owner of 6064
the place of storage. 6065

Any lienholder that receives title under a court order shall 6066
do so on the condition that it pay any expenses or charges 6067
incurred in the vehicle's removal and storage. If the person or 6068
entity that receives title to the vehicle is the person or entity 6069
that removed it, the person or entity shall receive title on the 6070
condition that it pay any lien on the vehicle. The court shall not 6071
order that title be transferred to any person or entity other than 6072
the owner of the place of storage if the person or entity refuses 6073
to receive the title. Any person or entity that receives title 6074
either may keep title to the vehicle or may dispose of the vehicle 6075
in any legal manner that it considers appropriate, including 6076
assignment of the certificate of title to the motor vehicle to a 6077
salvage dealer or a scrap metal processing facility. The person or 6078
entity shall not transfer the vehicle to the person who is the 6079
vehicle's immediate previous owner. 6080

If the person or entity that receives title assigns the motor 6081
vehicle to a salvage dealer or scrap metal processing facility, 6082
the person or entity shall send the assigned certificate of title 6083
to the motor vehicle to the clerk of the court of common pleas of 6084
the county in which the salvage dealer or scrap metal processing 6085
facility is located. The person or entity shall mark the face of 6086
the certificate of title with the words "FOR DESTRUCTION" and 6087
shall deliver a photocopy of the certificate of title to the 6088
salvage dealer or scrap metal processing facility for its records. 6089

(2) Whenever a court issues an order under division (F)(1) of 6090
this section, the court also shall order removal of the license 6091
plates from the vehicle and cause them to be sent to the registrar 6092
if they have not already been sent to the registrar. Thereafter, 6093
no further proceedings shall take place under this section or 6094
under section 4503.233 of the Revised Code. 6095

(3) Prior to initiating a proceeding under division (F)(1) of this section, and upon payment of the fee under division (B) of section 4505.14, any interested party may cause a search to be made of the public records of the bureau of motor vehicles or the clerk of the court of common pleas, to ascertain the identity of any lienholder of the vehicle. The initiating party shall furnish this information to the clerk of the court with jurisdiction over the case, and the clerk shall provide notice to the arrested person, any lienholder, and any other interested parties listed by the initiating party, at the last known address supplied by the initiating party, by certified mail, or, at the option of the initiating party, by personal service or ordinary mail.

Sec. 4513.02. (A) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(B) When directed by any state highway patrol trooper, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection under division (B)(1) or (2) of this section, as appropriate, and such tests as are necessary.

(1) Any motor vehicle not subject to inspection by the public utilities commission shall be inspected and tested to determine whether it is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of Chapter 4513. of the Revised Code.

Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and such other items of equipment as designated by the superintendent of the state highway patrol by rule or regulation adopted pursuant to

sections 119.01 to 119.13 of the Revised Code. 6127

Upon determining that a motor vehicle is in safe operating 6128
condition and its equipment in conformity with Chapter 4513. of 6129
the Revised Code, the inspecting officer shall issue to the 6130
operator an official inspection sticker, which shall be in such 6131
form as the superintendent prescribes except that its color shall 6132
vary from year to year. 6133

(2) Any motor vehicle subject to inspection by the public 6134
utilities commission shall be inspected and tested in accordance 6135
with rules adopted by the commission. Upon determining that the 6136
vehicle and operator are in compliance with rules adopted by the 6137
commission, the inspecting officer shall issue to the operator an 6138
appropriate official inspection sticker. 6139

(C) The superintendent of the state highway patrol, pursuant 6140
to sections 119.01 to 119.13 of the Revised Code, shall determine 6141
and promulgate standards for any inspection program conducted by a 6142
political subdivision of this state. These standards shall exempt 6143
licensed collector's vehicles and historical motor vehicles from 6144
inspection. Any motor vehicle bearing a valid certificate of 6145
inspection issued by another state or a political subdivision of 6146
this state whose inspection program conforms to the 6147
superintendent's standards, and any licensed collector's vehicle 6148
or historical motor vehicle which is not in a condition which 6149
endangers the safety of persons or property, shall be exempt from 6150
the tests provided in division (B) of this section. 6151

(D) Every person, firm, association, or corporation that, in 6152
the conduct of its business, owns and operates not less than 6153
fifteen motor vehicles in this state that are not subject to 6154
regulation by the public utilities commission and that, for the 6155
purpose of storing, repairing, maintaining, and servicing such 6156
motor vehicles, equips and operates one or more service 6157
departments within this state, may file with the superintendent of 6158

the state highway patrol applications for permits for such service 6159
departments as official inspection stations for its own motor 6160
vehicles. Upon receiving an application for each such service 6161
department, and after determining that it is properly equipped and 6162
has competent personnel to perform the inspections referred to in 6163
this section, the superintendent shall issue the necessary 6164
inspection stickers and permit to operate as an official 6165
inspection station. Any such person who has had one or more 6166
service departments so designated as official inspection stations 6167
may have motor vehicles that are owned and operated by the person 6168
and that are not subject to regulation by the public utilities 6169
commission, excepting private passenger cars owned by the person 6170
or the person's employees, inspected at such service department; 6171
and any motor vehicle bearing a valid certificate of inspection 6172
issued by such service department shall be exempt from the tests 6173
provided in division (B) of this section. 6174

No permit for an official inspection station shall be 6175
assigned or transferred or used at any location other than therein 6176
designated, and every such permit shall be posted in a conspicuous 6177
place at the location designated. 6178

If a person, firm, association, or corporation owns and 6179
operates fifteen or more motor vehicles in the conduct of business 6180
and is subject to regulation by the public utilities commission, 6181
that person, firm, association, or corporation is not eligible to 6182
apply to the superintendent for permits to enable any of its 6183
service departments to serve as official inspection stations for 6184
its own motor vehicles. 6185

(E) When any motor vehicle is found to be unsafe for 6186
operation, the inspecting officer may order it removed from the 6187
highway and not operated, except for purposes of removal and 6188
repair, until it has been repaired pursuant to a repair order as 6189
provided in division (F) of this section. 6190

(F) When any motor vehicle is found to be defective or in violation of Chapter 4513. of the Revised Code, the inspecting officer may issue a repair order, in such form and containing such information as the superintendent shall prescribe, to the owner or operator of the motor vehicle. The owner or operator shall thereupon obtain such repairs as are required and shall, as directed by the inspecting officer, return the repair order together with proof of compliance with its provisions. When any motor vehicle or operator subject to rules of the public utilities commission fails the inspection, the inspecting officer shall issue an appropriate order to obtain compliance with such rules.

(G) Sections 4513.01 to 4513.37 of the Revised Code, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

(H) ~~Except as otherwise provided in this division, whoever~~ Whoever violates this section is guilty of a minor misdemeanor. ~~If the offender previously has been convicted of a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree.~~

Sec. 4513.021. (A) As used in this section:

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a

gross vehicle weight rating of ten thousand pounds or less. 6221

(4) "Manufacturer" has the same meaning as in section 4501.01 6222
of the Revised Code. 6223

(5) "Gross vehicle weight rating" means the manufacturer's 6224
gross vehicle weight rating established for that vehicle. 6225

(B) The director of public safety, in accordance with Chapter 6226
119. of the Revised Code, shall adopt rules in conformance with 6227
standards of the vehicle equipment safety commission, that shall 6228
govern the maximum bumper height or, in the absence of bumpers and 6229
in cases where bumper heights have been lowered or modified, the 6230
maximum height to the bottom of the frame rail, of any passenger 6231
car, multipurpose passenger vehicle, or truck. 6232

(C) No person shall operate upon a street or highway any 6233
passenger car, multipurpose passenger vehicle, or truck registered 6234
in this state that does not conform to the requirements of this 6235
section or to any applicable rule adopted pursuant to this 6236
section. 6237

(D) No person shall modify any motor vehicle registered in 6238
this state in such a manner as to cause the vehicle body or 6239
chassis to come in contact with the ground, expose the fuel tank 6240
to damage from collision, or cause the wheels to come in contact 6241
with the body under normal operation, and no person shall 6242
disconnect any part of the original suspension system of the 6243
vehicle to defeat the safe operation of that system. 6244

(E) Nothing contained in this section or in the rules adopted 6245
pursuant to this section shall be construed to prohibit either of 6246
the following: 6247

(1) The installation upon a passenger car, multipurpose 6248
passenger vehicle, or truck registered in this state of heavy duty 6249
equipment, including shock absorbers and overload springs; 6250

(2) The operation on a street or highway of a passenger car, 6251
multipurpose passenger vehicle, or truck registered in this state 6252
with normal wear to the suspension system if the normal wear does 6253
not adversely affect the control of the vehicle. 6254

(F) This section and the rules adopted pursuant to it do not 6255
apply to any specially designed or modified passenger car, 6256
multipurpose passenger vehicle, or truck when operated off a 6257
street or highway in races and similar events. 6258

(G) ~~Except as otherwise provided in this division, whoever~~ 6259
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 6260
~~the offender previously has been convicted of a violation of this~~ 6261
~~section, whoever violates this section is guilty of a misdemeanor~~ 6262
~~of the third degree.~~ 6263

Sec. 4513.99. (A) Any violation of section 4513.10, 4513.182, 6264
4513.20, 4513.201, 4513.202, 4513.25, 4513.26, 4513.27, 4513.29, 6265
4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code shall be 6266
punished under division (B) of this section. 6267

(B) Whoever violates the sections of this chapter that are 6268
specifically required to be punished under this division, or any 6269
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 6270
the Revised Code for which violation no penalty is otherwise 6271
provided, is guilty of a minor misdemeanor ~~on a first offense; on~~ 6272
~~a second offense within one year after the first offense, the~~ 6273
~~person is guilty of a misdemeanor of the fourth degree; on each~~ 6274
~~subsequent offense within one year after the first offense, the~~ 6275
~~person is guilty of a misdemeanor of the third degree.~~ 6276

Sec. 4713.07. The state board of cosmetology shall do all of 6277
the following: 6278

(A) Prescribe and make available application forms to be used 6279
by persons seeking admission to an examination conducted under 6280

section 4713.24 of the Revised Code or a license issued under this chapter; 6281
6282

(B) Prescribe and make available application forms to be used by persons seeking renewal of a license issued under this chapter; 6283
6284

(C) Report to the proper prosecuting officer all violations of section 4713.14 of the Revised Code of which the board is aware; 6285
6286
6287

(D) Submit a written report annually to the governor that provides all of the following: 6288
6289

(1) A discussion of the conditions in this state of the branches of cosmetology; 6290
6291

(2) A brief summary of the board's proceedings during the year the report covers; 6292
6293

(3) A statement of all money that the board received and expended during the year the report covers. 6294
6295

(E) Keep a record of all of the following: 6296

(1) The board's proceedings; 6297

(2) The name and last known address of each person issued a license under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code; 6298
6299
6300

(3) The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code; 6301
6302
6303

(4) The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code; 6304
6305

(5) The date and number of each license and permit that the board issues; 6306
6307

(F) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or 6308
6309

<u>other facilities within this state;</u>	6310
(G) All other duties that this chapter imposes on the board.	6311
Sec. 4713.28. The state board of cosmetology shall issue a	6312
practicing license to an applicant who, except as provided in	6313
section 4713.30 of the Revised Code, satisfies all of the	6314
following applicable conditions:	6315
(A) Is at least sixteen years of age;	6316
(B) Is of good moral character;	6317
(C) Has the equivalent of an Ohio public school tenth grade	6318
education;	6319
(D) Passes an examination conducted under section 4713.24 of	6320
the Revised Code for the branch of cosmetology the applicant seeks	6321
to practice;	6322
(E) Pays to the board the applicable fee;	6323
(F) In the case of an applicant for an initial cosmetologist	6324
license, has successfully completed at least fifteen hundred hours	6325
of board-approved cosmetology training in a school of cosmetology	6326
licensed in this state, except that only one thousand hours of	6327
board-approved cosmetology training in a school of cosmetology	6328
licensed in this state is required of a person licensed as a	6329
barber under Chapter 4709. of the Revised Code;	6330
(G) In the case of an applicant for an initial esthetician	6331
license, has successfully completed at least six hundred hours of	6332
board-approved esthetics training in a school of cosmetology	6333
licensed in this state;	6334
(H) In the case of an applicant for an initial hair designer	6335
license, has successfully completed at least one thousand two	6336
hundred hours of board-approved hair designer training in a school	6337
of cosmetology licensed in this state, except that only one	6338

thousand hours of board-approved hair designer training in a 6339
school of cosmetology licensed in this state is required of a 6340
person licensed as a barber under Chapter 4709. of the Revised 6341
Code; 6342

(I) In the case of an applicant for an initial manicurist 6343
license, has successfully completed at least two hundred hours of 6344
board-approved manicurist training in a school of cosmetology 6345
licensed in this state; 6346

(J) In the case of an applicant for an initial natural hair 6347
stylist license, has successfully completed at least four hundred 6348
fifty hours of instruction in subjects relating to sanitation, 6349
scalp care, anatomy, hair styling, communication skills, and laws 6350
and rules governing the practice of cosmetology; 6351

(K) The board shall not deny a license to any applicant based 6352
on prior incarceration or conviction for any crime. 6353

Sec. 4725.44. (A) The Ohio optical dispensers board shall be 6354
responsible for the administration of sections 4725.40 to 4725.59 6355
of the Revised Code and, in particular, shall process applications 6356
for licensure as licensed dispensing opticians and ocularists; 6357
schedule, administer, and supervise the qualifying examinations 6358
for licensure or contract with a testing service to schedule, 6359
administer, and supervise the qualifying examination for 6360
licensure; issue licenses to qualified individuals; revoke and 6361
suspend licenses; and maintain adequate records with respect to 6362
its operations and responsibilities. 6363

(B) The board shall adopt, amend, or rescind rules, pursuant 6364
to Chapter 119. of the Revised Code, for the licensure of 6365
dispensing opticians and ocularists, and such other rules as are 6366
required by or necessary to carry out the responsibilities imposed 6367
by sections 4725.40 to 4725.59 of the Revised Code, including 6368
rules establishing criminal records check requirements under 6369

section 4776.03 of the Revised Code and rules establishing 6370
disqualifying offenses for licensure as a dispensing optician or 6371
certification as an apprentice dispensing optician pursuant to 6372
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 6373
Code. 6374

(C) The board shall have no authority to adopt rules 6375
governing the employment of dispensing opticians, the location or 6376
number of optical stores, advertising of optical products or 6377
services, or the manner in which optical products can be 6378
displayed. 6379

Sec. 4725.48. (A) Any person who desires to engage in optical 6380
dispensing, except as provided in section 4725.47 of the Revised 6381
Code, shall file a properly completed written application for an 6382
examination with the Ohio optical dispensers board or with the 6383
testing service the board has contracted with pursuant to section 6384
4725.49 of the Revised Code. The application for examination shall 6385
be made on a form provided by the board or testing service and 6386
shall be accompanied by an examination fee the board shall 6387
establish by rule. Applicants must return the application to the 6388
board or testing service at least sixty days prior to the date the 6389
examination is scheduled to be administered. 6390

(B) Except as provided in section 4725.47 of the Revised 6391
Code, any person who desires to engage in optical dispensing shall 6392
file a properly completed written application for a license with 6393
the board with a licensure application fee of fifty dollars. 6394

No person shall be eligible to apply for a license under this 6395
division, unless the person is at least eighteen years of age, ~~is~~ 6396
~~of good moral character~~, is free of contagious or infectious 6397
disease, has received a passing score, as determined by the board, 6398
on the examination administered under division (A) of this 6399
section, is a graduate of an accredited high school of any state, 6400

or has received an equivalent education and has successfully 6401
completed either of the following: 6402

(1) Two years of supervised experience under a licensed 6403
dispensing optician, optometrist, or physician engaged in the 6404
practice of ophthalmology, up to one year of which may be 6405
continuous experience of not less than thirty hours a week in an 6406
optical laboratory; 6407

(2) A two-year college level program in optical dispensing 6408
that has been approved by the board and that includes, but is not 6409
limited to, courses of study in mathematics, science, English, 6410
anatomy and physiology of the eye, applied optics, ophthalmic 6411
optics, measurement and inspection of lenses, lens grinding and 6412
edging, ophthalmic lens design, keratometry, and the fitting and 6413
adjusting of spectacle lenses and frames and contact lenses, 6414
including methods of fitting contact lenses and post-fitting care. 6415

(C) Any person who desires to obtain a license to practice as 6416
an ocularist shall file a properly completed written application 6417
with the board accompanied by the appropriate fee and proof that 6418
the applicant has met the requirements for licensure. The board 6419
shall establish, by rule, the application fee and the minimum 6420
requirements for licensure, including education, examination, or 6421
experience standards recognized by the board as national standards 6422
for ocularists. The board shall issue a license to practice as an 6423
ocularist to an applicant who satisfies the requirements of this 6424
division and rules adopted pursuant to this division. 6425

(D) The board shall not adopt, maintain, renew, or enforce 6426
any rule that precludes an individual from receiving or renewing a 6427
license as a dispensing optician issued under sections 4725.40 to 6428
4725.59 of the Revised Code due to any past criminal activity or 6429
interpretation of moral character, unless the individual has 6430
committed a crime of moral turpitude or a disqualifying offense as 6431
those terms are defined in section 4776.10 of the Revised Code. 6432

Sec. 4725.52. Any licensed dispensing optician may supervise 6433
a maximum of three apprentices who shall be permitted to engage in 6434
optical dispensing only under the supervision of the licensed 6435
dispensing optician. 6436

To serve as an apprentice, a person shall register with the 6437
Ohio optical dispensers board either on a form provided by the 6438
board or in the form of a statement giving the name and address of 6439
the supervising licensed dispensing optician, the location at 6440
which the apprentice will be employed, and any other information 6441
required by the board. For the duration of the apprenticeship, the 6442
apprentice shall register annually on the form provided by the 6443
board or in the form of a statement. 6444

Each apprentice shall pay an initial registration fee of 6445
twenty dollars. For each registration renewal thereafter, each 6446
apprentice shall pay a registration renewal fee of twenty dollars. 6447

The board shall not deny certification as an apprentice under 6448
this section to any individual based on the individual's past 6449
criminal history or an interpretation of moral character unless 6450
the individual has committed a disqualifying offense or crime of 6451
moral turpitude as those terms are defined in section 4776.10 of 6452
the Revised Code. 6453

A person who is gaining experience under the supervision of a 6454
licensed optometrist or ophthalmologist that would qualify the 6455
person under division (B)(1) of section 4725.48 of the Revised 6456
Code to take the examination for optical dispensing is not 6457
required to register with the board. 6458

Sec. 4725.53. (A) The Ohio optical dispensers board, by a 6459
majority vote of its members, may refuse to grant a license and, 6460
in accordance with Chapter 119. of the Revised Code, may suspend 6461
or revoke the license of a licensed dispensing optician or impose 6462

a fine or order restitution pursuant to division (B) of this 6463
section on any of the following grounds: 6464

(1) Conviction of a ~~felony or~~ a crime involving moral 6465
turpitude or a disqualifying offense as those terms are defined in 6466
section 4776.10 of the Revised Code; 6467

(2) Obtaining or attempting to obtain a license by fraud or 6468
deception; 6469

(3) Obtaining any fee or making any sale of an optical aid by 6470
means of fraud or misrepresentation; 6471

(4) Habitual indulgence in the use of controlled substances 6472
or other habit-forming drugs, or in the use of alcoholic liquors 6473
to an extent that affects professional competency; 6474

(5) Finding by a court of competent jurisdiction that the 6475
applicant or licensee is incompetent by reason of mental illness 6476
and no subsequent finding by the court of competency; 6477

(6) Finding by a court of law that the licensee is guilty of 6478
incompetence or negligence in the dispensing of optical aids; 6479

(7) Knowingly permitting or employing a person whose license 6480
has been suspended or revoked or an unlicensed person to engage in 6481
optical dispensing; 6482

(8) Permitting another person to use ~~his~~ the licensee's 6483
license; 6484

(9) Engaging in optical dispensing not pursuant to the 6485
prescription of a licensed physician or licensed optometrist, but 6486
nothing in this section shall prohibit the duplication or 6487
replacement of previously prepared optical aids, except contact 6488
lenses shall not be duplicated or replaced without a written 6489
prescription; 6490

(10) Violation of sections 4725.40 to 4725.59 of the Revised 6491
Code; 6492

(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 discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections 4725.40 to 4725.59 of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full ~~knowledge~~ knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4738.04. Each person applying for a motor vehicle

salvage dealer license or a salvage motor vehicle auction license 6523
or a salvage motor vehicle pool license shall make out and deliver 6524
to the registrar of motor vehicles, upon a blank to be furnished 6525
by the registrar for that purpose, a separate application for 6526
license for each county in which the business is to be conducted. 6527
The application for each type of license shall be in the form 6528
prescribed by the registrar and shall be signed and sworn to by 6529
the applicant. The application for a license for a motor vehicle 6530
salvage dealer, a salvage motor vehicle auction, or salvage motor 6531
vehicle pool, in addition to other information as is required by 6532
the registrar, shall include the following: 6533

(A) Name of applicant and location of principal place of 6534
business; 6535

(B) Name or style under which business is to be conducted 6536
and, if a corporation, the state of incorporation; 6537

(C) Name and address of each owner or partner and, if a 6538
corporation, the names of the officers and directors; 6539

(D) The county in which the business is to be conducted and 6540
the address of each place of business therein; 6541

(E) A financial statement of the applicant showing the true 6542
financial condition as of a date not earlier than six months prior 6543
to the date of the application; 6544

(F) A statement of the previous history, record, and 6545
association of the applicant and of each owner, partner, officer, 6546
and director, which statement shall be sufficient to establish to 6547
the satisfaction of the registrar the reputation in business of 6548
the applicant; 6549

(G) A statement showing whether the applicant has previously 6550
been convicted of a ~~felony~~ crime of moral turpitude or a 6551
disqualifying offense as those terms are defined in section 6552
4776.10 of the Revised Code; 6553

(H) A statement showing whether the applicant has previously 6554
applied for a license under this chapter and the result of the 6555
application, and whether the applicant has ever been the holder of 6556
any such license which was revoked or suspended; 6557

(I) If the applicant is a corporation or partnership, a 6558
statement showing whether any of the partners, officers, or 6559
directors have been refused a license under this chapter, or have 6560
been the holder of any such license which was revoked or 6561
suspended. 6562

Sec. 4738.07. The registrar of motor vehicles shall deny the 6563
application of any person for a license under this chapter and 6564
refuse to issue ~~him~~ the person a license if the registrar finds 6565
that the applicant: 6566

(A) Has made false statement of a material fact in ~~his~~ the 6567
individual's application; 6568

(B) Has not complied with sections 4738.01 to 4738.15 of the 6569
Revised Code: 6570

(C) Is of bad business repute or has habitually defaulted on 6571
financial obligations; 6572

(D) Has been convicted of a ~~felony~~ crime of moral turpitude 6573
or a disqualifying offense as those terms are defined in section 6574
4776.10 of the Revised Code; 6575

(E) Has been guilty of a fraudulent act in connection with 6576
dealing in salvage motor vehicles or when operating as a motor 6577
vehicle salvage dealer, salvage motor vehicle auction, or salvage 6578
motor vehicle pool; 6579

(F) Is insolvent; 6580

(G) Is of insufficient responsibility to assure the prompt 6581
payment of any final judgments which might reasonably be entered 6582
against ~~him~~ the individual because of the transaction of ~~his~~ the 6583

individual's business during the period of the license applied 6584
for; 6585

(H) Has no established place of business; 6586

(I) Has less than twelve months prior to said application, 6587
been denied a license under this chapter. 6588

If the applicant is a corporation or partnership, the 6589
registrar may refuse to issue a license if any officer, director, 6590
or partner of the applicant has been guilty of any act or omission 6591
which would be cause for refusing or revoking a license issued to 6592
the officer, director, or partner as an individual. The 6593
registrar's finding may be based upon facts contained in the 6594
application or upon any other information which he may have. 6595
Immediately upon denying an application for any of the reasons in 6596
this section, the registrar shall enter a final order together 6597
with ~~his~~ the registrar's findings and certify the same to the 6598
motor vehicle salvage dealer's licensing board. 6599

An applicant who has been refused a license may appeal from 6600
the action of the registrar to the motor vehicle salvage dealer's 6601
licensing board in the manner prescribed in section 4738.12 of the 6602
Revised Code. 6603

The registrar of motor vehicles shall not adopt, maintain, 6604
renew, or enforce any rule, or otherwise preclude in any way, an 6605
individual from receiving or renewing a license under this chapter 6606
due to any past criminal activity or interpretation of moral 6607
character, except as pursuant to division (D) of this section. 6608

Sec. 4740.05. (A) Each section of the Ohio construction 6609
industry licensing board, other than the administrative section, 6610
shall do all of the following: 6611

(1) Adopt rules in accordance with Chapter 119. of the 6612
Revised Code that are limited to the following: 6613

- (a) Criteria for the section to use in evaluating the qualifications of an individual; 6614
6615
- (b) Criteria for the section to use in deciding whether to authorize the administrative section to issue, renew, suspend, revoke, or refuse to issue or renew a license; 6616
6617
6618
- (c) The determinations and approvals the section makes under the reciprocity provision of section 4740.08 of the Revised Code; 6619
6620
- (d) Criteria for continuing education courses conducted pursuant to this chapter; 6621
6622
- (e) A requirement that persons seeking approval to provide continuing education courses submit the required information to the appropriate section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered; 6623
6624
6625
6626
6627
- (f) A prohibition against any person providing a continuing education course unless the administrative section of the board approved that person not more than one year prior to the date the course is offered; 6628
6629
6630
6631
- (g) A list of disqualifying offenses pursuant to sections 4740.06, 4740.10, and 4776.10 of the Revised Code. 6632
6633
- (2) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the section and determine by rule a procedure to conduct investigations and hearings on these allegations; 6634
6635
6636
6637
- (3) Maintain a record of its proceedings; 6638
- (4) Grant approval to a person to offer continuing education courses pursuant to rules the board adopts; 6639
6640
- (5) As required, do all things necessary to carry out this chapter. 6641
6642
- (B) In accordance with rules they establish, the trade 6643

sections of the board shall authorize the administrative section 6644
to issue, renew, suspend, revoke, or refuse to issue or renew 6645
licenses for the classes of contractors for which each has primary 6646
responsibility as set forth in section 4740.02 of the Revised 6647
Code. 6648

(C) Each trade section of the board shall establish or 6649
approve a continuing education curriculum for license renewal for 6650
each class of contractors for which the section has primary 6651
responsibility. No curriculum may require more than five hours per 6652
year in specific course requirements. No contractor may be 6653
required to take more than ten hours per year in continuing 6654
education courses. The ten hours shall be the aggregate of hours 6655
of continuing education for all licenses the contractor holds. 6656

Sec. 4740.06. (A) Any individual who applies for a license 6657
shall file a written application with the appropriate section of 6658
the Ohio construction industry licensing board, accompanied with 6659
the application fee as determined pursuant to section 4740.09 of 6660
the Revised Code. The individual shall file the application not 6661
more than sixty days nor less than thirty days prior to the date 6662
of the examination. The application shall be on the form the 6663
section prescribes and verified by the applicant's oath. The 6664
applicant shall provide information satisfactory to the section 6665
showing that the applicant meets the requirements of division (B) 6666
of this section. 6667

(B) To qualify to take an examination, an individual shall: 6668

(1) Be at least eighteen years of age; 6669

(2) Be a United States citizen or legal alien who produces 6670
valid documentation to demonstrate the individual is a legal 6671
resident of the United States; 6672

(3) Either have been a tradesperson in the type of licensed 6673

trade for which the application is filed for not less than five 6674
years immediately prior to the date the application is filed, be a 6675
currently registered engineer in this state with three years of 6676
business experience in the construction industry in the trade for 6677
which the engineer is applying to take an examination, or have 6678
other experience acceptable to the appropriate section of the 6679
board; 6680

(4) Maintain contractor's liability insurance, including 6681
without limitation, complete operations coverage, in an amount the 6682
appropriate section of the board determines; 6683

(5) Not have done any of the following: 6684

(a) Been convicted of or pleaded guilty to a ~~misdemeanor~~ 6685
~~involving~~ crime of moral turpitude or ~~of any felony a~~ 6686
disqualifying offense as those terms are defined in section 6687
4776.10 of the Revised Code; 6688

(b) Violated this chapter or any rule adopted pursuant to it; 6689

(c) Obtained or renewed a license issued pursuant to this 6690
chapter, or any order, ruling, or authorization of the board or a 6691
section of the board by fraud, misrepresentation, or deception; 6692

(d) Engaged in fraud, misrepresentation, or deception in the 6693
conduct of business. 6694

(C) When an applicant for licensure as a contractor in a 6695
licensed trade meets the qualifications set forth in division (B) 6696
of this section and passes the required examination, the 6697
appropriate section of the board, within ninety days after the 6698
application was filed, shall authorize the administrative section 6699
of the board to license the applicant for the type of contractor's 6700
license for which the applicant qualifies. A section of the board 6701
may withdraw its authorization to the administrative section for 6702
issuance of a license for good cause shown, on the condition that 6703
notice of that withdrawal is given prior to the administrative 6704

section's issuance of the license. 6705

(D) All licenses a contractor holds pursuant to this chapter 6706
shall expire annually on the same date, which shall be the 6707
expiration date of the original license the contractor holds. An 6708
individual holding a valid, unexpired license may renew the 6709
license, without reexamination, by submitting an application to 6710
the appropriate section of the board not more than ninety calendar 6711
days before the expiration of the license, along with the renewal 6712
fee the section requires and proof of compliance with the 6713
applicable continuing education requirements. The applicant shall 6714
provide information in the renewal application satisfactory to 6715
demonstrate to the appropriate section that the applicant 6716
continues to meet the requirements of division (B) of this 6717
section. 6718

Upon application and within one calendar year after a license 6719
has expired, a section may waive any of the requirements for 6720
renewal of a license upon finding that an applicant substantially 6721
meets the renewal requirements or that failure to timely apply for 6722
renewal is due to excusable neglect. A section that waives 6723
requirements for renewal of a license may impose conditions upon 6724
the licensee and assess a late filing fee of not more than double 6725
the usual renewal fee. An applicant shall satisfy any condition 6726
the section imposes before a license is reissued. 6727

(E) An individual holding a valid license may request the 6728
section of the board that authorized that license to place the 6729
license in inactive status under conditions, and for a period of 6730
time, as that section determines. 6731

(F) Except for the ninety-day extension provided for a 6732
license assigned to a business entity under division (D) of 6733
section 4740.07 of the Revised Code, a license held by an 6734
individual immediately terminates upon the death of the 6735
individual. 6736

(G) Nothing in any license issued by the Ohio construction industry licensing board shall be construed to limit or eliminate any requirement of or any license issued by the Ohio fire marshal.

(H) No trade section of the board shall adopt, maintain, renew, or enforce any rule, or otherwise preclude in any way, an individual from receiving or renewing a license under this chapter due to any past criminal activity or interpretation of moral character, except as pursuant to division (B)(5)(a) of this section.

Sec. 4740.10. (A) The appropriate section of the Ohio construction industry licensing board, upon an affirmative vote of four of its members, may take any of the following actions against a licensee who violates Chapter 4740. of the Revised Code:

(1) Impose a fine on the licensee, not exceeding one thousand dollars per violation per day;

(2) Direct the administrative section to suspend the licensee's license for a period of time the section establishes;

(3) Direct the administrative section to revoke the licensee's license;

(4) Require the licensee to complete additional continuing education course work. Any continuing education course work completed pursuant to this division may not count toward any other continuing education requirements this chapter establishes.

(5) Direct the administrative section to refuse to issue or renew a license if the section finds that the applicant or licensee has done any of the following:

(a) Been convicted of a ~~misdemeanor~~ involving crime of moral turpitude or a felony disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(b) Violated any provision of this chapter or the rules

adopted pursuant thereto; 6767

(c) Obtained a license or any order, ruling, or authorization 6768
of the board by fraud, misrepresentation, or deception; 6769

(d) Engaged in fraud, misrepresentation, or deception in the 6770
conduct of business. 6771

(B) The appropriate section of the board shall determine the 6772
length of time that a license is to be suspended and whether or 6773
when an individual whose license has been revoked may apply for 6774
reinstatement. The appropriate section of the board may accept or 6775
refuse an application for reinstatement and may require an 6776
examination for reinstatement. 6777

(C) The appropriate section of the board may investigate any 6778
alleged violation of this chapter or the rules adopted pursuant to 6779
it. If, after an investigation, a section determines that any 6780
person has engaged or is engaging in any practice that violates 6781
this chapter or the rules adopted pursuant to it, that section may 6782
apply to the court of common pleas of the county in which the 6783
violation occurred or is occurring for an injunction or other 6784
appropriate relief to enjoin or terminate the violation. 6785

(D) Any person who wishes to make a complaint against a 6786
person who holds a license shall submit the complaint in writing 6787
to the appropriate section of the board within three years after 6788
the date of the action or event upon which the complaint is based. 6789

Sec. 4747.04. The hearing aid dealers and fitters licensing 6790
board shall meet annually to elect a ~~chairman~~ chairperson and a 6791
~~vice-chairman~~ vice-chairperson, who shall act as ~~chairman~~ 6792
chairperson in the absence of the ~~chairman~~ chairperson. A majority 6793
of the board constitutes a quorum. The board shall meet when 6794
called by the ~~chairman~~ chairperson. The board shall: 6795

(A) Adopt rules for the transaction of its business; 6796

(B) Design and prepare qualifying examinations for licensing of hearing aid dealers, fitters, and trainees;	6797 6798
(C) Determine whether persons holding similar valid licenses from other states or jurisdictions shall be required to take and successfully pass the appropriate qualifying examination as a condition for licensing in this state;	6799 6800 6801 6802
(D) Determine whether charges made against any licensee warrant a hearing before the board;	6803 6804
(E) Hold hearings to determine the truth and circumstances of all charges filed in writing with the board against any licensee and determine whether any license held by any person shall be revoked, suspended, or reissued;	6805 6806 6807 6808
(F) Determine and specify the length of time each license that is suspended or revoked shall remain suspended or revoked;	6809 6810
(G) Advise and assist the department of health in all matters relating to this chapter;	6811 6812
(H) Deposit all payments collected under this chapter into the general operations fund created under section 3701.83 of the Revised Code to be used in administering and enforcing this chapter;	6813 6814 6815 6816
<u>(I) Establish a list of disqualifying offenses for licensure as a hearing aid dealer or fitter, or for a hearing aid dealer or fitter trainee permit, pursuant to sections 4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.</u>	6817 6818 6819 6820
Nothing in this section shall be interpreted as granting to the hearing aid dealers and fitters licensing board the right to restrict advertising which is not false or misleading, or to prohibit or in any way restrict a hearing aid dealer or fitter from renting or leasing space from any person, firm or corporation in a mercantile establishment for the purpose of using such space	6821 6822 6823 6824 6825 6826

for the lawful sale of hearing aids or to prohibit a mercantile 6827
establishment from selling hearing aids if the sale would be 6828
otherwise lawful under this chapter. 6829

Sec. 4747.05. (A) The hearing aid dealers and fitters 6830
licensing board shall issue to each applicant, within sixty days 6831
of receipt of a properly completed application and payment of two 6832
hundred sixty-two dollars, a hearing aid dealer's or fitter's 6833
license if the applicant, if an individual: 6834

(1) Is at least eighteen years of age; 6835

(2) ~~Is a person of good moral character~~ Has not committed a 6836
disqualifying offense or a crime of moral turpitude, as those 6837
terms are defined in section 4776.10 of the Revised Code; 6838

(3) Is free of contagious or infectious disease; 6839

(4) Has successfully passed a qualifying examination 6840
specified and administered by the board. 6841

(B) If the applicant is a firm, partnership, association, or 6842
corporation, the application, in addition to such information as 6843
the board requires, shall be accompanied by an application for a 6844
license for each person, whether owner or employee, of the firm, 6845
partnership, association, or corporation, who engages in dealing 6846
in or fitting of hearing aids, or shall contain a statement that 6847
such applications are submitted separately. No firm, partnership, 6848
association, or corporation licensed pursuant to this chapter 6849
shall permit any unlicensed person to sell or fit hearing aids. 6850

(C) The board shall not adopt, maintain, renew, or enforce 6851
any rule that precludes an individual from receiving or renewing a 6852
license issued under this chapter due to any past criminal 6853
activity or interpretation of moral character, unless the 6854
individual has committed a crime of moral turpitude or a 6855
disqualifying offense as those terms are defined in section 6856

4776.10 of the Revised Code. 6857

(D) Each license issued expires on the thirtieth day of 6858
January of the year following that in which it was issued. 6859

Sec. 4747.10. Each person currently engaged in training to 6860
become a licensed hearing aid dealer or fitter shall apply to the 6861
hearing aid dealers and fitters licensing board for a hearing aid 6862
dealer's and fitter's trainee permit. The board shall issue to 6863
each applicant within thirty days of receipt of a properly 6864
completed application and payment of one hundred fifty dollars, a 6865
trainee permit if such applicant ~~is~~ meets all of the following 6866
criteria: 6867

(A) ~~At~~ Is at least eighteen years of age; 6868

(B) ~~The~~ Is the holder of a diploma from an accredited high 6869
school, or possesses an equivalent education; 6870

(C) ~~A person of good moral character~~ Has not committed a 6871
disqualifying offense or a crime of moral turpitude, as those 6872
terms are defined in section 4776.10 of the Revised Code; 6873

(D) ~~Free~~ Is free of contagious or infectious disease. 6874

The board shall not deny a trainee permit issued under this 6875
section to any individual based on the individual's past criminal 6876
history or an interpretation of moral character unless the 6877
individual has committed a disqualifying offense or crime of moral 6878
turpitude as those terms are defined in section 4776.10 of the 6879
Revised Code. 6880

Each trainee permit issued by the board expires one year from 6881
the date it was first issued, and may be renewed once if the 6882
trainee has not successfully completed the qualifying requirements 6883
for licensing as a hearing aid dealer or fitter before the 6884
expiration date of such permit. The board shall issue a renewed 6885
permit to each applicant upon receipt of a properly completed 6886

application and payment of one hundred five dollars. No person 6887
holding a trainee permit shall engage in the practice of dealing 6888
in or fitting of hearing aids except while under supervision by a 6889
licensed hearing aid dealer or fitter. 6890

Sec. 4747.12. The hearing aid dealers and fitters licensing 6891
board may revoke or suspend a license or permit if the person who 6892
holds such license or permit: 6893

(A) Is convicted of a ~~felony~~ disqualifying offense or a 6894
~~misdemeanor involving~~ crime of moral turpitude as those terms are 6895
defined in section 4776.10 of the Revised Code. The record of 6896
conviction, or a copy thereof certified by the clerk of the court 6897
or by the judge in whose court the conviction occurs, is 6898
conclusive evidence of such conviction; 6899

(B) Procured a license or permit by fraud or deceit practiced 6900
upon the board; 6901

(C) Obtained any fee or made any sale of a hearing aid by 6902
fraud or misrepresentation; 6903

(D) Knowingly employed any person without a license or a 6904
person whose license was suspended or revoked to engage in the 6905
fitting or sale of hearing aids; 6906

(E) Used or caused or promoted the use of any advertising 6907
matter, promotional literature, testimonial, guarantee, warranty, 6908
label, brand, insignia, or any other representation, however 6909
disseminated or published, which is misleading, deceptive, or 6910
untruthful; 6911

(F) Advertised a particular model or type of hearing aid for 6912
sale when purchasers or prospective purchasers responding to the 6913
advertisement cannot purchase the specified model or type of 6914
hearing aid; 6915

(G) Represented or advertised that the service or advice of a 6916

person licensed to practice medicine will be used or made 6917
available in the selection, fitting, adjustment, maintenance, or 6918
repair of hearing aids when such is not true, or using the words 6919
"doctor," "clinic," or similar words, abbreviations, or symbols 6920
which connote the medical profession when such use is not 6921
accurate; 6922

(H) Is found by the board to be a person of habitual 6923
intemperance or gross immorality; 6924

(I) Advertised a manufacturer's product or used a 6925
manufacturer's name or trademark in a manner which suggested the 6926
existence of a relationship with the manufacturer which did not or 6927
does not exist; 6928

(J) Fitted or sold, or attempted to fit or sell, a hearing 6929
aid to a person without first utilizing the appropriate procedures 6930
and instruments required for proper fitting of hearing aids; 6931

(K) Engaged in the fitting and sale of hearing aids under a 6932
false name or an alias; 6933

(L) Engaged in the practice of dealing in or fitting of 6934
hearing aids while suffering from a contagious or infectious 6935
disease; 6936

(M) Was found by the board to be guilty of gross incompetence 6937
or negligence in the fitting or sale of hearing aids; 6938

(N) Permitted another person to use ~~his~~ the licensee's 6939
license. 6940

Sec. 4749.03. (A)(1) Any individual, including a partner in a 6941
partnership, may be licensed as a private investigator under a 6942
class B license, or as a security guard provider under a class C 6943
license, or as a private investigator and a security guard 6944
provider under a class A license, if the individual meets all of 6945
the following requirements: 6946

(a) Has a good reputation for integrity, has not been 6947
convicted of a ~~felony~~ disqualifying offense as defined in section 6948
4776.10 of the Revised Code within the last ~~twenty~~ three years or 6949
any ~~offense involving~~ crime of moral turpitude as that term is 6950
defined in section 4776.10 of the Revised Code, and has not been 6951
adjudicated incompetent for the purpose of holding the license, as 6952
provided in section 5122.301 of the Revised Code, without having 6953
been restored to legal capacity for that purpose. 6954

(b) Depending upon the class of license for which application 6955
is made, for a continuous period of at least two years immediately 6956
preceding application for a license, has been engaged in 6957
investigatory or security services work for a law enforcement or 6958
other public agency engaged in investigatory activities, or for a 6959
private investigator or security guard provider, or engaged in the 6960
practice of law, or has acquired equivalent experience as 6961
determined by rule of the director of public safety. 6962

(c) Demonstrates competency as a private investigator or 6963
security guard provider by passing an examination devised for this 6964
purpose by the director, except that any individually licensed 6965
person who qualifies a corporation for licensure shall not be 6966
required to be reexamined if the person qualifies the corporation 6967
in the same capacity that the person was individually licensed. 6968

(d) Submits evidence of comprehensive general liability 6969
insurance coverage, or other equivalent guarantee approved by the 6970
director in such form and in principal amounts satisfactory to the 6971
director, but not less than one hundred thousand dollars for each 6972
person and three hundred thousand dollars for each occurrence for 6973
bodily injury liability, and one hundred thousand dollars for 6974
property damage liability. 6975

(e) Pays the requisite examination and license fees. 6976

(2) A corporation may be licensed as a private investigator 6977

under a class B license, or as a security guard provider under a 6978
class C license, or as a private investigator and a security guard 6979
provider under a class A license, if an application for licensure 6980
is filed by an officer of the corporation and the officer, another 6981
officer, or the qualifying agent of the corporation satisfies the 6982
requirements of divisions (A)(1) and (F)(1) of this section. 6983
Officers and the statutory agent of a corporation shall be 6984
determined in accordance with Chapter 1701. of the Revised Code. 6985

(3) At least one partner in a partnership shall be licensed 6986
as a private investigator, or as a security guard provider, or as 6987
a private investigator and a security guard provider. Partners in 6988
a partnership shall be determined as provided for in Chapter 1775. 6989
or 1776. of the Revised Code. 6990

(B) An application for a class A, B, or C license shall be 6991
completed in the form the director prescribes. In the case of an 6992
individual, the application shall state the applicant's name, 6993
birth date, citizenship, physical description, current residence, 6994
residences for the preceding ten years, current employment, 6995
employment for the preceding seven years, experience 6996
qualifications, the location of each of the applicant's offices in 6997
this state, and any other information that is necessary in order 6998
for the director to comply with the requirements of this chapter. 6999
In the case of a corporation, the application shall state the name 7000
of the officer or qualifying agent filing the application; the 7001
state in which the corporation is incorporated and the date of 7002
incorporation; the states in which the corporation is authorized 7003
to transact business; the name of its qualifying agent; the name 7004
of the officer or qualifying agent of the corporation who 7005
satisfies the requirements of divisions (A)(1) and (F)(1) of this 7006
section and the birth date, citizenship, physical description, 7007
current residence, residences for the preceding ten years, current 7008
employment, employment for the preceding seven years, and 7009

experience qualifications of that officer or qualifying agent; and 7010
other information that the director requires. A corporation may 7011
specify in its application information relative to one or more 7012
individuals who satisfy the requirements of divisions (A)(1) and 7013
(F)(1) of this section. 7014

The application described in this division shall be 7015
accompanied by all of the following: 7016

(1) One recent full-face photograph of the applicant or, in 7017
the case of a corporation, of each officer or qualifying agent 7018
specified in the application as satisfying the requirements of 7019
divisions (A)(1) and (F)(1) of this section; 7020

(2) Character references from at least five reputable 7021
citizens for the applicant or, in the case of a corporation, for 7022
each officer or qualifying agent specified in the application as 7023
satisfying the requirements of divisions (A)(1) and (F)(1) of this 7024
section, each of whom has known the applicant, officer, or 7025
qualifying agent for at least five years preceding the 7026
application, and none of whom are connected with the applicant, 7027
officer, or qualifying agent by blood or marriage; 7028

(3) An examination fee of twenty-five dollars for the 7029
applicant or, in the case of a corporation, for each officer or 7030
qualifying agent specified in the application as satisfying the 7031
requirements of divisions (A)(1) and (F)(1) of this section, and a 7032
license fee in the amount the director determines, not to exceed 7033
three hundred seventy-five dollars. The license fee shall be 7034
refunded if a license is not issued. 7035

(C)(1) Each individual applying for a license and each 7036
individual specified by a corporation as an officer or qualifying 7037
agent in an application shall submit one complete set of 7038
fingerprints directly to the superintendent of the bureau of 7039
criminal identification and investigation for the purpose of 7040

conducting a criminal records check. The individual shall provide 7041
the fingerprints using a method the superintendent prescribes 7042
pursuant to division (C)(2) of section 109.572 of the Revised Code 7043
and fill out the form the superintendent prescribes pursuant to 7044
division (C)(1) of section 109.572 of the Revised Code. An 7045
applicant who intends to carry a firearm as defined in section 7046
2923.11 of the Revised Code in the course of business or 7047
employment shall so notify the superintendent. This notification 7048
is in addition to any other requirement related to carrying a 7049
firearm that applies to the applicant. The individual or 7050
corporation requesting the criminal records check shall pay the 7051
fee the superintendent prescribes. 7052

(2) The superintendent shall conduct the criminal records 7053
check as set forth in division (B) of section 109.572 of the 7054
Revised Code. If an applicant intends to carry a firearm in the 7055
course of business or employment, the superintendent shall make a 7056
request to the federal bureau of investigation for any information 7057
and review the information the bureau provides pursuant to 7058
division (B)(2) of section 109.572 of the Revised Code. The 7059
superintendent shall submit all results of the completed 7060
investigation to the director of public safety. 7061

(3) If the director determines that the applicant, officer, 7062
or qualifying agent meets the requirements of divisions (A)(1)(a), 7063
(b), and (d) of this section and that an officer or qualifying 7064
agent meets the requirement of division (F)(1) of this section, 7065
the director shall notify the applicant, officer, or agent of the 7066
time and place for the examination. If the director determines 7067
that an applicant does not meet the requirements of divisions 7068
(A)(1)(a), (b), and (d) of this section, the director shall notify 7069
the applicant that the applicant's application is refused and 7070
refund the license fee. If the director determines that none of 7071
the individuals specified in the application of a corporation as 7072

satisfying the requirements of divisions (A)(1) and (F)(1) of this 7073
section meet the requirements of divisions (A)(1)(a), (b), and (d) 7074
and (F)(1) of this section, the director shall notify the 7075
corporation that its application is refused and refund the license 7076
fee. If the bureau assesses the director a fee for any 7077
investigation, the director, in addition to any other fee assessed 7078
pursuant to this chapter, may assess the applicant, officer, or 7079
qualifying agent, as appropriate, a fee that is equal to the fee 7080
assessed by the bureau. 7081

(4) The superintendent shall not adopt, maintain, renew, or 7082
enforce any rule, or otherwise preclude in any way, an individual 7083
from receiving or renewing a license under this chapter due to any 7084
past criminal activity or interpretation of moral character, 7085
except as pursuant to division (A)(1)(a) of this section. 7086

(D) If upon application, investigation, and examination, the 7087
director finds that the applicant or, in the case of a 7088
corporation, any officer or qualifying agent specified in the 7089
application as satisfying the requirements of divisions (A)(1) and 7090
(F)(1) of this section, meets the applicable requirements, the 7091
director shall issue the applicant or the corporation a class A, 7092
B, or C license. The director also shall issue an identification 7093
card to an applicant, but not an officer or qualifying agent of a 7094
corporation, who meets the applicable requirements. The license 7095
and identification card shall state the licensee's name, the 7096
classification of the license, the location of the licensee's 7097
principal place of business in this state, and the expiration date 7098
of the license, and, in the case of a corporation, it also shall 7099
state the name of each officer or qualifying agent who satisfied 7100
the requirements of divisions (A)(1) and (F)(1) of this section. 7101

Licenses expire on the first day of March following the date 7102
of initial issue, and on the first day of March of each year 7103
thereafter. Annual renewals shall be according to the standard 7104

renewal procedures contained in Chapter 4745. of the Revised Code, 7105
upon payment of an annual renewal fee the director determines, not 7106
to exceed two hundred seventy-five dollars. No license shall be 7107
renewed if the licensee or, in the case of a corporation, each 7108
officer or qualifying agent who qualified the corporation for 7109
licensure no longer meets the applicable requirements of this 7110
section. No license shall be renewed unless the licensee provides 7111
evidence of workers' compensation risk coverage and unemployment 7112
compensation insurance coverage, other than for clerical employees 7113
and excepting sole proprietors who are exempted therefrom, as 7114
provided for in Chapters 4123. and 4141. of the Revised Code, 7115
respectively, as well as the licensee's state tax identification 7116
number. No reexamination shall be required for renewal of a 7117
current license. 7118

For purposes of this chapter, a class A, B, or C license 7119
issued to a corporation shall be considered as also having 7120
licensed the individuals who qualified the corporation for 7121
licensure, for as long as they are associated with the 7122
corporation. 7123

For purposes of this division, "sole proprietor" means an 7124
individual licensed under this chapter who does not employ any 7125
other individual. 7126

(E) The director may issue a duplicate copy of a license 7127
issued under this section for the purpose of replacement of a 7128
lost, spoliated, or destroyed license, upon payment of a fee the 7129
director determines, not exceeding twenty-five dollars. Any change 7130
in license classification requires new application and application 7131
fees. 7132

(F)(1) In order to qualify a corporation for a class A, B, or 7133
C license, an officer or qualifying agent may qualify another 7134
corporation for similar licensure, provided that the officer or 7135
qualifying agent is actively engaged in the business of both 7136

corporations. 7137

(2) Each officer or qualifying agent who qualifies a 7138
corporation for class A, B, or C licensure shall surrender any 7139
personal license of a similar nature that the officer or 7140
qualifying agent possesses. 7141

(3) Upon written notification to the director, completion of 7142
an application similar to that for original licensure, surrender 7143
of the corporation's current license, and payment of a 7144
twenty-five-dollar fee, a corporation's class A, B, or C license 7145
may be transferred to another corporation. 7146

(4) Upon written notification to the director, completion of 7147
an application similar to that for an individual seeking class A, 7148
B, or C licensure, payment of a twenty-five-dollar fee, and, if 7149
the individual was the only individual that qualified a 7150
corporation for licensure, surrender of the corporation's license, 7151
any officer or qualifying agent who qualified a corporation for 7152
licensure under this chapter may obtain a similar license in the 7153
individual's own name without reexamination. A request by an 7154
officer or qualifying agent for an individual license shall not 7155
affect a corporation's license unless the individual is the only 7156
individual that qualified the corporation for licensure or all the 7157
other individuals who qualified the corporation for licensure 7158
submit such requests. 7159

(G) If a corporation is for any reason no longer associated 7160
with an individual who qualified it for licensure under this 7161
chapter, an officer of the corporation shall notify the director 7162
of that fact by certified mail, return receipt requested, within 7163
ten days after the association terminates. If the notification is 7164
so given, the individual was the only individual that qualified 7165
the corporation for licensure, and the corporation submits the 7166
name of another officer or qualifying agent to qualify the 7167
corporation for the license within thirty days after the 7168

association terminates, the corporation may continue to operate in 7169
the business of private investigation, the business of security 7170
services, or both businesses in this state under that license for 7171
ninety days after the association terminates. If the officer or 7172
qualifying agent whose name is submitted satisfies the 7173
requirements of divisions (A)(1) and (F)(1) of this section, the 7174
director shall issue a new license to the corporation within that 7175
ninety-day period. The names of more than one individual may be 7176
submitted. 7177

Sec. 4749.04. (A) The director of public safety may revoke, 7178
suspend, or refuse to renew, when a renewal form has been 7179
submitted, the license of any private investigator or security 7180
guard provider, or the registration of any employee of a private 7181
investigator or security guard provider, for any of the following: 7182

(1) Violation of any of the provisions of division (B) or (C) 7183
of section 4749.13 of the Revised Code; 7184

(2) Conviction of a ~~felony~~ or disqualifying offense as 7185
defined in section 4776.10 of the Revised Code if the offense 7186
occurred within the last three years; 7187

(3) Conviction of a crime involving moral turpitude as 7188
defined in section 4776.10 of the Revised Code; 7189

~~(3)~~(4) Violation of any rule of the director governing 7190
private investigators, the business of private investigation, 7191
security guard providers, or the business of security services; 7192

~~(4)~~(5) Testifying falsely under oath, or suborning perjury, 7193
in any judicial proceeding; 7194

~~(5)~~(6) Failure to satisfy the requirements specified in 7195
division (D) of section 4749.03 of the Revised Code. 7196

Any person whose license or registration is revoked, 7197
suspended, or not renewed when a renewal form is submitted may 7198

appeal in accordance with Chapter 119. of the Revised Code. 7199

(B) In lieu of suspending, revoking, or refusing to renew the 7200
class A, B, or C license, or of suspending, revoking, or refusing 7201
to renew the registration of an employee of a class A, B, or C 7202
licensee, the director may impose a civil penalty of not more than 7203
one hundred dollars for each calendar day of a violation of any of 7204
the provisions of this section or of division (B) or (C) of 7205
section 4749.13 of the Revised Code or of a violation of any rule 7206
of the director governing private investigators, the business of 7207
private investigation, security guard providers, or the business 7208
of security services. 7209

Sec. 4749.06. (A) Each class A, B, or C licensee shall 7210
register the licensee's investigator or security guard employees, 7211
with the department of public safety, which shall maintain a 7212
record of each licensee and registered employee and make it 7213
available, upon request, to any law enforcement agency. The class 7214
A, B, or C licensee shall file an application to register a new 7215
employee no sooner than three days nor later than seven calendar 7216
days after the date on which the employee is hired. 7217

(B)(1) Each employee's registration application shall be 7218
accompanied by one recent photograph of the employee, the 7219
employee's physical description, and the registration fee the 7220
director determines, not to exceed forty dollars. 7221

(2) The employee shall submit one complete set of 7222
fingerprints directly to the superintendent of the bureau of 7223
criminal identification and investigation for the purpose of 7224
conducting a criminal records check. The employee shall provide 7225
the fingerprints using a method the superintendent prescribes 7226
pursuant to division (C)(2) of section 109.572 of the Revised Code 7227
and fill out the form the superintendent prescribes pursuant to 7228
division (C)(1) of section 109.572 of the Revised Code. An 7229

employee who intends to carry a firearm as defined in section 7230
2923.11 of the Revised Code in the course of business or 7231
employment shall so notify the superintendent. This notification 7232
is in addition to any other requirement related to carrying a 7233
firearm that applies to the employee. The individual or 7234
corporation requesting the criminal records check shall pay the 7235
fee the superintendent prescribes. 7236

The superintendent shall conduct the criminal records check 7237
as set forth in division (B) of section 109.572 of the Revised 7238
Code. If an employee intends to carry a firearm in the course of 7239
business or employment, pursuant to division (B)(2) of section 7240
109.572 of the Revised Code the superintendent shall make a 7241
request of the federal bureau of investigation for any information 7242
and review the information the bureau provides. The superintendent 7243
shall submit all results of the completed investigation to the 7244
director of public safety. 7245

(3) If, after investigation, the bureau finds that the 7246
employee has not been convicted of a ~~felony~~ disqualifying offense 7247
as defined in section 4776.10 of the Revised Code within the last 7248
~~twenty~~ three years, the director shall issue to the employee an 7249
identification card bearing the license number and signature of 7250
the licensee, which in the case of a corporation shall be the 7251
signature of its president or its qualifying agent, and containing 7252
the employee's name, address, age, physical description, and right 7253
thumb print or other identifying mark as the director prescribes, 7254
a recent photograph of the employee, and the employee's signature. 7255
The director may issue a duplicate of a lost, spoliated, or 7256
destroyed identification card issued under this section, upon 7257
payment of a fee fixed by the director, not exceeding five 7258
dollars. 7259

(C) Except as provided in division (E) of this section, no 7260
class A, B, or C licensee shall permit an employee, other than an 7261

individual who qualified a corporation for licensure, to engage in 7262
the business of private investigation, the business of security 7263
services, or both businesses until the employee receives an 7264
identification card from the department, except that pending the 7265
issuance of an identification card, a class A, B, or C licensee 7266
may offer for hire security guard or investigator employees 7267
provided the licensee obtains a waiver from the person who 7268
receives, for hire, security guard or investigative services, 7269
acknowledging that the person is aware the employees have not 7270
completed their registration and agreeing to their employment. 7271

(D) If a class A, B, or C licensee, or a registered employee 7272
of a class A, B, or C licensee, intends to carry a firearm, as 7273
defined in section 2923.11 of the Revised Code, in the course of 7274
engaging in the business or employment, the licensee or registered 7275
employee shall satisfactorily complete a firearms basic training 7276
program that includes twenty hours of handgun training and five 7277
hours of training in the use of other firearms, if any other 7278
firearm is to be used, or equivalency training, if authorized, or 7279
shall be a former peace officer who previously had successfully 7280
completed a firearms training course, shall receive a certificate 7281
of satisfactory completion of that program or written evidence of 7282
approval of the equivalency training, shall file an application 7283
for registration, shall receive a firearm-bearer notation on the 7284
licensee's or registered employee's identification card, and shall 7285
annually requalify on a firearms range, all as described in 7286
division (A) of section 4749.10 of the Revised Code. A private 7287
investigator, security guard provider, or employee is authorized 7288
to carry a firearm only in accordance with that division. 7289

(E) This section does not apply to commissioned peace 7290
officers, as defined in division (B) of section 2935.01 of the 7291
Revised Code, working for, either as an employee or independent 7292
contractor, a class A, B, or C licensee. For purposes of this 7293

chapter, a commissioned peace officer is an employee exempt from registration. 7294
7295

(F) The registration of an investigator or security guard 7296
employee expires annually on the anniversary date of its initial 7297
issuance. Annual renewals shall be made pursuant to procedures the 7298
director establishes by rule and upon payment of a renewal fee the 7299
director determines, not to exceed thirty-five dollars. The 7300
director shall not renew the registration of any investigator or 7301
security guard employee who no longer meets the requirements of 7302
this section. No background check is required for annual renewal, 7303
but an investigator or security guard employee shall report any 7304
~~felony~~ conviction of a disqualifying offense to the employer and 7305
the director of public safety as a condition of continued 7306
registration. 7307

Sec. 4776.10. As used in Chapters 3772., 4713., 4738., 4740., 7308
4747., and 4749. and sections 4725.40 to 4725.59 of the Revised 7309
Code: 7310

(A) "Crime of moral turpitude" or "moral turpitude" means all 7311
of the following: 7312

(1) A violation of section 2903.01 or 2903.02 of the Revised 7313
Code; 7314

(2) A sexually oriented offense as defined in section 2950.01 7315
of the Revised Code; 7316

(3) An offense that is an offense of violence as defined in 7317
section 2901.01 of the Revised Code, if the offense is a felony of 7318
the first or second degree; 7319

(4) Complicity in committing an offense described in division 7320
(A)(1) of this section; 7321

(5) An attempt or conspiracy to commit or complicity in 7322
committing any offense described in division (A)(1), (2), (3), or 7323

(4) of this section if the attempt, conspiracy, or complicity is a 7324
felony of the first or second degree; 7325

(6) A violation of any former law of this state, any existing 7326
or former municipal ordinance or law of another state or the 7327
United States, any existing or former law applicable in a military 7328
court or in an Indian tribal court, or any existing or former law 7329
of any nation other than the United States that is or was 7330
substantially equivalent to any offense listed in division (A)(1), 7331
(2), (3), (4), or (5) of this section. 7332

(B) "Direct nexus" means that the nature of the offense for 7333
which the individual was convicted or to which the individual 7334
pleaded guilty has a direct bearing on the fitness or ability of 7335
the individual to perform one or more of the duties or 7336
responsibilities necessarily related to a particular occupation, 7337
profession, or trade. 7338

(C) "Disqualifying offense" means an offense that is a felony 7339
and that has a direct nexus to an individual's proposed or current 7340
field of licensure, certification, or employment. 7341

Sec. 5120.07. (A) There is hereby created the ex-offender 7342
reentry coalition consisting of the following ~~seventeen~~ eighteen 7343
members or their designees: 7344

(1) The director of rehabilitation and correction; 7345

(2) The director of aging; 7346

(3) The director of alcohol and drug addiction services; 7347

(4) The director of development; 7348

(5) The superintendent of public instruction; 7349

(6) The director of health; 7350

(7) The director of job and family services; 7351

(8) The director of mental health; 7352

(9) The director of developmental disabilities;	7353
(10) The director of public safety;	7354
(11) The director of youth services;	7355
(12) The chancellor of the Ohio board of regents;	7356
(13) A representative or member of the governor's staff;	7357
(14) The director of the rehabilitation services commission;	7358
(15) The director of the department of commerce;	7359
(16) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;	7360 7361 7362
(17) The director of veterans services;	7363
<u>(18) An ex-offender appointed by the director of rehabilitation and correction.</u>	7364 7365
(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition.	7366 7367 7368
(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, including but not limited to, service providers, community-based organizations, and local governments, the coalition shall identify and examine social service barriers and other obstacles to the reentry of ex-offenders into the community. Not later than one year after April 7, 2009, and on or before the same date of each year thereafter, the coalition shall submit to the speaker of the house of representatives and the president of the senate a report, including recommendations for legislative action, the activities of the coalition, and the barriers affecting the successful reentry of ex-offenders into the community. The report shall analyze the effects of those barriers on ex-offenders and on their children and other family members in various areas, including but	7369 7370 7371 7372 7373 7374 7375 7376 7377 7378 7379 7380 7381 7382

not limited to, the following:	7383
(1) Admission to public and other housing;	7384
(2) Child support obligations and procedures;	7385
(3) Parental incarceration and family reunification;	7386
(4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;	7387 7388
(5) Employment;	7389
(6) Education programs and financial assistance;	7390
(7) Substance abuse, mental health, and sex offender treatment programs and financial assistance;	7391 7392
(8) Civic and political participation;	7393
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	7394 7395 7396
(D)(1) The report shall also include the following information:	7397 7398
(a) Identification of state appropriations for reentry programs;	7399 7400
(b) Identification of other funding sources for reentry programs that are not funded by the state;	7401 7402
(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:	7403 7404 7405 7406
(a) The amount of funding received;	7407
(b) The number of program participants;	7408
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	7409 7410

(d) The type of post-program tracking that is utilized;	7411
(e) Information about employment rates and recidivism rates of ex-offenders.	7412 7413
(E) The coalition shall cease to exist on December 31, 2014.	7414
Sec. 5502.011. (A) As used in this section, "department of public safety" and "department" include all divisions within the department of public safety.	7415 7416 7417
(B) The director of the department of public safety is the chief executive and administrative officer of the department. The director may establish policies governing the department, the performance of its employees and officers, the conduct of its business, and the custody, use, and preservation of departmental records, papers, books, documents, and property. The director also may authorize and approve investigations to be conducted by any of the department's divisions. Whenever the Revised Code imposes a duty upon or requires an action of the department, the director may perform the action or duty in the name of the department or direct such performance to be performed by the director's designee.	7418 7419 7420 7421 7422 7423 7424 7425 7426 7427 7428 7429
(C) In addition to any other duties enumerated in the Revised Code, the director or the director's designee shall do all of the following:	7430 7431 7432
(1) Administer and direct the performance of the duties of the department;	7433 7434
(2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department;	7435 7436 7437
(3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering	7438 7439 7440

into contracts, agreements, and other business arrangements; 7441

(4) Make appointments for the department as needed to comply 7442
with requirements of the Revised Code; 7443

(5) Approve employment actions of the department, including 7444
appointments, promotions, discipline, investigations, and 7445
terminations; 7446

(6) Accept, hold, and use, for the benefit of the department, 7447
any gift, donation, bequest, or devise, and may agree to and 7448
perform all conditions of the gift, donation, bequest, or devise, 7449
that are not contrary to law; 7450

(7) Apply for, allocate, disburse, and account for grants 7451
made available under federal law or from other federal, state, or 7452
private sources; 7453

(8) Develop a list of disqualifying offenses for licensure as 7454
a private investigator or a security guard provider pursuant to 7455
sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised 7456
Code; 7457

(9) Do all other acts necessary or desirable to carry out 7458
this chapter. 7459

(D)(1) The director of public safety may assess a reasonable 7460
fee, plus the amount of any charge or fee passed on from a 7461
financial institution, on a drawer or indorser for each of the 7462
following: 7463

(a) A check, draft, or money order that is returned or 7464
dishonored; 7465

(b) An automatic bank transfer that is declined, due to 7466
insufficient funds or for any other reason; 7467

(c) Any financial transaction device that is returned or 7468
dishonored for any reason. 7469

(2) The director shall deposit any fee collected under this 7470

division in an appropriate fund as determined by the director 7471
based on the tax, fee, or fine being paid. 7472

(3) As used in this division, "financial transaction device" 7473
has the same meaning as in section 113.40 of the Revised Code. 7474

(E) The director shall establish a homeland security advisory 7475
council to advise the director on homeland security, including 7476
homeland security funding efforts. The advisory council shall 7477
include, but not be limited to, state and local government 7478
officials who have homeland security or emergency management 7479
responsibilities and who represent first responders. The director 7480
shall appoint the members of the council, who shall serve without 7481
compensation. 7482

(F) The director of public safety shall adopt rules in 7483
accordance with Chapter 119. of the Revised Code as required by 7484
section 2909.28 of the Revised Code and division (A)(1) of section 7485
2909.32 of the Revised Code. The director shall adopt rules as 7486
required by division (D) of section 2909.32 of the Revised Code, 7487
division (E) of section 2909.33 of the Revised Code, and division 7488
(D) of section 2909.34 of the Revised Code. The director may adopt 7489
rules pursuant to division (A)(2) of section 2909.32 of the 7490
Revised Code, division (A)(2) of section 2909.33 of the Revised 7491
Code, and division (A)(2) of section 2909.34 of the Revised Code. 7492

Sec. 5743.99. (A)(1) Except as provided in division (A)(2) of 7493
this section, whoever violates section 5743.10, 5743.11, or 7494
5743.12 or division (C) of section 5743.54 of the Revised Code is 7495
guilty of a misdemeanor of the first degree. If the offender has 7496
been previously convicted of an offense under this division, 7497
violation is a felony of the fourth degree. 7498

(2) Unless the total number of cigarettes exceeds one 7499
thousand two hundred, an individual who violates section 5743.10 7500
of the Revised Code is guilty of a minor misdemeanor. If the 7501

offender has been previously convicted of an offense under this 7502
division, violation is a misdemeanor of the first degree. 7503

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 7504
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 7505
felony of the fourth degree. If the offender has been previously 7506
convicted of an offense under this division, violation is a felony 7507
of the second degree. 7508

(C) Whoever violates section 5743.41 or 5743.42 of the 7509
Revised Code is guilty of a misdemeanor of the fourth degree. If 7510
the offender has been previously convicted of an offense under 7511
this division, violation is a misdemeanor of the third degree. 7512

(D) Whoever violates section 5743.21 of the Revised Code is 7513
guilty of a misdemeanor of the first degree. If the offender has 7514
been previously convicted of an offense under this division, 7515
violation is a felony of the fifth degree. 7516

(E) Whoever violates division (F) of section 5743.03 of the 7517
Revised Code is guilty of a misdemeanor of the fourth degree. 7518

(F) Whoever violates any provision of this chapter, or any 7519
rule promulgated by the tax commissioner under authority of this 7520
chapter, for the violation of which no penalty is provided 7521
elsewhere, is guilty of a misdemeanor of the fourth degree. 7522

(G) In addition to any other penalty imposed upon a person 7523
convicted of a violation of section 5743.112 or 5743.60 of the 7524
Revised Code who was the operator of a motor vehicle used in the 7525
violation, the court ~~shall~~ may suspend for not less than thirty 7526
days or more than three years the offender's driver's license, 7527
commercial driver's license, temporary instruction permit, 7528
probationary license, or nonresident operating privilege. ~~The~~ If 7529
the court imposes such a suspension, the court shall send a copy 7530
of its suspension order and determination to the registrar of 7531
motor vehicles, and the registrar, pursuant to the order and 7532

determination, shall impose a suspension of the same duration. No 7533
judge shall suspend the first thirty days of suspension of an 7534
offender's license, permit, or privilege required by this 7535
division. The court, in lieu of suspending the offender's driver's 7536
or commercial driver's license or permit or nonresident operating 7537
privilege, instead may require the offender to perform community 7538
service for a number of hours determined by the court. 7539

Section 2. That existing sections 109.572, 109.578, 149.43, 7540
2151.356, 2151.357, 2152.02, 2152.26, 2901.01, 2907.24, 2913.02, 7541
2923.122, 2925.14, 2949.08, 2953.31, 2953.32, 2953.34, 2953.36, 7542
2967.01, 2967.04, 2967.06, 2967.191, 3119.01, 3119.05, 3123.58, 7543
3772.07, 4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 7544
4509.06, 4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 7545
4510.41, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 7546
4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 7547
4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 7548
4749.06, 5120.07, 5502.011, and 5743.99 of the Revised Code are 7549
hereby repealed. 7550

Section 3. The Bureau of Motor Vehicles shall conduct a study 7551
on the advisability and feasibility of there being held in this 7552
state a one-time amnesty program for the payment of fees and fines 7553
owed by persons who have pleaded guilty to or been convicted of 7554
motor vehicle traffic and equipment offenses or have had their 7555
driver's license, commercial driver's license, or temporary 7556
instruction permit suspended for any reason by this state. The 7557
Bureau may confer with any public or private organization or 7558
entity that the Bureau determines could be of assistance to the 7559
Bureau in conducting the study. The Bureau shall study all aspects 7560
of such a program, including its scope, duration, the amounts or 7561
percentages of fees or fines persons would be permitted to pay 7562
under the program, and which persons would be eligible to 7563

participate in the program. 7564

Not later than six months after the effective date of this 7565
section, the Bureau shall issue a report containing the results of 7566
the study. The Bureau shall furnish copies of its report to the 7567
Governor, the Ohio Senate, and the Ohio House of Representatives. 7568

Section 4. The General Assembly, applying the principle 7569
stated in division (B) of section 1.52 of the Revised Code that 7570
amendments are to be harmonized if reasonably capable of 7571
simultaneous operation, finds that the following sections, 7572
presented in this act as composites of the sections as amended by 7573
the acts indicated, are the resulting versions of the sections in 7574
effect prior to the effective date of the sections as presented in 7575
this act: 7576

Section 149.43 of the Revised Code as amended by both Sub. 7577
H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly. 7578

Section 4503.234 of the Revised Code as amended by both Sub. 7579
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 7580

Section 4507.164 of the Revised Code as amended by both Sub. 7581
H.B. 5 and Am. Sub. H.B. 153 of the 129th General Assembly. 7582

Section 5. The amendment of section 5120.07 of the Revised 7583
Code is not intended to supersede the earlier repeal, with delayed 7584
effective date, of that section. 7585