

As Reported by the House Criminal Justice Committee

129th General Assembly

Regular Session

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Am. Sub. S. B. No. 337

Senators Seitz, Smith

Cosponsors: Senators Wagoner, Lehner, LaRose, Turner, Brown, Burke,

Hite, Niehaus, Sawyer, Schiavoni, Skindell, Tavares

Representatives Schuring, Conditt, Winburn, Bulp, Combs, Garland, Hayes,

Heard, Pillich, Uecker, Williams

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A B I L L

To amend sections 109.57, 109.572, 109.578, 307.932, 1
2151.356, 2152.02, 2152.12, 2152.121, 2152.18, 2
2152.26, 2152.52, 2152.56, 2152.59, 2301.27, 3
2301.271, 2705.031, 2907.24, 2913.02, 2921.331, 4
2923.122, 2925.03, 2925.04, 2925.14, 2925.38, 5
2929.14, 2929.19, 2929.26, 2929.41, 2947.23, 6
2949.08, 2951.022, 2953.08, 2953.31, 2953.32, 7
2953.34, 2953.36, 2961.22, 2967.191, 2967.193, 8
2967.26, 3119.01, 3119.05, 3123.58, 3772.10, 9
4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 10
4507.164, 4509.06, 4509.101, 4510.10, 4510.11, 11
4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 12
4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 13
4713.28, 4725.44, 4725.48, 4725.52, 4725.53, 14
4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 15
4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 16
4749.04, 4749.06, 4776.04, 5111.032, 5111.033, 17
5111.034, 5120.07, 5149.311, 5502.011, and 18
5743.99, and to enact sections 2925.141, 2953.25, 19
4776.021, and 4776.10 of the Revised Code and to 20

amend Section 5 of Am. Sub. H.B. 86 of the 129th 21
General Assembly to exclude most juvenile 22
proceedings and adjudications from criminal 23
records checks; to ensure that persons sentenced 24
to confinement receive credit for time served in 25
juvenile facilities; to expand eligibility for the 26
sealing of criminal records and to eliminate the 27
prohibition of the sealing of juvenile records in 28
certain cases; to make the use or possession with 29
purpose to use drug paraphernalia with marihuana a 30
minor misdemeanor; to provide that a court's 31
failure to warn an offender at sentencing about 32
the possibility that the court may order community 33
service if the offender fails to pay the costs of 34
prosecution does not negate or limit the authority 35
of the court to so order community service; to 36
permit an individual subject to civil sanctions as 37
a result of a conviction of or plea of guilty to a 38
criminal offense to file a petition for relief 39
from the sanctions and establish a procedure for 40
the review of such petitions; to permit the court 41
of common pleas of the individual's county of 42
residence to issue a certificate of qualification 43
for employment; to permit decision-makers to 44
consider on a case-by-case basis whether to grant 45
or deny the issuance or restoration of an 46
occupational license or employment opportunity to 47
an offender who has been issued such a certificate 48
regardless of the offender's possession of the 49
certificate and without reconsidering or rejecting 50
any finding made by the issuing court; to provide 51
for the revocation of a certificate of 52
qualification for employment; to increase from 53

eighteen to twenty-one the age at which certain 54
offenders may be held in places not authorized for 55
the confinement of children; to increase the 56
juvenile court's jurisdiction over certain 57
specified cases solely for the purpose of 58
detaining a person while the person's case is 59
heard in adult court; to create a process by which 60
a prosecutor may file a motion in juvenile court 61
to request that a person be held in a place other 62
than those specified for the placement for 63
children while the person's case is heard in adult 64
court; to amend the law governing child support; 65
to modify the penalty for driving under suspension 66
if the suspension was imposed as part of the 67
penalty for certain violations that do not 68
directly involve the operation of a motor vehicle; 69
to make changes in certain other driver's license 70
suspension provisions; to require the Department 71
of Public Safety to study the advisability and 72
feasibility of a one-time amnesty program for 73
drivers who have not paid fees or fines owed by 74
them for motor vehicle offenses and driver's 75
license suspensions; to define the terms moral 76
turpitude and disqualifying offense as applied to 77
certain employment; to provide for criminal 78
records checks and a license issuance restriction 79
regarding applicants for a trainee license for a 80
profession or occupation; to require the Casino 81
Control Commission to notify each applicant for a 82
license from the Commission who is denied the 83
license of the reasons for the denial and to 84
provide an annual report to the General Assembly 85
and Governor that specifies the number of license 86

applications denied in the year and the reasons 87
for the denial; to add an ex-offender appointed by 88
the Director of Rehabilitation and Correction to 89
the Ex-offender Reentry Coalition; to increase the 90
time limit for a prosecutor to file a motion in 91
juvenile court that objects to the imposition of a 92
serious youthful offender dispositional sentence; 93
to prohibit competency attainment reports and 94
juvenile bindover evaluation reports from 95
including details of the alleged offense as 96
reported by the child; to require juvenile 97
bindover evaluation reports to be completed within 98
forty-five days unless an extension is granted; to 99
require the Department of Youth Services to 100
develop minimum standards for training of juvenile 101
offender probation officers; to extend the 102
deadline for the Ohio Interagency Task Force on 103
Mental Health and Juvenile Justice to issue a 104
report of its findings and recommendations; to 105
revise the penalties for certain fifth degree 106
felony drug offenses to generally favor not 107
imposing a prison term; to permit the judges of 108
the various courts of the state that supervise a 109
concurrent supervision offender to authorize the 110
chief probation officer to manage concurrent 111
supervision offenders; to expand the availability 112
of the probation improvement and incentive grants 113
to municipal and county courts; to transfer 114
control of the transitional control program from 115
the Adult Parole Authority to the Division of 116
Parole and Community Services; to amend the 117
penalty for failure to comply with an order or 118
signal of a police officer; to eliminate the 119

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

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

Section 1. That sections 109.57, 109.572, 109.578, 307.932, 128
2151.356, 2152.02, 2152.12, 2152.121, 2152.18, 2152.26, 2152.52, 129
2152.56, 2152.59, 2301.27, 2301.271, 2705.031, 2907.24, 2913.02, 130
2921.331, 2923.122, 2925.03, 2925.04, 2925.14, 2925.38, 2929.14, 131
2929.19, 2929.26, 2929.41, 2947.23, 2949.08, 2951.022, 2953.08, 132
2953.31, 2953.32, 2953.34, 2953.36, 2961.22, 2967.191, 2967.193, 133
2967.26, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 4501.02, 134
4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 135
4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 4510.54, 136
4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 137
4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 138
4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 139
4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5149.311, 140
5502.011, and 5743.99 be amended, and sections 2925.141, 2953.25, 141
4776.021, and 4776.10 of the Revised Code be enacted to read as 142
follows: 143

Sec. 109.57. (A)(1) The superintendent of the bureau of 144
criminal identification and investigation shall procure from 145
wherever procurable and file for record photographs, pictures, 146
descriptions, fingerprints, measurements, and other information 147
that may be pertinent of all persons who have been convicted of 148

committing within this state a felony, any crime constituting a 149
misdemeanor on the first offense and a felony on subsequent 150
offenses, or any misdemeanor described in division (A)(1)(a), 151
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 152
of all children under eighteen years of age who have been 153
adjudicated delinquent children for committing within this state 154
an act that would be a felony or an offense of violence if 155
committed by an adult or who have been convicted of or pleaded 156
guilty to committing within this state a felony or an offense of 157
violence, and of all well-known and habitual criminals. The person 158
in charge of any county, multicounty, municipal, municipal-county, 159
or multicounty-municipal jail or workhouse, community-based 160
correctional facility, halfway house, alternative residential 161
facility, or state correctional institution and the person in 162
charge of any state institution having custody of a person 163
suspected of having committed a felony, any crime constituting a 164
misdemeanor on the first offense and a felony on subsequent 165
offenses, or any misdemeanor described in division (A)(1)(a), 166
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 167
having custody of a child under eighteen years of age with respect 168
to whom there is probable cause to believe that the child may have 169
committed an act that would be a felony or an offense of violence 170
if committed by an adult shall furnish such material to the 171
superintendent of the bureau. Fingerprints, photographs, or other 172
descriptive information of a child who is under eighteen years of 173
age, has not been arrested or otherwise taken into custody for 174
committing an act that would be a felony or an offense of violence 175
who is not in any other category of child specified in this 176
division, if committed by an adult, has not been adjudicated a 177
delinquent child for committing an act that would be a felony or 178
an offense of violence if committed by an adult, has not been 179
convicted of or pleaded guilty to committing a felony or an 180
offense of violence, and is not a child with respect to whom there 181

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

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

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

(b) The style and number of the case; 212

(c) The date of arrest, offense, summons, or arraignment; 213

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age

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

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

(5) The bureau shall perform centralized recordkeeping 268
functions for criminal history records and services in this state 269
for purposes of the national crime prevention and privacy compact 270
set forth in section 109.571 of the Revised Code and is the 271
criminal history record repository as defined in that section for 272
purposes of that compact. The superintendent or the 273
superintendent's designee is the compact officer for purposes of 274
that compact and shall carry out the responsibilities of the 275
compact officer specified in that compact. 276

(B) The superintendent shall prepare and furnish to every 277

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

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

(2) The superintendent or the superintendent's designee shall 305
gather information of the nature described in division (C)(1) of 306
this section that pertains to the offense and delinquency history 307
of a person who has been convicted of, pleaded guilty to, or been 308
adjudicated a delinquent child for committing a sexually oriented 309

offense or a child-victim oriented offense for inclusion in the 310
state registry of sex offenders and child-victim offenders 311
maintained pursuant to division (A)(1) of section 2950.13 of the 312
Revised Code and in the internet database operated pursuant to 313
division (A)(13) of that section and for possible inclusion in the 314
internet database operated pursuant to division (A)(11) of that 315
section. 316

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

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

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

(D)(1) The following are not public records under section 338
149.43 of the Revised Code: 339

(a) Information and materials furnished to the superintendent 340

pursuant to division (A) of this section; 341

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

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

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

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

(2) Except as otherwise provided in this division, a rule 366
adopted under division (E)(1) of this section may provide only for 367
the release of information gathered pursuant to division (A) of 368
this section that relates to the conviction of a person, or a 369
person's plea of guilty to, a criminal offense. The superintendent 370
shall not release, and the attorney general shall not adopt any 371

rule under division (E)(1) of this section that permits the 372
release of, any information gathered pursuant to division (A) of 373
this section that relates to an adjudication of a child as a 374
delinquent child, or that relates to a criminal conviction of a 375
person under eighteen years of age if the person's case was 376
transferred back to a juvenile court under division (B)(2) or (3) 377
of section 2152.121 of the Revised Code and the juvenile court 378
imposed a disposition or serious youthful offender disposition 379
upon the person under either division, unless either of the 380
following applies with respect to the adjudication or conviction: 381

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

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

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

(2)(a) In addition to or in conjunction with any request that 394
is required to be made under section 109.572, 2151.86, 3301.32, 395
3301.541, division (C) of section 3310.58, or section 3319.39, 396
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 397
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 398
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 399
Revised Code, the board of education of any school district; the 400
director of developmental disabilities; any county board of 401
developmental disabilities; any entity under contract with a 402
county board of developmental disabilities; the chief 403

administrator of any chartered nonpublic school; the chief 404
administrator of a registered private provider that is not also a 405
chartered nonpublic school; the chief administrator of any home 406
health agency; the chief administrator of or person operating any 407
child day-care center, type A family day-care home, or type B 408
family day-care home licensed or certified under Chapter 5104. of 409
the Revised Code; the administrator of any type C family day-care 410
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 411
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 412
general assembly; the chief administrator of any head start 413
agency; the executive director of a public children services 414
agency; a private company described in section 3314.41, 3319.392, 415
3326.25, or 3328.20 of the Revised Code; or an employer described 416
in division (J)(2) of section 3327.10 of the Revised Code may 417
request that the superintendent of the bureau investigate and 418
determine, with respect to any individual who has applied for 419
employment in any position after October 2, 1989, or any 420
individual wishing to apply for employment with a board of 421
education may request, with regard to the individual, whether the 422
bureau has any information gathered under division (A) of this 423
section that pertains to that individual. On receipt of the 424
request, subject to division (E)(2) of this section, the 425
superintendent shall determine whether that information exists 426
and, upon request of the person, board, or entity requesting 427
information, also shall request from the federal bureau of 428
investigation any criminal records it has pertaining to that 429
individual. The superintendent or the superintendent's designee 430
also may request criminal history records from other states or the 431
federal government pursuant to the national crime prevention and 432
privacy compact set forth in section 109.571 of the Revised Code. 433
Within thirty days of the date that the superintendent receives a 434
request, subject to division (E)(2) of this section, the 435
superintendent shall send to the board, entity, or person a report 436

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

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

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

(3) The state board of education may request, with respect to 466
any individual who has applied for employment after October 2, 467
1989, in any position with the state board or the department of 468

education, any information that a school district board of 469
education is authorized to request under division (F)(2) of this 470
section, and the superintendent of the bureau shall proceed as if 471
the request has been received from a school district board of 472
education under division (F)(2) of this section. 473

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

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

(G) In addition to or in conjunction with any request that is 488
required to be made under section 3701.881, 3712.09, 3721.121, 489
5119.693, or 5119.85 of the Revised Code with respect to an 490
individual who has applied for employment in a position that 491
involves providing direct care to an older adult or adult 492
resident, the chief administrator of a home health agency, hospice 493
care program, home licensed under Chapter 3721. of the Revised 494
Code, adult day-care program operated pursuant to rules adopted 495
under section 3721.04 of the Revised Code, adult foster home, or 496
adult care facility may request that the superintendent of the 497
bureau investigate and determine, with respect to any individual 498
who has applied after January 27, 1997, for employment in a 499
position that does not involve providing direct care to an older 500

adult or adult resident, whether the bureau has any information 501
gathered under division (A) of this section that pertains to that 502
individual. 503

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

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

On receipt of a request under this division, the 526
superintendent shall determine whether that information exists 527
and, on request of the individual requesting information, shall 528
also request from the federal bureau of investigation any criminal 529
records it has pertaining to the applicant. The superintendent or 530
the superintendent's designee also may request criminal history 531
records from other states or the federal government pursuant to 532

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

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

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

(J) As used in this section: 549

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

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

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 559
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 560
a completed form prescribed pursuant to division (C)(1) of this 561
section, and a set of fingerprint impressions obtained in the 562

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

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

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

(2) On receipt of a request pursuant to section 5123.081 of 590
the Revised Code with respect to an applicant for employment in 591
any position with the department of developmental disabilities, 592
pursuant to section 5126.28 of the Revised Code with respect to an 593
applicant for employment in any position with a county board of 594

developmental disabilities, or pursuant to section 5126.281 of the Revised Code with respect to an applicant for employment in a direct services position with an entity contracting with a county board for employment, 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. 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 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, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

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

(3) On receipt of a request pursuant to section 173.27, 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 627
which a criminal records check is required by those sections. The 628
superintendent shall conduct the criminal records check in the 629
manner described in division (B) of this section to determine 630
whether any information exists that indicates that the person who 631
is the subject of the request previously has been convicted of or 632
pleaded guilty to any of the following: 633

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

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

(4) On receipt of a request pursuant to section 3701.881 of 646
the Revised Code with respect to an applicant for employment with 647
a home health agency as a person responsible for the care, 648
custody, or control of a child, a completed form prescribed 649
pursuant to division (C)(1) of this section, and a set of 650
fingerprint impressions obtained in the manner described in 651
division (C)(2) of this section, the superintendent of the bureau 652
of criminal identification and investigation shall conduct a 653
criminal records check. The superintendent shall conduct the 654
criminal records check in the manner described in division (B) of 655
this section to determine whether any information exists that 656
indicates that the person who is the subject of the request 657
previously has been convicted of or pleaded guilty to any of the 658

following: 659

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

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

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 688
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 689
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 690

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

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

(6) On receipt of a request pursuant to section 3701.881 of 715
the Revised Code with respect to an applicant for employment with 716
a home health agency in a position that involves providing direct 717
care to an older adult, a completed form prescribed pursuant to 718
division (C)(1) of this section, and a set of fingerprint 719
impressions obtained in the manner described in division (C)(2) of 720
this section, the superintendent of the bureau of criminal 721
identification and investigation shall conduct a criminal records 722

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

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

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

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

(8) On receipt of a request pursuant to section 2151.86 of 748
the Revised Code, a completed form prescribed pursuant to division 749
(C)(1) of this section, and a set of fingerprint impressions 750
obtained in the manner described in division (C)(2) of this 751
section, the superintendent of the bureau of criminal 752
identification and investigation shall conduct a criminal records 753
check in the manner described in division (B) of this section to 754

determine whether any information exists that indicates that the 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 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of 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)(8)(a) of this section.

(9) Upon receipt of a request pursuant to section 5104.012 or 5104.013 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 787
check in the manner described in division (B) of this section to 788
determine whether any information exists that indicates that the 789
person who is the subject of the request has been convicted of or 790
pleaded guilty to any of the following: 791

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

(b) A violation of an existing or former law of this state, 816
any other state, or the United States that is substantially 817
equivalent to any of the offenses or violations described in 818

division (A)(9)(a) of this section. 819

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

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

(b) A violation of an existing or former law of this state, 846
any other state, or the United States that is substantially 847
equivalent to any of the offenses listed in division (A)(10)(a) of 848
this section. 849

(11) On receipt of a request for a criminal records check 850

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a 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 indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. ~~The Subject to~~ division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(12) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 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 a license, permit, or certification from the department of commerce or a division in the department. 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 violation of section 2913.02, 2913.11, 2913.31, 2913.51, or

2925.03 of the Revised Code; any other criminal offense involving 884
theft, receiving stolen property, embezzlement, forgery, fraud, 885
passing bad checks, money laundering, or drug trafficking, or any 886
criminal offense involving money or securities, as set forth in 887
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 888
the Revised Code; or any existing or former law of this state, any 889
other state, or the United States that is substantially equivalent 890
to those offenses. 891

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

(14) On receipt of a request pursuant to section 1121.23, 914
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 915

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

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

(16) ~~Not~~ Subject to division (F) of this section, not later 941
than thirty days after the date the superintendent receives a 942
request of a type described in division (A)(1), (2), (3), (4), 943
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 944
section, the completed form, and the fingerprint impressions, the 945
superintendent shall send the person, board, or entity that made 946
the request any information, other than information the 947

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

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

(B) ~~The Subject to division (F) of this section, the~~ 974
superintendent shall conduct any criminal records check requested 975
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 976
1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 977
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 978
3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 979

4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 980
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 981
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 982
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 983
4776.021, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 984
5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 985
5153.111 of the Revised Code as follows: 986

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

(2) If the request received by the superintendent asks for 1000
information from the federal bureau of investigation, the 1001
superintendent shall request from the federal bureau of 1002
investigation any information it has with respect to the person 1003
who is the subject of the request, including fingerprint-based 1004
checks of national crime information databases as described in 42 1005
U.S.C. 671 if the request is made pursuant to section 2151.86, 1006
5104.012, or 5104.013 of the Revised Code or if any other Revised 1007
Code section requires fingerprint-based checks of that nature, and 1008
shall review or cause to be reviewed any information the 1009
superintendent receives from that bureau. If a request under 1010
section 3319.39 of the Revised Code asks only for information from 1011

the federal bureau of investigation, the superintendent shall not 1012
conduct the review prescribed by division (B)(1) of this section. 1013

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

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

(2) The superintendent shall prescribe standard impression 1035
sheets to obtain the fingerprint impressions of any person for 1036
whom a criminal records check is requested under section 113.041 1037
of the Revised Code or required by section 121.08, 173.27, 1038
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1039
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1040
3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 1041
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1042
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1043

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

(3) Subject to division (D) of this section, the 1060
superintendent shall prescribe and charge a reasonable fee for 1061
providing a criminal records check requested under section 1062
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1063
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1064
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1065
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 1066
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 1067
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 1068
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 1069
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4776.021, 1070
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1071
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 1072
Revised Code. The person making a criminal records request under 1073
any of those sections shall pay the fee prescribed pursuant to 1074
this division. A person making a request under section 3701.881 of 1075
the Revised Code for a criminal records check for an applicant who 1076

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

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

(D) A determination whether any information exists that 1088
indicates that a person previously has been convicted of or 1089
pleaded guilty to any offense listed or described in division 1090
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1091
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1092
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 1093
of this section, or that indicates that a person previously has 1094
been convicted of or pleaded guilty to any criminal offense in 1095
this state or any other state regarding a criminal records check 1096
of a type described in division (A)(13) of this section, and that 1097
is made by the superintendent with respect to information 1098
considered in a criminal records check in accordance with this 1099
section is valid for the person who is the subject of the criminal 1100
records check for a period of one year from the date upon which 1101
the superintendent makes the determination. During the period in 1102
which the determination in regard to a person is valid, if another 1103
request under this section is made for a criminal records check 1104
for that person, the superintendent shall provide the information 1105
that is the basis for the superintendent's initial determination 1106
at a lower fee than the fee prescribed for the initial criminal 1107
records check. 1108

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

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

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

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

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

<u>(G)</u> As used in this section:	1141
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	1142 1143 1144 1145
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1146 1147
(3) "Older adult" means a person age sixty or older.	1148
(4) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	1149 1150 1151 1152 1153
(5) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	1154 1155 1156 1157 1158 1159
Sec. 109.578. (A) On receipt of a request pursuant to section 505.381, 737.081, 737.221, or 4765.301 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 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:	1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170

- (1) A felony; 1171
- (2) A violation of section 2909.03 of the Revised Code; 1172
- (3) A violation of an existing or former law of this state, 1173
any other state, or the United States that is substantially 1174
equivalent to any of the offenses listed in division (A)(1) or (2) 1175
of this section. 1176
- (B) ~~The~~ Subject to division (E) of this section, the 1177
superintendent shall conduct any criminal records check pursuant 1178
to division (A) of this section as follows: 1179
- (1) The superintendent shall review or cause to be reviewed 1180
any relevant information gathered and compiled by the bureau under 1181
division (A) of section 109.57 of the Revised Code that relates to 1182
the person who is the subject of the request, including any 1183
relevant information contained in records that have been sealed 1184
under section 2953.32 of the Revised Code. 1185
- (2) If the request received by the superintendent asks for 1186
information from the federal bureau of investigation, the 1187
superintendent shall request from the federal bureau of 1188
investigation any information it has with respect to the person 1189
who is the subject of the request and shall review or cause to be 1190
reviewed any information the superintendent receives from that 1191
bureau. 1192
- (C)(1) The superintendent shall prescribe a form to obtain 1193
the information necessary to conduct a criminal records check from 1194
any person for whom a criminal records check is requested pursuant 1195
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1196
Code. The form that the superintendent prescribes pursuant to this 1197
division may be in a tangible format, in an electronic format, or 1198
in both tangible and electronic formats. 1199
- (2) The superintendent shall prescribe standard impression 1200
sheets to obtain the fingerprint impressions of any person for 1201

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

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

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

(D) A determination whether any information exists that 1224
indicates that a person previously has been convicted of or 1225
pleaded guilty to any offense listed or described in division (A) 1226
of this section and that the superintendent made with respect to 1227
information considered in a criminal records check in accordance 1228
with this section is valid for the person who is the subject of 1229
the criminal records check for a period of one year from the date 1230
upon which the superintendent makes the determination. During the 1231
period in which the determination in regard to a person is valid, 1232
if another request under this section is made for a criminal 1233

records check for that person, the superintendent shall provide 1234
the information that is the basis for the superintendent's initial 1235
determination at a lower fee than the fee prescribed for the 1236
initial criminal records check. 1237

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

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

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

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

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

with division (B) of this section. 1265

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

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

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

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

(4) "OVI term of confinement" means a term of confinement 1289
imposed for a violation of section 4511.19 of the Revised Code or 1290
for a municipal OVI offense, including any mandatory jail term or 1291
mandatory term of local incarceration imposed for that violation 1292
or offense. 1293

(5) "Community residential sanction" means a community 1294

residential sanction imposed under section 2929.26 of the Revised Code for a misdemeanor violation of a section of the Revised Code or a term of confinement imposed for a misdemeanor violation of a municipal ordinance that is not a jail term.

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

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

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

(2) The boards of county commissioners of two or more adjoining or neighboring counties, in consultation with the sheriffs of each of those counties, may affiliate and formulate by resolution adopted by each of them a proposal for a district community alternative sentencing center that, upon implementation by the counties or being subcontracted to or operated by a nonprofit organization, would be used for the confinement of eligible offenders sentenced directly to the center by a court

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

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

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

(2) That, except as otherwise provided in this division, no 1352
offender is eligible to be sentenced directly to the center or 1353
admitted to it if, in addition to the community residential 1354
sanction or OVI term of confinement described in division (C)(1) 1355
of this section, the offender is serving or has been sentenced to 1356

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

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

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

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

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

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

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

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

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

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

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

(1) Any court located within the county served by the board 1451
that establishes and operates a community ~~correctional~~ alternative 1452
sentencing center may directly sentence eligible offenders to the 1453
center pursuant to a community residential sanction of not more 1454
than thirty days or pursuant to an OVI term of confinement, a 1455
combination of an OVI term of confinement and confinement for a 1456
violation of section 4510.14 of the Revised Code, or confinement 1457
for a municipal DUS offense of not more than sixty days. Any court 1458
located within a county served by any of the boards that 1459
establishes and operates a district community ~~correctional~~ 1460
alternative sentencing center may directly sentence eligible 1461
offenders to the center pursuant to a community residential 1462
sanction of not more than thirty days or pursuant to an OVI term 1463
of confinement, a combination of an OVI term of confinement and 1464
confinement for a violation of section 4510.14 of the Revised 1465
Code, or confinement for a municipal DUS offense of not more than 1466
~~thirty~~ sixty days. 1467

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

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

that court while they are confined in the center. The agreement 1483
may provide for the payment of the costs by the particular 1484
eligible offender who receives the treatment or services, as 1485
described in division (I) of this section. 1486

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

apply: 1515

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

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

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

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

subdivision that operates the court, in the community, or in both 1546
such locales. The eligible offender shall be released from 1547
confinement while engaged in the community service activities. 1548
Community service activities required under this division shall be 1549
supervised by the court or an official designated by the board of 1550
county commissioners or affiliated group of boards of county 1551
commissioners that established and is operating the center. 1552
Community service activities required under this division shall 1553
not exceed in duration the period for which the eligible offender 1554
will be confined at the center under the community residential 1555
sanction or the OVI term of confinement. 1556

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

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

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

(I) The board of county commissioners that establishes and operates a community alternative sentencing center under division (E) of this section, or the affiliated group of boards of county commissioners that establishes and operates a district community alternative sentencing center under that division, may require an eligible offender who is sentenced directly to the center and admitted to it to pay to the county served by the board or the counties served by the affiliated group of boards or the entity operating the center the reasonable expenses incurred by the county or counties, whichever is applicable, in supervising or confining the eligible offender after being sentenced to the center and admitted. Inability to pay those reasonable expenses shall not be grounds for refusing to admit an otherwise eligible offender to the center.

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

(2) If an eligible offender who is directly sentenced to a community alternative sentencing center or district community alternative sentencing center and admitted to the center violates any rule established under this section by the board of county commissioners or the affiliated group of boards of county commissioners that establishes and operates the center, violates any condition of the community residential sanction, the OVI term of confinement, or the combination of the OVI term of confinement and the confinement for the violation of section 4510.14 of the Revised Code or the municipal OVI ordinance imposed by the

sentencing court, or otherwise does not successfully complete the 1609
service of the community residential sanction or OVI term of 1610
confinement in the center, the administrator of the center shall 1611
report the violation or failure to successfully complete the 1612
sanction or term directly to the court or to the probation 1613
department or probation officer with general control and 1614
supervision over the eligible offender. A failure to successfully 1615
complete the service of the community residential sanction, the 1616
OVI term of confinement, or the combination of the OVI term of 1617
confinement and the confinement for the violation of section 1618
4510.14 of the Revised Code or the municipal OVI ordinance in the 1619
center shall be considered a violation of a condition of the 1620
community residential sanction or the OVI term of confinement. If 1621
the administrator reports the violation to the probation 1622
department or probation officer, the department or officer shall 1623
report the violation to the court. Upon its receipt under this 1624
division of a report of a violation or failure to complete the 1625
sanction by a person sentenced to the center under a community 1626
residential sanction, the court may proceed as specified in 1627
division (C)(2) of section 2929.25 of the Revised Code based on 1628
the violation or as provided by ordinance of the municipal 1629
corporation based on the violation, whichever is applicable. Upon 1630
its receipt under this division of a report of a violation or 1631
failure to complete the term by a person sentenced to the center 1632
under an OVI term of confinement, the court shall determine the 1633
place at which the offender is to serve the remainder of the term 1634
of confinement. The eligible offender shall receive credit towards 1635
completing the eligible offender's sentence for the time spent in 1636
the center after admission to it. 1637

Sec. 2151.356. (A) The records of a case in which a person 1638
was adjudicated a delinquent child for committing a violation of 1639

section 2903.01, 2903.02, or 2907.02, ~~2907.03, or 2907.05~~ of the 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 following circumstances:

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

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

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

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

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

(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency

pertaining to a juvenile to the court, if the person was arrested 1670
or taken into custody for allegedly committing a delinquent or 1671
unruly act, no complaint was filed against the person with respect 1672
to the commission of the act pursuant to section 2151.27 of the 1673
Revised Code, and the person was not brought before or referred to 1674
the court for the commission of the act. The records delivered to 1675
the court as required under this division shall not include 1676
fingerprints, DNA specimens, and DNA records described under 1677
division (A)(3) of section 2151.357 of the Revised Code. 1678

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

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

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

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

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

(a) The court may require a person filing an application 1705
under division (C)(1) of this section to submit any relevant 1706
documentation to support the application. 1707

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

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

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

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

(iii) If the prosecuting attorney files a response with the 1729
court that indicates that the prosecuting attorney objects to the 1730
sealing of the records, the court shall conduct a hearing on the 1731
motion or application within thirty days after the court receives 1732

the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration.

(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 1763
what expunging a record means. 1764

(b) The juvenile court shall provide written notice to a 1765
person whose records are sealed under division (B) of this section 1766
by regular mail to the person's last known address, if that person 1767
is not present in the court at the time the court issues a sealing 1768
order and if the court does not seal the person's record upon the 1769
court's own motion, that explains what sealing a record means, 1770
states that the person may apply to have those records expunged 1771
under section 2151.358 of the Revised Code, and explains what 1772
expunging a record means. 1773

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

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

(b) Explains what sealing a record means; 1782

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

(d) Explains what expunging a record means. 1786

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

Sec. 2152.02. As used in this chapter:	1794
(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.	1795 1796 1797
(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.	1798 1799 1800 1801
(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.	1802 1803 1804
(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.	1805 1806 1807 1808 1809 1810
(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.	1811 1812 1813 1814 1815
(4) Except as otherwise provided in division <u>divisions</u> (C)(5) <u>and (7)</u> 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.	1816 1817 1818 1819 1820
(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	1821 1822 1823

that case, unless a serious youthful offender dispositional 1824
sentence is imposed on the child for that offense under division 1825
(B)(2) or (3) of section 2152.121 of the Revised Code and the 1826
adult portion of that sentence is not invoked pursuant to section 1827
2152.14 of the Revised Code, and any person who is adjudicated a 1828
delinquent child for the commission of an act, who has a serious 1829
youthful offender dispositional sentence imposed for the act 1830
pursuant to section 2152.13 of the Revised Code, and whose adult 1831
portion of the dispositional sentence is invoked pursuant to 1832
section 2152.14 of the Revised Code, shall be deemed after the 1833
~~transfer~~ conviction, plea, or invocation not to be a child in any 1834
case in which a complaint is filed against the person. 1835

(6) The juvenile court has jurisdiction over a person who is 1836
adjudicated a delinquent child or juvenile traffic offender prior 1837
to attaining eighteen years of age until the person attains 1838
twenty-one years of age, and, for purposes of that jurisdiction 1839
related to that adjudication, except as otherwise provided in this 1840
division, a person who is so adjudicated a delinquent child or 1841
juvenile traffic offender shall be deemed a "child" until the 1842
person attains twenty-one years of age. If a person is so 1843
adjudicated a delinquent child or juvenile traffic offender and 1844
the court makes a disposition of the person under this chapter, at 1845
any time after the person attains ~~eighteen~~ twenty-one years of 1846
age, the places at which the person may be held under that 1847
disposition are not limited to places authorized under this 1848
chapter solely for confinement of children, and the person may be 1849
confined under that disposition, in accordance with division 1850
(F)(2) of section 2152.26 of the Revised Code, in places other 1851
than those authorized under this chapter solely for confinement of 1852
children. 1853

(7) The juvenile court has jurisdiction over any person whose 1854
case is transferred for criminal prosecution solely for the 1855

purpose of detaining the person as authorized in division (F)(1) 1856
or (4) of section 2152.26 of the Revised Code unless the person is 1857
convicted of or pleads guilty to a felony in the adult court. 1858

(8) Any person who, while eighteen years of age, violates 1859
division (A)(1) or (2) of section 2919.27 of the Revised Code by 1860
violating a protection order issued or consent agreement approved 1861
under section 2151.34 or 3113.31 of the Revised Code shall be 1862
considered a child for the purposes of that violation of section 1863
2919.27 of the Revised Code. 1864

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

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

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

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

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

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

(4) Any child who is a habitual truant and who previously has 1885

been adjudicated an unruly child for being a habitual truant;	1886
(5) Any child who is a chronic truant.	1887
(G) "Discretionary serious youthful offender" means a person	1888
who is eligible for a discretionary SYO and who is not transferred	1889
to adult court under a mandatory or discretionary transfer.	1890
(H) "Discretionary SYO" means a case in which the juvenile	1891
court, in the juvenile court's discretion, may impose a serious	1892
youthful offender disposition under section 2152.13 of the Revised	1893
Code.	1894
(I) "Discretionary transfer" means that the juvenile court	1895
has discretion to transfer a case for criminal prosecution under	1896
division (B) of section 2152.12 of the Revised Code.	1897
(J) "Drug abuse offense," "felony drug abuse offense," and	1898
"minor drug possession offense" have the same meanings as in	1899
section 2925.01 of the Revised Code.	1900
(K) "Electronic monitoring" and "electronic monitoring	1901
device" have the same meanings as in section 2929.01 of the	1902
Revised Code.	1903
(L) "Economic loss" means any economic detriment suffered by	1904
a victim of a delinquent act or juvenile traffic offense as a	1905
direct and proximate result of the delinquent act or juvenile	1906
traffic offense and includes any loss of income due to lost time	1907
at work because of any injury caused to the victim and any	1908
property loss, medical cost, or funeral expense incurred as a	1909
result of the delinquent act or juvenile traffic offense.	1910
"Economic loss" does not include non-economic loss or any punitive	1911
or exemplary damages.	1912
(M) "Firearm" has the same meaning as in section 2923.11 of	1913
the Revised Code.	1914
(N) "Juvenile traffic offender" means any child who violates	1915

any traffic law, traffic ordinance, or traffic regulation of this 1916
state, the United States, or any political subdivision of this 1917
state, other than a resolution, ordinance, or regulation of a 1918
political subdivision of this state the violation of which is 1919
required to be handled by a parking violations bureau or a joint 1920
parking violations bureau pursuant to Chapter 4521. of the Revised 1921
Code. 1922

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

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

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

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

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

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

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

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

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

(X) "Serious youthful offender" means a person who is 1950
eligible for a mandatory SYO or discretionary SYO but who is not 1951
transferred to adult court under a mandatory or discretionary 1952
transfer and also includes, for purposes of imposition of a 1953
mandatory serious youthful dispositional sentence under section 1954
2152.13 of the Revised Code, a person upon whom a juvenile court 1955
is required to impose such a sentence under division (B)(3) of 1956
section 2152.121 of the Revised Code. 1957

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

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

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

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

(1) A violation of section 2903.01 or 2903.02 of the Revised Code;	1977 1978
(2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder.	1979 1980
(CC) "Category two offense" means any of the following:	1981
(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code;	1982 1983
(2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree;	1984 1985
(3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	1986 1987
(DD) "Non-economic loss" means nonpecuniary harm suffered by a victim of a delinquent act or juvenile traffic offense as a result of or related to the delinquent act or juvenile traffic offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss.	1988 1989 1990 1991 1992 1993 1994 1995
Sec. 2152.12. (A)(1)(a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated murder, or attempted murder if committed by an adult, the juvenile court at a hearing shall transfer the case if either of the following applies:	1996 1997 1998 1999 2000 2001
(i) The child was sixteen or seventeen years of age at the time of the act charged and there is probable cause to believe that the child committed the act charged.	2002 2003 2004
(ii) The child was fourteen or fifteen years of age at the	2005

time of the act charged, section 2152.10 of the Revised Code 2006
provides that the child is eligible for mandatory transfer, and 2007
there is probable cause to believe that the child committed the 2008
act charged. 2009

(b) After a complaint has been filed alleging that a child is 2010
a delinquent child by reason of committing a category two offense, 2011
the juvenile court at a hearing shall transfer the case if the 2012
child was sixteen or seventeen years of age at the time of the act 2013
charged and either of the following applies: 2014

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

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

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

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

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

court to a criminal court. 2036

(3) If a complaint is filed against a child alleging that the 2037
child is a delinquent child and the case is transferred pursuant 2038
to division (A)(1)(a)(i) or (A)(1)(b)(ii) of this section and if 2039
the child subsequently is convicted of or pleads guilty to an 2040
offense in that case, the sentence to be imposed or disposition to 2041
be made of the child shall be determined in accordance with 2042
section 2152.121 of the Revised Code. 2043

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

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

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

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

(C) Before considering a transfer under division (B) of this 2063
section, the juvenile court shall order an investigation into the 2064
child's social history, education, family situation, and any other 2065

factor bearing on whether the child is amenable to juvenile 2066
rehabilitation, including a mental examination of the child by a 2067
public or private agency or a person qualified to make the 2068
examination. The investigation shall be completed and a report on 2069
the investigation shall be submitted to the court as soon as 2070
possible but not more than forty-five calendar days after the 2071
court orders the investigation. The court may grant one or more 2072
extensions for a reasonable length of time. The child may waive 2073
the examination required by this division if the court finds that 2074
the waiver is competently and intelligently made. Refusal to 2075
submit to a mental examination by the child constitutes a waiver 2076
of the examination. 2077

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

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

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

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

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

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

used or displayed the firearm, brandished the firearm, or 2096
indicated that the child possessed a firearm. 2097

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

(7) The results of any previous juvenile sanctions and 2102
programs indicate that rehabilitation of the child will not occur 2103
in the juvenile system. 2104

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

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

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

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

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

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

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

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

(6) The child is not emotionally, physically, or 2124

psychologically mature enough for the transfer. 2125

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

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

(F) If one or more complaints are filed alleging that a child 2131
is a delinquent child for committing two or more acts that would 2132
be offenses if committed by an adult, if a motion is made alleging 2133
that division (A) of this section applies and requires that the 2134
case or cases involving one or more of the acts charged be 2135
transferred for, and if a motion also is made requesting that the 2136
case or cases involving one or more of the acts charged be 2137
transferred pursuant to division (B) of this section, the juvenile 2138
court, in deciding the motions, shall proceed in the following 2139
manner: 2140

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

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

(D) or (E) of this section or to conduct an investigation under 2156
division (C) of this section. 2157

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

(4) No report on an investigation conducted pursuant to 2164
division (C) of this section shall include details of the alleged 2165
offense as reported by the child. 2166

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

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

(I) Upon the transfer of a case under division (A) or (B) of 2182
this section, the juvenile court shall state the reasons for the 2183
transfer on the record, and shall order the child to enter into a 2184
recognizance with good and sufficient surety for the child's 2185
appearance before the appropriate court for any disposition that 2186

the court is authorized to make for a similar act committed by an 2187
adult. The transfer abates the jurisdiction of the juvenile court 2188
with respect to the delinquent acts alleged in the complaint, and, 2189
upon the transfer, all further proceedings pertaining to the act 2190
charged shall be discontinued in the juvenile court, and the case 2191
then shall be within the jurisdiction of the court to which it is 2192
transferred as described in division (H) of section 2151.23 of the 2193
Revised Code. 2194

(J) If a person under eighteen years of age allegedly commits 2195
an act that would be a felony if committed by an adult and if the 2196
person is not taken into custody or apprehended for that act until 2197
after the person attains twenty-one years of age, the juvenile 2198
court does not have jurisdiction to hear or determine any portion 2199
of the case charging the person with committing that act. In those 2200
circumstances, divisions (A) and (B) of this section do not apply 2201
regarding the act, and the case charging the person with 2202
committing the act shall be a criminal prosecution commenced and 2203
heard in the appropriate court having jurisdiction of the offense 2204
as if the person had been eighteen years of age or older when the 2205
person committed the act. All proceedings pertaining to the act 2206
shall be within the jurisdiction of the court having jurisdiction 2207
of the offense, and that court has all the authority and duties in 2208
the case as it has in other criminal cases in that court. 2209

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

(B) If a complaint is filed against a child alleging that the 2217

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

(1) The court in which the child is convicted of or pleads 2224
guilty to the offense shall determine whether, had a complaint 2225
been filed in juvenile court alleging that the child was a 2226
delinquent child for committing an act that would be that offense 2227
if committed by an adult, division (A) of section 2152.12 of the 2228
Revised Code would have required mandatory transfer of the case or 2229
division (B) of that section would have allowed discretionary 2230
transfer of the case. The court shall not consider the factor 2231
specified in division (B)(3) of section 2152.12 of the Revised 2232
Code in making its determination under this division. 2233

(2) If the court in which the child is convicted of or pleads 2234
guilty to the offense determines under division (B)(1) of this 2235
section that, had a complaint been filed in juvenile court 2236
alleging that the child was a delinquent child for committing an 2237
act that would be that offense if committed by an adult, division 2238
(A) of section 2152.12 of the Revised Code would not have required 2239
mandatory transfer of the case, and division (B) of that section 2240
would not have allowed discretionary transfer of the case, the 2241
court shall transfer jurisdiction of the case back to the juvenile 2242
court that initially transferred the case, the court and all other 2243
agencies that have any record of the conviction of the child or 2244
the child's guilty plea shall expunge the conviction or guilty 2245
plea and all records of it, the conviction or guilty plea shall be 2246
considered and treated for all purposes other than as provided in 2247
this section to have never occurred, the conviction or guilty plea 2248
shall be considered and treated for all purposes other than as 2249

provided in this section to have been a delinquent child 2250
adjudication of the child, and the juvenile court shall impose one 2251
or more traditional juvenile dispositions upon the child under 2252
sections 2152.19 and 2152.20 of the Revised Code. 2253

(3) If the court in which the child is convicted of or pleads 2254
guilty to the offense determines under division (B)(1) of this 2255
section that, had a complaint been filed in juvenile court 2256
alleging that the child was a delinquent child for committing an 2257
act that would be that offense if committed by an adult, division 2258
(A) of section 2152.12 of the Revised Code would not have required 2259
mandatory transfer of the case but division (B) of that section 2260
would have allowed discretionary transfer of the case, the court 2261
shall determine the sentence it believes should be imposed upon 2262
the child under Chapter 2929. of the Revised Code, shall impose 2263
that sentence upon the child, and shall stay that sentence pending 2264
completion of the procedures specified in this division. Upon 2265
imposition and staying of the sentence, the court shall transfer 2266
jurisdiction of the case back to the juvenile court that initially 2267
transferred the case and the juvenile court shall proceed in 2268
accordance with this division. In no case may the child waive a 2269
right to a hearing of the type described in division (B)(3)(b) of 2270
this section, regarding a motion filed as described in that 2271
division by the prosecuting attorney in the case. Upon transfer of 2272
jurisdiction of the case back to the juvenile court, both of the 2273
following apply: 2274

(a) Except as otherwise provided in division (B)(3)(b) of 2275
this section, the juvenile court shall impose a serious youthful 2276
offender dispositional sentence upon the child under division 2277
(D)(1) of section 2152.13 of the Revised Code. In imposing the 2278
adult portion of that sentence, the juvenile court shall consider 2279
and give preference to the sentence imposed upon the child by the 2280
court in which the child was convicted of or pleaded guilty to the 2281

offense. Upon imposing a serious youthful offender dispositional 2282
sentence upon the child as described in this division, the 2283
juvenile court shall notify the court in which the child was 2284
convicted of or pleaded guilty to the offense, the sentence 2285
imposed upon the child by that court shall terminate, the court 2286
and all other agencies that have any record of the conviction of 2287
the child or the child's guilty plea shall expunge the conviction 2288
or guilty plea and all records of it, the conviction or guilty 2289
plea shall be considered and treated for all purposes other than 2290
as provided in this section to have never occurred, and the 2291
conviction or guilty plea shall be considered and treated for all 2292
purposes other than as provided in this section to have been a 2293
delinquent child adjudication of the child. 2294

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

listed in division (E) of that section as factors indicating that 2315
the motion should not be granted, and shall consider whether the 2316
applicable factors listed in division (D) of that section outweigh 2317
the applicable factors listed in division (E) of that section. 2318

If the juvenile court grants the motion of the prosecuting 2319
attorney under this division, the juvenile court shall transfer 2320
jurisdiction of the case back to the court in which the child was 2321
convicted of or pleaded guilty to the offense, and the sentence 2322
imposed by that court shall be invoked. If the juvenile court 2323
denies the motion of the prosecuting attorney under this section, 2324
the juvenile court shall impose a serious youthful offender 2325
dispositional sentence upon the child in accordance with division 2326
(B)(3)(a) of this section. 2327

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

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

(B) When a juvenile court commits a delinquent child to the 2342
custody of the department of youth services pursuant to this 2343
chapter, the court shall state in the order of commitment the 2344
total number of days that the child has been ~~held in detention~~ 2345

confined in connection with the delinquent child complaint upon 2346
which the order of commitment is based. The court shall not 2347
include days that the child has been under electronic monitoring 2348
or house arrest or days that the child has been confined in a 2349
halfway house. The department shall reduce the minimum period of 2350
institutionalization that was ordered by both the total number of 2351
days that the child has been so ~~held in detention~~ confined as 2352
stated by the court in the order of commitment and the total 2353
number of any additional days that the child has been ~~held in~~ 2354
~~detention~~ confined subsequent to the order of commitment but prior 2355
to the transfer of physical custody of the child to the 2356
department. 2357

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

The department may refuse to accept physical custody of a 2374
delinquent child who is committed to the legal custody of the 2375
department until the court provides to the department the 2376
documents specified in this division. No officer or employee of 2377

the department who refuses to accept physical custody of a 2378
delinquent child who is committed to the legal custody of the 2379
department shall be subject to prosecution or contempt of court 2380
for the refusal if the court fails to provide the documents 2381
specified in this division at the time the court transfers the 2382
physical custody of the child to the department. 2383

(2) Within twenty working days after the department of youth 2384
services receives physical custody of a delinquent child from a 2385
juvenile court, the court shall provide the department with a 2386
certified copy of the child's birth certificate and the child's 2387
social security number or, if the court made all reasonable 2388
efforts to obtain the information but was unsuccessful, with 2389
documentation of the efforts it made to obtain the information. 2390

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

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

(a) An act that would be a felony or an offense of violence 2409

if committed by an adult, an act in the commission of which the child used or brandished a firearm, or an act that is a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 2907.241 of the Revised Code and that would be a misdemeanor if committed by an adult;

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

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

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

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

(2) The notice given pursuant to division (D)(1) of this section shall include the name of the child who was adjudicated to

be a delinquent child, the child's age at the time the child 2441
committed the act that was the basis of the adjudication, and 2442
identification of the violation of the law or ordinance that was 2443
the basis of the adjudication. 2444

(3) Within fourteen days after committing a delinquent child 2445
to the custody of the department of youth services, the court 2446
shall give notice to the school attended by the child of the 2447
child's commitment by sending to that school a copy of the court's 2448
journal entry ordering the commitment. As soon as possible after 2449
receipt of the notice described in this division, the school shall 2450
provide the department with the child's school transcript. 2451
However, the department shall not refuse to accept a child 2452
committed to it, and a child committed to it shall not be held in 2453
a county or district detention facility, because of a school's 2454
failure to provide the school transcript that it is required to 2455
provide under this division. 2456

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

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

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

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

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

The department also shall provide the court with a copy of 2471

any portion of the child's institutional record that the court 2472
specifically requests, within five working days of the request. 2473

(E) At any hearing at which a child is adjudicated a 2474
delinquent child or as soon as possible after the hearing, the 2475
court shall notify all victims of the delinquent act who may be 2476
entitled to a recovery under any of the following sections of the 2477
right of the victims to recover, pursuant to section 3109.09 of 2478
the Revised Code, compensatory damages from the child's parents; 2479
of the right of the victims to recover, pursuant to section 2480
3109.10 of the Revised Code, compensatory damages from the child's 2481
parents for willful and malicious assaults committed by the child; 2482
and of the right of the victims to recover an award of reparations 2483
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 2484

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

- (1) A certified foster home or a home approved by the court; 2489
- (2) A facility operated by a certified child welfare agency; 2490
- (3) Any other suitable place designated by the court. 2491

(B) In addition to the places listed in division (A) of this 2492
section, a child alleged to be or adjudicated a delinquent child 2493
or a person described in division (C)(7) of section 2152.02 of the 2494
Revised Code may be held in a detention facility for delinquent 2495
children that is under the direction or supervision of the court 2496
or other public authority or of a private agency and approved by 2497
the court and a child adjudicated a delinquent child may be held 2498
in accordance with division (F)(2) of this section in a facility 2499
of a type specified in that division. Division (B) of this section 2500
does not apply to a child alleged to be or adjudicated a 2501

delinquent child for chronic truancy, unless the child violated a 2502
lawful court order made pursuant to division (A)(6) of section 2503
2152.19 of the Revised Code. Division (B) of this section also 2504
does not apply to a child alleged to be or adjudicated a 2505
delinquent child for being an habitual truant who previously has 2506
been adjudicated an unruly child for being an habitual truant, 2507
unless the child violated a lawful court order made pursuant to 2508
division (C)(1)(e) of section 2151.354 of the Revised Code. 2509

(C)(1) Except as provided under division (C)(1) of section 2510
2151.311 of the Revised Code or division (A)(5) of section 2152.21 2511
of the Revised Code, a child alleged to be or adjudicated a 2512
juvenile traffic offender may not be held in any of the following 2513
facilities: 2514

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

(b) A secure correctional facility. 2518

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

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

(E) Unless the detention is pursuant to division (F) of this 2533
section or division (C) of section 2151.311, division (C)(2) of 2534
section 5139.06 and section 5120.162, or division (B) of section 2535
5120.16 of the Revised Code, the official in charge of the 2536
institution, jail, workhouse, or other facility shall inform the 2537
court immediately when a ~~child~~, person who is or appears to be 2538
under the age of eighteen years, or a person who is charged with a 2539
violation of an order of a juvenile court or a violation of 2540
probation or parole conditions imposed by a juvenile court and who 2541
is or appears to be between the ages of eighteen and twenty-one 2542
years, is received at the facility, and shall deliver the ~~child~~ 2543
person to the court upon request or transfer the ~~child~~ person to a 2544
detention facility designated by the court. 2545

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

(2) If a person is adjudicated a delinquent child or juvenile 2558
traffic offender or is a person described in division (C)(7) of 2559
section 2152.02 of the Revised Code and the court makes a 2560
disposition of the person under this chapter, at any time after 2561
the person attains ~~eighteen~~ twenty-one years of age, the person 2562
may be held under that disposition or under the circumstances 2563
described in division (F)(4) of this section in places other than 2564

those specified in division (A) of this section, including, but 2565
not limited to, a county, multicounty, or municipal jail or 2566
workhouse, or other place where an adult convicted of crime, under 2567
arrest, or charged with crime is held. 2568

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

(i) The person attains ~~eighteen~~ twenty-one years of age 2575
before the person is arrested or apprehended for that act. 2576

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

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

(4)(a) Any person whose case is transferred for criminal 2586
prosecution pursuant to section 2151.10 or 2152.12 of the Revised 2587
Code or any person who has attained the age of eighteen years but 2588
has not attained the age of twenty-one years and who is being held 2589
in a place specified in division (B) of this section may be held 2590
under that disposition or charge in places other than those 2591
specified in division (B) of this section, including a county, 2592
multicounty, or municipal jail or workhouse, or other place where 2593
an adult under arrest or charged with crime is held if the 2594
juvenile court, upon its own motion or upon motion by the 2595

prosecutor and after notice and hearing, establishes by a 2596
preponderance of the evidence and makes written findings that the 2597
youth is a threat to the safety and security of the facility. 2598
Evidence that the youth is a threat to the safety and security of 2599
the facility may include, but is not limited to, whether the youth 2600
has done any of the following: 2601

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

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

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

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

(i) The age of the person; 2619

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

(iii) The person's current emotional state, intelligence, and 2625
developmental maturity, including any emotional and psychological 2626

trauma, and the risk to the person in an adult facility, which may 2627
be evidenced by mental health or psychological assessments or 2628
screenings made available to the prosecuting attorney and the 2629
defense counsel; 2630

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

(v) The relative ability of the available adult and juvenile 2634
detention facilities to meet the needs of the person, including 2635
the person's need for age-appropriate mental health and 2636
educational services delivered by individuals specifically trained 2637
to deal with youth; 2638

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

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

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

factors listed in division (F)(4)(b) of this section. 2658

(d) Upon the admission of a person described in division (F)(4)(a) of this section to a place other than those specified in division (B) 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. 2659
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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 (B) 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 supervised at all times during the detention. 2664
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Sec. 2152.52. (A)(1) In any proceeding under this chapter 2669
other than a proceeding alleging that a child is an unruly child 2670
or a juvenile traffic offender, any party or the court may move 2671
for a determination regarding the child's competency to 2672
participate in the proceeding. 2673

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

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

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

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

Sec. 2152.56. (A) Upon completing an evaluation ordered pursuant to section 2152.53 of the Revised Code, an evaluator shall submit to the court a written competency assessment report. The report shall include the evaluator's opinion as to whether the child, due to mental illness, intellectual disability, or developmental disability, or otherwise due to a lack of mental capacity, is ~~presently~~ currently incapable of understanding the nature and objective of the proceedings against the child or of assisting in the child's defense. The report shall not include any opinion as to the child's sanity at the time of the alleged offense, details of the alleged offense as reported by the child, or an opinion as to whether the child actually committed the offense or could have been culpable for committing the offense.

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

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

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

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

(4) Comprehend and appreciate the consequences that may be

imposed or result from the proceedings. 2718

(C) A competency assessment report shall include the 2719
evaluator's opinion regarding the extent to which the child's 2720
competency may be impaired by the child's failure to meet one or 2721
more of the criteria listed in division (B) of this section. If 2722
the evaluator concludes that the child's competency is impaired 2723
but that the child may be enabled to understand the nature and 2724
objectives of the proceeding against the child and to assist in 2725
the child's defense with reasonable accommodations, the report 2726
shall include recommendations for those reasonable accommodations 2727
that the court might make. If the evaluator concludes that the 2728
child's competency is so impaired that the child would not be able 2729
to understand the nature and objectives of the proceeding against 2730
the child ~~and~~ or to assist in the child's defense, the report 2731
shall include an opinion as to the likelihood that the child could 2732
attain competency within the periods set forth in division (D)(2) 2733
of section 2152.59 of the Revised Code. 2734

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

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

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

(E) If the evaluator is unable, within the maximum allowable 2746
time for submission of a competency assessment report under 2747
division (A) of section 2152.57 of the Revised Code, to form an 2748

opinion regarding the extent to which the child's competency may 2749
be impaired by the child's failure to meet one or more of the 2750
criteria listed in division (B) of this section, the evaluator 2751
shall so state in the report. The evaluator shall also include 2752
recommendations for services to support the safety of the child or 2753
the community. 2754

Sec. 2152.59. (A) If after a hearing held pursuant to section 2755
2152.58 of the Revised Code the court determines that a child is 2756
competent, the court shall proceed with the delinquent child's 2757
proceeding as provided by law. No statement that a child makes 2758
during an evaluation or hearing conducted under sections 2152.51 2759
through 2152.59 of the Revised Code shall be used against the 2760
child on the issue of responsibility or guilt in any child or 2761
adult proceeding. 2762

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

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

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

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

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

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

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

(a) If a child is ordered to participate in competency attainment services that are provided outside of a residential setting, the child shall not participate in those services for a period exceeding three months if the child is charged with an act that would be a misdemeanor if committed by an adult, six months if the child is charged with an act that would be a felony of the

third, fourth, or fifth degree if committed by an adult, or one 2812
year if the child is charged with an act that would be a felony of 2813
the first or second degree, aggravated murder, or murder if 2814
committed by an adult. 2815

(b) If a child is ordered to receive competency attainment 2816
services that are provided in a residential setting that is 2817
operated solely or in part for the purpose of providing competency 2818
attainment services, the child shall not participate in those 2819
services for a period exceeding forty-five calendar days if the 2820
child is charged with an act that would be a misdemeanor if 2821
committed by an adult, three months if the child is charged with 2822
an act that would be a felony of the third, fourth, or fifth 2823
degree if committed by an adult, six months if the child is 2824
charged with an act that would be a felony of the first or second 2825
degree if committed by an adult, or one year if the child is 2826
charged with an act that would be aggravated murder or murder if 2827
committed by an adult. 2828

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

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

this section, two days of participation in a nonresidential 2844
setting shall equal one day of participation in a residential 2845
setting. 2846

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

(E)(1) Within ten business days after the court names the 2853
provider responsible for the child's competency attainment 2854
services under division (D) of this section, the court shall 2855
deliver to that provider a copy of each competency assessment 2856
report it has received for review. The provider shall return the 2857
copies of the reports to the court upon the termination of the 2858
services. 2859

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

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

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

(2) If the provider determines that the child is not 2874

cooperating to a degree that would allow the services to be 2875
effective to help the child attain competency, a report informing 2876
the court of the determination within three business days after 2877
making the determination; 2878

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

(4) If the provider determines that the child has achieved 2885
the goals of the plan and would be able to understand the nature 2886
and objectives of the proceeding against the child and to assist 2887
in the child's defense, with or without reasonable accommodations 2888
to meet the criteria set forth in division (B) of section 2152.56 2889
of the Revised Code, a report informing the court of that 2890
determination within three business days after making the 2891
determination. If the provider believes that accommodations would 2892
be necessary or desirable, the report shall include 2893
recommendations for accommodations. 2894

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

(G) The court shall provide copies of any report made under 2902
division (F) of this section to the prosecuting attorney, the 2903
child's attorney, and the child's guardian ad litem, if any. The 2904
court shall provide copies of any report made under division (F) 2905
of this section to the child's parents, guardian, or custodian 2906

unless the court finds that doing so is not in the best interest 2907
of the child. 2908

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

(2) If after a hearing held under division (H)(1) of this 2917
section the court determines that the child is not making progress 2918
toward competency or is so uncooperative that attainment services 2919
cannot be effective, the court may order a change in setting or 2920
services that would help the child attain competency within the 2921
relevant period of time under division (D)(2) of this section. 2922

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

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

(b) Assign court staff to refer the child or the child's 2934
family to the local family and children first council or an agency 2935
funded by the department of mental health or department of 2936
developmental disabilities or otherwise secure services to reduce 2937

the potential that the child would engage in behavior that could 2938
result in delinquency or other criminal charges. 2939

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

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

(6) A dismissal under this section does not bar a civil 2948
action based on the acts or omissions that formed the basis of the 2949
complaint. 2950

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

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

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

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

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

(c) The court shall not appoint as a probation officer any 2970
person who does not possess the training, experience, and other 2971
qualifications prescribed by the adult parole authority created by 2972
section 5149.02 of the Revised Code or the department of youth 2973
services, as applicable. Probation officers have all the powers of 2974
regular police officers and shall perform any duties that are 2975
designated by the judge or judges of the court. All positions 2976
within the department of probation, except positions held by 2977
probation officers in the juvenile division of a court of common 2978
pleas, shall be in the classified service of the civil service of 2979
the county. 2980

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

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

(3) Probation officers shall receive, in addition to their 2997
respective salaries, their necessary and reasonable travel and 2998
other expenses incurred in the performance of their duties. Their 2999

salaries and expenses shall be paid monthly from the county 3000
treasury in the manner provided for the payment of the 3001
compensation of other appointees of the court. 3002

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

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

(b) A court of common pleas that has established a county 3027
probation department or has entered into an agreement with the 3028
adult parole authority as described in division (A) or (B) of 3029
section 2301.32 of the Revised Code may request the board of 3030
county commissioners to contract with, and upon that request the 3031

board may contract with, any nonprofit, public or private agency, 3032
association, or organization for the provision of probation 3033
services and supervisory services, including the preparation of 3034
presentence investigation reports to supplement the probation 3035
services and supervisory services provided by the county probation 3036
department or adult parole authority, as applicable. The contract 3037
shall specify that each individual providing the probation 3038
services and supervisory services shall possess the training, 3039
experience, and other qualifications prescribed by the adult 3040
parole authority. The individuals who provide the probation 3041
services and supervisory services shall not be included in the 3042
classified or unclassified civil service of the county. A 3043
nonprofit, public or private agency, association, or organization 3044
providing probation services or supervisory services under this 3045
division is hereby designated a criminal justice agency in the 3046
provision of those services, and as such is authorized by this 3047
state to apply for access to the computerized databases 3048
administered by the national crime information center or the law 3049
enforcement automated data system in Ohio and to other 3050
computerized databases administered for the purpose of making 3051
criminal justice information accessible to state criminal justice 3052
agencies. 3053

(2)(a) In lieu of establishing a county department of 3054
probation under division (A) of this section and in lieu of 3055
entering into an agreement with the adult parole authority as 3056
described in division (B) of section 2301.32 of the Revised Code, 3057
the courts of common pleas of two or more adjoining counties 3058
jointly may request the boards of county commissioners of those 3059
counties to contract with, and upon that request the boards of 3060
county commissioners of two or more adjoining counties jointly may 3061
contract with, any nonprofit, public or private agency, 3062
association, or organization for the provision of probation 3063
services and supervisory services for persons placed under 3064

community control sanctions for those counties. The contract shall 3065
specify that each individual providing the probation services and 3066
supervisory services shall possess the training, experience, and 3067
other qualifications prescribed by the adult parole authority or 3068
the department of youth services, as applicable. The individuals 3069
who provide the probation services and supervisory services shall 3070
not be included in the classified or unclassified civil service of 3071
any of those counties. 3072

(b) The courts of common pleas of two or more adjoining 3073
counties that have jointly established a probation department for 3074
those counties or have entered into an agreement with the adult 3075
parole authority as described in division (A) or (B) of section 3076
2301.32 of the Revised Code may jointly request the board of 3077
county commissioners of each county to contract with, and upon 3078
that request the board may contract with, any nonprofit, public or 3079
private agency, association, or organization for the provision of 3080
probation services and supervisory services, including the 3081
preparation of presentence investigation reports to supplement the 3082
probation services and supervisory services provided by the 3083
probation department or adult parole authority, as applicable. The 3084
contract shall specify that each individual providing the 3085
probation services and supervisory services shall possess the 3086
training, experience, and other qualifications prescribed by the 3087
adult parole authority. The individuals who provide the probation 3088
services and supervisory services shall not be included in the 3089
classified or unclassified civil service of the county. A 3090
nonprofit, public or private agency, association, or organization 3091
providing probation services or supervisory services under this 3092
division is hereby designated a criminal justice agency in the 3093
provision of those services, and as such is authorized by this 3094
state to apply for access to the computerized databases 3095
administered by the national crime information center or the law 3096
enforcement automated data system in Ohio and to other 3097

computerized databases administered for the purpose of making 3098
criminal justice information accessible to state criminal justice 3099
agencies. 3100

(C) The chief probation officer may grant permission to a 3101
probation officer to carry firearms when required in the discharge 3102
of official duties if the probation officer has successfully 3103
completed a basic firearm training program that is approved by the 3104
executive director of the Ohio peace officer training commission. 3105
A probation officer who has been granted permission to carry a 3106
firearm in the discharge of official duties, annually shall 3107
successfully complete a firearms requalification program in 3108
accordance with section 109.801 of the Revised Code. 3109

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

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

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

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

(2) Every probation department. 3129

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

(B)(1) Any party who has a legal claim to any support ordered 3133
for a child, spouse, or former spouse may initiate a contempt 3134
action for failure to pay the support. In Title IV-D cases, the 3135
contempt action for failure to pay support also may be initiated 3136
by an attorney retained by the party who has the legal claim, the 3137
prosecuting attorney, or an attorney of the department of job and 3138
family services or the child support enforcement agency. 3139

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

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

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

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

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

(4) Notice of the potential penalties that could be imposed 3168
upon the accused, if the accused is found guilty of contempt for 3169
failure to pay support or for a failure to comply with, or an 3170
interference with, a parenting time or visitation order or decree; 3171

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

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

(E) The imposition of any penalty for contempt under section 3184
2705.05 of the Revised Code shall not eliminate any obligation of 3185
the accused to pay any past, present, or future support obligation 3186
or any obligation of the accused to comply with or refrain from 3187
interfering with the parenting time or visitation order or decree. 3188
The court shall have jurisdiction to make a finding of contempt 3189
for the failure to pay support and to impose the penalties set 3190

forth in section 2705.05 of the Revised Code in all cases in which 3191
past due support is at issue even if the duty to pay support has 3192
terminated, and shall have jurisdiction to make a finding of 3193
contempt for a failure to comply with, or an interference with, a 3194
parenting time or visitation order or decree and to impose the 3195
penalties set forth in section 2705.05 of the Revised Code in all 3196
cases in which the failure or interference is at issue even if the 3197
parenting time or visitation order or decree no longer is in 3198
effect. 3199

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

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

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

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

(D) If a person is convicted of or pleads guilty to a 3215
violation of any provision of this section, an attempt to commit a 3216
violation of any provision of this section, or a violation of or 3217
an attempt to commit a violation of a municipal ordinance that is 3218
substantially equivalent to any provision of this section and if 3219
the person, in committing or attempting to commit the violation, 3220
was in, was on, or used a motor vehicle, the court, in addition to 3221

or independent of all other penalties imposed for the violation, 3222
~~shall~~ may impose upon the offender a class six suspension of the 3223
person's driver's license, commercial driver's license, temporary 3224
instruction permit, probationary license, or nonresident operating 3225
privilege from the range specified in division (A)(6) of section 3226
4510.02 of the Revised Code. In lieu of imposing upon the offender 3227
the class six suspension, the court instead may require the 3228
offender to perform community service for a number of hours 3229
determined by the court. 3230

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

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

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

(3) By deception; 3239

(4) By threat; 3240

(5) By intimidation. 3241

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

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

or more and is less than one hundred fifty thousand dollars, a 3252
violation of this section is grand theft, a felony of the fourth 3253
degree. If the value of the property or services stolen is one 3254
hundred fifty thousand dollars or more and is less than seven 3255
hundred fifty thousand dollars, a violation of this section is 3256
aggravated theft, a felony of the third degree. If the value of 3257
the property or services is seven hundred fifty thousand dollars 3258
or more and is less than one million five hundred thousand 3259
dollars, a violation of this section is aggravated theft, a felony 3260
of the second degree. If the value of the property or services 3261
stolen is one million five hundred thousand dollars or more, a 3262
violation of this section is aggravated theft of one million five 3263
hundred thousand dollars or more, a felony of the first degree. 3264

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

(4) If the property stolen is a firearm or dangerous ordnance, a violation of this section is grand theft. Except as otherwise provided in this division, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the third degree, and there is a presumption in favor of the court imposing a prison term for the offense. If the firearm or dangerous ordnance was stolen from a federally licensed firearms dealer, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the first degree. The offender shall serve a prison term imposed for grand theft when the property stolen is a firearm or dangerous ordnance consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

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

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

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

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

(9) In addition to the penalties described in division (B)(2) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment

at which gasoline is offered for retail sale without the offender 3316
making full payment for gasoline that was dispensed into the fuel 3317
tank of the motor vehicle or into another container, the court may 3318
do one of the following: 3319

(a) Unless division (B)(9)(b) of this section applies, 3320
suspend for not more than six months the offender's driver's 3321
license, probationary driver's license, commercial driver's 3322
license, temporary instruction permit, or nonresident operating 3323
privilege; 3324

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

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

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

value of the property at the time it was rented. Evidence of 3348
intent to commit theft of rented property or rental services shall 3349
be determined pursuant to the provisions of section 2913.72 of the 3350
Revised Code. 3351

(C) The sentencing court that suspends an offender's license, 3352
permit, or nonresident operating privilege under division (B)(9) 3353
of this section may grant the offender limited driving privileges 3354
during the period of the suspension in accordance with Chapter 3355
4510. of the Revised Code. 3356

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

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

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

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

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

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

(5)(a) A violation of division (B) of this section is a 3376

felony of the third degree if the jury or judge as trier of fact	3377
finds any of the following by proof beyond a reasonable doubt:	3378
(i) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.	3379 3380
(ii) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.	3381 3382 3383
(b) If a police officer pursues an offender who is violating division (B) of this section and division (C)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in sections 2929.12 and 2929.13 of the Revised Code that are required to be considered, all of the following:	3384 3385 3386 3387 3388 3389 3390 3391
(i) The duration of the pursuit;	3392
(ii) The distance of the pursuit;	3393
(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;	3394 3395
(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;	3396 3397
(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;	3398 3399
(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;	3400 3401 3402
(vii) Whether the offender committed a moving violation during the pursuit;	3403 3404
(viii) The number of moving violations the offender committed	3405

during the pursuit; 3406

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

(D) If an offender is sentenced pursuant to division (C)(4) 3410
or (5) of this section for a violation of division (B) of this 3411
section, and if the offender is sentenced to a prison term for 3412
that violation, the offender shall serve the prison term 3413
consecutively to any other prison term or mandatory prison term 3414
imposed upon the offender. 3415

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

privilege required by this division.	3437
(F) As used in this section:	3438
(1) "Moving violation" has the same meaning as in section 2743.70 of the Revised Code.	3439 3440
(2) "Police officer" has the same meaning as in section 4511.01 of the Revised Code.	3441 3442
Sec. 2923.122. (A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.	3443 3444 3445
(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.	3446 3447
(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:	3448 3449
(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.	3450 3451
(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.	3452 3453 3454
(D)(1) This section does not apply to any of the following:	3455
(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a	3456 3457 3458 3459 3460 3461 3462 3463 3464 3465

deadly weapon or dangerous ordnance in a school safety zone and 3466
who conveys or possesses the deadly weapon or dangerous ordnance 3467
in accordance with that authorization; 3468

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

(2) Division (C) of this section does not apply to premises 3475
upon which home schooling is conducted. Division (C) of this 3476
section also does not apply to a school administrator, teacher, or 3477
employee who possesses an object that is indistinguishable from a 3478
firearm for legitimate school purposes during the course of 3479
employment, a student who uses an object that is indistinguishable 3480
from a firearm under the direction of a school administrator, 3481
teacher, or employee, or any other person who with the express 3482
prior approval of a school administrator possesses an object that 3483
is indistinguishable from a firearm for a legitimate purpose, 3484
including the use of the object in a ceremonial activity, a play, 3485
reenactment, or other dramatic presentation, or a ROTC activity or 3486
another similar use of the object. 3487

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

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

(b) The person is carrying a valid license or temporary 3495
emergency license to carry a concealed handgun issued to the 3496

person under section 2923.125 or 2923.1213 of the Revised Code or 3497
a license to carry a concealed handgun that was issued by another 3498
state with which the attorney general has entered into a 3499
reciprocity agreement under section 109.69 of the Revised Code. 3500

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

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

(4) This section does not apply to a person who conveys or 3506
attempts to convey a handgun into, or possesses a handgun in, a 3507
school safety zone if at the time of that conveyance, attempted 3508
conveyance, or possession of the handgun all of the following 3509
apply: 3510

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

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

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

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

convicted of a violation of this section, illegal conveyance or 3528
possession of a deadly weapon or dangerous ordnance in a school 3529
safety zone is a felony of the fourth degree. 3530

(2) Whoever violates division (C) of this section is guilty 3531
of illegal possession of an object indistinguishable from a 3532
firearm in a school safety zone. Except as otherwise provided in 3533
this division, illegal possession of an object indistinguishable 3534
from a firearm in a school safety zone is a misdemeanor of the 3535
first degree. If the offender previously has been convicted of a 3536
violation of this section, illegal possession of an object 3537
indistinguishable from a firearm in a school safety zone is a 3538
felony of the fifth degree. 3539

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

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

(2) If the offender shows good cause why the court should not 3559

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

(G) As used in this section, "object that is 3568
indistinguishable from a firearm" means an object made, 3569
constructed, or altered so that, to a reasonable person without 3570
specialized training in firearms, the object appears to be a 3571
firearm. 3572

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

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

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

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

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

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

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

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

(1) If the drug involved in the violation is any compound, 3600
mixture, preparation, or substance included in schedule I or 3601
schedule II, with the exception of marihuana, 3602
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 3603
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 3604
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 3605
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 3606
cocaine, L.S.D., heroin, and hashish, whoever violates division 3607
(A) of this section is guilty of aggravated trafficking in drugs. 3608
The penalty for the offense shall be determined as follows: 3609

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

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

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

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

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree,

and the court shall impose as a mandatory prison term one of the 3653
prison terms prescribed for a felony of the first degree. 3654

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

(2) If the drug involved in the violation is any compound, 3662
mixture, preparation, or substance included in schedule III, IV, 3663
or V, whoever violates division (A) of this section is guilty of 3664
trafficking in drugs. The penalty for the offense shall be 3665
determined as follows: 3666

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

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

(c) Except as otherwise provided in this division, if the 3678
amount of the drug involved equals or exceeds the bulk amount but 3679
is less than five times the bulk amount, trafficking in drugs is a 3680
felony of the fourth degree, and division (B) of section 2929.13 3681
of the Revised Code applies in determining whether to impose a 3682
prison term for the offense. If the amount of the drug involved is 3683

within that range and if the offense was committed in the vicinity 3684
of a school or in the vicinity of a juvenile, trafficking in drugs 3685
is a felony of the third degree, and there is a presumption for a 3686
prison term for the offense. 3687

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

(e) Except as otherwise provided in this division, if the 3697
amount of the drug involved equals or exceeds fifty times the bulk 3698
amount, trafficking in drugs is a felony of the second degree, and 3699
the court shall impose as a mandatory prison term one of the 3700
prison terms prescribed for a felony of the second degree. If the 3701
amount of the drug involved equals or exceeds fifty times the bulk 3702
amount and if the offense was committed in the vicinity of a 3703
school or in the vicinity of a juvenile, trafficking in drugs is a 3704
felony of the first degree, and the court shall impose as a 3705
mandatory prison term one of the prison terms prescribed for a 3706
felony of the first degree. 3707

(3) If the drug involved in the violation is marihuana or a 3708
compound, mixture, preparation, or substance containing marihuana 3709
other than hashish, whoever violates division (A) of this section 3710
is guilty of trafficking in marihuana. The penalty for the offense 3711
shall be determined as follows: 3712

(a) Except as otherwise provided in division (C)(3)(b), (c), 3713
(d), (e), (f), (g), or (h) of this section, trafficking in 3714

marihuana is a felony of the fifth degree, and division (B) of 3715
section 2929.13 of the Revised Code applies in determining whether 3716
to impose a prison term on the offender. 3717

(b) Except as otherwise provided in division (C)(3)(c), (d), 3718
(e), (f), (g), or (h) of this section, if the offense was 3719
committed in the vicinity of a school or in the vicinity of a 3720
juvenile, trafficking in marihuana is a felony of the fourth 3721
degree, and division (B) of section 2929.13 of the Revised Code 3722
applies in determining whether to impose a prison term on the 3723
offender. 3724

(c) Except as otherwise provided in this division, if the 3725
amount of the drug involved equals or exceeds two hundred grams 3726
but is less than one thousand grams, trafficking in marihuana is a 3727
felony of the fourth degree, and division (B) of section 2929.13 3728
of the Revised Code applies in determining whether to impose a 3729
prison term on the offender. If the amount of the drug involved is 3730
within that range and if the offense was committed in the vicinity 3731
of a school or in the vicinity of a juvenile, trafficking in 3732
marihuana is a felony of the third degree, and division (C) of 3733
section 2929.13 of the Revised Code applies in determining whether 3734
to impose a prison term on the offender. 3735

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

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

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

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

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

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division ~~(C)~~(B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a

school or in the vicinity of a juvenile, trafficking in cocaine is 3809
a felony of the third degree, and there is a presumption for a 3810
prison term for the offense. 3811

(d) Except as otherwise provided in this division, if the 3812
amount of the drug involved equals or exceeds ten grams but is 3813
less than twenty grams of cocaine, trafficking in cocaine is a 3814
felony of the third degree, and, except as otherwise provided in 3815
this division, there is a presumption for a prison term for the 3816
offense. If trafficking in cocaine is a felony of the third degree 3817
under this division and if the offender two or more times 3818
previously has been convicted of or pleaded guilty to a felony 3819
drug abuse offense, the court shall impose as a mandatory prison 3820
term one of the prison terms prescribed for a felony of the third 3821
degree. If the amount of the drug involved is within that range 3822
and if the offense was committed in the vicinity of a school or in 3823
the vicinity of a juvenile, trafficking in cocaine is a felony of 3824
the second degree, and the court shall impose as a mandatory 3825
prison term one of the prison terms prescribed for a felony of the 3826
second degree. 3827

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

(f) If the amount of the drug involved equals or exceeds 3839

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

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

(5) If the drug involved in the violation is L.S.D. or a 3853
compound, mixture, preparation, or substance containing L.S.D., 3854
whoever violates division (A) of this section is guilty of 3855
trafficking in L.S.D. The penalty for the offense shall be 3856
determined as follows: 3857

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

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

(c) Except as otherwise provided in this division, if the 3869
amount of the drug involved equals or exceeds ten unit doses but 3870

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

(d) Except as otherwise provided in this division, if the 3882
amount of the drug involved equals or exceeds fifty unit doses but 3883
is less than two hundred fifty unit doses of L.S.D. in a solid 3884
form or equals or exceeds five grams but is less than twenty-five 3885
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 3886
distillate form, trafficking in L.S.D. is a felony of the third 3887
degree, and, except as otherwise provided in this division, there 3888
is a presumption for a prison term for the offense. If trafficking 3889
in L.S.D. is a felony of the third degree under this division and 3890
if the offender two or more times previously has been convicted of 3891
or pleaded guilty to a felony drug abuse offense, the court shall 3892
impose as a mandatory prison term one of the prison terms 3893
prescribed for a felony of the third degree. If the amount of the 3894
drug involved is within that range and if the offense was 3895
committed in the vicinity of a school or in the vicinity of a 3896
juvenile, trafficking in L.S.D. is a felony of the second degree, 3897
and the court shall impose as a mandatory prison term one of the 3898
prison terms prescribed for a felony of the second degree. 3899

(e) Except as otherwise provided in this division, if the 3900
amount of the drug involved equals or exceeds two hundred fifty 3901
unit doses but is less than one thousand unit doses of L.S.D. in a 3902

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

(f) If the amount of the drug involved equals or exceeds one 3914
thousand unit doses but is less than five thousand unit doses of 3915
L.S.D. in a solid form or equals or exceeds one hundred grams but 3916
is less than five hundred grams of L.S.D. in a liquid concentrate, 3917
liquid extract, or liquid distillate form and regardless of 3918
whether the offense was committed in the vicinity of a school or 3919
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 3920
of the first degree, and the court shall impose as a mandatory 3921
prison term one of the prison terms prescribed for a felony of the 3922
first degree. 3923

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

(6) If the drug involved in the violation is heroin or a 3933

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

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

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

(c) Except as otherwise provided in this division, if the 3949
amount of the drug involved equals or exceeds ten unit doses but 3950
is less than fifty unit doses or equals or exceeds one gram but is 3951
less than five grams, trafficking in heroin is a felony of the 3952
fourth degree, and division (B) of section 2929.13 of the Revised 3953
Code applies in determining whether to impose a prison term for 3954
the offense. If the amount of the drug involved is within that 3955
range and if the offense was committed in the vicinity of a school 3956
or in the vicinity of a juvenile, trafficking in heroin is a 3957
felony of the third degree, and there is a presumption for a 3958
prison term for the offense. 3959

(d) Except as otherwise provided in this division, if the 3960
amount of the drug involved equals or exceeds fifty unit doses but 3961
is less than one hundred unit doses or equals or exceeds five 3962
grams but is less than ten grams, trafficking in heroin is a 3963
felony of the third degree, and there is a presumption for a 3964

prison term for the offense. If the amount of the drug involved is 3965
within that range and if the offense was committed in the vicinity 3966
of a school or in the vicinity of a juvenile, trafficking in 3967
heroin is a felony of the second degree, and there is a 3968
presumption for a prison term for the offense. 3969

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

(f) If the amount of the drug involved equals or exceeds five 3982
hundred unit doses but is less than two thousand five hundred unit 3983
doses or equals or exceeds fifty grams but is less than two 3984
hundred fifty grams and regardless of whether the offense was 3985
committed in the vicinity of a school or in the vicinity of a 3986
juvenile, trafficking in heroin is a felony of the first degree, 3987
and the court shall impose as a mandatory prison term one of the 3988
prison terms prescribed for a felony of the first degree. 3989

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

mandatory prison term the maximum prison term prescribed for a 3996
felony of the first degree. 3997

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

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

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

(c) Except as otherwise provided in this division, if the 4014
amount of the drug involved equals or exceeds ten grams but is 4015
less than fifty grams of hashish in a solid form or equals or 4016
exceeds two grams but is less than ten grams of hashish in a 4017
liquid concentrate, liquid extract, or liquid distillate form, 4018
trafficking in hashish is a felony of the fourth degree, and 4019
division (B) of section 2929.13 of the Revised Code applies in 4020
determining whether to impose a prison term on the offender. If 4021
the amount of the drug involved is within that range and if the 4022
offense was committed in the vicinity of a school or in the 4023
vicinity of a juvenile, trafficking in hashish is a felony of the 4024
third degree, and division (C) of section 2929.13 of the Revised 4025
Code applies in determining whether to impose a prison term on the 4026

offender. 4027

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

(e) Except as otherwise provided in this division, if the 4041
amount of the drug involved equals or exceeds two hundred fifty 4042
grams but is less than one thousand grams of hashish in a solid 4043
form or equals or exceeds fifty grams but is less than two hundred 4044
grams of hashish in a liquid concentrate, liquid extract, or 4045
liquid distillate form, trafficking in hashish is a felony of the 4046
third degree, and there is a presumption that a prison term shall 4047
be imposed for the offense. If the amount of the drug involved is 4048
within that range and if the offense was committed in the vicinity 4049
of a school or in the vicinity of a juvenile, trafficking in 4050
hashish is a felony of the second degree, and there is a 4051
presumption that a prison term shall be imposed for the offense. 4052

(f) Except as otherwise provided in this division, if the 4053
amount of the drug involved equals or exceeds one thousand grams 4054
but is less than two thousand grams of hashish in a solid form or 4055
equals or exceeds two hundred grams but is less than four hundred 4056
grams of hashish in a liquid concentrate, liquid extract, or 4057

liquid distillate form, trafficking in hashish is a felony of the 4058
second degree, and the court shall impose a mandatory prison term 4059
of five, six, seven, or eight years. If the amount of the drug 4060
involved is within that range and if the offense was committed in 4061
the vicinity of a school or in the vicinity of a juvenile, 4062
trafficking in hashish is a felony of the first degree, and the 4063
court shall impose as a mandatory prison term the maximum prison 4064
term prescribed for a felony of the first degree. 4065

(g) Except as otherwise provided in this division, if the 4066
amount of the drug involved equals or exceeds two thousand grams 4067
of hashish in a solid form or equals or exceeds four hundred grams 4068
of hashish in a liquid concentrate, liquid extract, or liquid 4069
distillate form, trafficking in hashish is a felony of the second 4070
degree, and the court shall impose as a mandatory prison term the 4071
maximum prison term prescribed for a felony of the second degree. 4072
If the amount of the drug involved equals or exceeds two thousand 4073
grams of hashish in a solid form or equals or exceeds four hundred 4074
grams of hashish in a liquid concentrate, liquid extract, or 4075
liquid distillate form and if the offense was committed in the 4076
vicinity of a school or in the vicinity of a juvenile, trafficking 4077
in hashish is a felony of the first degree, and the court shall 4078
impose as a mandatory prison term the maximum prison term 4079
prescribed for a felony of the first degree. 4080

(8) If the drug involved in the violation is 4081
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4082
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 4083
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 4084
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a 4085
compound, mixture, preparation, or substance containing 4086
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4087
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 4088
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 4089

5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4090
whoever violates division (A) of this section is guilty of 4091
trafficking in spice. The penalty for the offense shall be 4092
determined as follows: 4093

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

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

(D) In addition to any prison term authorized or required by 4104
division (C) of this section and sections 2929.13 and 2929.14 of 4105
the Revised Code, and in addition to any other sanction imposed 4106
for the offense under this section or sections 2929.11 to 2929.18 4107
of the Revised Code, the court that sentences an offender who is 4108
convicted of or pleads guilty to a violation of division (A) of 4109
this section shall do all of the following that are applicable 4110
regarding the offender: 4111

(1) If the violation of division (A) of this section is a 4112
felony of the first, second, or third degree, the court shall 4113
impose upon the offender the mandatory fine specified for the 4114
offense under division (B)(1) of section 2929.18 of the Revised 4115
Code unless, as specified in that division, the court determines 4116
that the offender is indigent. Except as otherwise provided in 4117
division (H)(1) of this section, a mandatory fine or any other 4118
fine imposed for a violation of this section is subject to 4119
division (F) of this section. If a person is charged with a 4120

violation of this section that is a felony of the first, second, 4121
or third degree, posts bail, and forfeits the bail, the clerk of 4122
the court shall pay the forfeited bail pursuant to divisions 4123
(D)(1) and (F) of this section, as if the forfeited bail was a 4124
fine imposed for a violation of this section. If any amount of the 4125
forfeited bail remains after that payment and if a fine is imposed 4126
under division (H)(1) of this section, the clerk of the court 4127
shall pay the remaining amount of the forfeited bail pursuant to 4128
divisions (H)(2) and (3) of this section, as if that remaining 4129
amount was a fine imposed under division (H)(1) of this section. 4130

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

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

(E) When a person is charged with the sale of or offer to 4137
sell a bulk amount or a multiple of a bulk amount of a controlled 4138
substance, the jury, or the court trying the accused, shall 4139
determine the amount of the controlled substance involved at the 4140
time of the offense and, if a guilty verdict is returned, shall 4141
return the findings as part of the verdict. In any such case, it 4142
is unnecessary to find and return the exact amount of the 4143
controlled substance involved, and it is sufficient if the finding 4144
and return is to the effect that the amount of the controlled 4145
substance involved is the requisite amount, or that the amount of 4146
the controlled substance involved is less than the requisite 4147
amount. 4148

(F)(1) Notwithstanding any contrary provision of section 4149
3719.21 of the Revised Code and except as provided in division (H) 4150
of this section, the clerk of the court shall pay any mandatory 4151

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

(2)(a) Prior to receiving any fine moneys under division 4168
(F)(1) of this section or division (B) of section 2925.42 of the 4169
Revised Code, a law enforcement agency shall adopt a written 4170
internal control policy that addresses the agency's use and 4171
disposition of all fine moneys so received and that provides for 4172
the keeping of detailed financial records of the receipts of those 4173
fine moneys, the general types of expenditures made out of those 4174
fine moneys, and the specific amount of each general type of 4175
expenditure. The policy shall not provide for or permit the 4176
identification of any specific expenditure that is made in an 4177
ongoing investigation. All financial records of the receipts of 4178
those fine moneys, the general types of expenditures made out of 4179
those fine moneys, and the specific amount of each general type of 4180
expenditure by an agency are public records open for inspection 4181
under section 149.43 of the Revised Code. Additionally, a written 4182
internal control policy adopted under this division is such a 4183

public record, and the agency that adopted it shall comply with 4184
it. 4185

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

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

(ii) Indicates that the reports are open for inspection under 4206
section 149.43 of the Revised Code; 4207

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

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

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

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

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

(H)(1) In addition to any prison term authorized or required 4231
by division (C) of this section and sections 2929.13 and 2929.14 4232
of the Revised Code, in addition to any other penalty or sanction 4233
imposed for the offense under this section or sections 2929.11 to 4234
2929.18 of the Revised Code, and in addition to the forfeiture of 4235
property in connection with the offense as prescribed in Chapter 4236
2981. of the Revised Code, the court that sentences an offender 4237
who is convicted of or pleads guilty to a violation of division 4238
(A) of this section may impose upon the offender an additional 4239
fine specified for the offense in division (B)(4) of section 4240
2929.18 of the Revised Code. A fine imposed under division (H)(1) 4241
of this section is not subject to division (F) of this section and 4242
shall be used solely for the support of one or more eligible 4243
alcohol and drug addiction programs in accordance with divisions 4244
(H)(2) and (3) of this section. 4245

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

(3) Notwithstanding any contrary provision of section 3719.21 4263
of the Revised Code, the clerk of the court shall pay any fine 4264
imposed under division (H)(1) of this section to the eligible 4265
alcohol and drug addiction program specified pursuant to division 4266
(H)(2) of this section in the judgment. The eligible alcohol and 4267
drug addiction program that receives the fine moneys shall use the 4268
moneys only for the alcohol and drug addiction services identified 4269
in the application for certification under section 3793.06 of the 4270
Revised Code or in the application for a license under section 4271
3793.11 of the Revised Code filed with the department of alcohol 4272
and drug addiction services by the alcohol and drug addiction 4273
program specified in the judgment. 4274

(4) Each alcohol and drug addiction program that receives in 4275
a calendar year any fine moneys under division (H)(3) of this 4276
section shall file an annual report covering that calendar year 4277

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

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

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

(b) "Eligible alcohol and drug addiction program" means an 4301
alcohol and drug addiction program that is certified under section 4302
3793.06 of the Revised Code or licensed under section 3793.11 of 4303
the Revised Code by the department of alcohol and drug addiction 4304
services. 4305

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

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

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

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

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

If the drug involved in the violation is any compound, 4328
mixture, preparation, or substance included in schedule I or II, 4329
with the exception of methamphetamine or marihuana, and if the 4330
offense was committed in the vicinity of a juvenile or in the 4331
vicinity of a school, illegal manufacture of drugs is a felony of 4332
the first degree, and, subject to division (E) of this section, 4333
the court shall impose as a mandatory prison term one of the 4334
prison terms prescribed for a felony of the first degree. 4335

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

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

(b) If the drug involved in the violation is methamphetamine 4355
and if the offense was committed in the vicinity of a juvenile, in 4356
the vicinity of a school, or on public premises, illegal 4357
manufacture of drugs is a felony of the first degree, and, subject 4358
to division (E) of this section, the court shall impose a 4359
mandatory prison term on the offender determined in accordance 4360
with this division. Except as otherwise provided in this division, 4361
the court shall impose as a mandatory prison term one of the 4362
prison terms prescribed for a felony of the first degree that is 4363
not less than four years. If the offender previously has been 4364
convicted of or pleaded guilty to a violation of division (A) of 4365
this section, a violation of division (B)(6) of section 2919.22 of 4366
the Revised Code, or a violation of division (A) of section 4367
2925.041 of the Revised Code, the court shall impose as a 4368
mandatory prison term one of the prison terms prescribed for a 4369
felony of the first degree that is not less than five years. 4370

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

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

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

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

(c) If the amount of marihuana involved equals or exceeds two 4390
hundred grams but is less than one thousand grams, illegal 4391
cultivation of marihuana is a felony of the fifth degree or, if 4392
the offense was committed in the vicinity of a school or in the 4393
vicinity of a juvenile, a felony of the fourth degree, and 4394
division (B) of section 2929.13 of the Revised Code applies in 4395
determining whether to impose a prison term on the offender. 4396

(d) If the amount of marihuana involved equals or exceeds one 4397
thousand grams but is less than five thousand grams, illegal 4398
cultivation of marihuana is a felony of the third degree or, if 4399
the offense was committed in the vicinity of a school or in the 4400
vicinity of a juvenile, a felony of the second degree, and 4401

division (C) of section 2929.13 of the Revised Code applies in 4402
determining whether to impose a prison term on the offender. 4403

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

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

(D) In addition to any prison term authorized or required by 4421
division (C) or (E) of this section and sections 2929.13 and 4422
2929.14 of the Revised Code and in addition to any other sanction 4423
imposed for the offense under this section or sections 2929.11 to 4424
2929.18 of the Revised Code, the court that sentences an offender 4425
who is convicted of or pleads guilty to a violation of division 4426
(A) of this section shall do all of the following that are 4427
applicable regarding the offender: 4428

(1) If the violation of division (A) of this section is a 4429
felony of the first, second, or third degree, the court shall 4430
impose upon the offender the mandatory fine specified for the 4431
offense under division (B)(1) of section 2929.18 of the Revised 4432
Code unless, as specified in that division, the court determines 4433

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

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

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

(E) Notwithstanding the prison term otherwise authorized or 4455
required for the offense under division (C) of this section and 4456
sections 2929.13 and 2929.14 of the Revised Code, if the violation 4457
of division (A) of this section involves the sale, offer to sell, 4458
or possession of a schedule I or II controlled substance, with the 4459
exception of marihuana, and if the court imposing sentence upon 4460
the offender finds that the offender as a result of the violation 4461
is a major drug offender and is guilty of a specification of the 4462
type described in section 2941.1410 of the Revised Code, the 4463
court, in lieu of the prison term otherwise authorized or 4464
required, shall impose upon the offender the mandatory prison term 4465

specified in division (B)(3)~~(a)~~ of section 2929.14 of the Revised Code. 4466
4467

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

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

(G) Arrest or conviction for a minor misdemeanor violation of 4485
this section does not constitute a criminal record and need not be 4486
reported by the person so arrested or convicted in response to any 4487
inquiries about the person's criminal record, including any 4488
inquiries contained in an application for employment, a license, 4489
or any other right or privilege or made in connection with the 4490
person's appearance as a witness. 4491

Sec. 2925.14. (A) As used in this section, "drug 4492
paraphernalia" means any equipment, product, or material of any 4493
kind that is used by the offender, intended by the offender for 4494
use, or designed for use, in propagating, cultivating, growing, 4495
harvesting, manufacturing, compounding, converting, producing, 4496

processing, preparing, testing, analyzing, packaging, repackaging, 4497
storing, containing, concealing, injecting, ingesting, inhaling, 4498
or otherwise introducing into the human body, a controlled 4499
substance in violation of this chapter. "Drug paraphernalia" 4500
includes, but is not limited to, any of the following equipment, 4501
products, or materials that are used by the offender, intended by 4502
the offender for use, or designed by the offender for use, in any 4503
of the following manners: 4504

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

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

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

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

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

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

(7) A diluent or adulterant, such as quinine hydrochloride, 4519
mannitol, mannite, dextrose, or lactose, for cutting a controlled 4520
substance; 4521

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

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

(10) A capsule, balloon, envelope, or container for packaging 4526

small quantities of a controlled substance;	4527
(11) A container or device for storing or concealing a controlled substance;	4528
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	4530
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	4532
(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:	4533
(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;	4534
(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;	4535
(3) The proximity of the equipment, product, or material to any controlled substance;	4536
(4) The existence of any residue of a controlled substance on the equipment, product, or material;	4537
(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or	4538

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.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product, or material;

(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;

(12) Expert testimony concerning the use of the equipment, product, or material.

(C)(1) ~~No~~ Subject to division (D)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

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

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

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

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

(E) Notwithstanding Chapter 2981. of the Revised Code, any 4608
drug paraphernalia that was used, possessed, sold, or manufactured 4609
in a violation of this section shall be seized, after a conviction 4610
for that violation shall be forfeited, and upon forfeiture shall 4611
be disposed of pursuant to division (B) of section 2981.12 of the 4612
Revised Code. 4613

(F)(1) Whoever violates division (C)(1) of this section is 4614
guilty of illegal use or possession of drug paraphernalia, a 4615
misdemeanor of the fourth degree. 4616

(2) Except as provided in division (F)(3) of this section, 4617

whoever violates division (C)(2) of this section is guilty of 4618
dealing in drug paraphernalia, a misdemeanor of the second degree. 4619

(3) Whoever violates division (C)(2) of this section by 4620
selling drug paraphernalia to a juvenile is guilty of selling drug 4621
paraphernalia to juveniles, a misdemeanor of the first degree. 4622

(4) Whoever violates division (C)(3) of this section is 4623
guilty of illegal advertising of drug paraphernalia, a misdemeanor 4624
of the second degree. 4625

(G) In addition to any other sanction imposed upon an 4626
offender for a violation of this section, the court shall suspend 4627
for not less than six months or more than five years the 4628
offender's driver's or commercial driver's license or permit. If 4629
the offender is a professionally licensed person, in addition to 4630
any other sanction imposed for a violation of this section, the 4631
court immediately shall comply with section 2925.38 of the Revised 4632
Code. 4633

Sec. 2925.141. (A) As used in this section, "drug 4634
paraphernalia" has the same meaning as in section 2925.14 of the 4635
Revised Code. 4636

(B) In determining if any equipment, product, or material is 4637
drug paraphernalia, a court or law enforcement officer shall 4638
consider, in addition to other relevant factors, all factors 4639
identified in division (B) of section 2925.14 of the Revised Code. 4640

(C) No person shall knowingly use, or possess with purpose to 4641
use, any drug paraphernalia that is equipment, a product, or 4642
material of any kind that is used by the person, intended by the 4643
person for use, or designed for use in storing, containing, 4644
concealing, injecting, ingesting, inhaling, or otherwise 4645
introducing into the human body marihuana. 4646

(D) This section does not apply to any person identified in 4647

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

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

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

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

Sec. 2925.38. If a person who is convicted of or pleads 4665
guilty to a violation of section 2925.02, 2925.03, 2925.04, 4666
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 4667
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 4668
of the Revised Code is a professionally licensed person, in 4669
addition to any other sanctions imposed for the violation, the 4670
court, except as otherwise provided in this section, immediately 4671
shall transmit a certified copy of the judgment entry of 4672
conviction to the regulatory or licensing board or agency that has 4673
the administrative authority to suspend or revoke the offender's 4674
professional license. If the professionally licensed person who is 4675
convicted of or pleads guilty to a violation of any section listed 4676
in this section is a person who has been admitted to the bar by 4677
order of the supreme court in compliance with its prescribed and 4678

published rules, in addition to any other sanctions imposed for 4679
the violation, the court immediately shall transmit a certified 4680
copy of the judgment entry of conviction to the secretary of the 4681
board of commissioners on grievances and discipline of the supreme 4682
court and to either the disciplinary counsel or the president, 4683
secretary, and chairperson of each certified grievance committee. 4684

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

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

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

(3)(a) For a felony of the third degree that is a violation 4699
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 4700
Revised Code or that is a violation of section 2911.02 or 2911.12 4701
of the Revised Code if the offender previously has been convicted 4702
of or pleaded guilty in two or more separate proceedings to two or 4703
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 4704
of the Revised Code, the prison term shall be twelve, eighteen, 4705
twenty-four, thirty, thirty-six, forty-two, forty-eight, 4706
fifty-four, or sixty months. 4707

(b) For a felony of the third degree that is not an offense 4708

for which division (A)(3)(a) of this section applies, the prison 4709
term shall be nine, twelve, eighteen, twenty-four, thirty, or 4710
thirty-six months. 4711

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

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

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

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

(ii) A prison term of three years if the specification is of 4729
the type described in section 2941.145 of the Revised Code that 4730
charges the offender with having a firearm on or about the 4731
offender's person or under the offender's control while committing 4732
the offense and displaying the firearm, brandishing the firearm, 4733
indicating that the offender possessed the firearm, or using it to 4734
facilitate the offense; 4735

(iii) A prison term of one year if the specification is of 4736
the type described in section 2941.141 of the Revised Code that 4737
charges the offender with having a firearm on or about the 4738

offender's person or under the offender's control while committing 4739
the felony. 4740

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

(c) Except as provided in division (B)(1)(e) of this section, 4749
if an offender who is convicted of or pleads guilty to a violation 4750
of section 2923.161 of the Revised Code or to a felony that 4751
includes, as an essential element, purposely or knowingly causing 4752
or attempting to cause the death of or physical harm to another, 4753
also is convicted of or pleads guilty to a specification of the 4754
type described in section 2941.146 of the Revised Code that 4755
charges the offender with committing the offense by discharging a 4756
firearm from a motor vehicle other than a manufactured home, the 4757
court, after imposing a prison term on the offender for the 4758
violation of section 2923.161 of the Revised Code or for the other 4759
felony offense under division (A), (B)(2), or (B)(3) of this 4760
section, shall impose an additional prison term of five years upon 4761
the offender that shall not be reduced pursuant to section 4762
2929.20, section 2967.19, section 2967.193, or any other provision 4763
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 4764
shall not impose more than one additional prison term on an 4765
offender under division (B)(1)(c) of this section for felonies 4766
committed as part of the same act or transaction. If a court 4767
imposes an additional prison term on an offender under division 4768
(B)(1)(c) of this section relative to an offense, the court also 4769
shall impose a prison term under division (B)(1)(a) of this 4770

section relative to the same offense, provided the criteria 4771
specified in that division for imposing an additional prison term 4772
are satisfied relative to the offender and the offense. 4773

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

(e) The court shall not impose any of the prison terms 4791
described in division (B)(1)(a) of this section or any of the 4792
additional prison terms described in division (B)(1)(c) of this 4793
section upon an offender for a violation of section 2923.12 or 4794
2923.123 of the Revised Code. The court shall not impose any of 4795
the prison terms described in division (B)(1)(a) or (b) of this 4796
section upon an offender for a violation of section 2923.122 that 4797
involves a deadly weapon that is a firearm other than a dangerous 4798
ordnance, section 2923.16, or section 2923.121 of the Revised 4799
Code. The court shall not impose any of the prison terms described 4800
in division (B)(1)(a) of this section or any of the additional 4801
prison terms described in division (B)(1)(c) of this section upon 4802

an offender for a violation of section 2923.13 of the Revised Code 4803
unless all of the following apply: 4804

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

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

(f) If an offender is convicted of or pleads guilty to a 4810
felony that includes, as an essential element, causing or 4811
attempting to cause the death of or physical harm to another and 4812
also is convicted of or pleads guilty to a specification of the 4813
type described in section 2941.1412 of the Revised Code that 4814
charges the offender with committing the offense by discharging a 4815
firearm at a peace officer as defined in section 2935.01 of the 4816
Revised Code or a corrections officer, as defined in section 4817
2941.1412 of the Revised Code, the court, after imposing a prison 4818
term on the offender for the felony offense under division (A), 4819
(B)(2), or (B)(3) of this section, shall impose an additional 4820
prison term of seven years upon the offender that shall not be 4821
reduced pursuant to section 2929.20, section 2967.19, section 4822
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 4823
of the Revised Code. If an offender is convicted of or pleads 4824
guilty to two or more felonies that include, as an essential 4825
element, causing or attempting to cause the death or physical harm 4826
to another and also is convicted of or pleads guilty to a 4827
specification of the type described under division (B)(1)(f) of 4828
this section in connection with two or more of the felonies of 4829
which the offender is convicted or to which the offender pleads 4830
guilty, the sentencing court shall impose on the offender the 4831
prison term specified under division (B)(1)(f) of this section for 4832
each of two of the specifications of which the offender is 4833

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

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

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

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

(ii) The offense of which the offender currently is convicted 4863
or to which the offender currently pleads guilty is aggravated 4864

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

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

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

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

(b) The court shall impose on an offender the longest prison 4894
term authorized or required for the offense and shall impose on 4895

the offender an additional definite prison term of one, two, 4896
three, four, five, six, seven, eight, nine, or ten years if all of 4897
the following criteria are met: 4898

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

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

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

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

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

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

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

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

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

of this section, the offender shall serve the additional prison 4991
term after the offender has served the mandatory prison term 4992
required for the offense. In addition to the mandatory prison term 4993
or mandatory and additional prison term imposed as described in 4994
division (B)(4) of this section, the court also may sentence the 4995
offender to a community control sanction under section 2929.16 or 4996
2929.17 of the Revised Code, but the offender shall serve all of 4997
the prison terms so imposed prior to serving the community control 4998
sanction. 4999

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

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

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B)(6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(6) of this section for felonies committed as part of the same act.

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

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

(ii) If the offense is a felony of the second or third

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

(iii) If the offense is a felony of the fourth or fifth 5056
degree, a definite prison term that is the maximum prison term 5057
allowed for the offense by division (A) of section 2929.14 of the 5058
Revised Code. 5059

(b) Subject to divisions (C) to (I) of section 2967.19 of the 5060
Revised Code, the prison term imposed under division (B)(7)(a) of 5061
this section shall not be reduced pursuant to section 2929.20, 5062
section 2967.19, section 2967.193, or any other provision of 5063
Chapter 2967. of the Revised Code. A court shall not impose more 5064
than one prison term on an offender under division (B)(7)(a) of 5065
this section for felonies committed as part of the same act, 5066
scheme, or plan. 5067

(8) If an offender is convicted of or pleads guilty to a 5068
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5069
Revised Code and also is convicted of or pleads guilty to a 5070
specification of the type described in section 2941.1423 of the 5071
Revised Code that charges that the victim of the violation was a 5072
woman whom the offender knew was pregnant at the time of the 5073
violation, notwithstanding the range of prison terms prescribed in 5074
division (A) of this section for felonies of the same degree as 5075
the violation, the court shall impose on the offender a mandatory 5076
prison term that is either a definite prison term of six months or 5077
one of the prison terms prescribed in section 2929.14 of the 5078
Revised Code for felonies of the same degree as the violation. 5079

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 5080
mandatory prison term is imposed upon an offender pursuant to 5081
division (B)(1)(a) of this section for having a firearm on or 5082
about the offender's person or under the offender's control while 5083

committing a felony, if a mandatory prison term is imposed upon an 5084
offender pursuant to division (B)(1)(c) of this section for 5085
committing a felony specified in that division by discharging a 5086
firearm from a motor vehicle, or if both types of mandatory prison 5087
terms are imposed, the offender shall serve any mandatory prison 5088
term imposed under either division consecutively to any other 5089
mandatory prison term imposed under either division or under 5090
division (B)(1)(d) of this section, consecutively to and prior to 5091
any prison term imposed for the underlying felony pursuant to 5092
division (A), (B)(2), or (B)(3) of this section or any other 5093
section of the Revised Code, and consecutively to any other prison 5094
term or mandatory prison term previously or subsequently imposed 5095
upon the offender. 5096

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

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

(d) If a mandatory prison term is imposed upon an offender 5116
pursuant to division (B)(7) or (8) of this section, the offender 5117
shall serve the mandatory prison term so imposed consecutively to 5118
any other mandatory prison term imposed under that division or 5119
under any other provision of law and consecutively to any other 5120
prison term or mandatory prison term previously or subsequently 5121
imposed upon the offender. 5122

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

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

(4) If multiple prison terms are imposed on an offender for 5146

convictions of multiple offenses, the court may require the 5147
offender to serve the prison terms consecutively if the court 5148
finds that the consecutive service is necessary to protect the 5149
public from future crime or to punish the offender and that 5150
consecutive sentences are not disproportionate to the seriousness 5151
of the offender's conduct and to the danger the offender poses to 5152
the public, and if the court also finds any of the following: 5153

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

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

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

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

violation, the offender shall serve the mandatory prison term 5178
imposed pursuant to division (B)(5) of this section consecutively 5179
to and prior to the mandatory prison term imposed pursuant to 5180
division (B)(6) of this section and consecutively to and prior to 5181
any prison term imposed for the underlying violation of division 5182
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 5183
division (A) of this section or section 2929.142 of the Revised 5184
Code. 5185

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

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

(2) If a court imposes a prison term for a felony of the 5209
third, fourth, or fifth degree that is not subject to division 5210
(D)(1) of this section, it shall include in the sentence a 5211
requirement that the offender be subject to a period of 5212
post-release control after the offender's release from 5213
imprisonment, in accordance with that division, if the parole 5214
board determines that a period of post-release control is 5215
necessary. Section 2929.191 of the Revised Code applies if, prior 5216
to July 11, 2006, a court imposed a sentence including a prison 5217
term of a type described in this division and failed to include in 5218
the sentence pursuant to this division a statement regarding 5219
post-release control. 5220

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

(E) The court shall impose sentence upon the offender in 5238
accordance with section 2971.03 of the Revised Code, and Chapter 5239
2971. of the Revised Code applies regarding the prison term or 5240

term of life imprisonment without parole imposed upon the offender 5241
and the service of that term of imprisonment if any of the 5242
following apply: 5243

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

(2) A person is convicted of or pleads guilty to a violation 5248
of division (A)(1)(b) of section 2907.02 of the Revised Code 5249
committed on or after January 2, 2007, and either the court does 5250
not impose a sentence of life without parole when authorized 5251
pursuant to division (B) of section 2907.02 of the Revised Code, 5252
or division (B) of section 2907.02 of the Revised Code provides 5253
that the court shall not sentence the offender pursuant to section 5254
2971.03 of the Revised Code. 5255

(3) A person is convicted of or pleads guilty to attempted 5256
rape committed on or after January 2, 2007, and a specification of 5257
the type described in section 2941.1418, 2941.1419, or 2941.1420 5258
of the Revised Code. 5259

(4) A person is convicted of or pleads guilty to a violation 5260
of section 2905.01 of the Revised Code committed on or after 5261
January 1, 2008, and that section requires the court to sentence 5262
the offender pursuant to section 2971.03 of the Revised Code. 5263

(5) A person is convicted of or pleads guilty to aggravated 5264
murder committed on or after January 1, 2008, and division 5265
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 5266
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 5267
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 5268
2929.06 of the Revised Code requires the court to sentence the 5269
offender pursuant to division (B)(3) of section 2971.03 of the 5270
Revised Code. 5271

(6) A person is convicted of or pleads guilty to murder 5272
committed on or after January 1, 2008, and division (B)(2) of 5273
section 2929.02 of the Revised Code requires the court to sentence 5274
the offender pursuant to section 2971.03 of the Revised Code. 5275

(F) If a person who has been convicted of or pleaded guilty 5276
to a felony is sentenced to a prison term or term of imprisonment 5277
under this section, sections 2929.02 to 2929.06 of the Revised 5278
Code, section 2929.142 of the Revised Code, section 2971.03 of the 5279
Revised Code, or any other provision of law, section 5120.163 of 5280
the Revised Code applies regarding the person while the person is 5281
confined in a state correctional institution. 5282

(G) If an offender who is convicted of or pleads guilty to a 5283
felony that is an offense of violence also is convicted of or 5284
pleads guilty to a specification of the type described in section 5285
2941.142 of the Revised Code that charges the offender with having 5286
committed the felony while participating in a criminal gang, the 5287
court shall impose upon the offender an additional prison term of 5288
one, two, or three years. 5289

(H)(1) If an offender who is convicted of or pleads guilty to 5290
aggravated murder, murder, or a felony of the first, second, or 5291
third degree that is an offense of violence also is convicted of 5292
or pleads guilty to a specification of the type described in 5293
section 2941.143 of the Revised Code that charges the offender 5294
with having committed the offense in a school safety zone or 5295
towards a person in a school safety zone, the court shall impose 5296
upon the offender an additional prison term of two years. The 5297
offender shall serve the additional two years consecutively to and 5298
prior to the prison term imposed for the underlying offense. 5299

(2)(a) If an offender is convicted of or pleads guilty to a 5300
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 5301
of the Revised Code and to a specification of the type described 5302

in section 2941.1421 of the Revised Code and if the court imposes 5303
a prison term on the offender for the felony violation, the court 5304
may impose upon the offender an additional prison term as follows: 5305

(i) Subject to division (H)(2)(a)(ii) of this section, an 5306
additional prison term of one, two, three, four, five, or six 5307
months; 5308

(ii) If the offender previously has been convicted of or 5309
pleaded guilty to one or more felony or misdemeanor violations of 5310
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 5311
Revised Code and also was convicted of or pleaded guilty to a 5312
specification of the type described in section 2941.1421 of the 5313
Revised Code regarding one or more of those violations, an 5314
additional prison term of one, two, three, four, five, six, seven, 5315
eight, nine, ten, eleven, or twelve months. 5316

(b) In lieu of imposing an additional prison term under 5317
division (H)(2)(a) of this section, the court may directly impose 5318
on the offender a sanction that requires the offender to wear a 5319
real-time processing, continual tracking electronic monitoring 5320
device during the period of time specified by the court. The 5321
period of time specified by the court shall equal the duration of 5322
an additional prison term that the court could have imposed upon 5323
the offender under division (H)(2)(a) of this section. A sanction 5324
imposed under this division shall commence on the date specified 5325
by the court, provided that the sanction shall not commence until 5326
after the offender has served the prison term imposed for the 5327
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 5328
of the Revised Code and any residential sanction imposed for the 5329
violation under section 2929.16 of the Revised Code. A sanction 5330
imposed under this division shall be considered to be a community 5331
control sanction for purposes of section 2929.15 of the Revised 5332
Code, and all provisions of the Revised Code that pertain to 5333

community control sanctions shall apply to a sanction imposed 5334
under this division, except to the extent that they would by their 5335
nature be clearly inapplicable. The offender shall pay all costs 5336
associated with a sanction imposed under this division, including 5337
the cost of the use of the monitoring device. 5338

(I)~~(1)~~ At the time of sentencing, the court may recommend the 5339
offender for placement in a program of shock incarceration under 5340
section 5120.031 of the Revised Code or for placement in an 5341
intensive program prison under section 5120.032 of the Revised 5342
Code, disapprove placement of the offender in a program of shock 5343
incarceration or an intensive program prison of that nature, or 5344
make no recommendation on placement of the offender. In no case 5345
shall the department of rehabilitation and correction place the 5346
offender in a program or prison of that nature unless the 5347
department determines as specified in section 5120.031 or 5120.032 5348
of the Revised Code, whichever is applicable, that the offender is 5349
eligible for the placement. 5350

If the court disapproves placement of the offender in a 5351
program or prison of that nature, the department of rehabilitation 5352
and correction shall not place the offender in any program of 5353
shock incarceration or intensive program prison. 5354

If the court recommends placement of the offender in a 5355
program of shock incarceration or in an intensive program prison, 5356
and if the offender is subsequently placed in the recommended 5357
program or prison, the department shall notify the court of the 5358
placement and shall include with the notice a brief description of 5359
the placement. 5360

If the court recommends placement of the offender in a 5361
program of shock incarceration or in an intensive program prison 5362
and the department does not subsequently place the offender in the 5363
recommended program or prison, the department shall send a notice 5364

to the court indicating why the offender was not placed in the 5365
recommended program or prison. 5366

If the court does not make a recommendation under this 5367
division with respect to an offender and if the department 5368
determines as specified in section 5120.031 or 5120.032 of the 5369
Revised Code, whichever is applicable, that the offender is 5370
eligible for placement in a program or prison of that nature, the 5371
department shall screen the offender and determine if there is an 5372
available program of shock incarceration or an intensive program 5373
prison for which the offender is suited. If there is an available 5374
program of shock incarceration or an intensive program prison for 5375
which the offender is suited, the department shall notify the 5376
court of the proposed placement of the offender as specified in 5377
section 5120.031 or 5120.032 of the Revised Code and shall include 5378
with the notice a brief description of the placement. The court 5379
shall have ten days from receipt of the notice to disapprove the 5380
placement. 5381

~~(I)~~(J) If a person is convicted of or pleads guilty to 5382
aggravated vehicular homicide in violation of division (A)(1) of 5383
section 2903.06 of the Revised Code and division (B)(2)(c) of that 5384
section applies, the person shall be sentenced pursuant to section 5385
2929.142 of the Revised Code. 5386

Sec. 2929.19. (A) The court shall hold a sentencing hearing 5387
before imposing a sentence under this chapter upon an offender who 5388
was convicted of or pleaded guilty to a felony and before 5389
resentencing an offender who was convicted of or pleaded guilty to 5390
a felony and whose case was remanded pursuant to section 2953.07 5391
or 2953.08 of the Revised Code. At the hearing, the offender, the 5392
prosecuting attorney, the victim or the victim's representative in 5393
accordance with section 2930.14 of the Revised Code, and, with the 5394
approval of the court, any other person may present information 5395

relevant to the imposition of sentence in the case. The court 5396
shall inform the offender of the verdict of the jury or finding of 5397
the court and ask the offender whether the offender has anything 5398
to say as to why sentence should not be imposed upon the offender. 5399

(B)(1) At the sentencing hearing, the court, before imposing 5400
sentence, shall consider the record, any information presented at 5401
the hearing by any person pursuant to division (A) of this 5402
section, and, if one was prepared, the presentence investigation 5403
report made pursuant to section 2951.03 of the Revised Code or 5404
Criminal Rule 32.2, and any victim impact statement made pursuant 5405
to section 2947.051 of the Revised Code. 5406

(2) Subject to division (B)(3) of this section, if the 5407
sentencing court determines at the sentencing hearing that a 5408
prison term is necessary or required, the court shall do all of 5409
the following: 5410

(a) Impose a stated prison term and, if the court imposes a 5411
mandatory prison term, notify the offender that the prison term is 5412
a mandatory prison term; 5413

(b) In addition to any other information, include in the 5414
sentencing entry the name and section reference to the offense or 5415
offenses, the sentence or sentences imposed and whether the 5416
sentence or sentences contain mandatory prison terms, if sentences 5417
are imposed for multiple counts whether the sentences are to be 5418
served concurrently or consecutively, and the name and section 5419
reference of any specification or specifications for which 5420
sentence is imposed and the sentence or sentences imposed for the 5421
specification or specifications; 5422

(c) Notify the offender that the offender will be supervised 5423
under section 2967.28 of the Revised Code after the offender 5424
leaves prison if the offender is being sentenced for a felony of 5425
the first degree or second degree, for a felony sex offense, or 5426

for a felony of the third degree that is not a felony sex offense 5427
and in the commission of which the offender caused or threatened 5428
to cause physical harm to a person. This division applies with 5429
respect to all prison terms imposed for an offense of a type 5430
described in this division, including a term imposed for any such 5431
offense that is a risk reduction sentence, as defined in section 5432
2967.28 of the Revised Code. If a court imposes a sentence 5433
including a prison term of a type described in division (B)(2)(c) 5434
of this section on or after July 11, 2006, the failure of a court 5435
to notify the offender pursuant to division (B)(2)(c) of this 5436
section that the offender will be supervised under section 2967.28 5437
of the Revised Code after the offender leaves prison or to include 5438
in the judgment of conviction entered on the journal a statement 5439
to that effect does not negate, limit, or otherwise affect the 5440
mandatory period of supervision that is required for the offender 5441
under division (B) of section 2967.28 of the Revised Code. Section 5442
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 5443
court imposed a sentence including a prison term of a type 5444
described in division (B)(2)(c) of this section and failed to 5445
notify the offender pursuant to division (B)(2)(c) of this section 5446
regarding post-release control or to include in the judgment of 5447
conviction entered on the journal or in the sentence a statement 5448
regarding post-release control. 5449

(d) Notify the offender that the offender may be supervised 5450
under section 2967.28 of the Revised Code after the offender 5451
leaves prison if the offender is being sentenced for a felony of 5452
the third, fourth, or fifth degree that is not subject to division 5453
(B)(2)(c) of this section. This division applies with respect to 5454
all prison terms imposed for an offense of a type described in 5455
this division, including a term imposed for any such offense that 5456
is a risk reduction sentence, as defined in section 2967.28 of the 5457
Revised Code. Section 2929.191 of the Revised Code applies if, 5458
prior to July 11, 2006, a court imposed a sentence including a 5459

prison term of a type described in division (B)(2)(d) of this 5460
section and failed to notify the offender pursuant to division 5461
(B)(2)(d) of this section regarding post-release control or to 5462
include in the judgment of conviction entered on the journal or in 5463
the sentence a statement regarding post-release control. 5464

(e) Notify the offender that, if a period of supervision is 5465
imposed following the offender's release from prison, as described 5466
in division (B)(2)(c) or (d) of this section, and if the offender 5467
violates that supervision or a condition of post-release control 5468
imposed under division (B) of section 2967.131 of the Revised 5469
Code, the parole board may impose a prison term, as part of the 5470
sentence, of up to one-half of the stated prison term originally 5471
imposed upon the offender. If a court imposes a sentence including 5472
a prison term on or after July 11, 2006, the failure of a court to 5473
notify the offender pursuant to division (B)(2)(e) of this section 5474
that the parole board may impose a prison term as described in 5475
division (B)(2)(e) of this section for a violation of that 5476
supervision or a condition of post-release control imposed under 5477
division (B) of section 2967.131 of the Revised Code or to include 5478
in the judgment of conviction entered on the journal a statement 5479
to that effect does not negate, limit, or otherwise affect the 5480
authority of the parole board to so impose a prison term for a 5481
violation of that nature if, pursuant to division (D)(1) of 5482
section 2967.28 of the Revised Code, the parole board notifies the 5483
offender prior to the offender's release of the board's authority 5484
to so impose a prison term. Section 2929.191 of the Revised Code 5485
applies if, prior to July 11, 2006, a court imposed a sentence 5486
including a prison term and failed to notify the offender pursuant 5487
to division (B)(2)(e) of this section regarding the possibility of 5488
the parole board imposing a prison term for a violation of 5489
supervision or a condition of post-release control. 5490

(f) Require that the offender not ingest or be injected with 5491

a drug of abuse and submit to random drug testing as provided in 5492
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 5493
is applicable to the offender who is serving a prison term, and 5494
require that the results of the drug test administered under any 5495
of those sections indicate that the offender did not ingest or was 5496
not injected with a drug of abuse. 5497

~~(g) Include in the offender's sentence a statement notifying 5498
the offender of the information described in division (F)(3) of 5499
section 2929.14 of the Revised Code regarding earned credits under 5500
section 2967.193 of the Revised Code. 5501~~

(i) Determine, notify the offender of, and include in the 5502
sentencing entry the number of days that the offender has been 5503
confined for any reason arising out of the offense for which the 5504
offender is being sentenced and by which the department of 5505
rehabilitation and correction must reduce the stated prison term 5506
under section 2967.191 of the Revised Code. The court's 5507
calculation shall not include the number of days, if any, that the 5508
offender previously served in the custody of the department of 5509
rehabilitation and correction arising out of the offense for which 5510
the prisoner was convicted and sentenced. 5511

(ii) In making a determination under division (B)(2)(g)(i) of 5512
this section, the court shall consider the arguments of the 5513
parties and conduct a hearing if one is requested. 5514

(iii) The sentencing court retains continuing jurisdiction to 5515
correct any error not previously raised at sentencing in making a 5516
determination under division (B)(2)(g)(i) of this section. The 5517
offender may, at any time after sentencing, file a motion in the 5518
sentencing court to correct any error made in making a 5519
determination under division (B)(2)(g)(i) of this section, and the 5520
court may in its discretion grant or deny that motion. If the 5521
court changes the number of days in its determination or 5522
redetermination, the court shall cause the entry granting that 5523

change to be delivered to the department of rehabilitation and 5524
correction without delay. Sections 2931.15 and 2953.21 of the 5525
Revised Code do not apply to a motion made under this section. 5526

(iv) An inaccurate determination under division (B)(2)(g)(i) 5527
of this section is not grounds for setting aside the offender's 5528
conviction or sentence and does not otherwise render the sentence 5529
void or voidable. 5530

(3)(a) The court shall include in the offender's sentence a 5531
statement that the offender is a tier III sex 5532
offender/child-victim offender, and the court shall comply with 5533
the requirements of section 2950.03 of the Revised Code if any of 5534
the following apply: 5535

(i) The offender is being sentenced for a violent sex offense 5536
or designated homicide, assault, or kidnapping offense that the 5537
offender committed on or after January 1, 1997, and the offender 5538
is adjudicated a sexually violent predator in relation to that 5539
offense. 5540

(ii) The offender is being sentenced for a sexually oriented 5541
offense that the offender committed on or after January 1, 1997, 5542
and the offender is a tier III sex offender/child-victim offender 5543
relative to that offense. 5544

(iii) The offender is being sentenced on or after July 31, 5545
2003, for a child-victim oriented offense, and the offender is a 5546
tier III sex offender/child-victim offender relative to that 5547
offense. 5548

(iv) The offender is being sentenced under section 2971.03 of 5549
the Revised Code for a violation of division (A)(1)(b) of section 5550
2907.02 of the Revised Code committed on or after January 2, 2007. 5551

(v) The offender is sentenced to a term of life without 5552
parole under division (B) of section 2907.02 of the Revised Code. 5553

(vi) The offender is being sentenced for attempted rape 5554
committed on or after January 2, 2007, and a specification of the 5555
type described in section 2941.1418, 2941.1419, or 2941.1420 of 5556
the Revised Code. 5557

(vii) The offender is being sentenced under division 5558
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 5559
for an offense described in those divisions committed on or after 5560
January 1, 2008. 5561

(b) Additionally, if any criterion set forth in divisions 5562
(B)(3)(a)(i) to (vii) of this section is satisfied, in the 5563
circumstances described in division (E) of section 2929.14 of the 5564
Revised Code, the court shall impose sentence on the offender as 5565
described in that division. 5566

(4) If the sentencing court determines at the sentencing 5567
hearing that a community control sanction should be imposed and 5568
the court is not prohibited from imposing a community control 5569
sanction, the court shall impose a community control sanction. The 5570
court shall notify the offender that, if the conditions of the 5571
sanction are violated, if the offender commits a violation of any 5572
law, or if the offender leaves this state without the permission 5573
of the court or the offender's probation officer, the court may 5574
impose a longer time under the same sanction, may impose a more 5575
restrictive sanction, or may impose a prison term on the offender 5576
and shall indicate the specific prison term that may be imposed as 5577
a sanction for the violation, as selected by the court from the 5578
range of prison terms for the offense pursuant to section 2929.14 5579
of the Revised Code. 5580

(5) Before imposing a financial sanction under section 5581
2929.18 of the Revised Code or a fine under section 2929.32 of the 5582
Revised Code, the court shall consider the offender's present and 5583
future ability to pay the amount of the sanction or fine. 5584

(6) If the sentencing court sentences the offender to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a local detention facility, as defined in section 2929.36 of the Revised Code, and if the local detention facility is covered by a policy adopted pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, both of the following apply:

(a) The court shall specify both of the following as part of the sentence:

(i) If the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the offender is required to pay the bill in accordance with that section.

(ii) If the offender does not dispute the bill described in division (B)(6)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section.

(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(6)(a)(ii) of this section.

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B)(2)(a) of this section or to include in the sentencing entry any information required by division (B)(2)(b) of this section does not affect the validity of the imposed sentence or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may

complete a corrected journal entry and send copies of the 5616
corrected entry to the offender and the department of 5617
rehabilitation and correction, or, at the request of the state, 5618
the court shall complete a corrected journal entry and send copies 5619
of the corrected entry to the offender and department of 5620
rehabilitation and correction. 5621

(C)(1) If the offender is being sentenced for a fourth degree 5622
felony OVI offense under division (G)(1) of section 2929.13 of the 5623
Revised Code, the court shall impose the mandatory term of local 5624
incarceration in accordance with that division, shall impose a 5625
mandatory fine in accordance with division (B)(3) of section 5626
2929.18 of the Revised Code, and, in addition, may impose 5627
additional sanctions as specified in sections 2929.15, 2929.16, 5628
2929.17, and 2929.18 of the Revised Code. The court shall not 5629
impose a prison term on the offender except that the court may 5630
impose a prison term upon the offender as provided in division 5631
(A)(1) of section 2929.13 of the Revised Code. 5632

(2) If the offender is being sentenced for a third or fourth 5633
degree felony OVI offense under division (G)(2) of section 2929.13 5634
of the Revised Code, the court shall impose the mandatory prison 5635
term in accordance with that division, shall impose a mandatory 5636
fine in accordance with division (B)(3) of section 2929.18 of the 5637
Revised Code, and, in addition, may impose an additional prison 5638
term as specified in section 2929.14 of the Revised Code. In 5639
addition to the mandatory prison term or mandatory prison term and 5640
additional prison term the court imposes, the court also may 5641
impose a community control sanction on the offender, but the 5642
offender shall serve all of the prison terms so imposed prior to 5643
serving the community control sanction. 5644

(D) The sentencing court, pursuant to division (I)(1) of 5645
section 2929.14 of the Revised Code, may recommend placement of 5646
the offender in a program of shock incarceration under section 5647

5120.031 of the Revised Code or an intensive program prison under 5648
section 5120.032 of the Revised Code, disapprove placement of the 5649
offender in a program or prison of that nature, or make no 5650
recommendation. If the court recommends or disapproves placement, 5651
it shall make a finding that gives its reasons for its 5652
recommendation or disapproval. 5653

Sec. 2929.26. (A) Except when a mandatory jail term is 5654
required by law, the court imposing a sentence for a misdemeanor, 5655
other than a minor misdemeanor, may impose upon the offender any 5656
community residential sanction or combination of community 5657
residential sanctions under this section. Community residential 5658
sanctions include, but are not limited to, the following: 5659

(1) A term of up to one hundred eighty days in a halfway 5660
house or a term in a halfway house not to exceed the longest jail 5661
term available for the offense, whichever is shorter, if the 5662
political subdivision that would have responsibility for paying 5663
the costs of confining the offender in a jail has entered into a 5664
contract with the halfway house for use of the facility for 5665
misdemeanor offenders; 5666

~~(2) A term of up to one hundred eighty days in an alternative 5667
residential facility or a term in an alternative residential 5668
facility not to exceed the longest jail term available for the 5669
offense, whichever is shorter. The court may specify the level of 5670
security in the alternative residential facility that is needed 5671
for the offender. 5672~~

~~(3)~~ If the offender is an eligible offender, as defined in 5673
section 307.932 of the Revised Code, a term of up to sixty days in 5674
a community alternative sentencing center or district community 5675
alternative sentencing center established and operated in 5676
accordance with that section, in the circumstances specified in 5677
that section, with one of the conditions of the sanction being 5678

that the offender complete in the center the entire term imposed. 5679

(B) A sentence to a community residential sanction under 5680
division (A)(3) of this section shall be in accordance with 5681
section 307.932 of the Revised Code. In all other cases, the court 5682
that sentences an offender to a community residential sanction 5683
under this section may do either or both of the following: 5684

(1) Permit the offender to serve the offender's sentence in 5685
intermittent confinement, overnight, on weekends or at any other 5686
time or times that will allow the offender to continue at the 5687
offender's occupation or care for the offender's family; 5688

(2) Authorize the offender to be released so that the 5689
offender may seek or maintain employment, receive education or 5690
training, receive treatment, perform community service, or 5691
otherwise fulfill an obligation imposed by law or by the court. A 5692
release pursuant to this division shall be only for the duration 5693
of time that is needed to fulfill the purpose of the release and 5694
for travel that reasonably is necessary to fulfill the purposes of 5695
the release. 5696

(C) The court may order that a reasonable portion of the 5697
income earned by the offender upon a release pursuant to division 5698
(B) of this section be applied to any financial sanction imposed 5699
under section 2929.28 of the Revised Code. 5700

(D) No court shall sentence any person to a prison term for a 5701
misdemeanor or minor misdemeanor or to a jail term for a minor 5702
misdemeanor. 5703

(E) If a court sentences a person who has been convicted of 5704
or pleaded guilty to a misdemeanor to a community residential 5705
sanction as described in division (A) of this section, at the time 5706
of reception and at other times the person in charge of the 5707
operation of the halfway house, ~~alternative residential facility,~~ 5708
community alternative sentencing center, district community 5709

alternative sentencing center, or other place at which the 5710
offender will serve the residential sanction determines to be 5711
appropriate, the person in charge of the operation of the halfway 5712
house, ~~alternative residential facility~~, community alternative 5713
sentencing center, district community alternative sentencing 5714
center, or other place may cause the convicted offender to be 5715
examined and tested for tuberculosis, HIV infection, hepatitis, 5716
including, but not limited to, hepatitis A, B, and C, and other 5717
contagious diseases. The person in charge of the operation of the 5718
halfway house, ~~alternative residential facility~~, community 5719
alternative sentencing center, district community alternative 5720
sentencing center, or other place at which the offender will serve 5721
the residential sanction may cause a convicted offender in the 5722
halfway house, ~~alternative residential facility~~, community 5723
alternative sentencing center, district community alternative 5724
sentencing center, or other place who refuses to be tested or 5725
treated for tuberculosis, HIV infection, hepatitis, including, but 5726
not limited to, hepatitis A, B, and C, or another contagious 5727
disease to be tested and treated involuntarily. 5728

(F) A political subdivision may enter into a contract with a 5729
halfway house for use of the halfway house to house misdemeanor 5730
offenders under a sanction imposed under division (A)(1) of this 5731
section. 5732

Sec. 2929.41. (A) Except as provided in division (B) of this 5733
section, division ~~(E)~~(C) of section 2929.14, or division (D) or 5734
(E) of section 2971.03 of the Revised Code, a prison term, jail 5735
term, or sentence of imprisonment shall be served concurrently 5736
with any other prison term, jail term, or sentence of imprisonment 5737
imposed by a court of this state, another state, or the United 5738
States. Except as provided in division (B)(3) of this section, a 5739
jail term or sentence of imprisonment for misdemeanor shall be 5740
served concurrently with a prison term or sentence of imprisonment 5741

for felony served in a state or federal correctional institution. 5742

(B)(1) A jail term or sentence of imprisonment for a 5743
misdemeanor shall be served consecutively to any other prison 5744
term, jail term, or sentence of imprisonment when the trial court 5745
specifies that it is to be served consecutively or when it is 5746
imposed for a misdemeanor violation of section 2907.322, 2921.34, 5747
or 2923.131 of the Revised Code. 5748

When consecutive sentences are imposed for misdemeanor under 5749
this division, the term to be served is the aggregate of the 5750
consecutive terms imposed, except that the aggregate term to be 5751
served shall not exceed eighteen months. 5752

(2) If a court of this state imposes a prison term upon the 5753
offender for the commission of a felony and a court of another 5754
state or the United States also has imposed a prison term upon the 5755
offender for the commission of a felony, the court of this state 5756
may order that the offender serve the prison term it imposes 5757
consecutively to any prison term imposed upon the offender by the 5758
court of another state or the United States. 5759

(3) A jail term or sentence of imprisonment imposed for a 5760
misdemeanor violation of section 4510.11, 4510.14, 4510.16, 5761
4510.21, or 4511.19 of the Revised Code shall be served 5762
consecutively to a prison term that is imposed for a felony 5763
violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of the 5764
Revised Code or a felony violation of section 2903.04 of the 5765
Revised Code involving the operation of a motor vehicle by the 5766
offender and that is served in a state correctional institution 5767
when the trial court specifies that it is to be served 5768
consecutively. 5769

When consecutive jail terms or sentences of imprisonment and 5770
prison terms are imposed for one or more misdemeanors and one or 5771
more felonies under this division, the term to be served is the 5772

aggregate of the consecutive terms imposed, and the offender shall 5773
serve all terms imposed for a felony before serving any term 5774
imposed for a misdemeanor. 5775

Sec. 2947.23. (A)(1)(a) In all criminal cases, including 5776
violations of ordinances, the judge or magistrate shall include in 5777
the sentence the costs of prosecution, including any costs under 5778
section 2947.231 of the Revised Code, and render a judgment 5779
against the defendant for such costs. At the time the judge or 5780
magistrate imposes sentence, the judge or magistrate shall notify 5781
the defendant of both of the following: 5782

~~(a)~~(i) If the defendant fails to pay that judgment or fails 5783
to timely make payments towards that judgment under a payment 5784
schedule approved by the court, the court may order the defendant 5785
to perform community service in an amount of not more than forty 5786
hours per month until the judgment is paid or until the court is 5787
satisfied that the defendant is in compliance with the approved 5788
payment schedule. 5789

~~(b)~~(ii) If the court orders the defendant to perform the 5790
community service, the defendant will receive credit upon the 5791
judgment at the specified hourly credit rate per hour of community 5792
service performed, and each hour of community service performed 5793
will reduce the judgment by that amount. 5794

(b) The failure of a judge or magistrate to notify the 5795
defendant pursuant to division (A)(1)(a) of this section does not 5796
negate or limit the authority of the court to order the defendant 5797
to perform community service if the defendant fails to pay the 5798
judgment described in that division or to timely make payments 5799
toward that judgment under an approved payment plan. 5800

(2) The following shall apply in all criminal cases: 5801

(a) If a jury has been sworn at the trial of a case, the fees 5802

of the jurors shall be included in the costs, which shall be paid 5803
to the public treasury from which the jurors were paid. 5804

(b) If a jury has not been sworn at the trial of a case 5805
because of a defendant's failure to appear without good cause, the 5806
costs incurred in summoning jurors for that particular trial may 5807
be included in the costs of prosecution. If the costs incurred in 5808
summoning jurors are assessed against the defendant, those costs 5809
shall be paid to the public treasury from which the jurors were 5810
paid. 5811

(B) If a judge or magistrate has reason to believe that a 5812
defendant has failed to pay the judgment described in division (A) 5813
of this section or has failed to timely make payments towards that 5814
judgment under a payment schedule approved by the judge or 5815
magistrate, the judge or magistrate shall hold a hearing to 5816
determine whether to order the offender to perform community 5817
service for that failure. The judge or magistrate shall notify 5818
both the defendant and the prosecuting attorney of the place, 5819
time, and date of the hearing and shall give each an opportunity 5820
to present evidence. If, after the hearing, the judge or 5821
magistrate determines that the defendant has failed to pay the 5822
judgment or to timely make payments under the payment schedule and 5823
that imposition of community service for the failure is 5824
appropriate, the judge or magistrate may order the offender to 5825
perform community service in an amount of not more than forty 5826
hours per month until the judgment is paid or until the judge or 5827
magistrate is satisfied that the offender is in compliance with 5828
the approved payment schedule. If the judge or magistrate orders 5829
the defendant to perform community service under this division, 5830
the defendant shall receive credit upon the judgment at the 5831
specified hourly credit rate per hour of community service 5832
performed, and each hour of community service performed shall 5833
reduce the judgment by that amount. Except for the credit and 5834

reduction provided in this division, ordering an offender to 5835
perform community service under this division does not lessen the 5836
amount of the judgment and does not preclude the state from taking 5837
any other action to execute the judgment. 5838

(C) As used in this section, "specified hourly credit rate" 5839
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 5840
under the federal Fair Labor Standards Act of 1938, that then is 5841
in effect, and that an employer subject to that provision must pay 5842
per hour to each of the employer's employees who is subject to 5843
that provision. 5844

Sec. 2949.08. (A) When a person who is convicted of or pleads 5845
guilty to a felony is sentenced to a community residential 5846
sanction in a community-based correctional facility pursuant to 5847
section 2929.16 of the Revised Code or when a person who is 5848
convicted of or pleads guilty to a felony or a misdemeanor is 5849
sentenced to a term of imprisonment in a jail, the judge or 5850
magistrate shall order the person into the custody of the sheriff 5851
or constable, and the sheriff or constable shall deliver the 5852
person with the record of the person's conviction to the jailer, 5853
administrator, or keeper, in whose custody the person shall remain 5854
until the term of imprisonment expires or the person is otherwise 5855
legally discharged. 5856

(B) The record of the person's conviction shall specify the 5857
total number of days, if any, that the person was confined for any 5858
reason arising out of the offense for which the person was 5859
convicted and sentenced prior to delivery to the jailer, 5860
administrator, or keeper under this section. The record shall be 5861
used to determine any reduction of sentence under division (C) of 5862
this section. 5863

(C)(1) If the person is sentenced to a jail for a felony or a 5864
misdemeanor, the jailer in charge of a jail shall reduce the 5865

sentence of a person delivered into the jailer's custody pursuant 5866
to division (A) of this section by the total number of days the 5867
person was confined for any reason arising out of the offense for 5868
which the person was convicted and sentenced, including 5869
confinement in lieu of bail while awaiting trial, confinement for 5870
examination to determine the person's competence to stand trial or 5871
to determine sanity, ~~and~~ confinement while awaiting transportation 5872
to the place where the person is to serve the sentence, and 5873
confinement in a juvenile facility. 5874

(2) If the person is sentenced to a community-based 5875
correctional facility for a felony, the total amount of time that 5876
a person shall be confined in a community-based correctional 5877
facility, in a jail, and for any reason arising out of the offense 5878
for which the person was convicted and sentenced prior to delivery 5879
to the jailer, administrator, or keeper shall not exceed the 5880
maximum prison term available for that offense. Any term in a jail 5881
shall be reduced first pursuant to division (C)(1) of this section 5882
by the total number of days the person was confined prior to 5883
delivery to the jailer, administrator, or keeper. Only after the 5884
term in a jail has been entirely reduced may the term in a 5885
community-based correctional facility be reduced pursuant to this 5886
division. This division does not affect the limitations placed on 5887
the duration of a term in a jail or a community-based correctional 5888
facility under divisions (A)(1), (2), and (3) of section 2929.16 5889
of the Revised Code. 5890

(D) For purposes of divisions (B) and (C) of this section, a 5891
person shall be considered to have been confined for a day if the 5892
person was confined for any period or periods of time totaling 5893
more than eight hours during that day. 5894

(E) As used in this section, "community-based correctional 5895
facility" and "jail" have the same meanings as in section 2929.01 5896
of the Revised Code. 5897

Sec. 2951.022. (A) As used in this section: 5898

(1) "Concurrent supervision offender" means any offender who 5899
has been sentenced to community control for one or more 5900
misdemeanor violations or has been placed under a community 5901
control sanction pursuant to section 2929.16, 2929.17, 2929.18, or 5902
2929.20 of the Revised Code and who is simultaneously subject to 5903
supervision by any of the following: 5904

(a) Two or more municipal courts or county courts in this 5905
state; 5906

(b) Two or more courts of common pleas in this state; 5907

(c) One or more courts of common pleas in this state and one 5908
or more municipal courts or county courts in this state. 5909

"Concurrent supervision offender" does not include a parolee 5910
or releasee. 5911

(2) "Parolee" and "releasee" have the same meanings as in 5912
section 2967.01 of the Revised Code. 5913

(B)(1) Except as otherwise provided in divisions (B)(2), (3), 5914
and (4) of this section, a concurrent supervision offender shall 5915
be supervised by the court of conviction that imposed the longest 5916
possible sentence of incarceration and shall not be supervised by 5917
any other court. 5918

(2) In the case of a concurrent supervision offender subject 5919
to supervision by two or more municipal or county courts in the 5920
same county, the municipal or county court in the territorial 5921
jurisdiction in which the offender resides shall supervise the 5922
offender. In the case of a concurrent supervision offender subject 5923
to supervision by a municipal court or county court and a court of 5924
common pleas for two or more equal possible sentences, the 5925
municipal or county court shall supervise the offender. In the 5926

case of a concurrent supervision offender subject to supervision 5927
by two or more courts of common pleas in separate counties in this 5928
state, the court that lies within the same territorial 5929
jurisdiction in which the offender resides shall supervise the 5930
offender. 5931

(3) Separate courts within the same county may enter into an 5932
agreement or adopt local rules of procedure specifying, generally, 5933
that concurrent supervision offenders will be supervised in a 5934
manner other than that provided for in divisions (B)(1) and (2) of 5935
this section. The judges of the various courts of this state 5936
having authority to supervise a concurrent supervision offender 5937
may by local rule authorize the chief probation officer of that 5938
court to manage concurrent supervision offenders under such terms 5939
and guidelines as are consistent with division (C) of this 5940
section. 5941

(4)(a) The judges of the various courts of this state having 5942
jurisdiction over a concurrent supervision offender may agree by 5943
journal entry to transfer jurisdiction over a concurrent 5944
supervision offender from one court to another court in any manner 5945
the courts consider appropriate, if the offender is supervised by 5946
only a single supervising authority at all times. An agreement to 5947
transfer supervision of an offender under division (B)(4)(a) of 5948
this section shall not take effect until approved by every court 5949
having authority to supervise the offender and may provide for the 5950
transfer of supervision to the offender's jurisdiction of 5951
residence whether or not the offender was subject to supervision 5952
in that jurisdiction prior to transfer. In the case of a 5953
subsequent conviction in a court other than the supervising court, 5954
the supervising court may agree to accept a transfer of 5955
jurisdiction from the court of conviction prior to sentencing and 5956
proceed to sentence the offender according to law. 5957

(b) If the judges of the various courts of this state having authority to supervise a concurrent supervision offender cannot reach agreement with respect to the supervision of the offender, the offender may be subject to concurrent supervision in the interest of justice upon the courts' consideration of the provisions set forth in division (C) of this section.

(C) In determining whether a court maintains authority to supervise an offender or transfers authority to supervise the offender pursuant to division (B)(3) or (4) of this section, the court shall consider all of the following:

(1) The safety of the community;

(2) The risk that the offender might reoffend;

(3) The nature of the offenses committed by the offender;

(4) The likelihood that the offender will remain in the jurisdiction;

(5) The ability of the offender to travel to and from the offender's residence and place of employment or school to the offices of the supervising authority;

(6) The resources for residential and nonresidential sanctions or rehabilitative treatment available to the various courts having supervising authority;

(7) Any other factors consistent with the purposes of sentencing.

(D) The court having sole authority over a concurrent supervision offender pursuant to this section shall have complete authority for enforcement of any financial obligations imposed by any other court, shall set a payment schedule consistent with the offender's ability to pay, and shall cause payments of the offender's financial obligations to be directed to the sentencing court in proportion to the total amounts ordered by all sentencing

courts, or as otherwise agreed by the sentencing courts. Financial 5988
obligations include financial sanctions imposed pursuant to 5989
sections 2929.18 and 2929.28 of the Revised Code, court costs, and 5990
any other financial order or fee imposed by a sentencing court. A 5991
supervision fee may be charged only by the agency providing 5992
supervision of the case. 5993

(E) Unless the local residential sanction is suspended, the 5994
offender shall complete any local residential sanction before 5995
jurisdiction is transferred in accordance with this section. The 5996
supervising court shall respect all conditions of supervision 5997
established by a sentencing court, but any conflicting or 5998
inconsistent order of the supervising court shall supersede any 5999
other order of a sentencing court. In the case of a concurrent 6000
supervision offender, the supervising court shall determine when 6001
supervision will be terminated but shall not terminate supervision 6002
until all financial obligations are paid or otherwise resolved. 6003
Any unpaid financial obligation is a judgment in favor of the 6004
state or a political subdivision in which the court that imposed 6005
the financial sanction is located, and the offender subject to the 6006
financial sanction is the judgment debtor pursuant to sections 6007
2929.18 and 2929.28 of the Revised Code. 6008

(F) The adult parole authority and one or more courts may 6009
enter into an agreement whereby a releasee or parolee who is 6010
simultaneously under the supervision of the adult parole authority 6011
and the court or courts is supervised exclusively by either the 6012
authority or a court. 6013

Sec. 2953.08. (A) In addition to any other right to appeal 6014
and except as provided in division (D) of this section, a 6015
defendant who is convicted of or pleads guilty to a felony may 6016
appeal as a matter of right the sentence imposed upon the 6017
defendant on one of the following grounds: 6018

(1) The sentence consisted of or included the maximum prison term allowed for the offense by division (A) of section 2929.14 or section 2929.142 of the Revised Code, the maximum prison term was not required for the offense pursuant to Chapter 2925. or any other provision of the Revised Code, and the court imposed the sentence under one of the following circumstances:

(a) The sentence was imposed for only one offense.

(b) The sentence was imposed for two or more offenses arising out of a single incident, and the court imposed the maximum prison term for the offense of the highest degree.

(2) The sentence consisted of or included a prison term, the offense for which it was imposed is a felony of the fourth or fifth degree or is a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, and the court did not specify at sentencing that it found one or more factors specified in divisions (B)~~(1)~~(2)(a) to (i) of section 2929.13 of the Revised Code to apply relative to the defendant. If the court specifies that it found one or more of those factors to apply relative to the defendant, the defendant is not entitled under this division to appeal as a matter of right the sentence imposed upon the offender.

(3) The person was convicted of or pleaded guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, was adjudicated a sexually violent predator in relation to that offense, and was sentenced pursuant to division (A)(3) of section 2971.03 of the Revised Code, if the minimum term of the indefinite term imposed pursuant to division (A)(3) of section 2971.03 of the Revised Code is the longest term available for the offense from among the range of terms listed in section 2929.14 of the Revised Code. As used in this division, "designated

homicide, assault, or kidnapping offense" and "violent sex
offense" have the same meanings as in section 2971.01 of the
Revised Code. As used in this division, "adjudicated a sexually
violent predator" has the same meaning as in section 2929.01 of
the Revised Code, and a person is "adjudicated a sexually violent
predator" in the same manner and the same circumstances as are
described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of
ten years imposed pursuant to division (B)(2)(a) of section
2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as
provided in division (D) of this section, a prosecuting attorney,
a city director of law, village solicitor, or similar chief legal
officer of a municipal corporation, or the attorney general, if
one of those persons prosecuted the case, may appeal as a matter
of right a sentence imposed upon a defendant who is convicted of
or pleads guilty to a felony or, in the circumstances described in
division (B)(3) of this section the modification of a sentence
imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a
presumption favoring a prison term for the offense for which it
was imposed, as set forth in section 2929.13 or Chapter 2925. of
the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of
the Revised Code of a sentence that was imposed for a felony of
the first or second degree.

(C)(1) In addition to the right to appeal a sentence granted
under division (A) or (B) of this section, a defendant who is
convicted of or pleads guilty to a felony may seek leave to appeal

a sentence imposed upon the defendant on the basis that the 6082
sentencing judge has imposed consecutive sentences under division 6083
(C)(3) of section 2929.14 of the Revised Code and that the 6084
consecutive sentences exceed the maximum prison term allowed by 6085
division (A) of that section for the most serious offense of which 6086
the defendant was convicted. Upon the filing of a motion under 6087
this division, the court of appeals may grant leave to appeal the 6088
sentence if the court determines that the allegation included as 6089
the basis of the motion is true. 6090

(2) A defendant may seek leave to appeal an additional 6091
sentence imposed upon the defendant pursuant to division (B)(2)(a) 6092
or (b) of section 2929.14 of the Revised Code if the additional 6093
sentence is for a definite prison term that is longer than five 6094
years. 6095

(D)(1) A sentence imposed upon a defendant is not subject to 6096
review under this section if the sentence is authorized by law, 6097
has been recommended jointly by the defendant and the prosecution 6098
in the case, and is imposed by a sentencing judge. 6099

(2) Except as provided in division (C)(2) of this section, a 6100
sentence imposed upon a defendant is not subject to review under 6101
this section if the sentence is imposed pursuant to division 6102
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 6103
otherwise provided in this division, a defendant retains all 6104
rights to appeal as provided under this chapter or any other 6105
provision of the Revised Code. A defendant has the right to appeal 6106
under this chapter or any other provision of the Revised Code the 6107
court's application of division (B)(2)(c) of section 2929.14 of 6108
the Revised Code. 6109

(3) A sentence imposed for aggravated murder or murder 6110
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 6111
subject to review under this section. 6112

(E) A defendant, prosecuting attorney, city director of law, 6113
village solicitor, or chief municipal legal officer shall file an 6114
appeal of a sentence under this section to a court of appeals 6115
within the time limits specified in Rule 4(B) of the Rules of 6116
Appellate Procedure, provided that if the appeal is pursuant to 6117
division (B)(3) of this section, the time limits specified in that 6118
rule shall not commence running until the court grants the motion 6119
that makes the sentence modification in question. A sentence 6120
appeal under this section shall be consolidated with any other 6121
appeal in the case. If no other appeal is filed, the court of 6122
appeals may review only the portions of the trial record that 6123
pertain to sentencing. 6124

(F) On the appeal of a sentence under this section, the 6125
record to be reviewed shall include all of the following, as 6126
applicable: 6127

(1) Any presentence, psychiatric, or other investigative 6128
report that was submitted to the court in writing before the 6129
sentence was imposed. An appellate court that reviews a 6130
presentence investigation report prepared pursuant to section 6131
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 6132
connection with the appeal of a sentence under this section shall 6133
comply with division (D)(3) of section 2951.03 of the Revised Code 6134
when the appellate court is not using the presentence 6135
investigation report, and the appellate court's use of a 6136
presentence investigation report of that nature in connection with 6137
the appeal of a sentence under this section does not affect the 6138
otherwise confidential character of the contents of that report as 6139
described in division (D)(1) of section 2951.03 of the Revised 6140
Code and does not cause that report to become a public record, as 6141
defined in section 149.43 of the Revised Code, following the 6142
appellate court's use of the report. 6143

(2) The trial record in the case in which the sentence was 6144

imposed; 6145

(3) Any oral or written statements made to or by the court at 6146
the sentencing hearing at which the sentence was imposed; 6147

(4) Any written findings that the court was required to make 6148
in connection with the modification of the sentence pursuant to a 6149
judicial release under division (I) of section 2929.20 of the 6150
Revised Code. 6151

(G)(1) If the sentencing court was required to make the 6152
findings required by division (B) or (D) of section 2929.13 or 6153
division (I) of section 2929.20 of the Revised Code, or to state 6154
the findings of the trier of fact required by division (B)(2)(e) 6155
of section 2929.14 of the Revised Code, relative to the imposition 6156
or modification of the sentence, and if the sentencing court 6157
failed to state the required findings on the record, the court 6158
hearing an appeal under division (A), (B), or (C) of this section 6159
shall remand the case to the sentencing court and instruct the 6160
sentencing court to state, on the record, the required findings. 6161

(2) The court hearing an appeal under division (A), (B), or 6162
(C) of this section shall review the record, including the 6163
findings underlying the sentence or modification given by the 6164
sentencing court. 6165

The appellate court may increase, reduce, or otherwise modify 6166
a sentence that is appealed under this section or may vacate the 6167
sentence and remand the matter to the sentencing court for 6168
resentencing. The appellate court's standard for review is not 6169
whether the sentencing court abused its discretion. The appellate 6170
court may take any action authorized by this division if it 6171
clearly and convincingly finds either of the following: 6172

(a) That the record does not support the sentencing court's 6173
findings under division (B) or (D) of section 2929.13, division 6174
(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 6175

2929.20 of the Revised Code, whichever, if any, is relevant; 6176

(b) That the sentence is otherwise contrary to law. 6177

(H) A judgment or final order of a court of appeals under 6178
this section may be appealed, by leave of court, to the supreme 6179
court. 6180

(I)(1) There is hereby established the felony sentence appeal 6181
cost oversight committee, consisting of eight members. One member 6182
shall be the chief justice of the supreme court or a 6183
representative of the court designated by the chief justice, one 6184
member shall be a member of the senate appointed by the president 6185
of the senate, one member shall be a member of the house of 6186
representatives appointed by the speaker of the house of 6187
representatives, one member shall be the director of budget and 6188
management or a representative of the office of budget and 6189
management designated by the director, one member shall be a judge 6190
of a court of appeals, court of common pleas, municipal court, or 6191
county court appointed by the chief justice of the supreme court, 6192
one member shall be the state public defender or a representative 6193
of the office of the state public defender designated by the state 6194
public defender, one member shall be a prosecuting attorney 6195
appointed by the Ohio prosecuting attorneys association, and one 6196
member shall be a county commissioner appointed by the county 6197
commissioners association of Ohio. No more than three of the 6198
appointed members of the committee may be members of the same 6199
political party. 6200

The president of the senate, the speaker of the house of 6201
representatives, the chief justice of the supreme court, the Ohio 6202
prosecuting attorneys association, and the county commissioners 6203
association of Ohio shall make the initial appointments to the 6204
committee of the appointed members no later than ninety days after 6205
July 1, 1996. Of those initial appointments to the committee, the 6206
members appointed by the speaker of the house of representatives 6207

and the Ohio prosecuting attorneys association shall serve a term 6208
ending two years after July 1, 1996, the member appointed by the 6209
chief justice of the supreme court shall serve a term ending three 6210
years after July 1, 1996, and the members appointed by the 6211
president of the senate and the county commissioners association 6212
of Ohio shall serve terms ending four years after July 1, 1996. 6213
Thereafter, terms of office of the appointed members shall be for 6214
four years, with each term ending on the same day of the same 6215
month as did the term that it succeeds. Members may be 6216
reappointed. Vacancies shall be filled in the same manner provided 6217
for original appointments. A member appointed to fill a vacancy 6218
occurring prior to the expiration of the term for which that 6219
member's predecessor was appointed shall hold office as a member 6220
for the remainder of the predecessor's term. An appointed member 6221
shall continue in office subsequent to the expiration date of that 6222
member's term until that member's successor takes office or until 6223
a period of sixty days has elapsed, whichever occurs first. 6224

If the chief justice of the supreme court, the director of 6225
the office of budget and management, or the state public defender 6226
serves as a member of the committee, that person's term of office 6227
as a member shall continue for as long as that person holds office 6228
as chief justice, director of the office of budget and management, 6229
or state public defender. If the chief justice of the supreme 6230
court designates a representative of the court to serve as a 6231
member, the director of budget and management designates a 6232
representative of the office of budget and management to serve as 6233
a member, or the state public defender designates a representative 6234
of the office of the state public defender to serve as a member, 6235
the person so designated shall serve as a member of the commission 6236
for as long as the official who made the designation holds office 6237
as chief justice, director of the office of budget and management, 6238
or state public defender or until that official revokes the 6239
designation. 6240

The chief justice of the supreme court or the representative 6241
of the supreme court appointed by the chief justice shall serve as 6242
chairperson of the committee. The committee shall meet within two 6243
weeks after all appointed members have been appointed and shall 6244
organize as necessary. Thereafter, the committee shall meet at 6245
least once every six months or more often upon the call of the 6246
chairperson or the written request of three or more members, 6247
provided that the committee shall not meet unless moneys have been 6248
appropriated to the judiciary budget administered by the supreme 6249
court specifically for the purpose of providing financial 6250
assistance to counties under division (I)(2) of this section and 6251
the moneys so appropriated then are available for that purpose. 6252

The members of the committee shall serve without 6253
compensation, but, if moneys have been appropriated to the 6254
judiciary budget administered by the supreme court specifically 6255
for the purpose of providing financial assistance to counties 6256
under division (I)(2) of this section, each member shall be 6257
reimbursed out of the moneys so appropriated that then are 6258
available for actual and necessary expenses incurred in the 6259
performance of official duties as a committee member. 6260

(2) The state criminal sentencing commission periodically 6261
shall provide to the felony sentence appeal cost oversight 6262
committee all data the commission collects pursuant to division 6263
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 6264
data from the state criminal sentencing commission, the felony 6265
sentence appeal cost oversight committee periodically shall review 6266
the data; determine whether any money has been appropriated to the 6267
judiciary budget administered by the supreme court specifically 6268
for the purpose of providing state financial assistance to 6269
counties in accordance with this division for the increase in 6270
expenses the counties experience as a result of the felony 6271
sentence appeal provisions set forth in this section or as a 6272

result of a postconviction relief proceeding brought under 6273
division (A)(2) of section 2953.21 of the Revised Code or an 6274
appeal of a judgment in that proceeding; if it determines that any 6275
money has been so appropriated, determine the total amount of 6276
moneys that have been so appropriated specifically for that 6277
purpose and that then are available for that purpose; and develop 6278
a recommended method of distributing those moneys to the counties. 6279
The committee shall send a copy of its recommendation to the 6280
supreme court. Upon receipt of the committee's recommendation, the 6281
supreme court shall distribute to the counties, based upon that 6282
recommendation, the moneys that have been so appropriated 6283
specifically for the purpose of providing state financial 6284
assistance to counties under this division and that then are 6285
available for that purpose. 6286

Sec. 2953.25. (A) As used in this section: 6287

(1) "Collateral sanction" means a penalty, disability, or 6288
disadvantage that is related to employment or occupational 6289
licensing, however denominated, as a result of the individual's 6290
conviction of or plea of guilty to an offense and that applies by 6291
operation of law in this state whether or not the penalty, 6292
disability, or disadvantage is included in the sentence or 6293
judgment imposed. 6294

"Collateral sanction" does not include imprisonment, 6295
probation, parole, supervised release, forfeiture, restitution, 6296
fine, assessment, or costs of prosecution. 6297

(2) "Decision-maker" includes, but is not limited to, the 6298
state acting through a department, agency, board, commission, or 6299
instrumentality established by the law of this state for the 6300
exercise of any function of government, a political subdivision, 6301
an educational institution, or a government contractor or 6302
subcontractor made subject to this section by contract, law, or 6303

ordinance. 6304

(3) "Department-funded program" means a residential or 6305
nonresidential program that is not a term in a state correctional 6306
institution, that is funded in whole or part by the department of 6307
rehabilitation and correction, and that is imposed as a sanction 6308
for an offense, as part of a sanction that is imposed for an 6309
offense, or as a term or condition of any sanction that is imposed 6310
for an offense. 6311

(4) "Designee" means the person designated by the deputy 6312
director of the division of parole and community services to 6313
perform the duties designated in division (B) of this section. 6314

(5) "Division of parole and community services" means the 6315
division of parole and community services of the department of 6316
rehabilitation and correction. 6317

(6) "Offense" means any felony or misdemeanor under the laws 6318
of this state. 6319

(7) "Political subdivision" has the same meaning as in 6320
section 2969.21 of the Revised Code. 6321

(B)(1) After the provisions of this division become operative 6322
as described in division (J) of this section, an individual who is 6323
subject to one or more collateral sanctions as a result of being 6324
convicted of or pleading guilty to an offense and who either has 6325
served a term in a state correctional institution for any offense 6326
or has spent time in a department-funded program for any offense 6327
may file a petition with the designee of the deputy director of 6328
the division of parole and community services for a certificate of 6329
qualification for employment. 6330

(2) After the provisions of this division become operative as 6331
described in division (J) of this section, an individual who is 6332
subject to one or more collateral sanctions as a result of being 6333
convicted of or pleading guilty to an offense and who is not in a 6334

category described in division (B)(1) of this section may file a 6335
petition with the court of common pleas of the county in which the 6336
person resides or with the designee of the deputy director of the 6337
division of parole and community services for a certificate of 6338
qualification for employment. 6339

(3) A petition under division (B)(1) or (2) of this section 6340
shall be made on a copy of the form prescribed by the division of 6341
parole and community services under division (J) of this section 6342
and shall contain all of the information described in division (F) 6343
of this section. 6344

(4) An individual may file a petition under division (B)(1) 6345
or (2) of this section at any time after the expiration of 6346
whichever of the following is applicable: 6347

(a) If the offense that resulted in the collateral sanction 6348
from which the individual seeks relief is a felony, at any time 6349
after the expiration of one year from the date of release of the 6350
individual from any period of incarceration in a state or local 6351
correctional facility that was imposed for that offense and all 6352
periods of supervision imposed after release from the period of 6353
incarceration or, if the individual was not incarcerated for that 6354
offense, at any time after the expiration of one year from the 6355
date of the individual's final release from all other sanctions 6356
imposed for that offense. 6357

(b) If the offense that resulted in the collateral sanction 6358
from which the individual seeks relief is a misdemeanor, at any 6359
time after the expiration of six months from the date of release 6360
of the individual from any period of incarceration in a local 6361
correctional facility that was imposed for that offense and all 6362
periods of supervision imposed after release from the period of 6363
incarceration or, if the individual was not incarcerated for that 6364
offense, at any time after the expiration of six months from the 6365
date of the final release of the individual from all sanctions 6366

imposed for that offense including any period of supervision. 6367

(5)(a) A designee that receives a petition for a 6368
certification of qualification for employment from an individual 6369
under division (B)(1) or (2) of this section shall review the 6370
petition to determine whether it is complete. If the petition is 6371
complete, the designee shall forward the petition, and any other 6372
information the designee possesses that relates to the petition, 6373
to the court of common pleas of the county in which the individual 6374
resides. 6375

(b) A court of common pleas that receives a petition for a 6376
certificate of qualification for employment from an individual 6377
under division (B)(2) of this section, or that is forwarded a 6378
petition for such a certificate under division (B)(5)(a) of this 6379
section, shall attempt to determine all other courts in this state 6380
in which the individual was convicted of or pleaded guilty to an 6381
offense other than the offense from which the individual is 6382
seeking relief. The court that receives or is forwarded the 6383
petition shall notify all other courts in this state that it 6384
determines under this division were courts in which the individual 6385
was convicted of or pleaded guilty to an offense other than the 6386
offense from which the individual is seeking relief that the 6387
individual has filed the petition and that the court may send 6388
comments regarding the possible issuance of the certificate. 6389

A court of common pleas that receives a petition for a 6390
certificate of qualification for employment under division (B)(2) 6391
of this section shall notify the prosecuting attorney of the 6392
county in which the individual resides that the individual has 6393
filed the petition. 6394

(C)(1) Upon receiving a petition for a certificate of 6395
qualification for employment filed by an individual under division 6396
(B)(2) of this section or being forwarded a petition for such a 6397
certificate under division (B)(5)(a) of this section, the court 6398

shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment. 6399 6400 6401 6402 6403 6404 6405 6406

(2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division. 6407 6408 6409 6410 6411 6412 6413 6414 6415 6416

(3) Subject to division (C)(5) of this section, a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section may issue a certificate of qualification for employment, at the court's discretion, if the court finds that the individual has established all of the following by a preponderance of the evidence: 6417 6418 6419 6420 6421 6422 6423 6424

(a) Granting the petition will materially assist the individual in obtaining employment or occupational licensing. 6425 6426

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life. 6427 6428

(c) Granting the petition would not pose an unreasonable risk 6429

to the safety of the public or any individual. 6430

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition. 6431
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(5) A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual relief from any of the following collateral sanctions: 6434
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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; 6441
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6443

(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; 6444
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6448

(c) Restrictions on employment as a prosecutor or law enforcement officer; 6449
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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; 6451
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(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code; 6461
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(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code; 6466
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(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code. 6469
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(6) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment. 6473
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If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas. 6484
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(D) A certificate of qualification for employment issued to 6492
an individual lifts the automatic bar of a collateral sanction, 6493
and a decision-maker shall consider on a case-by-case basis 6494
whether to grant or deny the issuance or restoration of an 6495
occupational license or an employment opportunity, notwithstanding 6496
the individual's possession of the certificate, without, however, 6497
reconsidering or rejecting any finding made by a designee or court 6498
under division (C)(3) of this section. 6499

(E) A certificate of qualification for employment does not 6500
grant the individual to whom the certificate was issued relief 6501
from the mandatory civil impacts identified in division (A)(1) of 6502
section 2961.01 or division (B) of section 2961.02 of the Revised 6503
Code. 6504

(F) A petition for a certificate of qualification for 6505
employment filed by an individual under division (B)(1) or (2) of 6506
this section shall include all of the following: 6507

(1) The individual's name, date of birth, and social security 6508
number; 6509

(2) All aliases of the individual and all social security 6510
numbers associated with those aliases; 6511

(3) The individual's residence address, including the city, 6512
county, and state of residence and zip code; 6513

(4) The length of time that the individual has been a 6514
resident of this state, expressed in years and months of 6515
residence; 6516

(5) The name or type of each collateral sanction from which 6517
the individual is requesting a certificate of qualification for 6518
employment; 6519

(6) A summary of the individual's criminal history with 6520
respect to each offense that is a disqualification from employment 6521

or licensing in an occupation or profession, including the years 6522
of each conviction or plea of guilty for each of those offenses; 6523

(7) A summary of the individual's employment history, 6524
specifying the name of, and dates of employment with, each 6525
employer; 6526

(8) Verifiable references and endorsements; 6527

(9) The name of one or more immediate family members of the 6528
individual, or other persons with whom the individual has a close 6529
relationship, who support the individual's reentry plan; 6530

(10) A summary of the reason the individual believes the 6531
certificate of qualification for employment should be granted; 6532

(11) Any other information required by rule by the department 6533
of rehabilitation and correction. 6534

(G)(1) In a judicial or administrative proceeding alleging 6535
negligence or other fault, a certificate of qualification for 6536
employment issued to an individual under this section may be 6537
introduced as evidence of a person's due care in hiring, 6538
retaining, licensing, leasing to, admitting to a school or 6539
program, or otherwise transacting business or engaging in activity 6540
with the individual to whom the certificate of qualification for 6541
employment was issued if the person knew of the certificate at the 6542
time of the alleged negligence or other fault. 6543

(2) In any proceeding on a claim against an employer for 6544
negligent hiring, a certificate of qualification for employment 6545
issued to an individual under this section shall provide immunity 6546
for the employer as to the claim if the employer knew of the 6547
certificate at the time of the alleged negligence. 6548

(3) If an employer hires an individual who has been issued a 6549
certificate of qualification for employment under this section, if 6550
the individual, after being hired, subsequently demonstrates 6551

dangerousness or is convicted of or pleads guilty to a felony, and 6552
if the employer retains the individual as an employee after the 6553
demonstration of dangerousness or the conviction or guilty plea, 6554
the employer may be held liable in a civil action that is based on 6555
or relates to the retention of the individual as an employee only 6556
if it is proved by a preponderance of the evidence that the person 6557
having hiring and firing responsibility for the employer had 6558
actual knowledge that the employee was dangerous or had been 6559
convicted of or pleaded guilty to the felony and was willful in 6560
retaining the individual as an employee after the demonstration of 6561
dangerousness or the conviction or guilty plea of which the person 6562
has actual knowledge. 6563

(H) A certificate of qualification for employment issued 6564
under this section shall be presumptively revoked if the 6565
individual to whom the certificate of qualification for employment 6566
was issued is convicted of or pleads guilty to a felony offense 6567
committed subsequent to the issuance of the certificate of 6568
qualification for employment. 6569

(I) A designee's forwarding, or failure to forward, a 6570
petition for a certificate of qualification for employment to a 6571
court or a court's issuance, or failure to issue, a petition for a 6572
certificate of qualification for employment to an individual under 6573
division (B) of this section does not give rise to a claim for 6574
damages against the department of rehabilitation and correction or 6575
court. 6576

(J) Not later than ninety days after the effective date of 6577
this section, the division of parole and community services shall 6578
adopt rules in accordance with Chapter 119. of the Revised Code 6579
for the implementation and administration of this section and 6580
shall prescribe the form for the petition to be used under 6581
division (B)(1) or (2) of this section. The form for the petition 6582
shall include places for all of the information specified in 6583

division (F) of this section. Upon the adoption of the rules, the 6584
provisions of divisions (A) to (I) of this section become 6585
operative. 6586

(K) The department of rehabilitation and correction shall 6587
conduct a study to determine the manner for transferring the 6588
mechanism for the issuance of a certificate of qualification for 6589
employment created by this section to an electronic database 6590
established and maintained by the department. The database to 6591
which the mechanism is to be transferred shall include granted 6592
certificates and revoked certificates and shall be designed to 6593
track the number of certificates granted and revoked, the 6594
industries, occupations, and professions with respect to which the 6595
certificates have been most applicable, the types of employers 6596
that have accepted the certificates, and the recidivism rates of 6597
individuals who have been issued the certificates. Not later than 6598
the date that is one year after the effective date of this 6599
section, the department of rehabilitation and correction shall 6600
submit to the general assembly and the governor a report that 6601
contains the results of the study and recommendations for 6602
transferring the mechanism for the issuance of certificate of 6603
qualification for employment created by this section to an 6604
electronic database established and maintained by the department. 6605

(L) The department of rehabilitation and correction, in 6606
conjunction with the Ohio judicial conference, shall conduct a 6607
study to determine whether the application process for 6608
certificates of qualification for employment created by this 6609
section is feasible based upon the caseload capacity of the 6610
department and the courts of common pleas. Not later than the date 6611
that is one year after the effective date of this section, the 6612
department shall submit to the general assembly a report that 6613
contains the results of the study and any recommendations for 6614
improvement of the application process. 6615

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

(A) "~~First~~ Eligible offender" means anyone who has been convicted of an offense in this state or any other jurisdiction and who ~~previously or subsequently has not been convicted of the same or a different offense~~ has not more than one felony conviction, not more than two misdemeanor convictions if the convictions are not of the same offense, or not more than one felony conviction and one misdemeanor conviction in this state or any other jurisdiction. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions 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, they shall be counted as one conviction, provided that a court may decide as provided in division (C)(1)(a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.

For purposes of, and except as otherwise provided in, this division, a conviction for a minor misdemeanor, for a violation of any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a ~~previous or subsequent~~ conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a

vehicle during a suspension imposed under section 4511.191 or 6648
4511.196 of the Revised Code, for a violation of a substantially 6649
equivalent municipal ordinance, for a felony violation of Title 6650
XLV of the Revised Code, or for a violation of a substantially 6651
equivalent former law of this state or former municipal ordinance 6652
shall be considered a ~~previous or subsequent~~ conviction. 6653

(B) "Prosecutor" means the county prosecuting attorney, city 6654
director of law, village solicitor, or similar chief legal 6655
officer, who has the authority to prosecute a criminal case in the 6656
court in which the case is filed. 6657

(C) "Bail forfeiture" means the forfeiture of bail by a 6658
defendant who is arrested for the commission of a misdemeanor, 6659
other than a defendant in a traffic case as defined in Traffic 6660
Rule 2, if the forfeiture is pursuant to an agreement with the 6661
court and prosecutor in the case. 6662

(D) "Official records" has the same meaning as in division 6663
(D) of section 2953.51 of the Revised Code. 6664

(E) "Official proceeding" has the same meaning as in section 6665
2921.01 of the Revised Code. 6666

(F) "Community control sanction" has the same meaning as in 6667
section 2929.01 of the Revised Code. 6668

(G) "Post-release control" and "post-release control 6669
sanction" have the same meanings as in section 2967.01 of the 6670
Revised Code. 6671

(H) "DNA database," "DNA record," and "law enforcement 6672
agency" have the same meanings as in section 109.573 of the 6673
Revised Code. 6674

(I) "Fingerprints filed for record" means any fingerprints 6675
obtained by the superintendent of the bureau of criminal 6676
identification and investigation pursuant to sections 109.57 and 6677

109.571 of the Revised Code. 6678

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 6679
the Revised Code, ~~a first~~ an eligible offender may apply to the 6680
sentencing court if convicted in this state, or to a court of 6681
common pleas if convicted in another state or in a federal court, 6682
for the sealing of the conviction record. Application may be made 6683
at the expiration of three years after the offender's final 6684
discharge if convicted of a felony, or at the expiration of one 6685
year after the offender's final discharge if convicted of a 6686
misdemeanor. 6687

(2) Any person who has been arrested for any misdemeanor 6688
offense and who has effected a bail forfeiture may apply to the 6689
court in which the misdemeanor criminal case was pending when bail 6690
was forfeited for the sealing of the record of the case. Except as 6691
provided in section 2953.61 of the Revised Code, the application 6692
may be filed at any time after the expiration of one year from the 6693
date on which the bail forfeiture was entered upon the minutes of 6694
the court or the journal, whichever entry occurs first. 6695

(B) Upon the filing of an application under this section, the 6696
court shall set a date for a hearing and shall notify the 6697
prosecutor for the case of the hearing on the application. The 6698
prosecutor may object to the granting of the application by filing 6699
an objection with the court prior to the date set for the hearing. 6700
The prosecutor shall specify in the objection the reasons for 6701
believing a denial of the application is justified. The court 6702
shall direct its regular probation officer, a state probation 6703
officer, or the department of probation of the county in which the 6704
applicant resides to make inquiries and written reports as the 6705
court requires concerning the applicant. If the applicant was 6706
convicted of or pleaded guilty to a violation of division (A)(2) 6707
or (B) of section 2919.21 of the Revised Code, the probation 6708

officer or county department of probation that the court directed 6709
to make inquiries concerning the applicant shall contact the child 6710
support enforcement agency enforcing the applicant's obligations 6711
under the child support order to inquire about the offender's 6712
compliance with the child support order. 6713

(C)(1) The court shall do each of the following: 6714

(a) Determine whether the applicant is ~~a first~~ an eligible 6715
offender or whether the forfeiture of bail was agreed to by the 6716
applicant and the prosecutor in the case. If the applicant applies 6717
as ~~a first~~ an eligible offender pursuant to division (A)(1) of 6718
this section and has two or three convictions that result from the 6719
same indictment, information, or complaint, from the same plea of 6720
guilty, or from the same official proceeding, and result from 6721
related criminal acts that were committed within a three-month 6722
period but do not result from the same act or from offenses 6723
committed at the same time, in making its determination under this 6724
division, the court initially shall determine whether it is not in 6725
the public interest for the two or three convictions to be counted 6726
as one conviction. If the court determines that it is not in the 6727
public interest for the two or three convictions to be counted as 6728
one conviction, the court shall determine that the applicant is 6729
not ~~a first~~ an eligible offender; if the court does not make that 6730
determination, the court shall determine that the offender is a 6731
~~first~~ an eligible offender. 6732

(b) Determine whether criminal proceedings are pending 6733
against the applicant; 6734

(c) If the applicant is ~~a first~~ an eligible offender who 6735
applies pursuant to division (A)(1) of this section, determine 6736
whether the applicant has been rehabilitated to the satisfaction 6737
of the court; 6738

(d) If the prosecutor has filed an objection in accordance 6739

with division (B) of this section, consider the reasons against 6740
granting the application specified by the prosecutor in the 6741
objection; 6742

(e) Weigh the interests of the applicant in having the 6743
records pertaining to the applicant's conviction sealed against 6744
the legitimate needs, if any, of the government to maintain those 6745
records. 6746

(2) If the court determines, after complying with division 6747
(C)(1) of this section, that the applicant is ~~a first~~ an eligible 6748
offender or the subject of a bail forfeiture, that no criminal 6749
proceeding is pending against the applicant, and that the 6750
interests of the applicant in having the records pertaining to the 6751
applicant's conviction or bail forfeiture sealed are not 6752
outweighed by any legitimate governmental needs to maintain those 6753
records, and that the rehabilitation of an applicant who is a 6754
~~first~~ an eligible offender applying pursuant to division (A)(1) of 6755
this section has been attained to the satisfaction of the court, 6756
the court, except as provided in divisions (G) and (H) of this 6757
section, shall order all official records pertaining to the case 6758
sealed and, except as provided in division (F) of this section, 6759
all index references to the case deleted and, in the case of bail 6760
forfeitures, shall dismiss the charges in the case. The 6761
proceedings in the case shall be considered not to have occurred 6762
and the conviction or bail forfeiture of the person who is the 6763
subject of the proceedings shall be sealed, except that upon 6764
conviction of a subsequent offense, the sealed record of prior 6765
conviction or bail forfeiture may be considered by the court in 6766
determining the sentence or other appropriate disposition, 6767
including the relief provided for in sections 2953.31 to 2953.33 6768
of the Revised Code. 6769

(3) Upon the filing of an application under this section, the 6770
applicant, unless indigent, shall pay a fee of fifty dollars. The 6771

court shall pay thirty dollars of the fee into the state treasury. 6772
It shall pay twenty dollars of the fee into the county general 6773
revenue fund if the sealed conviction or bail forfeiture was 6774
pursuant to a state statute, or into the general revenue fund of 6775
the municipal corporation involved if the sealed conviction or 6776
bail forfeiture was pursuant to a municipal ordinance. 6777

(D) Inspection of the sealed records included in the order 6778
may be made only by the following persons or for the following 6779
purposes: 6780

(1) By a law enforcement officer or prosecutor, or the 6781
assistants of either, to determine whether the nature and 6782
character of the offense with which a person is to be charged 6783
would be affected by virtue of the person's previously having been 6784
convicted of a crime; 6785

(2) By the parole or probation officer of the person who is 6786
the subject of the records, for the exclusive use of the officer 6787
in supervising the person while on parole or under a community 6788
control sanction or a post-release control sanction, and in making 6789
inquiries and written reports as requested by the court or adult 6790
parole authority; 6791

(3) Upon application by the person who is the subject of the 6792
records, by the persons named in the application; 6793

(4) By a law enforcement officer who was involved in the 6794
case, for use in the officer's defense of a civil action arising 6795
out of the officer's involvement in that case; 6796

(5) By a prosecuting attorney or the prosecuting attorney's 6797
assistants, to determine a defendant's eligibility to enter a 6798
pre-trial diversion program established pursuant to section 6799
2935.36 of the Revised Code; 6800

(6) By any law enforcement agency or any authorized employee 6801
of a law enforcement agency or by the department of rehabilitation 6802

and correction as part of a background investigation of a person 6803
who applies for employment with the agency as a law enforcement 6804
officer or with the department as a corrections officer; 6805

(7) By any law enforcement agency or any authorized employee 6806
of a law enforcement agency, for the purposes set forth in, and in 6807
the manner provided in, section 2953.321 of the Revised Code; 6808

(8) By the bureau of criminal identification and 6809
investigation or any authorized employee of the bureau for the 6810
purpose of providing information to a board or person pursuant to 6811
division (F) or (G) of section 109.57 of the Revised Code; 6812

(9) By the bureau of criminal identification and 6813
investigation or any authorized employee of the bureau for the 6814
purpose of performing a criminal history records check on a person 6815
to whom a certificate as prescribed in section 109.77 of the 6816
Revised Code is to be awarded; 6817

(10) By the bureau of criminal identification and 6818
investigation or any authorized employee of the bureau for the 6819
purpose of conducting a criminal records check of an individual 6820
pursuant to division (B) of section 109.572 of the Revised Code 6821
that was requested pursuant to any of the sections identified in 6822
division (B)(1) of that section; 6823

(11) By the bureau of criminal identification and 6824
investigation, an authorized employee of the bureau, a sheriff, or 6825
an authorized employee of a sheriff in connection with a criminal 6826
records check described in section 311.41 of the Revised Code; 6827

(12) By the attorney general or an authorized employee of the 6828
attorney general or a court for purposes of determining a person's 6829
classification pursuant to Chapter 2950. of the Revised Code. 6830

When the nature and character of the offense with which a 6831
person is to be charged would be affected by the information, it 6832
may be used for the purpose of charging the person with an 6833

offense. 6834

(E) In any criminal proceeding, proof of any otherwise 6835
admissible prior conviction may be introduced and proved, 6836
notwithstanding the fact that for any such prior conviction an 6837
order of sealing previously was issued pursuant to sections 6838
2953.31 to 2953.36 of the Revised Code. 6839

(F) The person or governmental agency, office, or department 6840
that maintains sealed records pertaining to convictions or bail 6841
forfeitures that have been sealed pursuant to this section may 6842
maintain a manual or computerized index to the sealed records. The 6843
index shall contain only the name of, and alphanumeric identifiers 6844
that relate to, the persons who are the subject of the sealed 6845
records, the word "sealed," and the name of the person, agency, 6846
office, or department that has custody of the sealed records, and 6847
shall not contain the name of the crime committed. The index shall 6848
be made available by the person who has custody of the sealed 6849
records only for the purposes set forth in divisions (C), (D), and 6850
(E) of this section. 6851

(G) Notwithstanding any provision of this section or section 6852
2953.33 of the Revised Code that requires otherwise, a board of 6853
education of a city, local, exempted village, or joint vocational 6854
school district that maintains records of an individual who has 6855
been permanently excluded under sections 3301.121 and 3313.662 of 6856
the Revised Code is permitted to maintain records regarding a 6857
conviction that was used as the basis for the individual's 6858
permanent exclusion, regardless of a court order to seal the 6859
record. An order issued under this section to seal the record of a 6860
conviction does not revoke the adjudication order of the 6861
superintendent of public instruction to permanently exclude the 6862
individual who is the subject of the sealing order. An order 6863
issued under this section to seal the record of a conviction of an 6864
individual may be presented to a district superintendent as 6865

evidence to support the contention that the superintendent should 6866
recommend that the permanent exclusion of the individual who is 6867
the subject of the sealing order be revoked. Except as otherwise 6868
authorized by this division and sections 3301.121 and 3313.662 of 6869
the Revised Code, any school employee in possession of or having 6870
access to the sealed conviction records of an individual that were 6871
the basis of a permanent exclusion of the individual is subject to 6872
section 2953.35 of the Revised Code. 6873

(H) For purposes of sections 2953.31 to 2953.36 of the 6874
Revised Code, DNA records collected in the DNA database and 6875
fingerprints filed for record by the superintendent of the bureau 6876
of criminal identification and investigation shall not be sealed 6877
unless the superintendent receives a certified copy of a final 6878
court order establishing that the offender's conviction has been 6879
overturned. For purposes of this section, a court order is not 6880
"final" if time remains for an appeal or application for 6881
discretionary review with respect to the order. 6882

Sec. 2953.34. Nothing in sections 2953.31 to 2953.33 of the 6883
Revised Code precludes ~~a first~~ an eligible offender from taking an 6884
appeal or seeking any relief from ~~his~~ the eligible offender's 6885
conviction or from relying on it in lieu of any subsequent 6886
prosecution for the same offense. 6887

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code 6888
do not apply to any of the following: 6889

(A) Convictions when the offender is subject to a mandatory 6890
prison term; 6891

(B) Convictions under section 2907.02, 2907.03, 2907.04, 6892
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 6893
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 6894
Code, or a conviction for a violation of a municipal ordinance 6895

that is substantially similar to any section contained in any of 6896
those chapters; 6897

(C) Convictions of an offense of violence when the offense is 6898
a misdemeanor of the first degree or a felony and when the offense 6899
is not a violation of section 2917.03 of the Revised Code and is 6900
not a violation of section 2903.13, 2917.01, or 2917.31 of the 6901
Revised Code that is a misdemeanor of the first degree; 6902

(D) Convictions on or after ~~the effective date of this~~ 6903
~~amendment~~ October 10, 2007, under section 2907.07 of the Revised 6904
Code or a conviction on or after ~~the effective date of this~~ 6905
~~amendment~~ October 10, 2007, for a violation of a municipal 6906
ordinance that is substantially similar to that section; 6907

(E) Convictions on or after ~~the effective date of this~~ 6908
~~amendment~~ October 10, 2007, under section 2907.08, 2907.09, 6909
2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 6910
of the Revised Code when the victim of the offense was under 6911
eighteen years of age; 6912

(F) Convictions of an offense in circumstances in which the 6913
victim of the offense was under eighteen years of age when the 6914
offense is a misdemeanor of the first degree or a felony, except 6915
for convictions under section 2919.21 of the Revised Code; 6916

(G) Convictions of a felony of the first or second degree; 6917

(H) Bail forfeitures in a traffic case as defined in Traffic 6918
Rule 2. 6919

Sec. 2961.22. (A)(1) Any prisoner serving a prison term in a 6920
state correctional institution who satisfies all of the following 6921
is eligible to apply to the department of rehabilitation and 6922
correction at a time specified in division (A)(2) of this section 6923
and in accordance with division (D) of this section for a 6924
certificate of achievement and employability: 6925

(a) The prisoner has satisfactorily completed one or more in-prison vocational programs approved by rule by the department of rehabilitation and correction.

(b) The prisoner has demonstrated exemplary performance as determined by completion of one or more cognitive or behavioral improvement programs approved by rule by the department while incarcerated in a state correctional institution, while under supervision, or during both periods of time.

(c) The prisoner has completed community service hours.

(d) The prisoner shows other evidence of achievement and rehabilitation while under the jurisdiction of the department.

(2) An eligible prisoner may apply to the department of rehabilitation and correction under division (A)(1) of this section for a certificate of achievement and employability no earlier than one year prior to the date scheduled for the release of the prisoner from department custody and no later than the date of release of the prisoner.

(B)(1) Any prisoner who has been released from a state correctional institution, who is under supervision on parole or under a post-release control sanction, and who satisfies all of the criteria set forth in division (A)(1) of this section is eligible to apply to the adult parole authority at a time specified in division (B)(2) of this section and in accordance with division (D) of this section for a certificate of achievement and employability.

(2) An eligible prisoner may apply to the adult parole authority under division (B)(1) of this section for a certificate of achievement and employability at any time while the prisoner is under supervision on parole or under a post-release control sanction.

(C)(1) An eligible prisoner may apply to the department of 6956
rehabilitation and correction or to the adult parole authority at 6957
a time specified in division (A) or (B) of this section, whichever 6958
is applicable, for a certificate of achievement and employability 6959
that grants the prisoner relief from one or more mandatory civil 6960
impacts that would affect a potential job within a field in which 6961
the prisoner trained as part of the prisoner's in-prison 6962
vocational program. The prisoner shall specify the mandatory civil 6963
impacts from which the prisoner is requesting relief under the 6964
certificate. Upon application by a prisoner in accordance with 6965
this division, if the mandatory civil impact of any licensing 6966
agency would be affected by the issuance of the certificate to the 6967
prisoner, the department or authority shall notify the licensing 6968
agency of the filing of the application, provide the licensing 6969
agency with a copy of the application and all evidence that the 6970
department, authority, or court has regarding the prisoner, and 6971
afford the licensing agency with an opportunity to object in 6972
writing to the issuance of the certificate to the prisoner. 6973

(2) Upon application by a prisoner in accordance with 6974
division (C)(1) of this section, the department of rehabilitation 6975
and correction or the adult parole authority, whichever is 6976
applicable, shall consider the application and all objections to 6977
the issuance of a certificate of achievement and employability to 6978
the prisoner, if any, that were made by a licensing agency under 6979
division (C)(1) of this section. If the department or authority 6980
determines that the prisoner is an eligible prisoner, that the 6981
application was filed at a time specified in division (B) of this 6982
section, and that any licensing agency objections to the issuance 6983
of the certificate to the prisoner are not sufficient to deny the 6984
issuance of the certificate to the prisoner, subject to division 6985
(C)(3) of this section, the department or authority shall issue 6986
the prisoner a certificate of achievement and employability that 6987

grants the prisoner relief from the mandatory civil impacts that 6988
are specified in the prisoner's application and that would affect 6989
a potential job within a field in which the prisoner trained as 6990
part of the prisoner's in-prison vocational program. 6991

(3) The mandatory civil impacts identified in division (A)(1) 6992
of section 2961.01 and in division (B) of section 2961.02 of the 6993
Revised Code shall not be affected by any certificate of 6994
achievement and employability issued under this section. No 6995
certificate of achievement and employability issued to a prisoner 6996
under this section grants the prisoner relief from the mandatory 6997
civil impacts identified in division (A)(1) of section 2961.01 and 6998
in division (B) of section 2961.02 of the Revised Code. 6999

~~(E)~~(D) The department of rehabilitation and correction shall 7000
adopt rules that define in-prison vocational programs and 7001
cognitive or behavioral improvement programs that a prisoner may 7002
complete to satisfy the criteria described in divisions (A)(1)(a) 7003
and (b) of this section. 7004

(E) The department of rehabilitation and correction and the 7005
adult parole authority shall not be liable for any claim for 7006
damages arising from the department's or authority's issuance, 7007
denial, or revocation of a certificate of achievement and 7008
employability or for the department's or authority's failure to 7009
revoke a certificate of achievement and employability under the 7010
circumstances described in section 2961.24 of the Revised Code. 7011

Sec. 2967.03. The adult parole authority may exercise its 7012
functions and duties in relation to the pardon, commutation of 7013
sentence, or reprieve of a convict upon direction of the governor 7014
or upon its own initiative. It may exercise its functions and 7015
duties in relation to the parole of a prisoner who is eligible for 7016
parole upon the initiative of the head of the institution in which 7017

the prisoner is confined or upon its own initiative. When a 7018
prisoner becomes eligible for parole, the head of the institution 7019
in which the prisoner is confined shall notify the authority in 7020
the manner prescribed by the authority. The authority may 7021
investigate and examine, or cause the investigation and 7022
examination of, prisoners confined in state correctional 7023
institutions concerning their conduct in the institutions, their 7024
mental and moral qualities and characteristics, their knowledge of 7025
a trade or profession, their former means of livelihood, their 7026
family relationships, and any other matters affecting their 7027
fitness to be at liberty without being a threat to society. 7028

The authority may recommend to the governor the pardon, 7029
commutation of sentence, ~~medical release~~, or reprieve of any 7030
convict or prisoner or grant a parole to any prisoner for whom 7031
parole is authorized, if in its judgment there is reasonable 7032
ground to believe that granting a pardon, commutation, ~~medical~~ 7033
~~release~~, or reprieve to the convict or paroling the prisoner would 7034
further the interests of justice and be consistent with the 7035
welfare and security of society. However, the authority shall not 7036
recommend a pardon, or commutation of sentence, ~~or medical release~~ 7037
~~of~~, or grant a parole to, any convict or prisoner until the 7038
authority has complied with the applicable notice requirements of 7039
sections 2930.16 and 2967.12 of the Revised Code and until it has 7040
considered any statement made by a victim or a victim's 7041
representative that is relevant to the convict's or prisoner's 7042
case and that was sent to the authority pursuant to section 7043
2930.17 of the Revised Code, any other statement made by a victim 7044
or a victim's representative that is relevant to the convict's or 7045
prisoner's case and that was received by the authority after it 7046
provided notice of the pendency of the action under sections 7047
2930.16 and 2967.12 of the Revised Code, and any written statement 7048
of any person submitted to the court pursuant to division (G) of 7049
section 2967.12 of the Revised Code. If a victim, victim's 7050

representative, or the victim's spouse, parent, sibling, or child 7051
appears at a full board hearing of the parole board and gives 7052
testimony as authorized by section 5149.101 of the Revised Code, 7053
the authority shall consider the testimony in determining whether 7054
to grant a parole. The trial judge and prosecuting attorney of the 7055
trial court in which a person was convicted shall furnish to the 7056
authority, at the request of the authority, a summarized statement 7057
of the facts proved at the trial and of all other facts having 7058
reference to the propriety of recommending a pardon, or 7059
~~commutation, or medical release,~~ or granting a parole, together 7060
with a recommendation for or against a pardon, commutation, 7061
~~medical release,~~ or parole, and the reasons for the 7062
recommendation. The trial judge, the prosecuting attorney, 7063
specified law enforcement agency members, and a representative of 7064
the prisoner may appear at a full board hearing of the parole 7065
board and give testimony in regard to the grant of a parole to the 7066
prisoner as authorized by section 5149.101 of the Revised Code. 7067
All state and local officials shall furnish information to the 7068
authority, when so requested by it in the performance of its 7069
duties. 7070

The adult parole authority shall exercise its functions and 7071
duties in relation to the release of prisoners who are serving a 7072
stated prison term in accordance with section 2967.28 of the 7073
Revised Code. 7074

Sec. 2967.191. The department of rehabilitation and 7075
correction shall reduce the stated prison term of a prisoner or, 7076
if the prisoner is serving a term for which there is parole 7077
eligibility, the minimum and maximum term or the parole 7078
eligibility date of the prisoner by the total number of days that 7079
the prisoner was confined for any reason arising out of the 7080
offense for which the prisoner was convicted and sentenced, 7081
including confinement in lieu of bail while awaiting trial, 7082

confinement for examination to determine the prisoner's competence 7083
to stand trial or sanity, ~~and~~ confinement while awaiting 7084
transportation to the place where the prisoner is to serve the 7085
prisoner's prison term, as determined by the sentencing court 7086
under division (B)(2)(g)(i) of section 2929.19 of the Revised 7087
Code, and confinement in a juvenile facility. The department of 7088
rehabilitation and correction also shall reduce the stated prison 7089
term of a prisoner or, if the prisoner is serving a term for which 7090
there is parole eligibility, the minimum and maximum term or the 7091
parole eligibility date of the prisoner by the total number of 7092
days, if any, that the prisoner previously served in the custody 7093
of the department of rehabilitation and correction arising out of 7094
the offense for which the prisoner was convicted and sentenced. 7095

Sec. 2967.193. (A)(1) Except as provided in division (C) of 7096
this section and subject to the maximum aggregate total specified 7097
in division (A)(2) of this section, a person confined in a state 7098
correctional institution may provisionally earn one day or five 7099
days of credit, based on the category set forth in division 7100
(D)(1), (2), (3), (4), or (5) of this section in which the person 7101
is included, toward satisfaction of the person's stated prison 7102
term for each completed month during which the person productively 7103
participates in an education program, vocational training, 7104
employment in prison industries, treatment for substance abuse, or 7105
any other constructive program developed by the department with 7106
specific standards for performance by prisoners. Except as 7107
provided in division (C) of this section and subject to the 7108
maximum aggregate total specified in division (A)(2) of this 7109
section, a person so confined who successfully completes two 7110
programs or activities of that type may, in addition, 7111
provisionally earn up to five days of credit toward satisfaction 7112
of the person's stated prison term for the successful completion 7113

of the second program or activity. The person shall not be awarded 7114
any provisional days of credit for the successful completion of 7115
the first program or activity or for the successful completion of 7116
any program or activity that is completed after the second program 7117
or activity. At the end of each calendar month in which a prisoner 7118
productively participates in a program or activity listed in this 7119
division or successfully completes a program or activity listed in 7120
this division, the department of rehabilitation and correction 7121
shall determine and record the total number of days credit that 7122
the prisoner provisionally earned in that calendar month. If the 7123
prisoner violates prison rules, the department may deny the 7124
prisoner a credit that otherwise could have been provisionally 7125
awarded to the prisoner or may withdraw one or more credits 7126
previously provisionally earned by the prisoner. Days of credit 7127
provisionally earned by a prisoner shall be finalized and awarded 7128
by the department subject to administrative review by the 7129
department of the prisoner's conduct. 7130

(2) The aggregate days of credit provisionally earned by a 7131
person for program or activity participation and program and 7132
activity completion under this section and the aggregate days of 7133
credit finally credited to a person under this section shall not 7134
exceed eight per cent of the total number of days in the person's 7135
stated prison term. 7136

(B) The department of rehabilitation and correction shall 7137
adopt rules that specify the programs or activities for which 7138
credit may be earned under this section, the criteria for 7139
determining productive participation in, or completion of, the 7140
programs or activities and the criteria for awarding credit, 7141
including criteria for awarding additional credit for successful 7142
program or activity completion, and the criteria for denying or 7143
withdrawing previously provisionally earned credit as a result of 7144
a violation of prison rules. 7145

(C) No person confined in a state correctional institution to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this ~~Chapter~~ chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after ~~the effective date of this amendment~~ September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division

(A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D)(1)(a) of this section.

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to ~~the effective date of this amendment~~ September 30, 2011.

(3) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.

(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D)(1), (2), and (3) of this section do not apply to the offender, the offender

may earn one day of credit under division (A) of this section if 7208
the offender committed that offense prior to ~~the effective date of~~ 7209
~~this amendment~~ September 30, 2011, and the offender may earn five 7210
days of credit under division (A) of this section if the offender 7211
committed that offense on or after ~~the effective date of this~~ 7212
~~amendment~~ September 30, 2011. 7213

(5) Except as provided in division (C) of this section, if 7214
the most serious offense for which the offender is confined is a 7215
felony of the third, fourth, or fifth degree or an unclassified 7216
felony and neither division (D)(2) nor (3) of this section applies 7217
to the offender, the offender may earn one day of credit under 7218
division (A) of this section if the offender committed that 7219
offense prior to ~~the effective date of this amendment~~ September 7220
30, 2011, and the offender may earn five days of credit under 7221
division (A) of this section if the offender committed that 7222
offense on or after ~~the effective date of this amendment~~ September 7223
30, 2011. 7224

~~(E) If a court imposes a sentence including a prison term on~~ 7225
~~or after the effective date of this amendment for a felony, and if~~ 7226
~~the court is required to include notice of the type described in~~ 7227
~~division (F)(3) of section 2929.14 of the Revised Code in the~~ 7228
~~offender's sentence, the failure of the court to include the~~ 7229
~~notice does not affect the eligibility of the offender under this~~ 7230
~~section to earn any days of credit as a deduction from the~~ 7231
~~offender's stated prison term or otherwise render any part of this~~ 7232
~~section or any action taken under this section void or voidable~~ 7233
~~and does not constitute grounds for setting aside the offender's~~ 7234
~~conviction or sentence or for granting postconviction relief to~~ 7235
~~the offender.~~ 7236

~~(F)~~ The department annually shall seek and consider the 7237
written feedback of the Ohio prosecuting attorneys association, 7238

the Ohio judicial conference, the Ohio public defender, the Ohio 7239
association of criminal defense lawyers, and other organizations 7240
and associations that have an interest in the operation of the 7241
corrections system and the earned credits program under this 7242
section as part of its evaluation of the program and in 7243
determining whether to modify the program. 7244

~~(G)~~(F) As used in this section, "sexually oriented offense" 7245
has the same meaning as in section 2950.01 of the Revised Code. 7246

Sec. 2967.26. (A)(1) The department of rehabilitation and 7247
correction, by rule, may establish a transitional control program 7248
for the purpose of closely monitoring a prisoner's adjustment to 7249
community supervision during the final one hundred eighty days of 7250
the prisoner's confinement. If the department establishes a 7251
transitional control program under this division, the ~~adult parole~~ 7252
~~authority~~ division of parole and community services of the 7253
department of rehabilitation and correction may transfer eligible 7254
prisoners to transitional control status under the program during 7255
the final one hundred eighty days of their confinement and under 7256
the terms and conditions established by the department, shall 7257
provide for the confinement as provided in this division of each 7258
eligible prisoner so transferred, and shall supervise each 7259
eligible prisoner so transferred in one or more community control 7260
sanctions. Each eligible prisoner who is transferred to 7261
transitional control status under the program shall be confined in 7262
a suitable facility that is licensed pursuant to division (C) of 7263
section 2967.14 of the Revised Code, or shall be confined in a 7264
residence the department has approved for this purpose and be 7265
monitored pursuant to an electronic monitoring device, as defined 7266
in section 2929.01 of the Revised Code. If the department 7267
establishes a transitional control program under this division, 7268
the rules establishing the program shall include criteria that 7269

define which prisoners are eligible for the program, criteria that 7270
must be satisfied to be approved as a residence that may be used 7271
for confinement under the program of a prisoner that is 7272
transferred to it and procedures for the department to approve 7273
residences that satisfy those criteria, and provisions of the type 7274
described in division (C) of this section. At a minimum, the 7275
criteria that define which prisoners are eligible for the program 7276
shall provide all of the following: 7277

(a) That a prisoner is eligible for the program if the 7278
prisoner is serving a prison term or term of imprisonment for an 7279
offense committed prior to March 17, 1998, and if, at the time at 7280
which eligibility is being determined, the prisoner would have 7281
been eligible for a furlough under this section as it existed 7282
immediately prior to March 17, 1998, or would have been eligible 7283
for conditional release under former section 2967.23 of the 7284
Revised Code as that section existed immediately prior to March 7285
17, 1998; 7286

(b) That no prisoner who is serving a mandatory prison term 7287
is eligible for the program until after expiration of the 7288
mandatory term; 7289

(c) That no prisoner who is serving a prison term or term of 7290
life imprisonment without parole imposed pursuant to section 7291
2971.03 of the Revised Code is eligible for the program. 7292

(2) At least three weeks prior to transferring to 7293
transitional control under this section a prisoner who is serving 7294
a term of imprisonment or prison term for an offense committed on 7295
or after July 1, 1996, the ~~adult~~ division of parole authority and 7296
community services shall give notice of the pendency of the 7297
transfer to transitional control to the court of common pleas of 7298
the county in which the indictment against the prisoner was found 7299
and of the fact that the court may disapprove the transfer of the 7300
prisoner to transitional control and shall include a report 7301

prepared by the head of the state correctional institution in 7302
which the prisoner is confined. The head of the state correctional 7303
institution in which the prisoner is confined, upon the request of 7304
the ~~adult parole authority~~ division of parole and community 7305
services, shall provide to the ~~authority~~ division for inclusion in 7306
the notice sent to the court under this division a report on the 7307
prisoner's conduct in the institution and in any institution from 7308
which the prisoner may have been transferred. The report shall 7309
cover the prisoner's participation in school, vocational training, 7310
work, treatment, and other rehabilitative activities and any 7311
disciplinary action taken against the prisoner. If the court 7312
disapproves of the transfer of the prisoner to transitional 7313
control, the court shall notify the ~~authority~~ division of the 7314
disapproval within thirty days after receipt of the notice. If the 7315
court timely disapproves the transfer of the prisoner to 7316
transitional control, the ~~authority~~ division shall not proceed 7317
with the transfer. If the court does not timely disapprove the 7318
transfer of the prisoner to transitional control, the ~~authority~~ 7319
division may transfer the prisoner to transitional control. 7320

(3) If the victim of an offense for which a prisoner was 7321
sentenced to a prison term or term of imprisonment has requested 7322
notification under section 2930.16 of the Revised Code and has 7323
provided the department of rehabilitation and correction with the 7324
victim's name and address, the ~~adult parole authority~~ division of 7325
parole and community services, at least three weeks prior to 7326
transferring the prisoner to transitional control pursuant to this 7327
section, shall notify the victim of the pendency of the transfer 7328
and of the victim's right to submit a statement to the ~~authority~~ 7329
division regarding the impact of the transfer of the prisoner to 7330
transitional control. If the victim subsequently submits a 7331
statement of that nature to the ~~authority~~ division, the ~~authority~~ 7332
division shall consider the statement in deciding whether to 7333
transfer the prisoner to transitional control. 7334

(4) The department of rehabilitation and correction, at least 7335
three weeks prior to transferring a prisoner to transitional 7336
control pursuant to this section, shall post on the database it 7337
maintains pursuant to section 5120.66 of the Revised Code the 7338
prisoner's name and all of the information specified in division 7339
(A)(1)(c)(iv) of that section. In addition to and independent of 7340
the right of a victim to submit a statement as described in 7341
division (A)(3) of this section or to otherwise make a statement 7342
and in addition to and independent of any other right or duty of a 7343
person to present information or make a statement, any person may 7344
send to the ~~adult parole authority~~ division of parole and 7345
community services at any time prior to the ~~authority's~~ division's 7346
transfer of the prisoner to transitional control a written 7347
statement regarding the transfer of the prisoner to transitional 7348
control. In addition to the information, reports, and statements 7349
it considers under divisions (A)(2) and (3) of this section or 7350
that it otherwise considers, the ~~authority~~ division shall consider 7351
each statement submitted in accordance with this division in 7352
deciding whether to transfer the prisoner to transitional control. 7353
7354

(B) Each prisoner transferred to transitional control under 7355
this section shall be confined in the manner described in division 7356
(A) of this section during any period of time that the prisoner is 7357
not actually working at the prisoner's approved employment, 7358
engaged in a vocational training or another educational program, 7359
engaged in another program designated by the director, or engaged 7360
in other activities approved by the department. 7361

(C) The department of rehabilitation and correction shall 7362
adopt rules for transferring eligible prisoners to transitional 7363
control, supervising and confining prisoners so transferred, 7364
administering the transitional control program in accordance with 7365
this section, and using the moneys deposited into the transitional 7366

control fund established under division (E) of this section. 7367

(D) The department of rehabilitation and correction may adopt 7368
rules for the issuance of passes for the limited purposes 7369
described in this division to prisoners who are transferred to 7370
transitional control under this section. If the department adopts 7371
rules of that nature, the rules shall govern the granting of the 7372
passes and shall provide for the supervision of prisoners who are 7373
temporarily released pursuant to one of those passes. Upon the 7374
adoption of rules under this division, the department may issue 7375
passes to prisoners who are transferred to transitional control 7376
status under this section in accordance with the rules and the 7377
provisions of this division. All passes issued under this division 7378
shall be for a maximum of forty-eight hours and may be issued only 7379
for the following purposes: 7380

(1) To visit a relative in imminent danger of death; 7381

(2) To have a private viewing of the body of a deceased 7382
relative; 7383

(3) To visit with family; 7384

(4) To otherwise aid in the rehabilitation of the prisoner. 7385

(E) The ~~adult parole authority~~ division of parole and 7386
community services may require a prisoner who is transferred to 7387
transitional control to pay to the division ~~of parole and~~ 7388
~~community services~~ the reasonable expenses incurred by the 7389
division in supervising or confining the prisoner while under 7390
transitional control. Inability to pay those reasonable expenses 7391
shall not be grounds for refusing to transfer an otherwise 7392
eligible prisoner to transitional control. Amounts received by the 7393
division of parole and community services under this division 7394
shall be deposited into the transitional control fund, which is 7395
hereby created in the state treasury and which hereby replaces and 7396
succeeds the furlough services fund that formerly existed in the 7397

state treasury. All moneys that remain in the furlough services 7398
fund on March 17, 1998, shall be transferred on that date to the 7399
transitional control fund. The transitional control fund shall be 7400
used solely to pay costs related to the operation of the 7401
transitional control program established under this section. The 7402
director of rehabilitation and correction shall adopt rules in 7403
accordance with section 111.15 of the Revised Code for the use of 7404
the fund. 7405

(F) A prisoner who violates any rule established by the 7406
department of rehabilitation and correction under division (A), 7407
(C), or (D) of this section may be transferred to a state 7408
correctional institution pursuant to rules adopted under division 7409
(A), (C), or (D) of this section, but the prisoner shall receive 7410
credit towards completing the prisoner's sentence for the time 7411
spent under transitional control. 7412

If a prisoner is transferred to transitional control under 7413
this section, upon successful completion of the period of 7414
transitional control, the prisoner may be released on parole or 7415
under post-release control pursuant to section 2967.13 or 2967.28 7416
of the Revised Code and rules adopted by the department of 7417
rehabilitation and correction. If the prisoner is released under 7418
post-release control, the duration of the post-release control, 7419
the type of post-release control sanctions that may be imposed, 7420
the enforcement of the sanctions, and the treatment of prisoners 7421
who violate any sanction applicable to the prisoner are governed 7422
by section 2967.28 of the Revised Code. 7423

Sec. 3119.01. (A) As used in the Revised Code, "child support 7424
enforcement agency" means a child support enforcement agency 7425
designated under former section 2301.35 of the Revised Code prior 7426
to October 1, 1997, or a private or government entity designated 7427
as a child support enforcement agency under section 307.981 of the 7428

Revised Code.	7429
(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:	7430
(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.	7431 7432 7433 7434 7435 7436 7437 7438
(2) "Child support order" means either a court child support order or an administrative child support order.	7439 7440
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	7441 7442
(4) "Obligor" means the person who is required to pay support under a support order.	7443 7444
(5) "Support order" means either an administrative child support order or a court support order.	7445 7446
(C) As used in this chapter:	7447
(1) "Combined gross income" means the combined gross income of both parents.	7448 7449
(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.	7450 7451 7452 7453 7454 7455 7456
(3) "Court support order" means either a court child support	7457

order or an order for the support of a spouse or former spouse 7458
issued pursuant to Chapter 3115. of the Revised Code, section 7459
3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) 7460
of former section 3113.21 of the Revised Code. 7461

(4) "Extraordinary medical expenses" means any uninsured 7462
medical expenses incurred for a child during a calendar year that 7463
exceed one hundred dollars. 7464

(5) "Income" means either of the following: 7465

(a) For a parent who is employed to full capacity, the gross 7466
income of the parent; 7467

(b) For a parent who is unemployed or underemployed, the sum 7468
of the gross income of the parent and any potential income of the 7469
parent. 7470

(6) "Insurer" means any person authorized under Title XXXIX 7471
of the Revised Code to engage in the business of insurance in this 7472
state, any health insuring corporation, and any legal entity that 7473
is self-insured and provides benefits to its employees or members. 7474

(7) "Gross income" means, except as excluded in division 7475
(C)(7) of this section, the total of all earned and unearned 7476
income from all sources during a calendar year, whether or not the 7477
income is taxable, and includes income from salaries, wages, 7478
overtime pay, and bonuses to the extent described in division (D) 7479
of section 3119.05 of the Revised Code; commissions; royalties; 7480
tips; rents; dividends; severance pay; pensions; interest; trust 7481
income; annuities; social security benefits, including retirement, 7482
disability, and survivor benefits that are not means-tested; 7483
workers' compensation benefits; unemployment insurance benefits; 7484
disability insurance benefits; benefits that are not means-tested 7485
and that are received by and in the possession of the veteran who 7486
is the beneficiary for any service-connected disability under a 7487
program or law administered by the United States department of 7488

veterans' affairs or veterans' administration; spousal support 7489
actually received; and all other sources of income. "Gross income" 7490
includes income of members of any branch of the United States 7491
armed services or national guard, including, amounts representing 7492
base pay, basic allowance for quarters, basic allowance for 7493
subsistence, supplemental subsistence allowance, cost of living 7494
adjustment, specialty pay, variable housing allowance, and pay for 7495
training or other types of required drills; self-generated income; 7496
and potential cash flow from any source. 7497

"Gross income" does not include any of the following: 7498

(a) Benefits received from means-tested government 7499
administered programs, including Ohio works first; prevention, 7500
retention, and contingency; means-tested veterans' benefits; 7501
supplemental security income; supplemental nutrition assistance 7502
program; disability financial assistance; or other assistance for 7503
which eligibility is determined on the basis of income or assets; 7504

(b) Benefits for any service-connected disability under a 7505
program or law administered by the United States department of 7506
veterans' affairs or veterans' administration that are not 7507
means-tested, that have not been distributed to the veteran who is 7508
the beneficiary of the benefits, and that are in the possession of 7509
the United States department of veterans' affairs or veterans' 7510
administration; 7511

(c) Child support received for children who were not born or 7512
adopted during the marriage at issue; 7513

(d) Amounts paid for mandatory deductions from wages such as 7514
union dues but not taxes, social security, or retirement in lieu 7515
of social security; 7516

(e) Nonrecurring or unsustainable income or cash flow items; 7517

(f) Adoption assistance and foster care maintenance payments 7518
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 7519

501, 42 U.S.C.A. 670 (1980), as amended. 7520

(8) "Nonrecurring or unsustainable income or cash flow item" 7521
means an income or cash flow item the parent receives in any year 7522
or for any number of years not to exceed three years that the 7523
parent does not expect to continue to receive on a regular basis. 7524
"Nonrecurring or unsustainable income or cash flow item" does not 7525
include a lottery prize award that is not paid in a lump sum or 7526
any other item of income or cash flow that the parent receives or 7527
expects to receive for each year for a period of more than three 7528
years or that the parent receives and invests or otherwise uses to 7529
produce income or cash flow for a period of more than three years. 7530

(9)(a) "Ordinary and necessary expenses incurred in 7531
generating gross receipts" means actual cash items expended by the 7532
parent or the parent's business and includes depreciation expenses 7533
of business equipment as shown on the books of a business entity. 7534

(b) Except as specifically included in "ordinary and 7535
necessary expenses incurred in generating gross receipts" by 7536
division (C)(9)(a) of this section, "ordinary and necessary 7537
expenses incurred in generating gross receipts" does not include 7538
depreciation expenses and other noncash items that are allowed as 7539
deductions on any federal tax return of the parent or the parent's 7540
business. 7541

(10) "Personal earnings" means compensation paid or payable 7542
for personal services, however denominated, and includes wages, 7543
salary, commissions, bonuses, draws against commissions, profit 7544
sharing, vacation pay, or any other compensation. 7545

(11) "Potential income" means both of the following for a 7546
parent who the court pursuant to a court support order, or a child 7547
support enforcement agency pursuant to an administrative child 7548
support order, determines is voluntarily unemployed or voluntarily 7549
underemployed: 7550

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:	7551 7552 7553
(i) The parent's prior employment experience;	7554
(ii) The parent's education;	7555
(iii) The parent's physical and mental disabilities, if any;	7556
(iv) The availability of employment in the geographic area in which the parent resides;	7557 7558
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	7559 7560
(vi) The parent's special skills and training;	7561
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	7562 7563
(viii) The age and special needs of the child for whom child support is being calculated under this section;	7564 7565
(ix) The parent's increased earning capacity because of experience;	7566 7567
(x) <u>The parent's decreased earning capacity because of a felony conviction;</u>	7568 7569
<u>(xi)</u> Any other relevant factor.	7570
(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.	7571 7572 7573 7574 7575
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	7576 7577
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint	7578 7579

ownership of a partnership or closely held corporation, and rents 7580
minus ordinary and necessary expenses incurred by the parent in 7581
generating the gross receipts. "Self-generated income" includes 7582
expense reimbursements or in-kind payments received by a parent 7583
from self-employment, the operation of a business, or rents, 7584
including company cars, free housing, reimbursed meals, and other 7585
benefits, if the reimbursements are significant and reduce 7586
personal living expenses. 7587

(14) "Split parental rights and responsibilities" means a 7588
situation in which there is more than one child who is the subject 7589
of an allocation of parental rights and responsibilities and each 7590
parent is the residential parent and legal custodian of at least 7591
one of those children. 7592

(15) "Worksheet" means the applicable worksheet that is used 7593
to calculate a parent's child support obligation as set forth in 7594
sections 3119.022 and 3119.023 of the Revised Code. 7595

Sec. 3119.05. When a court computes the amount of child 7596
support required to be paid under a court child support order or a 7597
child support enforcement agency computes the amount of child 7598
support to be paid pursuant to an administrative child support 7599
order, all of the following apply: 7600

(A) The parents' current and past income and personal 7601
earnings shall be verified by electronic means or with suitable 7602
documents, including, but not limited to, paystubs, employer 7603
statements, receipts and expense vouchers related to 7604
self-generated income, tax returns, and all supporting 7605
documentation and schedules for the tax returns. 7606

(B) The amount of any pre-existing child support obligation 7607
of a parent under a child support order and the amount of any 7608
court-ordered spousal support actually paid shall be deducted from 7609
the gross income of that parent to the extent that payment under 7610

the child support order or that payment of the court-ordered 7611
spousal support is verified by supporting documentation. 7612

(C) If other minor children who were born to the parent and a 7613
person other than the other parent who is involved in the 7614
immediate child support determination live with the parent, the 7615
court or agency shall deduct an amount from that parent's gross 7616
income that equals the number of such minor children times the 7617
federal income tax exemption for such children less child support 7618
received for them for the year, not exceeding the federal income 7619
tax exemption. 7620

(D) When the court or agency calculates the gross income of a 7621
parent, it shall include the lesser of the following as income 7622
from overtime and bonuses: 7623

(1) The yearly average of all overtime, commissions, and 7624
bonuses received during the three years immediately prior to the 7625
time when the person's child support obligation is being computed; 7626

(2) The total overtime, commissions, and bonuses received 7627
during the year immediately prior to the time when the person's 7628
child support obligation is being computed. 7629

(E) When the court or agency calculates the gross income of a 7630
parent, it shall not include any income earned by the spouse of 7631
that parent. 7632

(F) The court shall issue a separate order for extraordinary 7633
medical or dental expenses, including, but not limited to, 7634
orthodontia, psychological, appropriate private education, and 7635
other expenses, and may consider the expenses in adjusting a child 7636
support order. 7637

(G) When a court or agency calculates the amount of child 7638
support to be paid pursuant to a court child support order or an 7639
administrative child support order, if the combined gross income 7640
of both parents is an amount that is between two amounts set forth 7641

in the first column of the schedule, the court or agency may use 7642
the basic child support obligation that corresponds to the higher 7643
of the two amounts in the first column of the schedule, use the 7644
basic child support obligation that corresponds to the lower of 7645
the two amounts in the first column of the schedule, or calculate 7646
a basic child support obligation that is between those two amounts 7647
and corresponds proportionally to the parents' actual combined 7648
gross income. 7649

(H) When the court or agency calculates gross income, the 7650
court or agency, when appropriate, may average income over a 7651
reasonable period of years. 7652

(I) A Unless it would be unjust or inappropriate and 7653
therefore not in the best interests of the child, a court or 7654
agency shall not determine a parent ~~receiving means-tested public~~ 7655
~~assistance benefits~~ to be voluntarily unemployed or underemployed 7656
and shall not impute income to that parent, ~~unless not making such~~ 7657
~~determination and not imputing income would be unjust,~~ 7658
~~inappropriate, and not in the best interest of the child if either~~ 7659
of the following conditions exist: 7660

(1) The parent is receiving recurring monetary income from 7661
means-tested public assistance benefits, including cash assistance 7662
payments under the Ohio works first program established under 7663
Chapter 5107. of the Revised Code, financial assistance under the 7664
disability financial assistance program established under Chapter 7665
5115. of the Revised Code, supplemental security income, or 7666
means-tested veterans' benefits; 7667

(2) The parent is incarcerated or institutionalized for a 7668
period of twelve months or more with no other available assets, 7669
unless the parent is incarcerated for an offense relating to the 7670
abuse or neglect of a child who is the subject of the support 7671
order or an offense under Title XXIX of the Revised Code when the 7672
obligee or a child who is the subject of the support order is a 7673

victim of the offense. 7674

(J) When a court or agency requires a parent to pay an amount 7675
for that parent's failure to support a child for a period of time 7676
prior to the date the court modifies or issues a court child 7677
support order or an agency modifies or issues an administrative 7678
child support order for the current support of the child, the 7679
court or agency shall calculate that amount using the basic child 7680
support schedule, worksheets, and child support laws in effect, 7681
and the incomes of the parents as they existed, for that prior 7682
period of time. 7683

(K) A court or agency may disregard a parent's additional 7684
income from overtime or additional employment when the court or 7685
agency finds that the additional income was generated primarily to 7686
support a new or additional family member or members, or under 7687
other appropriate circumstances. 7688

(L) If both parents involved in the immediate child support 7689
determination have a prior order for support relative to a minor 7690
child or children born to both parents, the court or agency shall 7691
collect information about the existing order or orders and 7692
consider those together with the current calculation for support 7693
to ensure that the total of all orders for all children of the 7694
parties does not exceed the amount that would have been ordered if 7695
all children were addressed in a single judicial or administrative 7696
proceeding. 7697

Sec. 3123.58. (A) On receipt of a notice pursuant to section 7698
3123.54 of the Revised Code, the registrar of motor vehicles shall 7699
determine whether the individual named in the notice holds or has 7700
applied for a driver's license or commercial driver's license, 7701
motorcycle operator's license or endorsement, or temporary 7702
instruction permit or commercial driver's temporary instruction 7703
permit. If the registrar determines that the individual holds or 7704

has applied for a license, permit, or endorsement and the 7705
individual is the individual named in the notice and does not 7706
receive a notice pursuant to section 3123.56 or 3123.57 of the 7707
Revised Code, the registrar immediately shall provide notice of 7708
the determination to each deputy registrar. The registrar or a 7709
deputy registrar may not issue to the individual a driver's or 7710
commercial driver's license, motorcycle operator's license or 7711
endorsement, or temporary instruction permit or commercial 7712
driver's temporary instruction permit and may not renew for the 7713
individual a driver's or commercial driver's license, motorcycle 7714
operator's license or endorsement, or commercial driver's 7715
temporary instruction permit. The registrar or a deputy registrar 7716
also shall impose a class F suspension of the license, permit, or 7717
endorsement held by the individual under division (B)(6) of 7718
section 4510.02 of the Revised Code. 7719

(B)(1) A court may grant an individual whose license, permit, 7720
or endorsement is suspended under this section limited driving 7721
privileges in accordance with division (B) of section 4510.021 of 7722
the Revised Code pursuant to a request made during an action for 7723
contempt initiated under section 2705.031 of the Revised Code. 7724
Prior to granting privileges under this division, the court shall 7725
request the accused to provide the court with a recent 7726
noncertified copy of a driver's abstract from the registrar of 7727
motor vehicles and shall request the child support enforcement 7728
agency that issued the notice pursuant to section 3123.54 of the 7729
Revised Code relative to the individual to advise the court, 7730
either in person through a representative testifying at a hearing 7731
or through a written document, the position of the agency relative 7732
to the issue of the granting of privileges to the individual. The 7733
court, in determining whether to grant the individual privileges 7734
under this division, shall take into consideration the position of 7735
the agency, but the court is not bound by the position of the 7736
agency. 7737

(2) A court that grants limited driving privileges to a person under division (B)(1) of this section shall deliver to the person a permit card, in a form to be prescribed by the court, setting forth the date on which the limited privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle.

(3) The court immediately shall notify the registrar, in writing, of a grant of limited driving privileges under division (B)(1) of this section. The notification shall specify the date on which the limited driving privileges will become effective, the purposes for which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle.

(C) If a person who has been granted limited driving privileges under division (B)(1) of this section is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a violation of Chapter 4510. of the Revised Code or any similar municipal ordinance during the period of which the person was granted limited driving privileges, the person's limited driving privileges shall be suspended immediately pending a reinstatement hearing.

Sec. 3772.10. (A) In determining whether to grant or maintain the privilege of a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor license, the Ohio casino control commission shall consider all of the following, as applicable:

(1) The reputation, experience, and financial integrity of the applicant, its holding company, if applicable, and any other person that directly or indirectly controls the applicant;

(2) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide

an adequate surety bond; 7769

(3) The past and present compliance of the applicant and its 7770
affiliates or affiliated companies with casino-related licensing 7771
requirements in this state or any other jurisdiction, including 7772
whether the applicant has a history of noncompliance with the 7773
casino licensing requirements of any jurisdiction; 7774

(4) If the applicant has been indicted, convicted, pleaded 7775
guilty or no contest, or forfeited bail concerning any criminal 7776
offense under the laws of any jurisdiction, either felony or 7777
misdemeanor, not including traffic violations; 7778

(5) If the applicant has filed, or had filed against it a 7779
proceeding for bankruptcy or has ever been involved in any formal 7780
process to adjust, defer, suspend, or otherwise work out the 7781
payment of any debt; 7782

(6) If the applicant has been served with a complaint or 7783
other notice filed with any public body regarding a payment of any 7784
tax required under federal, state, or local law that has been 7785
delinquent for one or more years; 7786

(7) If the applicant is or has been a defendant in litigation 7787
involving its business practices; 7788

(8) If awarding a license would undermine the public's 7789
confidence in the casino gaming industry in this state; 7790

(9) If the applicant meets other standards for the issuance 7791
of a license that the commission adopts by rule, which shall not 7792
be arbitrary, capricious, or contradictory to the expressed 7793
provisions of this chapter. 7794

(B) All applicants for a license under this chapter shall 7795
establish their suitability for a license by clear and convincing 7796
evidence. If the commission determines that a person is eligible 7797
under this chapter to be issued a license as a casino operator, 7798

management company, holding company, key employee, casino gaming 7799
employee, or gaming-related vendor, the commission shall issue 7800
such license for not more than three years, as determined by 7801
commission rule, if all other requirements of this chapter have 7802
been satisfied. 7803

(C) The commission shall not issue a casino operator, 7804
management company, holding company, key employee, casino gaming 7805
employee, or gaming-related vendor license under this chapter to 7806
an applicant if: 7807

(1) The applicant has been convicted of a disqualifying 7808
offense, as defined in section 3772.07 of the Revised Code. 7809

(2) The applicant has submitted an application for license 7810
under this chapter that contains false information. 7811

(3) The applicant is a commission member. 7812

(4) The applicant owns an ownership interest that is unlawful 7813
under this chapter, unless waived by the commission. 7814

(5) The applicant violates specific rules adopted by the 7815
commission related to denial of licensure. 7816

(6) The applicant is a member of or employed by a gaming 7817
regulatory body of a governmental unit in this state, another 7818
state, or the federal government, or is employed by a governmental 7819
unit of this state. This division does not prohibit a casino 7820
operator from hiring special duty law enforcement officers if the 7821
officers are not specifically involved in gaming-related 7822
regulatory functions. 7823

(7) The commission otherwise determines the applicant is 7824
ineligible for the license. 7825

(D)(1) The commission shall investigate the qualifications of 7826
each applicant under this chapter before any license is issued and 7827
before any finding with regard to acts or transactions for which 7828

commission approval is required is made. The commission shall 7829
continue to observe the conduct of all licensees and all other 7830
persons having a material involvement directly or indirectly with 7831
a casino operator, management company, or holding company to 7832
ensure that licenses are not issued to or held by, or that there 7833
is not any material involvement with a casino operator, management 7834
company, or holding company by, an unqualified, disqualified, or 7835
unsuitable person or a person whose operations are conducted in an 7836
unsuitable manner or in unsuitable or prohibited places or 7837
locations. 7838

(2) The executive director may recommend to the commission 7839
that it deny any application, or limit, condition, or restrict, or 7840
suspend or revoke, any license or finding, or impose any fine upon 7841
any licensee or other person according to this chapter and the 7842
rules adopted thereunder. 7843

(3) A license issued under this chapter is a revocable 7844
privilege. No licensee has a vested right in or under any license 7845
issued under this chapter. The initial determination of the 7846
commission to deny, or to limit, condition, or restrict, a license 7847
may be appealed under section 2505.03 of the Revised Code. 7848

(E)(1) An institutional investor otherwise required to be 7849
found suitable or qualified under this chapter and the rules 7850
adopted under this chapter shall be presumed suitable or qualified 7851
upon submitting documentation sufficient to establish 7852
qualifications as an institutional investor and upon certifying 7853
all of the following: 7854

(a) The institutional investor owns, holds, or controls 7855
publicly traded securities issued by a licensee or holding, 7856
intermediate, or parent company of a licensee or in the ordinary 7857
course of business for investment purposes only. 7858

(b) The institutional investor does not exercise influence 7859

over the affairs of the issuer of such securities nor over any 7860
licensed subsidiary of the issuer of such securities. 7861

(c) The institutional investor does not intend to exercise 7862
influence over the affairs of the issuer of such securities, nor 7863
over any licensed subsidiary of the issuer of such securities, in 7864
the future, and that it agrees to notify the commission in writing 7865
within thirty days if such intent changes. 7866

(2) The exercise of voting privileges with regard to publicly 7867
traded securities shall not be deemed to constitute the exercise 7868
of influence over the affairs of a licensee. 7869

(3) The commission shall rescind the presumption of 7870
suitability for an institutional investor at any time if the 7871
institutional investor exercises or intends to exercise influence 7872
or control over the affairs of the licensee. 7873

(4) This division shall not be construed to preclude the 7874
commission from investigating the suitability or qualifications of 7875
an institutional investor if the commission becomes aware of facts 7876
or information that may result in the institutional investor being 7877
found unsuitable or disqualified. 7878

(F) Information provided on the application shall be used as 7879
a basis for a thorough background investigation of each applicant. 7880
A false or incomplete application is cause for denial of a license 7881
by the commission. All applicants and licensees shall consent to 7882
inspections, searches, and seizures and to the disclosure to the 7883
commission and its agents of confidential records, including tax 7884
records, held by any federal, state, or local agency, credit 7885
bureau, or financial institution and to provide handwriting 7886
exemplars, photographs, fingerprints, and information as 7887
authorized in this chapter and in rules adopted by the commission. 7888

(G) The commission shall provide a written statement to each 7889
applicant for a license under this chapter who is denied the 7890

license that describes the reason or reasons for which the 7891
applicant was denied the license. 7892

(H) Not later than January 31 in each calendar year, the 7893
commission shall provide to the general assembly and the governor 7894
a report that, for each type of license issued under this chapter, 7895
specifies the number of applications made in the preceding 7896
calendar year for each type of such license, the number of 7897
applications denied in the preceding calendar year for each type 7898
of such license, and the reasons for those denials. The 7899
information regarding the reasons for the denials shall specify 7900
each reason that resulted in, or that was a factor resulting in, 7901
denial for each type of license issued under this chapter and, for 7902
each of those reasons, the total number of denials for each such 7903
type that involved that reason. 7904

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 7905
4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or 7906
division (B) of section 4301.691 of the Revised Code is guilty of 7907
a minor misdemeanor. 7908

(B) Whoever violates section 4301.15, division (A)(2) or (C) 7909
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 7910
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 7911
Code is guilty of a misdemeanor of the fourth degree. 7912

If an offender who violates section 4301.64 of the Revised 7913
Code was under the age of eighteen years at the time of the 7914
offense, the court, in addition to any other penalties it imposes 7915
upon the offender, ~~shall~~ may suspend the offender's temporary 7916
instruction permit, probationary driver's license, or driver's 7917
license for a period of not less than six months and not more than 7918
one year. In lieu of suspending the offender's temporary 7919
instruction permit, probationary driver's license, or driver's 7920
license, the court instead may require the offender to perform 7921

community service for a number of hours determined by the court. 7922

If the offender is fifteen years and six months of age or older 7923

and has not been issued a temporary instruction permit or 7924

probationary driver's license, the offender shall not be eligible 7925

to be issued such a license or permit for a period of six months. 7926

If the offender has not attained the age of fifteen years and six 7927

months, the offender shall not be eligible to be issued a 7928

temporary instruction permit until the offender attains the age of 7929

sixteen years. 7930

(C) Whoever violates division (D) of section 4301.21, section 7931

4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 7932

or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 7933

4301.69, or division (C), (D), (E), (F), (G), or (I) of section 7934

4301.691 of the Revised Code is guilty of a misdemeanor of the 7935

first degree. 7936

If an offender who violates division (E)(1) of section 7937

4301.69 of the Revised Code was under the age of eighteen years at 7938

the time of the offense and the offense occurred while the 7939

offender was the operator of or a passenger in a motor vehicle, 7940

the court, in addition to any other penalties it imposes upon the 7941

offender, shall suspend the offender's temporary instruction 7942

permit or probationary driver's license for a period of not less 7943

than six months and not more than one year. If the offender is 7944

fifteen years and six months of age or older and has not been 7945

issued a temporary instruction permit or probationary driver's 7946

license, the offender shall not be eligible to be issued such a 7947

license or permit for a period of six months. If the offender has 7948

not attained the age of fifteen years and six months, the offender 7949

shall not be eligible to be issued a temporary instruction permit 7950

until the offender attains the age of sixteen years. 7951

(D) Whoever violates division (B) of section 4301.14, or 7952

division (A)(1) or (3) or (B) of section 4301.22 of the Revised 7953

Code is guilty of a misdemeanor of the third degree. 7954

(E) Whoever violates section 4301.63 or division (B) of 7955
section 4301.631 of the Revised Code shall be fined not less than 7956
twenty-five nor more than one hundred dollars. The court imposing 7957
a fine for a violation of section 4301.63 or division (B) of 7958
section 4301.631 of the Revised Code may order that the fine be 7959
paid by the performance of public work at a reasonable hourly rate 7960
established by the court. The court shall designate the time 7961
within which the public work shall be completed. 7962

(F)(1) Whoever violates section 4301.634 of the Revised Code 7963
is guilty of a misdemeanor of the first degree. If, in committing 7964
a first violation of that section, the offender presented to the 7965
permit holder or the permit holder's employee or agent a false, 7966
fictitious, or altered identification card, a false or fictitious 7967
driver's license purportedly issued by any state, or a driver's 7968
license issued by any state that has been altered, the offender is 7969
guilty of a misdemeanor of the first degree and shall be fined not 7970
less than two hundred fifty and not more than one thousand 7971
dollars, and may be sentenced to a term of imprisonment of not 7972
more than six months. 7973

(2) On a second violation in which, for the second time, the 7974
offender presented to the permit holder or the permit holder's 7975
employee or agent a false, fictitious, or altered identification 7976
card, a false or fictitious driver's license purportedly issued by 7977
any state, or a driver's license issued by any state that has been 7978
altered, the offender is guilty of a misdemeanor of the first 7979
degree and shall be fined not less than five hundred nor more than 7980
one thousand dollars, and may be sentenced to a term of 7981
imprisonment of not more than six months. The court also may 7982
impose a class seven suspension of the offender's driver's or 7983
commercial driver's license or permit or nonresident operating 7984
privilege from the range specified in division (A)(7) of section 7985

4510.02 of the Revised Code. 7986

(3) On a third or subsequent violation in which, for the 7987
third or subsequent time, the offender presented to the permit 7988
holder or the permit holder's employee or agent a false, 7989
fictitious, or altered identification card, a false or fictitious 7990
driver's license purportedly issued by any state, or a driver's 7991
license issued by any state that has been altered, the offender is 7992
guilty of a misdemeanor of the first degree and shall be fined not 7993
less than five hundred nor more than one thousand dollars, and may 7994
be sentenced to a term of imprisonment of not more than six 7995
months. The Except as provided in this division, the court also 7996
~~shall~~ may impose a class six suspension of the offender's driver's 7997
or commercial driver's license or permit or nonresident operating 7998
privilege from the range specified in division (A)(6) of section 7999
4510.02 of the Revised Code, and the court may order that the 8000
suspension or denial remain in effect until the offender attains 8001
the age of twenty-one years. The court also, in lieu of suspending 8002
the offender's temporary instruction permit, probationary driver's 8003
license, or driver's license, instead may order the offender to 8004
perform a determinate number of hours of community service, with 8005
the court determining the actual number of hours and the nature of 8006
the community service the offender shall perform. 8007

(G) Whoever violates section 4301.636 of the Revised Code is 8008
guilty of a felony of the fifth degree. 8009

(H) Whoever violates division (A)(1) of section 4301.22 of 8010
the Revised Code is guilty of a misdemeanor, shall be fined not 8011
less than five hundred and not more than one thousand dollars, 8012
and, in addition to the fine, may be imprisoned for a definite 8013
term of not more than sixty days. 8014

(I) Whoever violates division (A) of section 4301.69 or 8015
division (H) of section 4301.691 of the Revised Code is guilty of 8016
a misdemeanor, shall be fined not less than five hundred and not 8017

more than one thousand dollars, and, in addition to the fine, may 8018
be imprisoned for a definite term of not more than six months. 8019

(J) Whoever violates division (B) of section 4301.65 of the 8020
Revised Code is guilty of a misdemeanor of the third degree. For a 8021
second or subsequent violation occurring within a period of five 8022
consecutive years after the first violation, a person is guilty of 8023
a misdemeanor of the first degree. 8024

Sec. 4501.02. (A) There is hereby created in the department 8025
of public safety a bureau of motor vehicles, which shall be 8026
administered by a registrar of motor vehicles. The registrar shall 8027
be appointed by the director of public safety and shall serve at 8028
the director's pleasure. 8029

The registrar shall administer the laws of the state relative 8030
to the registration of and certificates of title for motor 8031
vehicles, and the licensing of motor vehicle dealers, motor 8032
vehicle leasing dealers, distributors, and salespersons, and of 8033
motor vehicle salvage dealers, salvage motor vehicle auctions, and 8034
salvage motor vehicle pools. The registrar also shall, in 8035
accordance with section 4503.61 of the Revised Code, take those 8036
steps necessary to enter this state into membership in the 8037
international registration plan and carry out the registrar's 8038
other duties under that section. The registrar, with the approval 8039
of the director of public safety, may do all of the following: 8040

(1) Adopt such forms and rules as are necessary to carry out 8041
all laws the registrar is required to administer; 8042

(2) Appoint such number of assistants, deputies, clerks, 8043
stenographers, and other employees as are necessary to carry out 8044
such laws; 8045

(3) Acquire or lease such facilities as are necessary to 8046
carry out the duties of the registrar's office; 8047

(4) Apply for, allocate, disburse, and account for grants 8048
made available under federal law or from other federal, state, or 8049
private sources; 8050

(5) Establish accounts in a bank or depository and deposit 8051
any funds collected by the registrar in those accounts to the 8052
credit of "state of Ohio, bureau of motor vehicles." Within three 8053
days after the deposit of funds in such an account, the registrar 8054
shall draw on that account in favor of the treasurer of state. The 8055
registrar may reserve funds against the draw to the treasurer of 8056
state to the extent reasonably necessary to ensure that the 8057
deposited items are not dishonored. The registrar may pay any 8058
service charge usually collected by the bank or depository; 8059

(6) Develop rules that establish disqualifying offenses for 8060
licensure as a motor vehicle salvage dealer pursuant to sections 8061
4738.04, 4738.07, and 4776.10 of the Revised Code. 8062

The registrar shall give a bond for the faithful performance 8063
of the registrar's duties in such amount and with such security as 8064
the director approves. When in the opinion of the director it is 8065
advisable, any deputy or other employee may be required to give 8066
bond in such amount and with such security as the director 8067
approves. In the discretion of the director, the bonds authorized 8068
to be taken on deputies or other employees may be individual, 8069
schedule, or blanket bonds. 8070

The director of public safety may investigate the activities 8071
of the bureau and have access to its records at any time, and the 8072
registrar shall make a report to the director at any time upon 8073
request. 8074

All laws relating to the licensing of motor vehicle dealers, 8075
motor vehicle leasing dealers, distributors, and salespersons, and 8076
of motor vehicle salvage dealers, salvage motor vehicle auctions, 8077
and salvage motor vehicle pools, designating and granting power to 8078

the registrar shall be liberally construed to the end that the
practice or commission of fraud in the business of selling motor
vehicles and of disposing of salvage motor vehicles may be
prohibited and prevented.

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

Sec. 4503.233. (A)(1) If a court is required to order the
immobilization of a vehicle for a specified period of time
pursuant to section 4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41,
4511.19, 4511.193, or 4511.203 of the Revised Code, the court,
subject to section 4503.235 of the Revised Code, shall issue the
immobilization order in accordance with this division and for the
period of time specified in the particular section, and the
immobilization under the order shall be in accordance with this
section. The court, at the time of sentencing the offender for the
offense relative to which the immobilization order is issued or as
soon thereafter as is practicable, shall give a copy of the order
to the offender or the offender's counsel. The court promptly
shall send a copy of the order to the registrar on a form
prescribed by the registrar and to the person or agency it
designates to execute the order.

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

(a) The period of the immobilization;

(b) The place at which the court determines that the
immobilization shall be carried out, provided that the court shall
not determine and shall not specify that the immobilization is to
be carried out at any place other than a commercially operated

private storage lot, a place owned by a law enforcement or other 8110
government agency, or a place to which one of the following 8111
applies: 8112

(i) The place is leased by or otherwise under the control of 8113
a law enforcement or other government agency. 8114

(ii) The place is owned by the offender, the offender's 8115
spouse, or a parent or child of the offender. 8116

(iii) The place is owned by a private person or entity, and, 8117
prior to the issuance of the order, the private entity or person 8118
that owns the place, or the authorized agent of that private 8119
entity or person, has given express written consent for the 8120
immobilization to be carried out at that place. 8121

(iv) The place is a public street or highway on which the 8122
vehicle is parked in accordance with the law. 8123

(c) The person or agency designated by the court to execute 8124
the order, which shall be either the law enforcement agency that 8125
employs the law enforcement officer who seized the vehicle, a 8126
bailiff of the court, another person the court determines to be 8127
appropriate to execute the order, or the law enforcement agency 8128
with jurisdiction over the place of residence of the vehicle 8129
owner; 8130

(d) That neither the registrar nor a deputy registrar will be 8131
permitted to accept an application for the license plate 8132
registration of any motor vehicle in the name of the vehicle owner 8133
until the immobilization fee is paid. 8134

(2) The person or agency the court designates to immobilize 8135
the vehicle shall seize or retain that vehicle's license plates 8136
and forward them to the bureau of motor vehicles. 8137

(3) In all cases, the offender shall be assessed an 8138
immobilization fee of one hundred dollars, and the immobilization 8139

fee shall be paid to the registrar before the vehicle may be 8140
released to the offender. Neither the registrar nor a deputy 8141
registrar shall accept an application for the registration of any 8142
motor vehicle in the name of the offender until the immobilization 8143
fee is paid. 8144

(4) If the vehicle subject to the order is immobilized 8145
pursuant to the order and is found being operated upon any street 8146
or highway in this state during the immobilization period, it 8147
shall be seized, removed from the street or highway, and 8148
criminally forfeited and disposed of pursuant to section 4503.234 8149
of the Revised Code. 8150

(5) The registrar shall deposit the immobilization fee into 8151
the law enforcement reimbursement fund created by section 4501.19 8152
of the Revised Code. Money in the fund shall be expended only as 8153
provided in division (A)(5) of this section. If the court 8154
designated in the order a court bailiff or another appropriate 8155
person other than a law enforcement officer to immobilize the 8156
vehicle, the amount of the fee deposited into the law enforcement 8157
reimbursement fund shall be paid out to the county treasury if the 8158
court that issued the order is a county court, to the treasury of 8159
the municipal corporation served by the court if the court that 8160
issued the order is a mayor's court, or to the city treasury of 8161
the legislative authority of the court, both as defined in section 8162
1901.03 of the Revised Code, if the court that issued the order is 8163
a municipal court. If the court designated a law enforcement 8164
agency to immobilize the vehicle and if the law enforcement agency 8165
immobilizes the vehicle, the amount of the fee deposited into the 8166
law enforcement reimbursement fund shall be paid out to the law 8167
enforcement agency to reimburse the agency for the costs it incurs 8168
in obtaining immobilization equipment and, if required, in sending 8169
an officer or other person to search for and locate the vehicle 8170
specified in the immobilization order and to immobilize the 8171

vehicle. 8172

In addition to the immobilization fee required to be paid 8173
under division (A)(3) of this section, the offender may be charged 8174
expenses or charges incurred in the removal and storage of the 8175
immobilized vehicle. 8176

(B) If a court issues an immobilization order under division 8177
(A)(1) of this section, the person or agency designated by the 8178
court to execute the immobilization order promptly shall 8179
immobilize or continue the immobilization of the vehicle at the 8180
place specified by the court in the order. The registrar shall not 8181
authorize the release of the vehicle or authorize the issuance of 8182
new identification license plates for the vehicle at the end of 8183
the immobilization period until the immobilization fee has been 8184
paid. 8185

(C) Upon receipt of the license plates for a vehicle under 8186
this section, the registrar shall destroy the license plates. At 8187
the end of the immobilization period and upon the payment of the 8188
immobilization fee that must be paid under this section, the 8189
registrar shall authorize the release of the vehicle and authorize 8190
the issuance, upon the payment of the same fee as is required for 8191
the replacement of lost, mutilated, or destroyed license plates 8192
and certificates of registration, of new license plates and, if 8193
necessary, a new certificate of registration to the offender for 8194
the vehicle in question. 8195

(D)(1) If a court issues an immobilization order under 8196
division (A) of this section, the immobilization period commences 8197
on the day on which the vehicle in question is immobilized. If the 8198
vehicle in question had been seized under section 4510.41 or 8199
4511.195 of the Revised Code, the time between the seizure and the 8200
beginning of the immobilization period shall be credited against 8201
the immobilization period specified in the immobilization order 8202
issued under division (A) of this section. No vehicle that is 8203

immobilized under this section is eligible to have restricted 8204
license plates under section 4503.231 of the Revised Code issued 8205
for that vehicle. 8206

(2) If a court issues an immobilization order under division 8207
(A) of this section, if the vehicle subject to the order is 8208
immobilized under the order, and if the vehicle is found being 8209
operated upon any street or highway of this state during the 8210
immobilization period, it shall be seized, removed from the street 8211
or highway, and criminally forfeited, and disposed of pursuant to 8212
section 4503.234 of the Revised Code. No vehicle that is forfeited 8213
under this provision shall be considered contraband for purposes 8214
of Chapter 2981. of the Revised Code, but shall be held by the law 8215
enforcement agency that employs the officer who seized it for 8216
disposal in accordance with section 4503.234 of the Revised Code. 8217

(3) If a court issues an immobilization order under division 8218
(A) of this section, and if the vehicle is not claimed within 8219
seven days after the end of the period of immobilization or if the 8220
offender has not paid the immobilization fee, the person or agency 8221
that immobilized the vehicle shall send a written notice to the 8222
offender at the offender's last known address informing the 8223
offender of the date on which the period of immobilization ended, 8224
that the offender has twenty days after the date of the notice to 8225
pay the immobilization fee and obtain the release of the vehicle, 8226
and that if the offender does not pay the fee and obtain the 8227
release of the vehicle within that twenty-day period, the vehicle 8228
will be forfeited under section 4503.234 of the Revised Code to 8229
the entity that is entitled to the immobilization fee. 8230

(4) An offender whose motor vehicle is subject to an 8231
immobilization order issued under division (A) of this section 8232
shall not sell the motor vehicle without approval of the court 8233
that issued the order. If such an offender wishes to sell the 8234
motor vehicle during the immobilization period, the offender shall 8235

apply to the court that issued the immobilization order for 8236
permission to assign the title to the vehicle. If the court is 8237
satisfied that the sale will be in good faith and not for the 8238
purpose of circumventing the provisions of division (A)(1) of this 8239
section, it may certify its consent to the offender and to the 8240
registrar. Upon receipt of the court's consent, the registrar 8241
shall enter the court's notice in the offender's vehicle license 8242
plate registration record. 8243

If, during a period of immobilization under an immobilization 8244
order issued under division (A) of this section, the title to the 8245
immobilized motor vehicle is transferred by the foreclosure of a 8246
chattel mortgage, a sale upon execution, the cancellation of a 8247
conditional sales contract, or an order of a court, the involved 8248
court shall notify the registrar of the action, and the registrar 8249
shall enter the court's notice in the offender's vehicle license 8250
plate registration record. 8251

Nothing in this section shall be construed as requiring the 8252
registrar or the clerk of the court of common pleas to note upon 8253
the certificate of title records any prohibition regarding the 8254
sale of a motor vehicle. 8255

(5) If the title to a motor vehicle that is subject to an 8256
immobilization order under division (A) of this section is 8257
assigned or transferred without court approval between the time of 8258
arrest of the offender who committed the offense for which such an 8259
order is to be issued and the time of the actual immobilization of 8260
the vehicle, the court shall order that, for a period of two years 8261
from the date of the order, neither the registrar nor any deputy 8262
registrar shall accept an application for the registration of any 8263
motor vehicle in the name of the offender whose vehicle was 8264
assigned or transferred without court approval. The court shall 8265
notify the registrar of the order on a form prescribed by the 8266
registrar for that purpose. 8267

(6) If the title to a motor vehicle that is subject to an 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 this section, next into the name of a lienholder, or lastly, into the name of the owner of the place of storage.

A lienholder that receives title under a court order shall do so on the condition that it pay any expenses or charges incurred in the vehicle's removal and storage. If the entity that receives title to the vehicle is the entity that is entitled to the immobilization fee under division (A)(5) of this section, it shall receive title on the condition that it pay any lien on the vehicle. The court shall not order that title be transferred to any person or entity other than the owner of the place of storage if the person or entity refuses to receive the title. Any person

or entity that receives title may either keep title to the vehicle 8300
or may dispose of the vehicle in any legal manner that it 8301
considers appropriate, including assignment of the certificate of 8302
title to the motor vehicle to a salvage dealer or a scrap metal 8303
processing facility. The person or entity shall not transfer the 8304
vehicle to the person who is the vehicle's immediate previous 8305
owner. 8306

If the person or entity assigns the motor vehicle to a 8307
salvage dealer or scrap metal processing facility, the person or 8308
entity shall send the assigned certificate of title to the motor 8309
vehicle to the clerk of the court of common pleas of the county in 8310
which the salvage dealer or scrap metal processing facility is 8311
located. The person or entity shall mark the face of the 8312
certificate of title with the words "FOR DESTRUCTION" and shall 8313
deliver a photocopy of the certificate of title to the salvage 8314
dealer or scrap metal processing facility for its records. 8315

(2) Whenever a court issues an order under division (E)(1) of 8316
this section, the court also shall order removal of the license 8317
plates from the vehicle and cause them to be sent to the registrar 8318
if they have not already been sent to the registrar. Thereafter, 8319
no further proceedings shall take place under this section, but 8320
the offender remains liable for payment of the immobilization fee 8321
described in division (A)(3) of this section if an immobilization 8322
order previously had been issued by the court. 8323

(3) Prior to initiating a proceeding under division (E)(1) of 8324
this section, and upon payment of the fee under division (B) of 8325
section 4505.14 of the Revised Code, any interested party may 8326
cause a search to be made of the public records of the bureau of 8327
motor vehicles or the clerk of the court of common pleas, to 8328
ascertain the identity of any lienholder of the vehicle. The 8329
initiating party shall furnish this information to the clerk of 8330
the court with jurisdiction over the case, and the clerk shall 8331

provide notice to the vehicle owner, the defendant, any 8332
lienholder, and any other interested parties listed by the 8333
initiating party, at the last known address supplied by the 8334
initiating party, by certified mail or, at the option of the 8335
initiating party, by personal service or ordinary mail. 8336

As used in this section, "interested party" includes the 8337
offender, all lienholders, the owner of the place of storage, the 8338
person or entity that caused the vehicle to be removed, and the 8339
person or entity, if any, entitled to the immobilization fee under 8340
division (A)(5) of this section. 8341

Sec. 4503.234. (A) If a court orders the criminal forfeiture 8342
of a vehicle pursuant to section 4503.233, 4503.236, 4510.11, 8343
4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, or 8344
4511.203 of the Revised Code, the order shall be issued and 8345
enforced in accordance with this division, subject to division (B) 8346
of this section. An order of criminal forfeiture issued under this 8347
division shall authorize an appropriate law enforcement agency to 8348
seize the vehicle ordered criminally forfeited upon the terms and 8349
conditions that the court determines proper. No vehicle ordered 8350
criminally forfeited pursuant to this division shall be considered 8351
contraband for purposes of Chapter 2981. of the Revised Code, but 8352
the law enforcement agency that employs the officer who seized it 8353
shall hold the vehicle for disposal in accordance with this 8354
section. A forfeiture order may be issued only after the offender 8355
has been provided with an opportunity to be heard. The prosecuting 8356
attorney shall give the offender written notice of the possibility 8357
of forfeiture by sending a copy of the relevant uniform traffic 8358
ticket or other written notice to the offender not less than seven 8359
days prior to the date of issuance of the forfeiture order. A 8360
vehicle is subject to an order of criminal forfeiture pursuant to 8361
this division upon the conviction of the offender of or plea of 8362
guilty by the offender to a violation of division (A) of section 8363

4503.236, section 4510.11, 4510.14, ~~4510.16~~, or 4511.203, or 8364
division (A) of section 4511.19 of the Revised Code, or a 8365
municipal ordinance that is substantially equivalent to any of 8366
those sections or divisions. 8367

(B)(1) Prior to the issuance of an order of criminal 8368
forfeiture pursuant to this section, the law enforcement agency 8369
that employs the law enforcement officer who seized the vehicle 8370
shall conduct or cause to be conducted a search of the appropriate 8371
public records that relate to the vehicle and shall make or cause 8372
to be made reasonably diligent inquiries to identify any 8373
lienholder or any person or entity with an ownership interest in 8374
the vehicle. The court that is to issue the forfeiture order also 8375
shall cause a notice of the potential order relative to the 8376
vehicle and of the expected manner of disposition of the vehicle 8377
after its forfeiture to be sent to any lienholder or person who is 8378
known to the court to have any right, title, or interest in the 8379
vehicle. The court shall give the notice by certified mail, return 8380
receipt requested, or by personal service. 8381

(2) No order of criminal forfeiture shall be issued pursuant 8382
to this section if a lienholder or other person with an ownership 8383
interest in the vehicle establishes to the court, by a 8384
preponderance of the evidence after filing a motion with the 8385
court, that the lienholder or other person neither knew nor should 8386
have known after a reasonable inquiry that the vehicle would be 8387
used or involved, or likely would be used or involved, in the 8388
violation resulting in the issuance of the order of criminal 8389
forfeiture or the violation of the order of immobilization issued 8390
under section 4503.233 of the Revised Code, that the lienholder or 8391
other person did not expressly or impliedly consent to the use or 8392
involvement of the vehicle in that violation, and that the lien or 8393
ownership interest was perfected pursuant to law prior to the 8394
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 8395

or 4511.203 of the Revised Code. If the lienholder or holder of 8396
the ownership interest satisfies the court that these criteria 8397
have been met, the court shall preserve the lienholder's or other 8398
person's lien or interest, and the court either shall return the 8399
vehicle to the holder, or shall order that the proceeds of any 8400
sale held pursuant to division (C)(2) of this section be paid to 8401
the lienholder or holder of the interest less the costs of 8402
seizure, storage, and maintenance of the vehicle. The court shall 8403
not return a vehicle to a lienholder or a holder of an ownership 8404
interest unless the lienholder or holder submits an affidavit to 8405
the court that states that the lienholder or holder will not 8406
return the vehicle to the person from whom the vehicle was seized 8407
pursuant to the order of criminal forfeiture or to any member of 8408
that person's family and will not otherwise knowingly permit that 8409
person or any member of that person's family to obtain possession 8410
of the vehicle. 8411

(3) No order of criminal forfeiture shall be issued pursuant 8412
to this section if a person with an interest in the vehicle 8413
establishes to the court, by a preponderance of the evidence after 8414
filing a motion with the court, that the person neither knew nor 8415
should have known after a reasonable inquiry that the vehicle had 8416
been used or was involved in the violation resulting in the 8417
issuance of the order of criminal forfeiture or the violation of 8418
the order of immobilization issued under section 4503.233 of the 8419
Revised Code, that the person did not expressly or impliedly 8420
consent to the use or involvement of the vehicle in that 8421
violation, that the interest was perfected in good faith and for 8422
value pursuant to law between the time of the arrest of the 8423
offender and the final disposition of the criminal charge in 8424
question, and that the vehicle was in the possession of the 8425
interest holder at the time of the perfection of the interest. If 8426
the court is satisfied that the interest holder has met these 8427
criteria, the court shall preserve the interest holder's interest, 8428

and the court either shall return the vehicle to the interest holder or order that the proceeds of any sale held pursuant to division (C) of this section be paid to the holder of the interest less the costs of seizure, storage, and maintenance of the vehicle. The court shall not return a vehicle to an interest holder unless the holder submits an affidavit to the court stating that the holder will not return the vehicle to the person from whom the holder acquired the holder's interest, nor to any member of that person's family, and the holder will not otherwise knowingly permit that person or any member of that person's family to obtain possession of the vehicle.

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

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

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

(a) First, they shall be applied to the payment of the costs incurred in connection with the seizure, storage, and maintenance of, and provision of security for, the vehicle, any proceeding

arising out of the forfeiture, and if any, the sale. 8461

(b) Second, the remaining proceeds after compliance with 8462
division (C)(2)(a) of this section, shall be applied to the 8463
payment of the value of any lien or ownership interest in the 8464
vehicle preserved under division (B) of this section. 8465

(c) Third, the remaining proceeds, after compliance with 8466
divisions (C)(2)(a) and (b) of this section, shall be applied to 8467
the appropriate funds in accordance with divisions (B) and (C) of 8468
section 2981.13 of the Revised Code, provided that the total of 8469
the amount so deposited under this division shall not exceed one 8470
thousand dollars. The remaining proceeds deposited under this 8471
division shall be used only for the purposes authorized by those 8472
divisions and division (D) of that section. 8473

(d) Fourth, the remaining proceeds after compliance with 8474
divisions (C)(2)(a) and (b) of this section and after deposit of a 8475
total amount of one thousand dollars under division (C)(2)(c) of 8476
this section shall be applied so that fifty per cent of those 8477
remaining proceeds is paid into the reparation fund established by 8478
section 2743.191 of the Revised Code, twenty-five per cent is paid 8479
into the drug abuse resistance education programs fund created by 8480
division (F)(2)(e) of section 4511.191 of the Revised Code and 8481
shall be used only for the purposes authorized by division 8482
(F)(2)(e) of that section, and twenty-five per cent is applied to 8483
the appropriate funds in accordance with divisions (B) and (C) of 8484
section 2981.13 of the Revised Code. The proceeds deposited into 8485
any fund described in section 2981.13 of the Revised Code shall be 8486
used only for the purposes authorized by divisions (B)(4)(c), (C), 8487
and (D) of that section. 8488

(D) Except as provided in division (E) of section 4511.203 of 8489
the Revised Code and notwithstanding any other provision of law, 8490
neither the registrar of motor vehicles nor any deputy registrar 8491
shall accept an application for the registration of any motor 8492

vehicle in the name of any person, or register any motor vehicle 8493
in the name of any person, if both of the following apply: 8494

(1) Any vehicle registered in the person's name was 8495
criminally forfeited under this section and section 4503.233, 8496
4503.236, 4510.10, 4510.11, 4510.14, ~~4510.16~~, 4510.41, 4511.19, 8497
4511.193, or 4511.203 of the Revised Code; 8498

(2) Less than five years have expired since the issuance of 8499
the most recent order of criminal forfeiture issued in relation to 8500
a vehicle registered in the person's name. 8501

(E) If a court orders the criminal forfeiture to the state of 8502
a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 8503
4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, 8504
or 4511.203 of the Revised Code, the title to the motor vehicle is 8505
assigned or transferred, and division (B)(2) or (3) of this 8506
section applies, in addition to or independent of any other 8507
penalty established by law, the court may fine the offender the 8508
value of the vehicle as determined by publications of the national 8509
auto dealer's association. The proceeds from any fine imposed 8510
under this division shall be distributed in accordance with 8511
division (C)(2) of this section. 8512

(F) As used in this section and divisions (B)(4)(c), (C), and 8513
(D) of section 2981.13 of the Revised Code in relation to proceeds 8514
of the sale of a vehicle under division (C) of this section, 8515
"prosecuting attorney" includes the prosecuting attorney, village 8516
solicitor, city director of law, or similar chief legal officer of 8517
a municipal corporation who prosecutes the case resulting in the 8518
conviction or guilty plea in question. 8519

(G) If the vehicle to be forfeited has an average retail 8520
value of less than two thousand dollars as determined by 8521
publications of the national auto dealer's association, no public 8522
auction is required to be held. In such a case, the court may 8523

direct that the vehicle be disposed of in any manner that it 8524
considers appropriate, including assignment of the certificate of 8525
title to the motor vehicle to a salvage dealer or a scrap metal 8526
processing facility. The court shall not transfer the vehicle to 8527
the person who is the vehicle's immediate previous owner. 8528

If the court assigns the motor vehicle to a salvage dealer or 8529
scrap metal processing facility and the court is in possession of 8530
the certificate of title to the motor vehicle, it shall send the 8531
assigned certificate of title to the motor vehicle to the clerk of 8532
the court of common pleas of the county in which the salvage 8533
dealer or scrap metal processing facility is located. The court 8534
shall mark the face of the certificate of title with the words 8535
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 8536
of title to the salvage dealer or scrap metal processing facility 8537
for its records. 8538

If the court is not in possession of the certificate of title 8539
to the motor vehicle, the court shall issue an order transferring 8540
ownership of the motor vehicle to a salvage dealer or scrap metal 8541
processing facility, send the order to the clerk of the court of 8542
common pleas of the county in which the salvage dealer or scrap 8543
metal processing facility is located, and send a photocopy of the 8544
order to the salvage dealer or scrap metal processing facility for 8545
its records. The clerk shall make the proper notations or entries 8546
in the clerk's records concerning the disposition of the motor 8547
vehicle. 8548

Sec. 4507.02. (A)(1) No person shall permit the operation of 8549
a motor vehicle upon any public or private property used by the 8550
public for purposes of vehicular travel or parking knowing the 8551
operator does not have a valid driver's license issued to the 8552
operator by the registrar of motor vehicles under this chapter or 8553
a valid commercial driver's license issued under Chapter 4506. of 8554

the Revised Code. Except as otherwise provided in this division, 8555
whoever violates this division is guilty of an unclassified 8556
misdemeanor. When the offense is an unclassified misdemeanor, the 8557
offender shall be sentenced pursuant to sections 2929.21 to 8558
2929.28 of the Revised Code, except that the offender shall not be 8559
sentenced to a jail term; the offender shall not be sentenced to a 8560
community residential sanction pursuant to section 2929.26 of the 8561
Revised Code; notwithstanding division (A)(2)(a) of section 8562
2929.28 of the Revised Code, the offender may be fined up to one 8563
thousand dollars; and, notwithstanding division (A)(3) of section 8564
2929.27 of the Revised Code, the offender may be ordered pursuant 8565
to division (C) of that section to serve a term of community 8566
service of up to five hundred hours. The failure of an offender to 8567
complete a term of community service imposed by the court may be 8568
punished as indirect criminal contempt under division (A) of 8569
section 2705.02 of the Revised Code that may be filed in the 8570
underlying case. 8571

If, within three years of the offense, the offender 8572
previously has been convicted of or pleaded guilty to two or more 8573
violations of this section or a substantially equivalent municipal 8574
ordinance, the offense is a misdemeanor of the first degree. 8575

(2) No person shall receive a driver's license, or a 8576
motorcycle operator's endorsement of a driver's or commercial 8577
driver's license, unless and until the person surrenders to the 8578
registrar all valid licenses issued to the person by another 8579
jurisdiction recognized by this state. The registrar shall report 8580
the surrender of a license to the issuing authority, together with 8581
information that a license is now issued in this state. The 8582
registrar shall destroy any such license that is not returned to 8583
the issuing authority. No person shall be permitted to have more 8584
than one valid license at any time. 8585

(B)(1) If a person is convicted of a violation of section 8586
4510.11, 4510.14, ~~4510.16 when division (G)(2) and (3) of that~~ 8587
~~section applies,~~ or 4510.21 of the Revised Code or if division 8588
~~(F)~~(E) of section 4507.164 of the Revised Code applies, the trial 8589
judge of any court, in addition to or independent of any other 8590
penalties provided by law or ordinance, may impound the 8591
identification license plates of any motor vehicle registered in 8592
the name of the person. ~~If a person is convicted of a violation of~~ 8593
~~section 4510.16 of the Revised Code and division (G)(1) of that~~ 8594
~~section applies, the trial judge of any court, in addition to or~~ 8595
~~independent of any other penalties provided by law or ordinance,~~ 8596
~~may impound the identification license plates of any motor vehicle~~ 8597
~~registered in the name of the person.~~ The court shall send the 8598
impounded license plates to the registrar, who may retain the 8599
license plates until the driver's or commercial driver's license 8600
of the owner has been reinstated or destroy them pursuant to 8601
section 4503.232 of the Revised Code. 8602

If the license plates of a person convicted of a violation of 8603
any provision of those sections have been impounded in accordance 8604
with the provisions of this division, the court shall notify the 8605
registrar of that action. The notice shall contain the name and 8606
address of the driver, the serial number of the driver's or 8607
commercial driver's license, the serial numbers of the license 8608
plates of the motor vehicle, and the length of time for which the 8609
license plates have been impounded. The registrar shall record the 8610
data in the notice as part of the driver's permanent record. 8611

(2) Any motor vehicle owner who has had the license plates of 8612
a motor vehicle impounded pursuant to division (B)(1) of this 8613
section may apply to the registrar, or to a deputy registrar, for 8614
restricted license plates that shall conform to the requirements 8615
of section 4503.231 of the Revised Code. The registrar or deputy 8616
registrar forthwith shall notify the court of the application and, 8617

upon approval of the court, shall issue restricted license plates 8618
to the applicant. Until the driver's or commercial driver's 8619
license of the owner is reinstated, any new license plates issued 8620
to the owner also shall conform to the requirements of section 8621
4503.231 of the Revised Code. 8622

The registrar or deputy registrar shall charge the owner of a 8623
vehicle the fees provided in section 4503.19 of the Revised Code 8624
for restricted license plates that are issued in accordance with 8625
this division, except upon renewal as specified in section 4503.10 8626
of the Revised Code, when the regular fee as provided in section 8627
4503.04 of the Revised Code shall be charged. The registrar or 8628
deputy registrar shall charge the owner of a vehicle the fees 8629
provided in section 4503.19 of the Revised Code whenever 8630
restricted license plates are exchanged, by reason of the 8631
reinstatement of the driver's or commercial driver's license of 8632
the owner, for those ordinarily issued. 8633

(3) If an owner wishes to sell a motor vehicle during the 8634
time the restricted license plates provided under division (B)(2) 8635
of this section are in use, the owner may apply to the court that 8636
impounded the license plates of the motor vehicle for permission 8637
to transfer title to the motor vehicle. If the court is satisfied 8638
that the sale will be made in good faith and not for the purpose 8639
of circumventing the provisions of this section, it may certify 8640
its consent to the owner and to the registrar of motor vehicles 8641
who shall enter notice of the transfer of the title of the motor 8642
vehicle in the vehicle registration record. 8643

If, during the time the restricted license plates provided 8644
under division (B)(2) of this section are in use, the title to a 8645
motor vehicle is transferred by the foreclosure of a chattel 8646
mortgage, a sale upon execution, the cancellation of a conditional 8647
sales contract, or by order of a court, the court shall notify the 8648
registrar of the action and the registrar shall enter notice of 8649

the transfer of the title to the motor vehicle in the vehicle 8650
registration record. 8651

(C) This section is not intended to change or modify any 8652
provision of Chapter 4503. of the Revised Code with respect to the 8653
taxation of motor vehicles or the time within which the taxes on 8654
motor vehicles shall be paid. 8655

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 8656
of this section, when the license of any person is suspended 8657
pursuant to any provision of the Revised Code other than division 8658
(G) of section 4511.19 of the Revised Code and other than section 8659
4510.07 of the Revised Code for a violation of a municipal OVI 8660
ordinance, the trial judge may impound the identification license 8661
plates of any motor vehicle registered in the name of the person. 8662

(B)(1) When the license of any person is suspended pursuant 8663
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 8664
pursuant to section 4510.07 of the Revised Code for a municipal 8665
OVI offense when the suspension is equivalent in length to the 8666
suspension under division (G) of section 4511.19 of the Revised 8667
Code that is specified in this division, the trial judge of the 8668
court of record or the mayor of the mayor's court that suspended 8669
the license may impound the identification license plates of any 8670
motor vehicle registered in the name of the person. 8671

(2) When the license of any person is suspended pursuant to 8672
division (G)(1)(b) of section 4511.19 of the Revised Code, or 8673
pursuant to section 4510.07 of the Revised Code for a municipal 8674
OVI offense when the suspension is equivalent in length to the 8675
suspension under division (G) of section 4511.19 of the Revised 8676
Code that is specified in this division, the trial judge of the 8677
court of record that suspended the license shall order the 8678
impoundment of the identification license plates of the motor 8679
vehicle the offender was operating at the time of the offense and 8680

the immobilization of that vehicle in accordance with section 8681
4503.233 and division (G)(1)(b) of section 4511.19 or division 8682
(C)(2)(a) of section 4511.193 of the Revised Code and may impound 8683
the identification license plates of any other motor vehicle 8684
registered in the name of the person whose license is suspended. 8685

(3) When the license of any person is suspended pursuant to 8686
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 8687
Code, or pursuant to section 4510.07 of the Revised Code for a 8688
municipal OVI offense when the suspension is equivalent in length 8689
to the suspension under division (G) of section 4511.19 of the 8690
Revised Code that is specified in this division, the trial judge 8691
of the court of record that suspended the license shall order the 8692
criminal forfeiture to the state of the motor vehicle the offender 8693
was operating at the time of the offense in accordance with 8694
section 4503.234 and division (G)(1)(c), (d), or (e) of section 8695
4511.19 or division (C)(2)(b) of section 4511.193 of the Revised 8696
Code and may impound the identification license plates of any 8697
other motor vehicle registered in the name of the person whose 8698
license is suspended. 8699

(C)(1) When a person is convicted of or pleads guilty to a 8700
violation of section 4510.14 of the Revised Code or a 8701
substantially equivalent municipal ordinance and division (B)(1) 8702
or (2) of section 4510.14 or division ~~(C)~~(B)(1) or (2) of section 8703
4510.161 of the Revised Code applies, the trial judge of the court 8704
of record or the mayor of the mayor's court that imposes sentence 8705
shall order the immobilization of the vehicle the person was 8706
operating at the time of the offense and the impoundment of its 8707
identification license plates in accordance with section 4503.233 8708
and division (B)(1) or (2) of section 4510.14 or division 8709
~~(C)~~(B)(1) or (2) of section 4510.161 of the Revised Code and may 8710
impound the identification license plates of any other vehicle 8711
registered in the name of that person. 8712

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

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

~~(E)~~(1) When a person is convicted of or pleads guilty to a violation of section 4511.203 of the Revised Code and the person is sentenced pursuant to division (C)(3)(a) or (b) of section 4511.203 of the Revised Code, the trial judge of the court of record or the mayor of the mayor's court that imposes sentence shall order the immobilization of the vehicle that was involved in the commission of the offense and the impoundment of its identification license plates in accordance with division (C)(3)(a) or (b) of section 4511.203 and section 4503.233 of the

Revised Code and may impound the identification license plates of 8745
any other vehicle registered in the name of that person. 8746

(2) When a person is convicted of or pleads guilty to a 8747
violation of section 4511.203 of the Revised Code and the person 8748
is sentenced pursuant to division (C)(3)(c) of section 4511.203 of 8749
the Revised Code, the trial judge of the court of record or the 8750
mayor of the mayor's court that imposes sentence shall order the 8751
criminal forfeiture to the state of the vehicle that was involved 8752
in the commission of the offense in accordance with division 8753
(C)(3)(c) of section 4511.203 and section 4503.234 of the Revised 8754
Code and may impound the identification license plates of any 8755
other vehicle registered in the name of that person. 8756

~~(F)~~(E) Except as provided in section 4503.233 or 4503.234 of 8757
the Revised Code, when the certificate of registration, the 8758
identification license plates, or both have been impounded, 8759
division (B) of section 4507.02 of the Revised Code is applicable. 8760

~~(G)~~(F) As used in this section, "municipal OVI offense" has 8761
the same meaning as in section 4511.181 of the Revised Code. 8762

Sec. 4509.06. (A) The driver of any motor vehicle which is in 8763
any manner involved in a motor vehicle accident within six months 8764
of the accident may forward a written report of the accident to 8765
the registrar of motor vehicles on a form prescribed by the 8766
registrar alleging that a driver or owner of any other vehicle 8767
involved in the accident was uninsured at the time of the 8768
accident. 8769

(B) Upon receipt of the accident report, the registrar shall 8770
send a notice by regular mail to the driver and owner alleged to 8771
be uninsured requiring the person to give evidence that the person 8772
had proof of financial responsibility in effect at the time of the 8773
accident. 8774

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

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

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

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

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class ~~E~~ (F) 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)~~(6) 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 8806
again is impounded for a violation of division (A)(1) of this 8807
section, a class C suspension of the person's driver's license, 8808
commercial driver's license, temporary instruction permit, 8809
probationary license, or nonresident operating privilege for the 8810
period of time specified in division (B)(3) of section 4510.02 of 8811
the Revised Code. The court may grant limited driving privileges 8812
to the person only if the person presents proof of financial 8813
responsibility and has complied with division (A)(5) of this 8814
section, and no court may grant limited driving privileges for the 8815
first fifteen days of the suspension. 8816

(c) If, within five years of the violation, the person's 8817
operating privileges are suspended and the person's license is 8818
impounded two or more times for a violation of division (A)(1) of 8819
this section, a class B suspension of the person's driver's 8820
license, commercial driver's license, temporary instruction 8821
permit, probationary license, or nonresident operating privilege 8822
for the period of time specified in division (B)(2) of section 8823
4510.02 of the Revised Code. ~~No~~ The court may grant limited 8824
driving privileges to the person only if the person presents proof 8825
of financial responsibility and has complied with division (A)(5) 8826
of this section, except that no court may grant limited driving 8827
privileges ~~during~~ for the first thirty days of the suspension. 8828

(d) In addition to the suspension of an owner's license under 8829
division (A)(2)(a), (b), or (c) of this section, the suspension of 8830
the rights of the owner to register the motor vehicle and the 8831
impoundment of the owner's certificate of registration and license 8832
plates until the owner complies with division (A)(5) of this 8833
section. 8834

(3) A person to whom this state has issued a certificate of 8835
registration for a motor vehicle or a license to operate a motor 8836
vehicle or who is determined to have operated any motor vehicle or 8837

permitted the operation in this state of a motor vehicle owned by 8838
the person shall be required to verify the existence of proof of 8839
financial responsibility covering the operation of the motor 8840
vehicle or the person's operation of the motor vehicle under any 8841
of the following circumstances: 8842

(a) The person or a motor vehicle owned by the person is 8843
involved in a traffic accident that requires the filing of an 8844
accident report under section 4509.06 of the Revised Code. 8845

(b) The person receives a traffic ticket indicating that 8846
proof of the maintenance of financial responsibility was not 8847
produced upon the request of a peace officer or state highway 8848
patrol trooper made in accordance with division (D)(2) of this 8849
section. 8850

(c) Whenever, in accordance with rules adopted by the 8851
registrar, the person is randomly selected by the registrar and 8852
requested to provide such verification. 8853

(4) An order of the registrar that suspends and impounds a 8854
license or registration, or both, shall state the date on or 8855
before which the person is required to surrender the person's 8856
license or certificate of registration and license plates. The 8857
person is deemed to have surrendered the license or certificate of 8858
registration and license plates, in compliance with the order, if 8859
the person does either of the following: 8860

(a) On or before the date specified in the order, personally 8861
delivers the license or certificate of registration and license 8862
plates, or causes the delivery of the items, to the registrar; 8863

(b) Mails the license or certificate of registration and 8864
license plates to the registrar in an envelope or container 8865
bearing a postmark showing a date no later than the date specified 8866
in the order. 8867

(5) Except as provided in division (A)(6) or (L) of this 8868

section, the registrar shall not restore any operating privileges 8869
or registration rights suspended under this section, return any 8870
license, certificate of registration, or license plates impounded 8871
under this section, or reissue license plates under section 8872
4503.232 of the Revised Code, if the registrar destroyed the 8873
impounded license plates under that section, or reissue a license 8874
under section 4510.52 of the Revised Code, if the registrar 8875
destroyed the suspended license under that section, unless the 8876
rights are not subject to suspension or revocation under any other 8877
law and unless the person, in addition to complying with all other 8878
conditions required by law for reinstatement of the operating 8879
privileges or registration rights, complies with all of the 8880
following: 8881

(a) Pays to the registrar or an eligible deputy registrar a 8882
financial responsibility reinstatement fee of one hundred dollars 8883
for the first violation of division (A)(1) of this section, three 8884
hundred dollars for a second violation of that division, and six 8885
hundred dollars for a third or subsequent violation of that 8886
division; 8887

(b) If the person has not voluntarily surrendered the 8888
license, certificate, or license plates in compliance with the 8889
order, pays to the registrar or an eligible deputy registrar a 8890
financial responsibility nonvoluntary compliance fee in an amount, 8891
not to exceed fifty dollars, determined by the registrar; 8892

(c) Files and continuously maintains proof of financial 8893
responsibility under sections 4509.44 to 4509.65 of the Revised 8894
Code; 8895

(d) Pays a deputy registrar a service fee of ten dollars to 8896
compensate the deputy registrar for services performed under this 8897
section. The deputy registrar shall retain eight dollars of the 8898
service fee and shall transmit the reinstatement fee, any 8899
nonvoluntary compliance fee, and two dollars of the service fee to 8900

the registrar in the manner the registrar shall determine. 8901

(6) If the registrar issues an order under division (A)(2) of 8902
this section resulting from the failure of a person to respond to 8903
a financial responsibility random verification request under 8904
division (A)(3)(c) of this section and the person successfully 8905
maintains an affirmative defense to a violation of section 4510.16 8906
of the Revised Code or is determined by the registrar or a deputy 8907
registrar to have been in compliance with division (A)(1) of this 8908
section at the time of the initial financial responsibility random 8909
verification request, the registrar shall do both of the 8910
following: 8911

(a) Terminate the order of suspension or impoundment; 8912

(b) Restore the operating privileges and registration rights 8913
of the person without payment of the fees established in divisions 8914
(A)(5)(a) and (b) of this section and without a requirement to 8915
file proof of financial responsibility. 8916

(B)(1) Every party required to file an accident report under 8917
section 4509.06 of the Revised Code also shall include with the 8918
report a document described in division (G)(1) of this section. 8919

If the registrar determines, within forty-five days after the 8920
report is filed, that an operator or owner has violated division 8921
(A)(1) of this section, the registrar shall do all of the 8922
following: 8923

(a) Order the impoundment, with respect to the motor vehicle 8924
involved, required under division (A)(2)(d) of this section, of 8925
the certificate of registration and license plates of any owner 8926
who has violated division (A)(1) of this section; 8927

(b) Order the suspension required under division (A)(2)(a), 8928
(b), or (c) of this section of the license of any operator or 8929
owner who has violated division (A)(1) of this section; 8930

(c) Record the name and address of the person whose 8931
certificate of registration and license plates have been impounded 8932
or are under an order of impoundment, or whose license has been 8933
suspended or is under an order of suspension; the serial number of 8934
the person's license; the serial numbers of the person's 8935
certificate of registration and license plates; and the person's 8936
social security account number, if assigned, or, where the motor 8937
vehicle is used for hire or principally in connection with any 8938
established business, the person's federal taxpayer identification 8939
number. The information shall be recorded in such a manner that it 8940
becomes a part of the person's permanent record, and assists the 8941
registrar in monitoring compliance with the orders of suspension 8942
or impoundment. 8943

(d) Send written notification to every person to whom the 8944
order pertains, at the person's last known address as shown on the 8945
records of the bureau. The person, within ten days after the date 8946
of the mailing of the notification, shall surrender to the 8947
registrar, in a manner set forth in division (A)(4) of this 8948
section, any certificate of registration and registration plates 8949
under an order of impoundment, or any license under an order of 8950
suspension. 8951

(2) The registrar shall issue any order under division (B)(1) 8952
of this section without a hearing. Any person adversely affected 8953
by the order, within ten days after the issuance of the order, may 8954
request an administrative hearing before the registrar, who shall 8955
provide the person with an opportunity for a hearing in accordance 8956
with this paragraph. A request for a hearing does not operate as a 8957
suspension of the order. The scope of the hearing shall be limited 8958
to whether the person in fact demonstrated to the registrar proof 8959
of financial responsibility in accordance with this section. The 8960
registrar shall determine the date, time, and place of any 8961
hearing, provided that the hearing shall be held, and an order 8962

issued or findings made, within thirty days after the registrar 8963
receives a request for a hearing. If requested by the person in 8964
writing, the registrar may designate as the place of hearing the 8965
county seat of the county in which the person resides or a place 8966
within fifty miles of the person's residence. The person shall pay 8967
the cost of the hearing before the registrar, if the registrar's 8968
order of suspension or impoundment is upheld. 8969

(C) Any order of suspension or impoundment issued under this 8970
section or division (B) of section 4509.37 of the Revised Code may 8971
be terminated at any time if the registrar determines upon a 8972
showing of proof of financial responsibility that the operator or 8973
owner of the motor vehicle was in compliance with division (A)(1) 8974
of this section at the time of the traffic offense, motor vehicle 8975
inspection, or accident that resulted in the order against the 8976
person. A determination may be made without a hearing. This 8977
division does not apply unless the person shows good cause for the 8978
person's failure to present satisfactory proof of financial 8979
responsibility to the registrar prior to the issuance of the 8980
order. 8981

(D)(1) For the purpose of enforcing this section, every peace 8982
officer is deemed an agent of the registrar. 8983

(a) Except as provided in division (D)(1)(b) of this section, 8984
any peace officer who, in the performance of the peace officer's 8985
duties as authorized by law, becomes aware of a person whose 8986
license is under an order of suspension, or whose certificate of 8987
registration and license plates are under an order of impoundment, 8988
pursuant to this section, may confiscate the license, certificate 8989
of registration, and license plates, and return them to the 8990
registrar. 8991

(b) Any peace officer who, in the performance of the peace 8992
officer's duties as authorized by law, becomes aware of a person 8993
whose license is under an order of suspension, or whose 8994

certificate of registration and license plates are under an order 8995
of impoundment resulting from failure to respond to a financial 8996
responsibility random verification, shall not, for that reason, 8997
arrest the owner or operator or seize the vehicle or license 8998
plates. Instead, the peace officer shall issue a citation for a 8999
violation of section 4510.16 of the Revised Code specifying the 9000
circumstances as failure to respond to a financial responsibility 9001
random verification. 9002

(2) A peace officer shall request the owner or operator of a 9003
motor vehicle to produce proof of financial responsibility in a 9004
manner described in division (G) of this section at the time the 9005
peace officer acts to enforce the traffic laws of this state and 9006
during motor vehicle inspections conducted pursuant to section 9007
4513.02 of the Revised Code. 9008

(3) A peace officer shall indicate on every traffic ticket 9009
whether the person receiving the traffic ticket produced proof of 9010
the maintenance of financial responsibility in response to the 9011
officer's request under division (D)(2) of this section. The peace 9012
officer shall inform every person who receives a traffic ticket 9013
and who has failed to produce proof of the maintenance of 9014
financial responsibility that the person must submit proof to the 9015
traffic violations bureau with any payment of a fine and costs for 9016
the ticketed violation or, if the person is to appear in court for 9017
the violation, the person must submit proof to the court. 9018

(4)(a) If a person who has failed to produce proof of the 9019
maintenance of financial responsibility appears in court for a 9020
ticketed violation, the court may permit the defendant to present 9021
evidence of proof of financial responsibility to the court at such 9022
time and in such manner as the court determines to be necessary or 9023
appropriate. In a manner prescribed by the registrar, the clerk of 9024
courts shall provide the registrar with the identity of any person 9025
who fails to submit proof of the maintenance of financial 9026

responsibility pursuant to division (D)(3) of this section. 9027

(b) If a person who has failed to produce proof of the 9028
maintenance of financial responsibility also fails to submit that 9029
proof to the traffic violations bureau with payment of a fine and 9030
costs for the ticketed violation, the traffic violations bureau, 9031
in a manner prescribed by the registrar, shall notify the 9032
registrar of the identity of that person. 9033

(5)(a) Upon receiving notice from a clerk of courts or 9034
traffic violations bureau pursuant to division (D)(4) of this 9035
section, the registrar shall order the suspension of the license 9036
of the person required under division (A)(2)(a), (b), or (c) of 9037
this section and the impoundment of the person's certificate of 9038
registration and license plates required under division (A)(2)(d) 9039
of this section, effective thirty days after the date of the 9040
mailing of notification. The registrar also shall notify the 9041
person that the person must present the registrar with proof of 9042
financial responsibility in accordance with this section, 9043
surrender to the registrar the person's certificate of 9044
registration, license plates, and license, or submit a statement 9045
subject to section 2921.13 of the Revised Code that the person did 9046
not operate or permit the operation of the motor vehicle at the 9047
time of the offense. Notification shall be in writing and shall be 9048
sent to the person at the person's last known address as shown on 9049
the records of the bureau of motor vehicles. The person, within 9050
fifteen days after the date of the mailing of notification, shall 9051
present proof of financial responsibility, surrender the 9052
certificate of registration, license plates, and license to the 9053
registrar in a manner set forth in division (A)(4) of this 9054
section, or submit the statement required under this section 9055
together with other information the person considers appropriate. 9056

If the registrar does not receive proof or the person does 9057
not surrender the certificate of registration, license plates, and 9058

license, in accordance with this division, the registrar shall 9059
permit the order for the suspension of the license of the person 9060
and the impoundment of the person's certificate of registration 9061
and license plates to take effect. 9062

(b) In the case of a person who presents, within the 9063
fifteen-day period, documents to show proof of financial 9064
responsibility, the registrar shall terminate the order of 9065
suspension and the impoundment of the registration and license 9066
plates required under division (A)(2)(d) of this section and shall 9067
send written notification to the person, at the person's last 9068
known address as shown on the records of the bureau. 9069

(c) Any person adversely affected by the order of the 9070
registrar under division (D)(5)(a) or (b) of this section, within 9071
ten days after the issuance of the order, may request an 9072
administrative hearing before the registrar, who shall provide the 9073
person with an opportunity for a hearing in accordance with this 9074
paragraph. A request for a hearing does not operate as a 9075
suspension of the order. The scope of the hearing shall be limited 9076
to whether, at the time of the hearing, the person presents proof 9077
of financial responsibility covering the vehicle and whether the 9078
person is eligible for an exemption in accordance with this 9079
section or any rule adopted under it. The registrar shall 9080
determine the date, time, and place of any hearing; provided, that 9081
the hearing shall be held, and an order issued or findings made, 9082
within thirty days after the registrar receives a request for a 9083
hearing. If requested by the person in writing, the registrar may 9084
designate as the place of hearing the county seat of the county in 9085
which the person resides or a place within fifty miles of the 9086
person's residence. Such person shall pay the cost of the hearing 9087
before the registrar, if the registrar's order of suspension or 9088
impoundment under division (D)(5)(a) or (b) of this section is 9089
upheld. 9090

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

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

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

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

(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 9123
and management may transfer excess money from the financial 9124
responsibility compliance fund to the state bureau of motor 9125
vehicles fund if the registrar determines that the amount of money 9126
in the financial responsibility compliance fund exceeds the amount 9127
required to cover such costs incurred by the bureau or a law 9128
enforcement agency and requests the director to make the transfer. 9129

Of each financial responsibility reinstatement fee the 9130
registrar collects pursuant to division (A)(5)(a) of this section 9131
or receives from a deputy registrar under division (A)(5)(d) of 9132
this section, the registrar shall deposit twenty-five dollars of 9133
each one-hundred-dollar reinstatement fee, fifty dollars of each 9134
three-hundred-dollar reinstatement fee, and one hundred dollars of 9135
each six-hundred-dollar reinstatement fee into the state treasury 9136
to the credit of the indigent defense support fund created by 9137
section 120.08 of the Revised Code. 9138

All investment earnings of the financial responsibility 9139
compliance fund shall be credited to the fund. 9140

(F) Chapter 119. of the Revised Code applies to this section 9141
only to the extent that any provision in that chapter is not 9142
clearly inconsistent with this section. 9143

(G)(1) The registrar, court, traffic violations bureau, or 9144
peace officer may require proof of financial responsibility to be 9145
demonstrated by use of a standard form prescribed by the 9146
registrar. If the use of a standard form is not required, a person 9147
may demonstrate proof of financial responsibility under this 9148
section by presenting to the traffic violations bureau, court, 9149
registrar, or peace officer any of the following documents or a 9150
copy of the documents: 9151

(a) A financial responsibility identification card as 9152
provided in section 4509.103 of the Revised Code; 9153

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

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

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

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

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

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

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

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

administering this section. 9185

(b) The preparation and delivery of a financial 9186
responsibility identification card or any other document 9187
authorized to be used as proof of financial responsibility under 9188
this division does not do any of the following: 9189

(i) Create any liability or estoppel against an insurer or 9190
surety, or any of its officers, employees, agents, or 9191
representatives; 9192

(ii) Constitute an admission of the existence of, or of any 9193
liability or coverage under, any policy or bond; 9194

(iii) Waive any defenses or counterclaims available to an 9195
insurer, surety, agent, employee, or representative in an action 9196
commenced by an insured or third-party claimant upon a cause of 9197
action alleged to have arisen under an insurance policy or surety 9198
bond or by reason of the preparation and delivery of a document 9199
for use as proof of financial responsibility. 9200

(c) Whenever it is determined by a final judgment in a 9201
judicial proceeding that an insurer or surety, which has been 9202
named on a document accepted by a court or the registrar as proof 9203
of financial responsibility covering the operation of a motor 9204
vehicle at the time of an accident or offense, is not liable to 9205
pay a judgment for injuries or damages resulting from such 9206
operation, the registrar, notwithstanding any previous contrary 9207
finding, shall forthwith suspend the operating privileges and 9208
registration rights of the person against whom the judgment was 9209
rendered as provided in division (A)(2) of this section. 9210

(H) In order for any document described in division (G)(1)(b) 9211
of this section to be used for the demonstration of proof of 9212
financial responsibility under this section, the document shall 9213
state the name of the insured or obligor, the name of the insurer 9214
or surety company, and the effective and expiration dates of the 9215

financial responsibility, and designate by explicit description or 9216
by appropriate reference all motor vehicles covered which may 9217
include a reference to fleet insurance coverage. 9218

(I) For purposes of this section, "owner" does not include a 9219
licensed motor vehicle leasing dealer as defined in section 9220
4517.01 of the Revised Code, but does include a motor vehicle 9221
renting dealer as defined in section 4549.65 of the Revised Code. 9222
Nothing in this section or in section 4509.51 of the Revised Code 9223
shall be construed to prohibit a motor vehicle renting dealer from 9224
entering into a contractual agreement with a person whereby the 9225
person renting the motor vehicle agrees to be solely responsible 9226
for maintaining proof of financial responsibility, in accordance 9227
with this section, with respect to the operation, maintenance, or 9228
use of the motor vehicle during the period of the motor vehicle's 9229
rental. 9230

(J) The purpose of this section is to require the maintenance 9231
of proof of financial responsibility with respect to the operation 9232
of motor vehicles on the highways of this state, so as to minimize 9233
those situations in which persons are not compensated for injuries 9234
and damages sustained in motor vehicle accidents. The general 9235
assembly finds that this section contains reasonable civil 9236
penalties and procedures for achieving this purpose. 9237

(K) Nothing in this section shall be construed to be subject 9238
to section 4509.78 of the Revised Code. 9239

(L)(1) The registrar may terminate any suspension imposed 9240
under this section and not require the owner to comply with 9241
divisions (A)(5)(a), (b), and (c) of this section if the registrar 9242
with or without a hearing determines that the owner of the vehicle 9243
has established by clear and convincing evidence that all of the 9244
following apply: 9245

(a) The owner customarily maintains proof of financial 9246

responsibility. 9247

(b) Proof of financial responsibility was not in effect for 9248
the vehicle on the date in question for one of the following 9249
reasons: 9250

(i) The vehicle was inoperable. 9251

(ii) The vehicle is operated only seasonally, and the date in 9252
question was outside the season of operation. 9253

(iii) A person other than the vehicle owner or driver was at 9254
fault for the lapse of proof of financial responsibility through 9255
no fault of the owner or driver. 9256

(iv) The lapse of proof of financial responsibility was 9257
caused by excusable neglect under circumstances that are not 9258
likely to recur and do not suggest a purpose to evade the 9259
requirements of this chapter. 9260

(2) The registrar may grant an owner or driver relief for a 9261
reason specified in division (L)(1)(b)(i) or (ii) of this section 9262
whenever the owner or driver is randomly selected to verify the 9263
existence of proof of financial responsibility for such a vehicle. 9264
However, the registrar may grant an owner or driver relief for a 9265
reason specified in division (L)(1)(b)(iii) or (iv) of this 9266
section only if the owner or driver has not previously been 9267
granted relief under division (L)(1)(b)(iii) or (iv) of this 9268
section. 9269

(M) The registrar shall adopt rules in accordance with 9270
Chapter 119. of the Revised Code that are necessary to administer 9271
and enforce this section. The rules shall include procedures for 9272
the surrender of license plates upon failure to maintain proof of 9273
financial responsibility and provisions relating to reinstatement 9274
of registration rights, acceptable forms of proof of financial 9275
responsibility, and verification of the existence of financial 9276
responsibility during the period of registration. 9277

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

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

(C) When a municipal court or county court determines in a pending case involving an offender that the offender cannot reasonably pay reinstatement fees due and owing by the offender relative to one or more suspensions that have been or will be imposed by the bureau of motor vehicles or by a court of this state, the court, by order, may undertake an installment payment plan or a payment extension plan for the payment of reinstatement fees due and owing to the bureau in that pending case. The court shall establish an installment payment plan or a payment extension plan under this division in accordance with the requirements of divisions (D)(1) and (2) of this section.

(D) Independent of the provisions of division (C) of this section, an offender who cannot reasonably pay reinstatement fees

due and owing by the offender relative to a suspension that has 9309
been imposed on the offender may file a petition in the municipal 9310
court, county court, or, if the person is under the age of 9311
eighteen, the juvenile division of the court of common pleas in 9312
whose jurisdiction the person resides or, if the person is not a 9313
resident of this state, in the Franklin county municipal court or 9314
juvenile division of the Franklin county court of common pleas for 9315
an order that does either of the following, in order of 9316
preference: 9317

(1) Establishes a reasonable payment plan of not less than 9318
fifty dollars per month, to be paid by the offender to the 9319
registrar of motor vehicles or an eligible deputy registrar, in 9320
all succeeding months until all reinstatement fees required of the 9321
offender are paid in full. If the person is making payments to a 9322
deputy registrar, the deputy registrar shall collect a service fee 9323
of ten dollars each time the deputy registrar collects a payment 9324
to compensate the deputy registrar for services performed under 9325
this section. The deputy registrar shall retain eight dollars of 9326
the service fee and shall transmit the reinstatement payments, 9327
plus two dollars of each service fee, to the registrar in the 9328
manner the registrar shall determine. 9329

(2) If the offender, but for the payment of the reinstatement 9330
fees, otherwise would be entitled to operate a vehicle in this 9331
state or to obtain reinstatement of the offender's operating 9332
privileges, permits the offender to operate a motor vehicle, as 9333
authorized by the court, until a future date upon which date all 9334
reinstatement fees must be paid in full. A payment extension 9335
granted under this division shall not exceed one hundred eighty 9336
days, and any operating privileges granted under this division 9337
shall be solely for the purpose of permitting the offender 9338
occupational or "family necessity" privileges in order to enable 9339
the offender to reasonably acquire the delinquent reinstatement 9340

fees due and owing. 9341

(E) If a municipal court, county court, or juvenile division 9342
enters an order of the type described in division (C) or division 9343
(D)(1) or (2) of this section, the court, at any time after the 9344
issuance of the order, may determine that a change of 9345
circumstances has occurred and may amend the order as justice 9346
requires, provided that the amended order also shall be an order 9347
that is permitted under division (C) or division (D)(1) or (2) of 9348
this section. 9349

(F) If a court enters an order of the type described in 9350
division (C), (D)(1), (D)(2), or (E) of this section, during the 9351
pendency of the order, the offender in relation to whom it applies 9352
is not subject to prosecution for failing to pay the reinstatement 9353
fees covered by the order. 9354

(G) In addition to divisions (A) to (F) of this section, the 9355
registrar, with the approval of the director of public safety and 9356
in accordance with Chapter 119. of the Revised Code, may adopt 9357
rules that permit a person to pay reinstatement fees in 9358
installments in accordance with this division. The rules may 9359
contain any of the following provisions: 9360

(1) A schedule establishing a minimum monthly payment amount; 9361

(2) If the person otherwise would have valid driving 9362
privileges but for the payment of the reinstatement fees, the 9363
registrar may record the person's driving privileges as "valid" so 9364
long as the person's installments are current. 9365

(3) If the person's installments are not current, the 9366
registrar may record the person's driving privileges as 9367
"suspended" or "failure to reinstate," as appropriate. 9368

(4) Any other provision the registrar reasonably may 9369
prescribe. 9370

(H) Reinstatement fees are debts that may be discharged in 9371
bankruptcy. 9372

Sec. 4510.11. (A) Except as provided in division (B) of this 9373
section and in sections 4510.111 and 4510.16 of the Revised Code, 9374
no person whose driver's or commercial driver's license or permit 9375
or nonresident operating privilege has been suspended under any 9376
provision of the Revised Code, other than Chapter 4509. of the 9377
Revised Code, or under any applicable law in any other 9378
jurisdiction in which the person's license or permit was issued, 9379
shall operate any motor vehicle upon the public roads and highways 9380
or upon any public or private property used by the public for 9381
purposes of vehicular travel or parking within this state during 9382
the period of suspension unless the person is granted limited 9383
driving privileges and is operating the vehicle in accordance with 9384
the terms of the limited driving privileges. 9385

(B) No person shall operate any motor vehicle upon a highway 9386
or any public or private property used by the public for purposes 9387
of vehicular travel or parking in this state in violation of any 9388
restriction of the person's driver's or commercial driver's 9389
license or permit imposed under division (D) of section 4506.10 or 9390
under section 4507.14 of the Revised Code. 9391

(C) Upon the request or motion of the prosecuting authority, 9392
a noncertified copy of the law enforcement automated data system 9393
report or a noncertified copy of a record of the registrar of 9394
motor vehicles that shows the name, date of birth, and social 9395
security number of a person charged with a violation of division 9396
(A) or (B) of this section may be admitted into evidence as 9397
prima-facie evidence that the license of the person was under 9398
suspension at the time of the alleged violation of division (A) of 9399
this section or the person operated a motor vehicle in violation 9400
of a restriction at the time of the alleged violation of division 9401

(B) of this section. The person charged with a violation of 9402
division (A) or (B) of this section may offer evidence to rebut 9403
this prima-facie evidence. 9404

(D)(1) Whoever violates division (A) or (B) of this section 9405
is guilty of a misdemeanor of the first degree. The court may 9406
impose upon the offender a class seven suspension of the 9407
offender's driver's license, commercial driver's license, 9408
temporary instruction permit, probationary license, or nonresident 9409
operating privilege from the range specified in division (A)(7) of 9410
section 4510.02 of the Revised Code. 9411

(2)(a) Except as provided in division (D)(2)(b) or (c) of 9412
this section, the court, in addition to any other penalty that it 9413
imposes on the offender and if the vehicle is registered in the 9414
offender's name and if, within three years of the offense, the 9415
offender previously has been convicted of or pleaded guilty to one 9416
violation of this section or section 4510.111 or 4510.16 of the 9417
Revised Code, or a substantially equivalent municipal ordinance, 9418
the court, in addition to or independent of any other sentence 9419
that it imposes upon the offender, may order the immobilization of 9420
the vehicle involved in the offense for thirty days and the 9421
impoundment of that vehicle's license plates for thirty days in 9422
accordance with section 4503.233 of the Revised Code. 9423

(b) If the vehicle is registered in the offender's name and 9424
if, within three years of the offense, the offender previously has 9425
been convicted of or pleaded guilty to two violations of this 9426
section, or any combination of two violations of this section or 9427
section 4510.111 or 4510.16 of the Revised Code, or of a 9428
substantially similar municipal ordinance, the court, in addition 9429
to any other sentence that it imposes on the offender, may order 9430
the immobilization of the vehicle involved in the offense for 9431
sixty days and the impoundment of that vehicle's license plates 9432
for sixty days in accordance with section 4503.233 of the Revised 9433

Code. 9434

(c) If the vehicle is registered in the offender's name and 9435
if, within three years of the offense, the offender previously has 9436
been convicted of or pleaded guilty to three or more violations of 9437
this section, or any combination of three or more violations of 9438
this section or section 4510.111 or 4510.16 of the Revised Code, 9439
or of a substantially similar municipal ordinance, the court, in 9440
addition to any other sentence that it imposes on the offender, 9441
may order the criminal forfeiture of the vehicle involved in the 9442
offense to the state. 9443

(E) Any order for immobilization and impoundment under this 9444
section shall be issued and enforced under sections 4503.233 and 9445
4507.02 of the Revised Code, as applicable. The court shall not 9446
release a vehicle from immobilization ordered under this section 9447
unless the court is presented with current proof of financial 9448
responsibility with respect to that vehicle. 9449

(F) Any order of criminal forfeiture under this section shall 9450
be issued and enforced under section 4503.234 of the Revised Code. 9451
Upon receipt of the copy of the order from the court, neither the 9452
registrar of motor vehicles nor a deputy registrar shall accept 9453
any application for the registration or transfer of registration 9454
of any motor vehicle owned or leased by the person named in the 9455
declaration of forfeiture. The period of registration denial shall 9456
be five years after the date of the order, unless, during that 9457
period, the court having jurisdiction of the offense that led to 9458
the order terminates the forfeiture and notifies the registrar of 9459
the termination. The registrar then shall take necessary measures 9460
to permit the person to register a vehicle owned or leased by the 9461
person or to transfer registration of the vehicle. 9462

(G) The offender shall provide the court with proof of 9463
financial responsibility as defined in section 4509.01 of the 9464
Revised Code. If the offender fails to provide that proof of 9465

financial responsibility, then, in addition to any other penalties 9466
provided by law, the court may order restitution pursuant to 9467
section 2929.28 of the Revised Code in an amount not exceeding 9468
five thousand dollars for any economic loss arising from an 9469
accident or collision that was the direct and proximate result of 9470
the offender's operation of the vehicle before, during, or after 9471
committing the offense for which the offender is sentenced under 9472
this section. 9473

Sec. 4510.111. (A) No person shall operate any motor vehicle 9474
upon a highway or any public or private property used by the 9475
public for purposes of vehicular travel or parking in this state 9476
whose driver's or commercial driver's license has been suspended 9477
pursuant to section 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 9478
4510.032, 4510.22, or 4510.33 of the Revised Code ~~for failing to~~ 9479
~~appear in court or to pay a fine, resulting in license forfeiture.~~ 9480

~~(B) No person shall operate any motor vehicle upon a highway 9481
or any public or private property used by the public for purposes 9482
of vehicular travel or parking in this state whose driver's or 9483
commercial driver's license has been suspended pursuant to section 9484
3123.58 of the Revised Code for being in default in payment of 9485
child support.~~ 9486

~~(C)~~ Upon the request or motion of the prosecuting authority, 9487
a noncertified copy of the law enforcement automated data system 9488
report or a noncertified copy of a record of the registrar of 9489
motor vehicles that shows the name, date of birth, and social 9490
security number of a person charged with a violation of division 9491
(A) ~~or (B)~~ of this section may be admitted into evidence as 9492
prima-facie evidence that the license of the person was under 9493
suspension at the time of the alleged violation of division (A) ~~or~~ 9494
~~(B)~~ of this section. The person charged with a violation of 9495
division (A) ~~or (B)~~ of this section may offer evidence to rebut 9496

this prima-facie evidence. 9497

~~(D)~~(C) Whoever violates division (A) ~~or (B)~~ of this section 9498
is guilty of driving under suspension, and shall be punished as 9499
provided in division (D) of this section. 9500

(1) Except as otherwise provided in division (D)(2) of this 9501
section, the offense is an unclassified misdemeanor. The offender 9502
shall be sentenced pursuant to sections 2929.21 to 2929.28 of the 9503
Revised Code, except that the offender shall not be sentenced to a 9504
jail term; the offender shall not be sentenced to a community 9505
residential sanction pursuant to section 2929.26 of the Revised 9506
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 9507
Revised Code, the offender may be fined up to one thousand 9508
dollars; and, notwithstanding division (A)(3) of section 2929.27 9509
of the Revised Code, the offender may be ordered pursuant to 9510
division (C) of that section to serve a term of community service 9511
of up to five hundred hours. The failure of an offender to 9512
complete a term of community service imposed by the court may be 9513
punished as indirect criminal contempt under division (A) of 9514
section 2705.02 of the Revised Code that may be filed in the 9515
underlying case. 9516

(2) If, within three years of the offense, the offender 9517
previously was convicted of or pleaded guilty to two or more 9518
violations of division (A) ~~or (B)~~ of this section, or any 9519
combination of two or more violations of division (A) ~~or (B)~~ of 9520
this section or section 4510.11 or 4510.16 of the Revised Code, or 9521
a substantially equivalent municipal ordinance, the offense is a 9522
misdemeanor of the ~~first~~ fourth degree. ~~The offender shall provide~~ 9523
~~the court with proof of financial responsibility as defined in~~ 9524
~~section 4509.01 of the Revised Code. If the offender fails to~~ 9525
~~provide that proof of financial responsibility, then, in addition~~ 9526
~~to any penalties provided by law, the court may order restitution~~ 9527
~~pursuant to section 2929.28 of the Revised Code in an amount not~~ 9528

~~exceeding five thousand dollars for any economic loss arising from 9529
an accident or collision that was the direct and proximate result 9530
of the offender's operation of the vehicle before, during, or 9531
after committing the offense for which the offender is sentenced 9532
under this section. 9533~~

~~(3) In all cases, the court may impose a class seven 9534
suspension of the offender's driver's or commercial driver's 9535
license or permit or nonresident operating privilege from the 9536
range of time specified in division (A)(7) of section 4507.02 of 9537
the Revised Code. 9538~~

~~(4)(a) In all cases, if the vehicle is registered in the 9539
offender's name and if, within three years of the offense, the 9540
offender previously has been convicted of or pleaded guilty to one 9541
violation of division (A) or (B) of this section or section 9542
4510.11 or 4510.16 of the Revised Code, or a substantially 9543
equivalent municipal ordinance, the court, in addition to any 9544
other sentence that it imposes upon the offender, may order the 9545
immobilization of the vehicle involved in the offense for thirty 9546
days and the impoundment of that vehicle's license plates for 9547
thirty days in accordance with section 4503.233 of the Revised 9548
Code. 9549~~

~~(b) In all cases, if the vehicle is registered in the 9550
offender's name and if, within three years of the offense, the 9551
offender previously has been convicted of or pleaded guilty to two 9552
violations of division (A) or (B) of this section, or any 9553
combination of two violations of division (A) or (B) of this 9554
section or section 4510.11 or 4510.16 of the Revised Code, or a 9555
substantially equivalent municipal ordinance, the court, in 9556
addition to any other sentence that it imposes upon the offender, 9557
may order the immobilization of the vehicle involved in the 9558
offense for sixty days and the impoundment of that vehicle's 9559
license plates for sixty days in accordance with section 4503.233 9560~~

~~of the Revised Code.~~ 9561

~~(c) In all cases, if the vehicle is registered in the 9562
offender's name and if, within three years of the offense, the 9563
offender previously has been convicted of or pleaded guilty to 9564
three or more violations of this section, or any combination of 9565
three or more violations of this section or section 4510.11 or 9566
4510.16 of the Revised Code, or a substantially equivalent 9567
municipal ordinance, the court, in addition to any other sentence 9568
that it imposes upon the offender, may order the criminal 9569
forfeiture of the vehicle involved in the offense to the state.~~ 9570

~~(E) An order for immobilization and impoundment under this 9571
section shall be issued and enforced under sections 4503.233 and 9572
4507.02 of the Revised Code, as applicable. The court shall not 9573
release a motor vehicle from immobilization ordered under this 9574
section unless the court is presented with current proof of 9575
financial responsibility with respect to that motor vehicle.~~ 9576

~~(F) An order for criminal forfeiture under this section shall 9577
be issued and enforced under section 4503.234 of the Revised Code. 9578
Upon receipt of a copy of the order from the court, neither the 9579
registrar of motor vehicles nor a deputy registrar shall accept 9580
any application for the registration or transfer of registration 9581
of any motor vehicle owned or leased by the person named in the 9582
declaration of forfeiture. The period of registration denial shall 9583
be five years after the date of the order unless, during that 9584
period, the court having jurisdiction of the offense that led to 9585
the order terminates the forfeiture and notifies the registrar of 9586
the termination. The registrar then shall take the necessary 9587
measures to permit the person to register a vehicle owned or 9588
leased by the person or to transfer registration of the vehicle.~~ 9589

Sec. 4510.16. (A) No person, whose driver's or commercial 9590
driver's license or temporary instruction permit or nonresident's 9591

operating privilege has been suspended or canceled pursuant to 9592
Chapter 4509. of the Revised Code, shall operate any motor vehicle 9593
within this state, or knowingly permit any motor vehicle owned by 9594
the person to be operated by another person in the state, during 9595
the period of the suspension or cancellation, except as 9596
specifically authorized by Chapter 4509. of the Revised Code. No 9597
person shall operate a motor vehicle within this state, or 9598
knowingly permit any motor vehicle owned by the person to be 9599
operated by another person in the state, during the period in 9600
which the person is required by section 4509.45 of the Revised 9601
Code to file and maintain proof of financial responsibility for a 9602
violation of section 4509.101 of the Revised Code, unless proof of 9603
financial responsibility is maintained with respect to that 9604
vehicle. 9605

(B) No person shall operate any motor vehicle upon a highway 9606
or any public or private property used by the public for purposes 9607
of vehicular travel or parking in this state if the person's 9608
driver's or commercial driver's license or temporary instruction 9609
permit or nonresident operating privilege has been suspended 9610
pursuant to section 4509.37 or 4509.40 of the Revised Code for 9611
nonpayment of a judgment. 9612

(C) Upon the request or motion of the prosecuting authority, 9613
a noncertified copy of the law enforcement automated data system 9614
report or a noncertified copy of a record of the registrar of 9615
motor vehicles that shows the name, date of birth, and social 9616
security number of a person charged with a violation of division 9617
(A) or (B) of this section may be admitted into evidence as 9618
prima-facie evidence that the license of the person was under 9619
either a financial responsibility law suspension at the time of 9620
the alleged violation of division (A) of this section or a 9621
nonpayment of judgment suspension at the time of the alleged 9622
violation of division (B) of this section. The person charged with 9623

a violation of division (A) or (B) of this section may offer 9624
evidence to rebut this prima-facie evidence. 9625

(D) Whoever violates division (A) of this section is guilty 9626
of driving under financial responsibility law suspension or 9627
cancellation and shall be punished as provided in divisions (D) to 9628
(I) of this section. Whoever violates division (B) of this section 9629
is guilty of driving under a nonpayment of judgment suspension and 9630
shall be punished as provided in divisions (D) to (I) of this 9631
section. 9632

(1) Except as otherwise provided in division (D)(2) of this 9633
section, the offense is an unclassified misdemeanor. When the 9634
offense is an unclassified misdemeanor, the offender shall be 9635
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 9636
Code, except that the offender shall not be sentenced to a jail 9637
term; the offender shall not be sentenced to a community 9638
residential sanction pursuant to section 2929.26 of the Revised 9639
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 9640
Revised Code, the offender may be fined up to one thousand 9641
dollars; and, notwithstanding division (A)(3) of section 2929.27 9642
of the Revised Code, the offender may be ordered pursuant to 9643
division (C) of that section to serve a term of community service 9644
of up to five hundred hours. The failure of an offender to 9645
complete a term of community service imposed by the court may be 9646
punished as indirect criminal contempt under division (A) of 9647
section 2705.02 of the Revised Code that may be filed in the 9648
underlying case. 9649

(2) If, within three years of the offense, the offender 9650
previously was convicted of or pleaded guilty to two or more 9651
violations of this section, or any combination of two violations 9652
of this section or section 4510.11 or 4510.111 of the Revised 9653
Code, or a substantially equivalent municipal ordinance, the 9654
offense is a misdemeanor of the ~~first~~ fourth degree. 9655

~~(E) The offender shall provide the court with proof of 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 other 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.~~

~~(F) 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 4510.02 of the Revised Code.~~

~~(G)(1) 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 4510.11 or 4510.111 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 thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with section 4503.233 of the Revised Code.~~

~~(2) If the vehicle is registered in the offender's name and if, within three years of the offense, the offender has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or section 4510.11 or 4510.111 of the Revised Code, or any combination of two violations of this section or section 4510.11 or 4510.111 of the Revised Code, or a~~

~~substantially similar municipal ordinance, the court, in addition 9688
to or independent of any other sentence that it imposes on the 9689
offender, may order the immobilization for sixty days of the 9690
vehicle involved in the offense and the impoundment for sixty days 9691
of the license plates of that vehicle in accordance with section 9692
4503.233 of the Revised Code. 9693~~

~~(3) If the vehicle is registered in the offender's name and 9694
if, within three years of the offense, the offender has been 9695
convicted of or pleaded guilty to three or more violations of this 9696
section or section 4510.11 or 4510.111 of the Revised Code, or any 9697
combination of three or more violations of this section or section 9698
4510.11 or 4510.111 of the Revised Code, or a substantially 9699
similar municipal ordinance, the court, in addition to or 9700
independent of any other sentence that it imposes upon the 9701
offender, may order the criminal forfeiture to the state of the 9702
vehicle involved in the offense. If title to a motor vehicle that 9703
is subject to an order for criminal forfeiture under this division 9704
is assigned or transferred and division (B)(2) or (3) of section 9705
4503.234 of the Revised Code applies, in addition to or 9706
independent of any other penalty established by law, the court may 9707
fine the offender the value of the vehicle as determined by 9708
publications of the national automobile dealers association. The 9709
proceeds from any fine so imposed shall be distributed in 9710
accordance with division (C)(2) of that section. 9711~~

~~(H) Any order for immobilization and impoundment under this 9712
section shall be issued and enforced in accordance with sections 9713
4503.233 and 4507.02 of the Revised Code, as applicable. The court 9714
shall not release a vehicle from immobilization ordered under this 9715
section unless the court is presented with current proof of 9716
financial responsibility with respect to that vehicle. 9717~~

~~(I) An order for criminal forfeiture under this section shall 9718
be issued and enforced under section 4503.234 of the Revised Code. 9719~~

~~Upon receipt of a copy of the order from the court, neither the registrar of motor vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.~~

Sec. 4510.161. (A) The requirements and sanctions imposed by divisions (B) and (C) of this section are an adjunct to and derive from the state's exclusive authority over the registration and titling of motor vehicles and do not comprise a part of the criminal sentence to be imposed upon a person who violates a municipal ordinance that is substantially equivalent to section 4510.14 ~~or to division (A) of section 4510.16~~ of the Revised Code.

~~(B) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.16 of the Revised Code or former division (B)(1) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions, the court, in addition to or independent of any sentence that it imposes upon the offender for the offense, may do whichever of the following is applicable:~~

~~(1) 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 one violation 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 9751
sentence that it imposes upon the offender, may order the 9752
immobilization of the vehicle involved in the offense for thirty 9753
days and the impoundment of that vehicle's license plates for 9754
thirty days in accordance with section 4503.233 of the Revised 9755
Code. 9756~~

~~(2) If the vehicle is registered in the offender's name and 9757
if, within three years of the current offense, the offender 9758
previously has been convicted of or pleaded guilty to two 9759
violations of this section or any combination of two violations of 9760
this section or section 4510.11, 4510.111, or 4510.16 of the 9761
Revised Code, or a substantially equivalent municipal ordinance, 9762
the court, in addition to or independent of any other sentence 9763
that it imposes upon the offender, may order the immobilization 9764
for sixty days of the vehicle involved in the offense and the 9765
impoundment of that vehicle's license plates for sixty days in 9766
accordance with section 4503.233 of the Revised Code. 9767~~

~~(3) If the vehicle is registered in the offender's name and 9768
if, within three years of the current offense, the offender 9769
previously has been convicted of or pleaded guilty to three or 9770
more violations of this section or any combination of three or 9771
more violations of this section or section 4510.11, 4510.111, or 9772
4510.16 of the Revised Code, or a substantially equivalent 9773
municipal ordinance, the court may order the criminal forfeiture 9774
to the state of the vehicle the offender was operating at the time 9775
of the offense. If title to a motor vehicle that is subject to an 9776
order for criminal forfeiture under this division is assigned or 9777
transferred and division (B)(2) or (3) of section 4503.234 of the 9778
Revised Code applies, in addition to or independent of any other 9779
penalty established by law, the court may fine the offender the 9780
value of the motor vehicle as determined by publications of the 9781
national automobile dealers association. The proceeds from any 9782~~

~~fine so imposed shall be distributed in accordance with division 9783
(C)(2) of that section. 9784~~

(C) If a person is convicted of or pleads guilty to a 9785
violation of a municipal ordinance that is substantially 9786
equivalent to section 4510.14 of the Revised Code, the court, in 9787
addition to and independent of any sentence that it imposes upon 9788
the offender for the offense, if the vehicle the offender was 9789
operating at the time of the offense is registered in the 9790
offender's name, shall do whichever of the following is 9791
applicable: 9792

(1) If, within six years of the current offense, the offender 9793
has not been convicted of or pleaded guilty to a violation of 9794
section 4510.14 or former division (D)(2) of section 4507.02 of 9795
the Revised Code or a municipal ordinance that is substantially 9796
equivalent to that section or former division, the court shall 9797
order the immobilization for thirty days of the vehicle involved 9798
in the offense and the impoundment for thirty days of the license 9799
plates of that vehicle in accordance with section 4503.233 of the 9800
Revised Code. 9801

(2) If, within six years of the current offense, the offender 9802
has been convicted of or pleaded guilty to one violation of 9803
section 4510.14 or former division (D)(2) of section 4507.02 of 9804
the Revised Code or a municipal ordinance that is substantially 9805
equivalent to that section or former division, the court shall 9806
order the immobilization for sixty days of the vehicle involved in 9807
the offense and the impoundment for sixty days of the license 9808
plates of that vehicle in accordance with section 4503.233 of the 9809
Revised Code. 9810

(3) If, within six years of the current offense, the offender 9811
has been convicted of or pleaded guilty to two or more violations 9812
of section 4510.14 or former division (D)(2) of section 4507.02 of 9813
the Revised Code or a municipal ordinance that is substantially 9814

equivalent to that section or former division, the court shall 9815
order the criminal forfeiture to the state of the vehicle the 9816
offender was operating at the time of the offense. 9817

~~(D)~~(C) An order for immobilization and impoundment of a 9818
vehicle under this section shall be issued and enforced in 9819
accordance with sections 4503.233 and 4507.02 of the Revised Code, 9820
as applicable. The court shall not release a vehicle from 9821
immobilization ordered under this section unless the court is 9822
presented with current proof of financial responsibility with 9823
respect to that vehicle. 9824

~~(E)~~(D) An order for criminal forfeiture of a vehicle under 9825
this section shall be issued and enforced under section 4503.234 9826
of the Revised Code. Upon receipt of a copy of the order from the 9827
court, neither the registrar of motor vehicles nor a deputy 9828
registrar shall accept any application for the registration or 9829
transfer of registration of any motor vehicle owned or leased by 9830
the person named in the declaration of forfeiture. The period of 9831
registration denial shall be five years after the date of the 9832
order unless, during that period, the court having jurisdiction of 9833
the offense that led to the order terminates the forfeiture and 9834
notifies the registrar of the termination. The registrar then 9835
shall take the necessary measures to permit the person to register 9836
a vehicle owned or leased by the person or to transfer 9837
registration of the vehicle. 9838

Sec. 4510.17. (A) The registrar of motor vehicles shall 9839
impose a class D suspension of the person's driver's license, 9840
commercial driver's license, temporary instruction permit, 9841
probationary license, or nonresident operating privilege for the 9842
period of time specified in division (B)(4) of section 4510.02 of 9843
the Revised Code on any person who is a resident of this state and 9844
is convicted of or pleads guilty to a violation of a statute of 9845

any other state or any federal statute that is substantially 9846
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 9847
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 9848
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 9849
Code. Upon receipt of a report from a court, court clerk, or other 9850
official of any other state or from any federal authority that a 9851
resident of this state was convicted of or pleaded guilty to an 9852
offense described in this division, the registrar shall send a 9853
notice by regular first class mail to the person, at the person's 9854
last known address as shown in the records of the bureau of motor 9855
vehicles, informing the person of the suspension, that the 9856
suspension will take effect twenty-one days from the date of the 9857
notice, and that, if the person wishes to appeal the suspension or 9858
denial, the person must file a notice of appeal within twenty-one 9859
days of the date of the notice requesting a hearing on the matter. 9860
If the person requests a hearing, the registrar shall hold the 9861
hearing not more than forty days after receipt by the registrar of 9862
the notice of appeal. The filing of a notice of appeal does not 9863
stay the operation of the suspension that must be imposed pursuant 9864
to this division. The scope of the hearing shall be limited to 9865
whether the person actually was convicted of or pleaded guilty to 9866
the offense for which the suspension is to be imposed. 9867

The suspension the registrar is required to impose under this 9868
division shall end either on the last day of the class D 9869
suspension period or of the suspension of the person's nonresident 9870
operating privilege imposed by the state or federal court, 9871
whichever is earlier. 9872

The registrar shall subscribe to or otherwise participate in 9873
any information system or register, or enter into reciprocal and 9874
mutual agreements with other states and federal authorities, in 9875
order to facilitate the exchange of information with other states 9876
and the United States government regarding persons who plead 9877

guilty to or are convicted of offenses described in this division 9878
and therefore are subject to the suspension or denial described in 9879
this division. 9880

(B) The registrar shall impose a class D suspension of the 9881
person's driver's license, commercial driver's license, temporary 9882
instruction permit, probationary license, or nonresident operating 9883
privilege for the period of time specified in division (B)(4) of 9884
section 4510.02 of the Revised Code on any person who is a 9885
resident of this state and is convicted of or pleads guilty to a 9886
violation of a statute of any other state or a municipal ordinance 9887
of a municipal corporation located in any other state that is 9888
substantially similar to section 4511.19 of the Revised Code. Upon 9889
receipt of a report from another state made pursuant to section 9890
4510.61 of the Revised Code indicating that a resident of this 9891
state was convicted of or pleaded guilty to an offense described 9892
in this division, the registrar shall send a notice by regular 9893
first class mail to the person, at the person's last known address 9894
as shown in the records of the bureau of motor vehicles, informing 9895
the person of the suspension, that the suspension or denial will 9896
take effect twenty-one days from the date of the notice, and that, 9897
if the person wishes to appeal the suspension, the person must 9898
file a notice of appeal within twenty-one days of the date of the 9899
notice requesting a hearing on the matter. If the person requests 9900
a hearing, the registrar shall hold the hearing not more than 9901
forty days after receipt by the registrar of the notice of appeal. 9902
The filing of a notice of appeal does not stay the operation of 9903
the suspension that must be imposed pursuant to this division. The 9904
scope of the hearing shall be limited to whether the person 9905
actually was convicted of or pleaded guilty to the offense for 9906
which the suspension is to be imposed. 9907

The suspension the registrar is required to impose under this 9908
division shall end either on the last day of the class D 9909

suspension period or of the suspension of the person's nonresident 9910
operating privilege imposed by the state or federal court, 9911
whichever is earlier. 9912

(C) The registrar shall impose a class D suspension of the 9913
child's driver's license, commercial driver's license, temporary 9914
instruction permit, or nonresident operating privilege for the 9915
period of time specified in division (B)(4) of section 4510.02 of 9916
the Revised Code on any child who is a resident of this state and 9917
is convicted of or pleads guilty to a violation of a statute of 9918
any other state or any federal statute that is substantially 9919
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 9920
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 9921
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 9922
Code. Upon receipt of a report from a court, court clerk, or other 9923
official of any other state or from any federal authority that a 9924
child who is a resident of this state was convicted of or pleaded 9925
guilty to an offense described in this division, the registrar 9926
shall send a notice by regular first class mail to the child, at 9927
the child's last known address as shown in the records of the 9928
bureau of motor vehicles, informing the child of the suspension, 9929
that the suspension or denial will take effect twenty-one days 9930
from the date of the notice, and that, if the child wishes to 9931
appeal the suspension, the child must file a notice of appeal 9932
within twenty-one days of the date of the notice requesting a 9933
hearing on the matter. If the child requests a hearing, the 9934
registrar shall hold the hearing not more than forty days after 9935
receipt by the registrar of the notice of appeal. The filing of a 9936
notice of appeal does not stay the operation of the suspension 9937
that must be imposed pursuant to this division. The scope of the 9938
hearing shall be limited to whether the child actually was 9939
convicted of or pleaded guilty to the offense for which the 9940
suspension is to be imposed. 9941

The suspension the registrar is required to impose under this 9942
division shall end either on the last day of the class D 9943
suspension period or of the suspension of the child's nonresident 9944
operating privilege imposed by the state or federal court, 9945
whichever is earlier. If the child is a resident of this state who 9946
is sixteen years of age or older and does not have a current, 9947
valid Ohio driver's or commercial driver's license or permit, the 9948
notice shall inform the child that the child will be denied 9949
issuance of a driver's or commercial driver's license or permit 9950
for six months beginning on the date of the notice. If the child 9951
has not attained the age of sixteen years on the date of the 9952
notice, the notice shall inform the child that the period of 9953
denial of six months shall commence on the date the child attains 9954
the age of sixteen years. 9955

The registrar shall subscribe to or otherwise participate in 9956
any information system or register, or enter into reciprocal and 9957
mutual agreements with other states and federal authorities, in 9958
order to facilitate the exchange of information with other states 9959
and the United States government regarding children who are 9960
residents of this state and plead guilty to or are convicted of 9961
offenses described in this division and therefore are subject to 9962
the suspension or denial described in this division. 9963

(D) The registrar shall impose a class D suspension of the 9964
child's driver's license, commercial driver's license, temporary 9965
instruction permit, probationary license, or nonresident operating 9966
privilege for the period of time specified in division (B)(4) of 9967
section 4510.02 of the Revised Code on any child who is a resident 9968
of this state and is convicted of or pleads guilty to a violation 9969
of a statute of any other state or a municipal ordinance of a 9970
municipal corporation located in any other state that is 9971
substantially similar to section 4511.19 of the Revised Code. Upon 9972
receipt of a report from another state made pursuant to section 9973

4510.61 of the Revised Code indicating that a child who is a 9974
resident of this state was convicted of or pleaded guilty to an 9975
offense described in this division, the registrar shall send a 9976
notice by regular first class mail to the child, at the child's 9977
last known address as shown in the records of the bureau of motor 9978
vehicles, informing the child of the suspension, that the 9979
suspension will take effect twenty-one days from the date of the 9980
notice, and that, if the child wishes to appeal the suspension, 9981
the child must file a notice of appeal within twenty-one days of 9982
the date of the notice requesting a hearing on the matter. If the 9983
child requests a hearing, the registrar shall hold the hearing not 9984
more than forty days after receipt by the registrar of the notice 9985
of appeal. The filing of a notice of appeal does not stay the 9986
operation of the suspension that must be imposed pursuant to this 9987
division. The scope of the hearing shall be limited to whether the 9988
child actually was convicted of or pleaded guilty to the offense 9989
for which the suspension is to be imposed. 9990

The suspension the registrar is required to impose under this 9991
division shall end either on the last day of the class D 9992
suspension period or of the suspension of the child's nonresident 9993
operating privilege imposed by the state or federal court, 9994
whichever is earlier. If the child is a resident of this state who 9995
is sixteen years of age or older and does not have a current, 9996
valid Ohio driver's or commercial driver's license or permit, the 9997
notice shall inform the child that the child will be denied 9998
issuance of a driver's or commercial driver's license or permit 9999
for six months beginning on the date of the notice. If the child 10000
has not attained the age of sixteen years on the date of the 10001
notice, the notice shall inform the child that the period of 10002
denial of six months shall commence on the date the child attains 10003
the age of sixteen years. 10004

(E) Any person whose license or permit has been suspended 10005

pursuant to this section may file a petition in the municipal or 10006
county court, or in case the person is under eighteen years of 10007
age, the juvenile court, in whose jurisdiction the person resides, 10008
agreeing to pay the cost of the proceedings and alleging that the 10009
suspension would seriously affect the person's ability to continue 10010
the person's employment. Upon satisfactory proof that there is 10011
reasonable cause to believe that the suspension would seriously 10012
affect the person's ability to continue the person's employment, 10013
the judge may grant the person limited driving privileges during 10014
the period during which the suspension otherwise would be imposed, 10015
except that the judge shall not grant limited driving privileges 10016
for employment as a driver of a commercial motor vehicle to any 10017
person who would be disqualified from operating a commercial motor 10018
vehicle under section 4506.16 of the Revised Code if the violation 10019
had occurred in this state, or during any of the following periods 10020
of time: 10021

(1) The first fifteen days of a suspension under division (B) 10022
or (D) of this section, if the person has not been convicted 10023
within six years of the date of the offense giving rise to the 10024
suspension under this section of a violation of any of the 10025
following: 10026

(a) Section 4511.19 of the Revised Code, or a municipal 10027
ordinance relating to operating a vehicle while under the 10028
influence of alcohol, a drug of abuse, or alcohol and a drug of 10029
abuse; 10030

(b) A municipal ordinance relating to operating a motor 10031
vehicle with a prohibited concentration of alcohol, a controlled 10032
substance, or a metabolite of a controlled substance in the whole 10033
blood, blood serum or plasma, breath, or urine; 10034

(c) Section 2903.04 of the Revised Code in a case in which 10035
the person was subject to the sanctions described in division (D) 10036
of that section; 10037

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 10038
section 2903.08 of the Revised Code or a municipal ordinance that 10039
is substantially similar to either of those divisions; 10040

(e) Division (A)(2), (3), or (4) of section 2903.06, division 10041
(A)(2) of section 2903.08, or as it existed prior to March 23, 10042
2000, section 2903.07 of the Revised Code, or a municipal 10043
ordinance that is substantially similar to any of those divisions 10044
or that former section, in a case in which the jury or judge found 10045
that the person was under the influence of alcohol, a drug of 10046
abuse, or alcohol and a drug of abuse. 10047

(2) The first thirty days of a suspension under division (B) 10048
or (D) of this section, if the person has been convicted one time 10049
within six years of the date of the offense giving rise to the 10050
suspension under this section of any violation identified in 10051
division (E)(1) of this section. 10052

(3) The first one hundred eighty days of a suspension under 10053
division (B) or (D) of this section, if the person has been 10054
convicted two times within six years of the date of the offense 10055
giving rise to the suspension under this section of any violation 10056
identified in division (E)(1) of this section. 10057

(4) No limited driving privileges may be granted if the 10058
person has been convicted three or more times within five years of 10059
the date of the offense giving rise to a suspension under division 10060
(B) or (D) of this section of any violation identified in division 10061
(E)(1) of this section. 10062

If a person petitions for limited driving privileges under 10063
division (E) of this section, the registrar shall be represented 10064
by the county prosecutor of the county in which the person resides 10065
if the petition is filed in a juvenile court or county court, 10066
except that if the person resides within a city or village that is 10067
located within the jurisdiction of the county in which the 10068

petition is filed, the city director of law or village solicitor 10069
of that city or village shall represent the registrar. If the 10070
petition is filed in a municipal court, the registrar shall be 10071
represented as provided in section 1901.34 of the Revised Code. 10072

In granting limited driving privileges under division (E) of 10073
this section, the court may impose any condition it considers 10074
reasonable and necessary to limit the use of a vehicle by the 10075
person. The court shall deliver to the person a permit card, in a 10076
form to be prescribed by the court, setting forth the time, place, 10077
and other conditions limiting the person's use of a motor vehicle. 10078
The grant of limited driving privileges shall be conditioned upon 10079
the person's having the permit in the person's possession at all 10080
times during which the person is operating a vehicle. 10081

A person granted limited driving privileges who operates a 10082
vehicle for other than limited purposes, in violation of any 10083
condition imposed by the court or without having the permit in the 10084
person's possession, is guilty of a violation of section 4510.11 10085
of the Revised Code. 10086

(F) As used in divisions (C) and (D) of this section: 10087

(1) "Child" means a person who is under the age of eighteen 10088
years, except that any person who violates a statute or ordinance 10089
described in division (C) or (D) of this section prior to 10090
attaining eighteen years of age shall be deemed a "child" 10091
irrespective of the person's age at the time the complaint or 10092
other equivalent document is filed in the other state or a 10093
hearing, trial, or other proceeding is held in the other state on 10094
the complaint or other equivalent document, and irrespective of 10095
the person's age when the period of license suspension or denial 10096
prescribed in division (C) or (D) of this section is imposed. 10097

(2) "Is convicted of or pleads guilty to" means, as it 10098
relates to a child who is a resident of this state, that in a 10099

proceeding conducted in a state or federal court located in 10100
another state for a violation of a statute or ordinance described 10101
in division (C) or (D) of this section, the result of the 10102
proceeding is any of the following: 10103

(a) Under the laws that govern the proceedings of the court, 10104
the child is adjudicated to be or admits to being a delinquent 10105
child or a juvenile traffic offender for a violation described in 10106
division (C) or (D) of this section that would be a crime if 10107
committed by an adult; 10108

(b) Under the laws that govern the proceedings of the court, 10109
the child is convicted of or pleads guilty to a violation 10110
described in division (C) or (D) of this section; 10111

(c) Under the laws that govern the proceedings of the court, 10112
irrespective of the terminology utilized in those laws, the result 10113
of the court's proceedings is the functional equivalent of 10114
division (F)(2)(a) or (b) of this section. 10115

Sec. 4510.41. (A) As used in this section: 10116

(1) "Arrested person" means a person who is arrested for a 10117
violation of section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 10118
Code, or a municipal ordinance that is substantially equivalent to 10119
~~any~~ either of those sections, and whose arrest results in a 10120
vehicle being seized under division (B) of this section. 10121

(2) "Vehicle owner" means either of the following: 10122

(a) The person in whose name is registered, at the time of 10123
the seizure, a vehicle that is seized under division (B) of this 10124
section; 10125

(b) A person to whom the certificate of title to a vehicle 10126
that is seized under division (B) of this section has been 10127
assigned and who has not obtained a certificate of title to the 10128
vehicle in that person's name, but who is deemed by the court as 10129

being the owner of the vehicle at the time the vehicle was seized 10130
under division (B) of this section. 10131

(3) "Interested party" includes the owner of a vehicle seized 10132
under this section, all lienholders, the arrested person, the 10133
owner of the place of storage at which a vehicle seized under this 10134
section is stored, and the person or entity that caused the 10135
vehicle to be removed. 10136

(B)(1) If a person is arrested for a violation of section 10137
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 10138
that is substantially equivalent to either of those sections ~~or if~~ 10139
~~a person is arrested for a violation of section 4510.16 of the~~ 10140
~~Revised Code or a municipal ordinance that is substantially~~ 10141
~~equivalent to that section and if division (C)(2) of section~~ 10142
~~4510.16 or division (B) of section 4510.161 of the Revised Code~~ 10143
~~applies~~, the arresting officer or another officer of the law 10144
enforcement agency that employs the arresting officer, in addition 10145
to any action that the arresting officer is required or authorized 10146
to take by any other provision of law, shall seize the vehicle 10147
that the person was operating at the time of, or that was involved 10148
in, the alleged offense if the vehicle is registered in the 10149
arrested person's name and its license plates. A law enforcement 10150
agency that employs a law enforcement officer who makes an arrest 10151
of a type that is described in this division and that involves a 10152
rented or leased vehicle that is being rented or leased for a 10153
period of thirty days or less shall notify, within twenty-four 10154
hours after the officer makes the arrest, the lessor or owner of 10155
the vehicle regarding the circumstances of the arrest and the 10156
location at which the vehicle may be picked up. At the time of the 10157
seizure of the vehicle, the law enforcement officer who made the 10158
arrest shall give the arrested person written notice that the 10159
vehicle and its license plates have been seized; that the vehicle 10160
either will be kept by the officer's law enforcement agency or 10161

will be immobilized at least until the person's initial appearance 10162
on the charge of the offense for which the arrest was made; that, 10163
at the initial appearance, the court in certain circumstances may 10164
order that the vehicle and license plates be released to the 10165
arrested person until the disposition of that charge; that, if the 10166
arrested person is convicted of that charge, the court generally 10167
must order the immobilization of the vehicle and the impoundment 10168
of its license plates or the forfeiture of the vehicle; and that 10169
the arrested person may be charged expenses or charges incurred 10170
under this section and section 4503.233 of the Revised Code for 10171
the removal and storage of the vehicle. 10172

(2) The arresting officer or a law enforcement officer of the 10173
agency that employs the arresting officer shall give written 10174
notice of the seizure under division (B)(1) of this section to the 10175
court that will conduct the initial appearance of the arrested 10176
person on the charges arising out of the arrest. Upon receipt of 10177
the notice, the court promptly shall determine whether the 10178
arrested person is the vehicle owner. If the court determines that 10179
the arrested person is not the vehicle owner, it promptly shall 10180
send by regular mail written notice of the seizure to the 10181
vehicle's registered owner. The written notice shall contain all 10182
of the information required by division (B)(1) of this section to 10183
be in a notice to be given to the arrested person and also shall 10184
specify the date, time, and place of the arrested person's initial 10185
appearance. The notice also shall inform the vehicle owner that if 10186
title to a motor vehicle that is subject to an order for criminal 10187
forfeiture under this section is assigned or transferred and 10188
division (B)(2) or (3) of section 4503.234 of the Revised Code 10189
applies, the court may fine the arrested person the value of the 10190
vehicle. The notice also shall state that if the vehicle is 10191
immobilized under division (A) of section 4503.233 of the Revised 10192
Code, seven days after the end of the period of immobilization a 10193
law enforcement agency will send the vehicle owner a notice, 10194

informing the owner that if the release of the vehicle is not 10195
obtained in accordance with division (D)(3) of section 4503.233 of 10196
the Revised Code, the vehicle shall be forfeited. The notice also 10197
shall inform the vehicle owner that the owner may be charged 10198
expenses or charges incurred under this section and section 10199
4503.233 of the Revised Code for the removal and storage of the 10200
vehicle. 10201

The written notice that is given to the arrested person also 10202
shall state that if the person is convicted of or pleads guilty to 10203
the offense and the court issues an immobilization and impoundment 10204
order relative to that vehicle, division (D)(4) of section 10205
4503.233 of the Revised Code prohibits the vehicle from being sold 10206
during the period of immobilization without the prior approval of 10207
the court. 10208

(3) At or before the initial appearance, the vehicle owner 10209
may file a motion requesting the court to order that the vehicle 10210
and its license plates be released to the vehicle owner. Except as 10211
provided in this division and subject to the payment of expenses 10212
or charges incurred in the removal and storage of the vehicle, the 10213
court, in its discretion, then may issue an order releasing the 10214
vehicle and its license plates to the vehicle owner. Such an order 10215
may be conditioned upon such terms as the court determines 10216
appropriate, including the posting of a bond in an amount 10217
determined by the court. If the arrested person is not the vehicle 10218
owner and if the vehicle owner is not present at the arrested 10219
person's initial appearance, and if the court believes that the 10220
vehicle owner was not provided with adequate notice of the initial 10221
appearance, the court, in its discretion, may allow the vehicle 10222
owner to file a motion within seven days of the initial 10223
appearance. If the court allows the vehicle owner to file such a 10224
motion after the initial appearance, the extension of time granted 10225
by the court does not extend the time within which the initial 10226

appearance is to be conducted. If the court issues an order for 10227
the release of the vehicle and its license plates, a copy of the 10228
order shall be made available to the vehicle owner. If the vehicle 10229
owner presents a copy of the order to the law enforcement agency 10230
that employs the law enforcement officer who arrested the arrested 10231
person, the law enforcement agency promptly shall release the 10232
vehicle and its license plates to the vehicle owner upon payment 10233
by the vehicle owner of any expenses or charges incurred in the 10234
removal or storage of the vehicle. 10235

(4) A vehicle seized under division (B)(1) of this section 10236
either shall be towed to a place specified by the law enforcement 10237
agency that employs the arresting officer to be safely kept by the 10238
agency at that place for the time and in the manner specified in 10239
this section or shall be otherwise immobilized for the time and in 10240
the manner specified in this section. A law enforcement officer of 10241
that agency shall remove the identification license plates of the 10242
vehicle, and they shall be safely kept by the agency for the time 10243
and in the manner specified in this section. No vehicle that is 10244
seized and either towed or immobilized pursuant to this division 10245
shall be considered contraband for purposes of Chapter 2981. of 10246
the Revised Code. The vehicle shall not be immobilized at any 10247
place other than a commercially operated private storage lot, a 10248
place owned by a law enforcement or other government agency, or a 10249
place to which one of the following applies: 10250

(a) The place is leased by or otherwise under the control of 10251
a law enforcement or other government agency. 10252

(b) The place is owned by the arrested person, the arrested 10253
person's spouse, or a parent or child of the arrested person. 10254

(c) The place is owned by a private person or entity, and, 10255
prior to the immobilization, the private entity or person that 10256
owns the place, or the authorized agent of that private entity or 10257
person, has given express written consent for the immobilization 10258

to be carried out at that place. 10259

(d) The place is a public street or highway on which the 10260
vehicle is parked in accordance with the law. 10261

(C)(1) A vehicle seized under division (B)(1) of this section 10262
shall be safely kept at the place to which it is towed or 10263
otherwise moved by the law enforcement agency that employs the 10264
arresting officer until the initial appearance of the arrested 10265
person relative to the charge in question. The license plates of 10266
the vehicle that are removed pursuant to division (B)(1) of this 10267
section shall be safely kept by the law enforcement agency that 10268
employs the arresting officer until at least the initial 10269
appearance of the arrested person relative to the charge in 10270
question. 10271

(2)(a) At the initial appearance or not less than seven days 10272
prior to the date of final disposition, the court shall notify the 10273
arrested person that, if title to a motor vehicle that is subject 10274
to an order for criminal forfeiture under this section is assigned 10275
or transferred and division (B)(2) or (3) of section 4503.234 of 10276
the Revised Code applies, the court may fine the arrested person 10277
the value of the vehicle. If, at the initial appearance, the 10278
arrested person pleads guilty to the violation of section 4510.14, 10279
~~4510.16~~, or 4511.203 of the Revised Code, or a municipal ordinance 10280
that is substantially equivalent to ~~any~~ either of those sections 10281
or pleads no contest to and is convicted of the violation, the 10282
following sentencing provisions apply: 10283

(i) If the person violated section 4510.14 of the Revised 10284
Code or a municipal ordinance that is substantially equivalent to 10285
that section, the court shall impose sentence upon the person as 10286
provided by law or ordinance; the court shall order the 10287
immobilization of the vehicle the arrested person was operating at 10288
the time of, or that was involved in, the offense if registered in 10289
the arrested person's name and the impoundment of its license 10290

plates under sections 4503.233 and 4510.14 of the Revised Code or 10291
the criminal forfeiture to the state of the vehicle if registered 10292
in the arrested person's name under sections 4503.234 and 4510.14 10293
of the Revised Code, whichever is applicable; and the vehicle and 10294
its license plates shall not be returned or released to the 10295
arrested person. 10296

(ii) If the person violated section 4511.203 of the Revised 10297
Code or a municipal ordinance that is substantially equivalent to 10298
that section, ~~or violated section 4510.16 of the Revised Code or a~~ 10299
~~municipal ordinance that is substantially equivalent to that~~ 10300
~~section and division (C)(2) of section 4510.16 or division (B) of~~ 10301
~~section 4510.161 of the Revised Code applies,~~ the court shall 10302
impose sentence upon the person as provided by law or ordinance; 10303
the court may order the immobilization of the vehicle the arrested 10304
person was operating at the time of, or that was involved in, the 10305
offense if registered in the arrested person's name and the 10306
impoundment of its license plates under section 4503.233 and 10307
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 10308
criminal forfeiture to the state of the vehicle if registered in 10309
the arrested person's name under section 4503.234 and section 10310
~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code, whichever is 10311
applicable; and the vehicle and its license plates shall not be 10312
returned or released to the arrested person. 10313

~~(ii) If the person violated section 4510.16 of the Revised 10314
Code or a municipal ordinance that is substantially equivalent to 10315
that section and division (C)(1) of section 4510.16 or division 10316
(B) of section 4510.161 applies, the court shall impose sentence 10317
upon the person as provided by law or ordinance and may order the 10318
immobilization of the vehicle the person was operating at the time 10319
of, or that was involved in, the offense if it is registered in 10320
the arrested person's name and the impoundment of its license 10321
plates under section 4503.233 and section 4510.16 or 4510.161 of 10322~~

~~the Revised Code, and the vehicle and its license plates shall not
be returned or released to the arrested person.~~

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

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

(1) If the arrested person is convicted of or pleads guilty
to the violation of section 4510.14 of the Revised Code or a
municipal ordinance that is substantially equivalent to that
section, the court shall impose sentence upon the person as
provided by law or ordinance and shall order the immobilization of
the vehicle the person was operating at the time of, or that was
involved in, the offense if it is registered in the arrested
person's name and the impoundment of its license plates under
sections 4503.233 and 4510.14 of the Revised Code or the criminal
forfeiture of the vehicle if it is registered in the arrested
person's name under sections 4503.234 and 4510.14 of the Revised
Code, whichever is applicable.

(2) If the arrested person is convicted of or pleads guilty
to the violation of section 4511.203 of the Revised Code, or a
municipal ordinance that is substantially equivalent to that
section, ~~or to the violation of section 4510.16 of the Revised~~

~~Code or a municipal ordinance that is substantially equivalent to~~ 10355
~~that section and division (F)(2) of section 4510.16 or division~~ 10356
~~(B) of section 4510.161 of the Revised Code applies,~~ the court 10357
shall impose sentence upon the person as provided by law or 10358
ordinance and may order the immobilization of the vehicle the 10359
person was operating at the time of, or that was involved in, the 10360
offense if it is registered in the arrested person's name and the 10361
impoundment of its license plates under section 4503.233 and 10362
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 10363
criminal forfeiture of the vehicle if it is registered in the 10364
arrested person's name under section 4503.234 and section ~~4510.16,~~ 10365
~~4510.161, or~~ 4511.203 of the Revised Code, whichever is 10366
applicable. 10367

~~(2) If the person violated section 4510.16 of the Revised~~ 10368
~~Code or a municipal ordinance that is substantially equivalent to~~ 10369
~~that section and division (G)(1) of section 4510.16 or division~~ 10370
~~(B) of section 4510.161 applies,~~ the court shall impose sentence 10371
upon the person as provided by law or ordinance and may order the 10372
immobilization of the vehicle the person was operating at the time 10373
of, or that was involved in, the offense if it is registered in 10374
the person's name and the impoundment of its license plates under 10375
section 4503.233 and section ~~4510.16 or 4510.161~~ of the Revised 10376
Code. 10377

(3) If the arrested person is found not guilty of the 10378
violation of section 4510.14, ~~4510.16,~~ or 4511.203 of the Revised 10379
Code, or a municipal ordinance that is substantially equivalent to 10380
any either of those sections, the court shall order that the 10381
vehicle and its license plates immediately be released to the 10382
arrested person. 10383

(4) If the charge that the arrested person violated section 10384
4510.14, ~~4510.16,~~ or 4511.203 of the Revised Code, or a municipal 10385
ordinance that is substantially equivalent to any either of those 10386

sections is dismissed for any reason, the court shall order that 10387
the vehicle and its license plates immediately be released to the 10388
arrested person. 10389

(5) If the impoundment of the vehicle was not authorized 10390
under this section, the court shall order that the vehicle and its 10391
license plates be returned immediately to the arrested person or, 10392
if the arrested person is not the vehicle owner, to the vehicle 10393
owner and shall order that the state or political subdivision of 10394
the law enforcement agency served by the law enforcement officer 10395
who seized the vehicle pay all expenses and charges incurred in 10396
its removal and storage. 10397

(E) If a vehicle is seized under division (B)(2) of this 10398
section, the time between the seizure of the vehicle and either 10399
its release to the arrested person pursuant to division (C) of 10400
this section or the issuance of an order of immobilization of the 10401
vehicle under section 4503.233 of the Revised Code shall be 10402
credited against the period of immobilization ordered by the 10403
court. 10404

(F)(1) Except as provided in division (D)(4) of this section, 10405
the arrested person may be charged expenses or charges incurred in 10406
the removal and storage of the immobilized vehicle. The court with 10407
jurisdiction over the case, after notice to all interested 10408
parties, including lienholders, and after an opportunity for them 10409
to be heard, if the court finds that the arrested person does not 10410
intend to seek release of the vehicle at the end of the period of 10411
immobilization under section 4503.233 of the Revised Code or that 10412
the arrested person is not or will not be able to pay the expenses 10413
and charges incurred in its removal and storage, may order that 10414
title to the vehicle be transferred, in order of priority, first 10415
into the name of the person or entity that removed it, next into 10416
the name of a lienholder, or lastly into the name of the owner of 10417
the place of storage. 10418

Any lienholder that receives title under a court order shall 10419
do so on the condition that it pay any expenses or charges 10420
incurred in the vehicle's removal and storage. If the person or 10421
entity that receives title to the vehicle is the person or entity 10422
that removed it, the person or entity shall receive title on the 10423
condition that it pay any lien on the vehicle. The court shall not 10424
order that title be transferred to any person or entity other than 10425
the owner of the place of storage if the person or entity refuses 10426
to receive the title. Any person or entity that receives title 10427
either may keep title to the vehicle or may dispose of the vehicle 10428
in any legal manner that it considers appropriate, including 10429
assignment of the certificate of title to the motor vehicle to a 10430
salvage dealer or a scrap metal processing facility. The person or 10431
entity shall not transfer the vehicle to the person who is the 10432
vehicle's immediate previous owner. 10433

If the person or entity that receives title assigns the motor 10434
vehicle to a salvage dealer or scrap metal processing facility, 10435
the person or entity shall send the assigned certificate of title 10436
to the motor vehicle to the clerk of the court of common pleas of 10437
the county in which the salvage dealer or scrap metal processing 10438
facility is located. The person or entity shall mark the face of 10439
the certificate of title with the words "FOR DESTRUCTION" and 10440
shall deliver a photocopy of the certificate of title to the 10441
salvage dealer or scrap metal processing facility for its records. 10442

(2) Whenever a court issues an order under division (F)(1) of 10443
this section, the court also shall order removal of the license 10444
plates from the vehicle and cause them to be sent to the registrar 10445
if they have not already been sent to the registrar. Thereafter, 10446
no further proceedings shall take place under this section or 10447
under section 4503.233 of the Revised Code. 10448

(3) Prior to initiating a proceeding under division (F)(1) of 10449
this section, and upon payment of the fee under division (B) of 10450

section 4505.14, any interested party may cause a search to be 10451
made of the public records of the bureau of motor vehicles or the 10452
clerk of the court of common pleas, to ascertain the identity of 10453
any lienholder of the vehicle. The initiating party shall furnish 10454
this information to the clerk of the court with jurisdiction over 10455
the case, and the clerk shall provide notice to the arrested 10456
person, any lienholder, and any other interested parties listed by 10457
the initiating party, at the last known address supplied by the 10458
initiating party, by certified mail, or, at the option of the 10459
initiating party, by personal service or ordinary mail. 10460

Sec. 4510.54. (A) Except as provided in division (F) of this 10461
section, a person whose driver's or commercial driver's license 10462
has been suspended for life under a class one suspension or as 10463
otherwise provided by law or has been suspended for a period in 10464
excess of fifteen years under a class two suspension may file a 10465
motion with the sentencing court for modification or termination 10466
of the suspension. The person filing the motion shall demonstrate 10467
all of the following: 10468

(1) One of the following applies: 10469

(a) At least fifteen years have elapsed since the suspension 10470
began- 10471

~~(2) For, and, for~~ the past fifteen years, the person has not 10472
been found guilty of any felony, any offense involving a moving 10473
violation under federal law, the law of this state, or the law of 10474
any of its political subdivisions, or any violation of a 10475
suspension under this chapter or a substantially equivalent 10476
municipal ordinance. 10477

(b) At least five years have elapsed since the suspension 10478
began, and, for the past five years, the person has not been found 10479
guilty of any offense involving a moving violation under the law 10480
of this state, the law of any of its political subdivisions, or 10481

federal law, any violation of section 2903.06 or 2903.08 of the 10482
Revised Code, or any violation of a suspension under this chapter 10483
or a substantially equivalent municipal ordinance. 10484

~~(3)~~(2) The person has proof of financial responsibility, a 10485
policy of liability insurance in effect that meets the minimum 10486
standard set forth in section 4509.51 of the Revised Code, or 10487
proof, to the satisfaction of the registrar of motor vehicles, 10488
that the person is able to respond in damages in an amount at 10489
least equal to the minimum amounts specified in that section. 10490

~~(4)~~(3) If the suspension was imposed because the person was 10491
under the influence of alcohol, a drug of abuse, or combination of 10492
them at the time of the offense or because at the time of the 10493
offense the person's whole blood, blood serum or plasma, breath, 10494
or urine contained at least the concentration of alcohol specified 10495
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 10496
Revised Code or at least the concentration of a listed controlled 10497
substance or a listed metabolite of a controlled substance 10498
specified in division (A)(1)(j) of section 4511.19 of the Revised 10499
Code, the person also shall demonstrate all of the following: 10500

(a) The person successfully completed an alcohol, drug, or 10501
alcohol and drug treatment program. 10502

(b) The person has not abused alcohol or other drugs for a 10503
period satisfactory to the court. 10504

(c) For the past fifteen years, the person has not been found 10505
guilty of any alcohol-related or drug-related offense. 10506

(B) Upon receipt of a motion for modification or termination 10507
of the suspension under this section, the court may schedule a 10508
hearing on the motion. The court may deny the motion without a 10509
hearing but shall not grant the motion without a hearing. If the 10510
court denies a motion without a hearing, the court may consider a 10511
subsequent motion filed under this section by that person. If a 10512

court denies the motion after a hearing, the court shall not 10513
consider a subsequent motion for that person. The court shall hear 10514
only one motion filed by a person under this section. If 10515
scheduled, the hearing shall be conducted in open court within 10516
ninety days after the date on which the motion is filed. 10517

(C) The court shall notify the person whose license was 10518
suspended and the prosecuting attorney of the date, time, and 10519
location of the hearing. Upon receipt of the notice from the 10520
court, the prosecuting attorney shall notify the victim or the 10521
victim's representative of the date, time, and location of the 10522
hearing. 10523

(D) At any hearing under this section, the person who seeks 10524
modification or termination of the suspension has the burden to 10525
demonstrate, under oath, that the person meets the requirements of 10526
division (A) of this section. At the hearing, the court shall 10527
afford the offender or the offender's counsel an opportunity to 10528
present oral or written information relevant to the motion. The 10529
court shall afford a similar opportunity to provide relevant 10530
information to the prosecuting attorney and the victim or victim's 10531
representative. 10532

Before ruling on the motion, the court shall take into 10533
account the person's driving record, the nature of the offense 10534
that led to the suspension, and the impact of the offense on any 10535
victim. In addition, if the offender is eligible for modification 10536
or termination of the suspension under division (A)~~(2)~~(1)(a) of 10537
this section, the court shall consider whether the person 10538
committed any other offense while under suspension and determine 10539
whether the offense is relevant to a determination under this 10540
section. The court may modify or terminate the suspension subject 10541
to any considerations it considers proper if it finds that 10542
allowing the person to drive is not likely to present a danger to 10543
the public. After the court makes a ruling on a motion filed under 10544

this section, the prosecuting attorney shall notify the victim or 10545
the victim's representative of the court's ruling. 10546

(E) If a court modifies a person's license suspension under 10547
this section and the person subsequently is found guilty of any 10548
moving violation or of any substantially equivalent municipal 10549
ordinance that carries as a possible penalty the suspension of a 10550
person's driver's or commercial driver's license, the court may 10551
reimpose the class one or other lifetime suspension, or the class 10552
two suspension, whichever is applicable. 10553

(F) This section does not apply to any person whose driver's 10554
or commercial driver's license or permit or nonresident operating 10555
privilege has been suspended for life under a class one suspension 10556
imposed under division (B)(3) of section 2903.06 or section 10557
2903.08 of the Revised Code or a class two suspension imposed 10558
under division (C) of section 2903.06 or section 2903.11, 2923.02, 10559
or 2929.02 of the Revised Code. 10560

Sec. 4513.02. (A) No person shall drive or move, or cause or 10561
knowingly permit to be driven or moved, on any highway any vehicle 10562
or combination of vehicles which is in such unsafe condition as to 10563
endanger any person. 10564

(B) When directed by any state highway patrol trooper, the 10565
operator of any motor vehicle shall stop and submit such motor 10566
vehicle to an inspection under division (B)(1) or (2) of this 10567
section, as appropriate, and such tests as are necessary. 10568

(1) Any motor vehicle not subject to inspection by the public 10569
utilities commission shall be inspected and tested to determine 10570
whether it is unsafe or not equipped as required by law, or that 10571
its equipment is not in proper adjustment or repair, or in 10572
violation of the equipment provisions of Chapter 4513. of the 10573
Revised Code. 10574

Such inspection shall be made with respect to the brakes, 10575
lights, turn signals, steering, horns and warning devices, glass, 10576
mirrors, exhaust system, windshield wipers, tires, and such other 10577
items of equipment as designated by the superintendent of the 10578
state highway patrol by rule or regulation adopted pursuant to 10579
sections 119.01 to 119.13 of the Revised Code. 10580

Upon determining that a motor vehicle is in safe operating 10581
condition and its equipment in conformity with Chapter 4513. of 10582
the Revised Code, the inspecting officer shall issue to the 10583
operator an official inspection sticker, which shall be in such 10584
form as the superintendent prescribes except that its color shall 10585
vary from year to year. 10586

(2) Any motor vehicle subject to inspection by the public 10587
utilities commission shall be inspected and tested in accordance 10588
with rules adopted by the commission. Upon determining that the 10589
vehicle and operator are in compliance with rules adopted by the 10590
commission, the inspecting officer shall issue to the operator an 10591
appropriate official inspection sticker. 10592

(C) The superintendent of the state highway patrol, pursuant 10593
to sections 119.01 to 119.13 of the Revised Code, shall determine 10594
and promulgate standards for any inspection program conducted by a 10595
political subdivision of this state. These standards shall exempt 10596
licensed collector's vehicles and historical motor vehicles from 10597
inspection. Any motor vehicle bearing a valid certificate of 10598
inspection issued by another state or a political subdivision of 10599
this state whose inspection program conforms to the 10600
superintendent's standards, and any licensed collector's vehicle 10601
or historical motor vehicle which is not in a condition which 10602
endangers the safety of persons or property, shall be exempt from 10603
the tests provided in division (B) of this section. 10604

(D) Every person, firm, association, or corporation that, in 10605
the conduct of its business, owns and operates not less than 10606

fifteen motor vehicles in this state that are not subject to 10607
regulation by the public utilities commission and that, for the 10608
purpose of storing, repairing, maintaining, and servicing such 10609
motor vehicles, equips and operates one or more service 10610
departments within this state, may file with the superintendent of 10611
the state highway patrol applications for permits for such service 10612
departments as official inspection stations for its own motor 10613
vehicles. Upon receiving an application for each such service 10614
department, and after determining that it is properly equipped and 10615
has competent personnel to perform the inspections referred to in 10616
this section, the superintendent shall issue the necessary 10617
inspection stickers and permit to operate as an official 10618
inspection station. Any such person who has had one or more 10619
service departments so designated as official inspection stations 10620
may have motor vehicles that are owned and operated by the person 10621
and that are not subject to regulation by the public utilities 10622
commission, excepting private passenger cars owned by the person 10623
or the person's employees, inspected at such service department; 10624
and any motor vehicle bearing a valid certificate of inspection 10625
issued by such service department shall be exempt from the tests 10626
provided in division (B) of this section. 10627

No permit for an official inspection station shall be 10628
assigned or transferred or used at any location other than therein 10629
designated, and every such permit shall be posted in a conspicuous 10630
place at the location designated. 10631

If a person, firm, association, or corporation owns and 10632
operates fifteen or more motor vehicles in the conduct of business 10633
and is subject to regulation by the public utilities commission, 10634
that person, firm, association, or corporation is not eligible to 10635
apply to the superintendent for permits to enable any of its 10636
service departments to serve as official inspection stations for 10637
its own motor vehicles. 10638

(E) When any motor vehicle is found to be unsafe for operation, the inspecting officer may order it removed from the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in division (F) of this section.

(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 10669
persons or less, that is constructed either on a truck chassis or 10670
with special features for occasional off-road operation. 10671

(3) "Truck" means every motor vehicle, except trailers and 10672
semitrailers, designed and used to carry property and having a 10673
gross vehicle weight rating of ten thousand pounds or less. 10674

(4) "Manufacturer" has the same meaning as in section 4501.01 10675
of the Revised Code. 10676

(5) "Gross vehicle weight rating" means the manufacturer's 10677
gross vehicle weight rating established for that vehicle. 10678

(B) The director of public safety, in accordance with Chapter 10679
119. of the Revised Code, shall adopt rules in conformance with 10680
standards of the vehicle equipment safety commission, that shall 10681
govern the maximum bumper height or, in the absence of bumpers and 10682
in cases where bumper heights have been lowered or modified, the 10683
maximum height to the bottom of the frame rail, of any passenger 10684
car, multipurpose passenger vehicle, or truck. 10685

(C) No person shall operate upon a street or highway any 10686
passenger car, multipurpose passenger vehicle, or truck registered 10687
in this state that does not conform to the requirements of this 10688
section or to any applicable rule adopted pursuant to this 10689
section. 10690

(D) No person shall modify any motor vehicle registered in 10691
this state in such a manner as to cause the vehicle body or 10692
chassis to come in contact with the ground, expose the fuel tank 10693
to damage from collision, or cause the wheels to come in contact 10694
with the body under normal operation, and no person shall 10695
disconnect any part of the original suspension system of the 10696
vehicle to defeat the safe operation of that system. 10697

(E) Nothing contained in this section or in the rules adopted 10698
pursuant to this section shall be construed to prohibit either of 10699

the following: 10700

(1) The installation upon a passenger car, multipurpose 10701
passenger vehicle, or truck registered in this state of heavy duty 10702
equipment, including shock absorbers and overload springs; 10703

(2) The operation on a street or highway of a passenger car, 10704
multipurpose passenger vehicle, or truck registered in this state 10705
with normal wear to the suspension system if the normal wear does 10706
not adversely affect the control of the vehicle. 10707

(F) This section and the rules adopted pursuant to it do not 10708
apply to any specially designed or modified passenger car, 10709
multipurpose passenger vehicle, or truck when operated off a 10710
street or highway in races and similar events. 10711

(G) ~~Except as otherwise provided in this division, whoever~~ 10712
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 10713
~~the offender previously has been convicted of a violation of this~~ 10714
~~section, whoever violates this section is guilty of a misdemeanor~~ 10715
~~of the third degree.~~ 10716

Sec. 4513.99. (A) Any violation of section 4513.10, 4513.182, 10717
4513.20, 4513.201, 4513.202, 4513.25, 4513.26, 4513.27, 4513.29, 10718
4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code shall be 10719
punished under division (B) of this section. 10720

(B) Whoever violates the sections of this chapter that are 10721
specifically required to be punished under this division, or any 10722
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 10723
the Revised Code for which violation no penalty is otherwise 10724
provided, is guilty of a minor misdemeanor ~~on a first offense; on~~ 10725
~~a second offense within one year after the first offense, the~~ 10726
~~person is guilty of a misdemeanor of the fourth degree; on each~~ 10727
~~subsequent offense within one year after the first offense, the~~ 10728
~~person is guilty of a misdemeanor of the third degree.~~ 10729

Sec. 4713.07. The state board of cosmetology shall do all of	10730
the following:	10731
(A) Prescribe and make available application forms to be used	10732
by persons seeking admission to an examination conducted under	10733
section 4713.24 of the Revised Code or a license issued under this	10734
chapter;	10735
(B) Prescribe and make available application forms to be used	10736
by persons seeking renewal of a license issued under this chapter;	10737
(C) Report to the proper prosecuting officer all violations	10738
of section 4713.14 of the Revised Code of which the board is	10739
aware;	10740
(D) Submit a written report annually to the governor that	10741
provides all of the following:	10742
(1) A discussion of the conditions in this state of the	10743
branches of cosmetology;	10744
(2) A brief summary of the board's proceedings during the	10745
year the report covers;	10746
(3) A statement of all money that the board received and	10747
expended during the year the report covers.	10748
(E) Keep a record of all of the following:	10749
(1) The board's proceedings;	10750
(2) The name and last known address of each person issued a	10751
license under section 4713.28, 4713.30, 4713.31, 4713.34, or	10752
4713.39 of the Revised Code;	10753
(3) The name and address of each salon issued a license under	10754
section 4713.41 of the Revised Code and each school of cosmetology	10755
issued a license under section 4713.44 of the Revised Code;	10756
(4) The name and address of each tanning facility issued a	10757
permit under section 4713.48 of the Revised Code;	10758

(5) The date and number of each license and permit that the board issues;	10759 10760
(F) <u>Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;</u>	10761 10762 10763
(G) All other duties that this chapter imposes on the board.	10764
Sec. 4713.28. The state board of cosmetology shall issue a practicing license to an applicant who, except as provided in section 4713.30 of the Revised Code, satisfies all of the following applicable conditions:	10765 10766 10767 10768
(A) Is at least sixteen years of age;	10769
(B) Is of good moral character;	10770
(C) Has the equivalent of an Ohio public school tenth grade education;	10771 10772
(D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	10773 10774 10775
(E) Pays to the board the applicable fee;	10776
(F) In the case of an applicant for an initial cosmetologist license, has successfully completed at least fifteen hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;	10777 10778 10779 10780 10781 10782 10783
(G) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	10784 10785 10786 10787

(H) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code; 10788
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(I) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state; 10796
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(J) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology; 10800
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(K) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing. 10805
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Sec. 4725.44. (A) The Ohio optical dispensers board shall be responsible for the administration of sections 4725.40 to 4725.59 of the Revised Code and, in particular, shall process applications for licensure as licensed dispensing opticians and ocularists; schedule, administer, and supervise the qualifying examinations for licensure or contract with a testing service to schedule, administer, and supervise the qualifying examination for licensure; issue licenses to qualified individuals; revoke and suspend licenses; and maintain adequate records with respect to its operations and responsibilities. 10809
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(B) The board shall adopt, amend, or rescind rules, pursuant to Chapter 119. of the Revised Code, for the licensure of dispensing opticians and ocularists, and such other rules as are required by or necessary to carry out the responsibilities imposed by sections 4725.40 to 4725.59 of the Revised Code, including rules establishing criminal records check requirements under section 4776.03 of the Revised Code and rules establishing disqualifying offenses for licensure as a dispensing optician or certification as an apprentice dispensing optician pursuant to sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised Code.

(C) The board shall have no authority to adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which optical products can be displayed.

Sec. 4725.48. (A) Any person who desires to engage in optical dispensing, except as provided in section 4725.47 of the Revised Code, shall file a properly completed written application for an examination with the Ohio optical dispensers board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) Except as provided in section 4725.47 of the Revised Code, any person who desires to engage in optical dispensing shall file a properly completed written application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this 10850
division, unless the person is at least eighteen years of age, ~~is~~ 10851
~~of good moral character~~, is free of contagious or infectious 10852
disease, has received a passing score, as determined by the board, 10853
on the examination administered under division (A) of this 10854
section, is a graduate of an accredited high school of any state, 10855
or has received an equivalent education and has successfully 10856
completed either of the following: 10857

(1) Two years of supervised experience under a licensed 10858
dispensing optician, optometrist, or physician engaged in the 10859
practice of ophthalmology, up to one year of which may be 10860
continuous experience of not less than thirty hours a week in an 10861
optical laboratory; 10862

(2) A two-year college level program in optical dispensing 10863
that has been approved by the board and that includes, but is not 10864
limited to, courses of study in mathematics, science, English, 10865
anatomy and physiology of the eye, applied optics, ophthalmic 10866
optics, measurement and inspection of lenses, lens grinding and 10867
edging, ophthalmic lens design, keratometry, and the fitting and 10868
adjusting of spectacle lenses and frames and contact lenses, 10869
including methods of fitting contact lenses and post-fitting care. 10870

(C) Any person who desires to obtain a license to practice as 10871
an ocularist shall file a properly completed written application 10872
with the board accompanied by the appropriate fee and proof that 10873
the applicant has met the requirements for licensure. The board 10874
shall establish, by rule, the application fee and the minimum 10875
requirements for licensure, including education, examination, or 10876
experience standards recognized by the board as national standards 10877
for ocularists. The board shall issue a license to practice as an 10878
ocularist to an applicant who satisfies the requirements of this 10879
division and rules adopted pursuant to this division. 10880

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 10881

section, the board shall not adopt, maintain, renew, or enforce 10882
any rule that precludes an individual from receiving or renewing a 10883
license as a dispensing optician issued under sections 4725.40 to 10884
4725.59 of the Revised Code due to any past criminal activity or 10885
interpretation of moral character, unless the individual has 10886
committed a crime of moral turpitude or a disqualifying offense as 10887
those terms are defined in section 4776.10 of the Revised Code. If 10888
the board denies an individual a license or license renewal, the 10889
reasons for such denial shall be put in writing. 10890

(2) Except as otherwise provided in this division, if an 10891
individual applying for a license has been convicted of or pleaded 10892
guilty to a misdemeanor that is not a crime of moral turpitude or 10893
a disqualifying offense less than one year prior to making the 10894
application, the board may use its discretion in granting or 10895
denying the individual a license. Except as otherwise provided in 10896
this division, if an individual applying for a license has been 10897
convicted of or pleaded guilty to a felony that is not a crime of 10898
moral turpitude or a disqualifying offense less than three years 10899
prior to making the application, the board may use its discretion 10900
in granting or denying the individual a license. The provisions in 10901
this paragraph do not apply with respect to any offense unless the 10902
board, prior to the effective date of this amendment, was required 10903
or authorized to deny the application based on that offense. 10904

In all other circumstances, the board shall follow the 10905
procedures it adopts by rule that conform to division (D)(1) of 10906
this section. 10907

(3) In considering a renewal of an individual's license, the 10908
board shall not consider any conviction or plea of guilty prior to 10909
the initial licensing. However, the board may consider a 10910
conviction or plea of guilty if it occurred after the individual 10911
was initially licensed, or after the most recent license renewal. 10912

(4) The board may grant an individual a conditional license 10913

that lasts for one year. After the one-year period has expired, 10914
the license is no longer considered conditional, and the 10915
individual shall be considered fully licensed. 10916

Sec. 4725.52. Any licensed dispensing optician may supervise 10917
a maximum of three apprentices who shall be permitted to engage in 10918
optical dispensing only under the supervision of the licensed 10919
dispensing optician. 10920

To serve as an apprentice, a person shall register with the 10921
Ohio optical dispensers board either on a form provided by the 10922
board or in the form of a statement giving the name and address of 10923
the supervising licensed dispensing optician, the location at 10924
which the apprentice will be employed, and any other information 10925
required by the board. For the duration of the apprenticeship, the 10926
apprentice shall register annually on the form provided by the 10927
board or in the form of a statement. 10928

Each apprentice shall pay an initial registration fee of 10929
twenty dollars. For each registration renewal thereafter, each 10930
apprentice shall pay a registration renewal fee of twenty dollars. 10931

The board shall not deny registration as an apprentice under 10932
this section to any individual based on the individual's past 10933
criminal history or an interpretation of moral character unless 10934
the individual has committed a disqualifying offense or crime of 10935
moral turpitude as those terms are defined in section 4776.10 of 10936
the Revised Code. Except as otherwise provided in this division, 10937
if an individual applying for a registration has been convicted of 10938
or pleaded guilty to a misdemeanor that is not a crime of moral 10939
turpitude or a disqualifying offense less than one year prior to 10940
making the application, the board may use its discretion in 10941
granting or denying the individual a registration. Except as 10942
otherwise provided in this division, if an individual applying for 10943
a registration has been convicted of or pleaded guilty to a felony 10944

that is not a crime of moral turpitude or a disqualifying offense 10945
less than three years prior to making the application, the board 10946
may use its discretion in granting or denying the individual a 10947
registration. The provisions in this paragraph do not apply with 10948
respect to any offense unless the board, prior to the effective 10949
date of this amendment, was required or authorized to deny the 10950
registration based on that offense. 10951

In all other circumstances, the board shall follow the 10952
procedures it adopts by rule that conform to this section. In 10953
considering a renewal of an individual's registration, the board 10954
shall not consider any conviction or plea of guilty prior to the 10955
initial registration. However, the board may consider a conviction 10956
or plea of guilty if it occurred after the individual was 10957
initially registered, or after the most recent registration 10958
renewal. If the board denies an individual for a registration or 10959
registration renewal, the reasons for such denial shall be put in 10960
writing. Additionally, the board may grant an individual a 10961
conditional registration that lasts for one year. After the 10962
one-year period has expired, the registration is no longer 10963
considered conditional, and the individual shall be considered 10964
fully registered. 10965

A person who is gaining experience under the supervision of a 10966
licensed optometrist or ophthalmologist that would qualify the 10967
person under division (B)(1) of section 4725.48 of the Revised 10968
Code to take the examination for optical dispensing is not 10969
required to register with the board. 10970

Sec. 4725.53. (A) The Ohio optical dispensers board, by a 10971
majority vote of its members, may refuse to grant a license and, 10972
in accordance with Chapter 119. of the Revised Code, may suspend 10973
or revoke the license of a licensed dispensing optician or impose 10974
a fine or order restitution pursuant to division (B) of this 10975

section on any of the following grounds:	10976
(1) Conviction of a felony or a crime involving moral	10977
<u>turpitude or a disqualifying offense as those terms are defined in</u>	10978
<u>section 4776.10 of the Revised Code;</u>	10979
(2) Obtaining or attempting to obtain a license by fraud or	10980
deception;	10981
(3) Obtaining any fee or making any sale of an optical aid by	10982
means of fraud or misrepresentation;	10983
(4) Habitual indulgence in the use of controlled substances	10984
or other habit-forming drugs, or in the use of alcoholic liquors	10985
to an extent that affects professional competency;	10986
(5) Finding by a court of competent jurisdiction that the	10987
applicant or licensee is incompetent by reason of mental illness	10988
and no subsequent finding by the court of competency;	10989
(6) Finding by a court of law that the licensee is guilty of	10990
incompetence or negligence in the dispensing of optical aids;	10991
(7) Knowingly permitting or employing a person whose license	10992
has been suspended or revoked or an unlicensed person to engage in	10993
optical dispensing;	10994
(8) Permitting another person to use his <u>the licensee's</u>	10995
license;	10996
(9) Engaging in optical dispensing not pursuant to the	10997
prescription of a licensed physician or licensed optometrist, but	10998
nothing in this section shall prohibit the duplication or	10999
replacement of previously prepared optical aids, except contact	11000
lenses shall not be duplicated or replaced without a written	11001
prescription;	11002
(10) Violation of sections 4725.40 to 4725.59 of the Revised	11003
Code;	11004
(11) Waiving the payment of all or any part of a deductible	11005

or copayment that a patient, pursuant to a health insurance or 11006
health care policy, contract, or plan that covers optical 11007
dispensing services, would otherwise be required to pay if the 11008
waiver is used as an enticement to a patient or group of patients 11009
to receive health care services from that provider. 11010

(12) Advertising that ~~he~~ the licensee will waive the payment 11011
of all or any part of a deductible or copayment that a patient, 11012
pursuant to a health insurance or health care policy, contract, or 11013
plan that covers optical dispensing services, would otherwise be 11014
required to pay. 11015

(B) The board may impose a fine of not more than five hundred 11016
dollars for a first occurrence of an action that is grounds for 11017
discipline under this section and of not less than five hundred 11018
nor more than one thousand dollars for a subsequent occurrence, or 11019
may order the licensee to make restitution to a person who has 11020
suffered a financial loss as a result of the licensee's failure to 11021
comply with sections 4725.40 to 4725.59 of the Revised Code. 11022

(C) Notwithstanding divisions (A)(11) and (12) of this 11023
section, sanctions shall not be imposed against any licensee who 11024
waives deductibles and copayments: 11025

(1) In compliance with the health benefit plan that expressly 11026
allows such a practice. Waiver of the deductibles or copays shall 11027
be made only with the full ~~knowlege~~ knowledge and consent of the 11028
plan purchaser, payer, and third-party administrator. Such consent 11029
shall be made available to the board upon request. 11030

(2) For professional services rendered to any other person 11031
licensed pursuant to this chapter to the extent allowed by this 11032
chapter and the rules of the board. 11033

Sec. 4738.04. Each person applying for a motor vehicle 11034
salvage dealer license or a salvage motor vehicle auction license 11035

or a salvage motor vehicle pool license shall make out and deliver 11036
to the registrar of motor vehicles, upon a blank to be furnished 11037
by the registrar for that purpose, a separate application for 11038
license for each county in which the business is to be conducted. 11039
The application for each type of license shall be in the form 11040
prescribed by the registrar and shall be signed and sworn to by 11041
the applicant. The application for a license for a motor vehicle 11042
salvage dealer, a salvage motor vehicle auction, or salvage motor 11043
vehicle pool, in addition to other information as is required by 11044
the registrar, shall include the following: 11045

(A) Name of applicant and location of principal place of 11046
business; 11047

(B) Name or style under which business is to be conducted 11048
and, if a corporation, the state of incorporation; 11049

(C) Name and address of each owner or partner and, if a 11050
corporation, the names of the officers and directors; 11051

(D) The county in which the business is to be conducted and 11052
the address of each place of business therein; 11053

(E) A financial statement of the applicant showing the true 11054
financial condition as of a date not earlier than six months prior 11055
to the date of the application; 11056

(F) A statement of the previous history, record, and 11057
association of the applicant and of each owner, partner, officer, 11058
and director, which statement shall be sufficient to establish to 11059
the satisfaction of the registrar the reputation in business of 11060
the applicant; 11061

(G) A statement showing whether the applicant has previously 11062
been convicted of a ~~felony~~ crime of moral turpitude or a 11063
disqualifying offense as those terms are defined in section 11064
4776.10 of the Revised Code; 11065

(H) A statement showing whether the applicant has previously applied for a license under this chapter and the result of the application, and whether the applicant has ever been the holder of any such license which was revoked or suspended;

(I) If the applicant is a corporation or partnership, a statement showing whether any of the partners, officers, or directors have been refused a license under this chapter, or have been the holder of any such license which was revoked or suspended.

Sec. 4738.07. The (A) Except as otherwise provided in division (B) of this section, the registrar of motor vehicles shall deny the application of any person for a license under this chapter and refuse to issue ~~him~~ the person a license if the registrar finds that the applicant:

~~(A)~~(1) Has made false statement of a material fact in ~~his~~ the individual's application;

~~(B)~~(2) Has not complied with sections 4738.01 to 4738.15 of the Revised Code:

~~(C)~~(3) Is of bad business repute or has habitually defaulted on financial obligations;

~~(D)~~(4) Has been convicted of or pleaded guilty to a felony crime of moral turpitude or a disqualifying offense as defined in section 4776.10 of the Revised Code;

~~(E)~~(5) Has been guilty of a fraudulent act in connection with dealing in salvage motor vehicles or when operating as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool;

~~(F)~~(6) Is insolvent;

~~(G)~~(7) Is of insufficient responsibility to assure the prompt payment of any final judgments which might reasonably be entered

against ~~him~~ the individual because of the transaction of ~~his~~ the
individual's business during the period of the license applied
for;

~~(H)~~(8) Has no established place of business;

~~(I)~~(9) Has less than twelve months prior to said application,
been denied a license under this chapter.

(B)(1) Except as otherwise provided in this division, the
registrar of motor vehicles may grant, but is not required to
grant, the application of any person for a license under this
chapter if the registrar finds that the applicant has been
convicted of or pleaded guilty to either of the following:

(a) A misdemeanor that is not a crime of moral turpitude or a
disqualifying offense less than a year prior to the person's
initial application;

(b) A felony that is not a crime of moral turpitude or a
disqualifying offense less than three years prior to the person's
application.

(2) The provisions in division (B)(1) of this section do not
apply with respect to any offense unless the registrar, prior to
the effective date of this amendment, was required or authorized
to deny the registration based on that offense.

(3) In considering a renewal of an individual's license, the
registrar shall not consider any conviction or plea of guilty
prior to the initial licensing. However, the registrar may
consider a conviction or plea of guilty if it occurred after the
individual was initially licensed, or after the most recent
license renewal.

(C) The registrar may grant a person a conditional license
that lasts for one year. After the one-year period has expired,
the license is no longer considered conditional, and the person

shall be considered fully licensed. 11126

(D) If the applicant is a corporation or partnership, the 11127
registrar may refuse to issue a license if any officer, director, 11128
or partner of the applicant has been guilty of any act or omission 11129
which would be cause for refusing or revoking a license issued to 11130
the officer, director, or partner as an individual. The 11131
registrar's finding may be based upon facts contained in the 11132
application or upon any other information which he may have. 11133
Immediately upon denying an application for any of the reasons in 11134
this section, the registrar shall enter a final order together 11135
with ~~his~~ the registrar's findings and certify the same to the 11136
motor vehicle salvage dealer's licensing board. 11137

(E) If the registrar refuses an application for a license, 11138
the reasons for such refusal shall be put in writing. An applicant 11139
who has been refused a license may appeal from the action of the 11140
registrar to the motor vehicle salvage dealer's licensing board in 11141
the manner prescribed in section 4738.12 of the Revised Code. 11142

(F) The registrar of motor vehicles shall not adopt, 11143
maintain, renew, or enforce any rule, or otherwise preclude in any 11144
way, an individual from receiving or renewing a license under this 11145
chapter due to any past criminal activity or interpretation of 11146
moral character, except as pursuant to division (A)(4), (5), and 11147
(B) of this section. If the registrar denies an individual a 11148
license or license renewal, the reasons for such denial shall be 11149
put in writing. 11150

Sec. 4740.05. (A) Each section of the Ohio construction 11151
industry licensing board, other than the administrative section, 11152
shall do all of the following: 11153

(1) Adopt rules in accordance with Chapter 119. of the 11154
Revised Code that are limited to the following: 11155

(a) Criteria for the section to use in evaluating the qualifications of an individual;	11156 11157
(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;	11158 11159 11160
(c) The determinations and approvals the section makes under the reciprocity provision of section 4740.08 of the Revised Code;	11161 11162
(d) Criteria for continuing education courses conducted pursuant to this chapter;	11163 11164
(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;	11165 11166 11167 11168 11169
(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;	11170 11171 11172 11173
<u>(g) A list of disqualifying offenses pursuant to sections 4740.06, 4740.10, and 4776.10 of the Revised Code.</u>	11174 11175
(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;	11176 11177 11178 11179
(3) Maintain a record of its proceedings;	11180
(4) Grant approval to a person to offer continuing education courses pursuant to rules the board adopts;	11181 11182
(5) As required, do all things necessary to carry out this chapter.	11183 11184
(B) In accordance with rules they establish, the trade	11185

sections of the board shall authorize the administrative section 11186
to issue, renew, suspend, revoke, or refuse to issue or renew 11187
licenses for the classes of contractors for which each has primary 11188
responsibility as set forth in section 4740.02 of the Revised 11189
Code. 11190

(C) Each trade section of the board shall establish or 11191
approve a continuing education curriculum for license renewal for 11192
each class of contractors for which the section has primary 11193
responsibility. No curriculum may require more than five hours per 11194
year in specific course requirements. No contractor may be 11195
required to take more than ten hours per year in continuing 11196
education courses. The ten hours shall be the aggregate of hours 11197
of continuing education for all licenses the contractor holds. 11198

Sec. 4740.06. (A) Any individual who applies for a license 11199
shall file a written application with the appropriate section of 11200
the Ohio construction industry licensing board, accompanied with 11201
the application fee as determined pursuant to section 4740.09 of 11202
the Revised Code. The individual shall file the application not 11203
more than sixty days nor less than thirty days prior to the date 11204
of the examination. The application shall be on the form the 11205
section prescribes and verified by the applicant's oath. The 11206
applicant shall provide information satisfactory to the section 11207
showing that the applicant meets the requirements of division (B) 11208
of this section. 11209

(B) To qualify to take an examination, an individual shall: 11210

(1) Be at least eighteen years of age; 11211

(2) Be a United States citizen or legal alien who produces 11212
valid documentation to demonstrate the individual is a legal 11213
resident of the United States; 11214

(3) Either have been a tradesperson in the type of licensed 11215

trade for which the application is filed for not less than five 11216
years immediately prior to the date the application is filed, be a 11217
currently registered engineer in this state with three years of 11218
business experience in the construction industry in the trade for 11219
which the engineer is applying to take an examination, or have 11220
other experience acceptable to the appropriate section of the 11221
board; 11222

(4) Maintain contractor's liability insurance, including 11223
without limitation, complete operations coverage, in an amount the 11224
appropriate section of the board determines; 11225

(5) Not have done any of the following: 11226

(a) Been convicted of or pleaded guilty to a ~~misdemeanor~~ 11227
~~involving~~ crime of moral turpitude or of any felony a 11228
disqualifying offense as those terms are defined in section 11229
4776.10 of the Revised Code; 11230

(b) Violated this chapter or any rule adopted pursuant to it; 11231

(c) Obtained or renewed a license issued pursuant to this 11232
chapter, or any order, ruling, or authorization of the board or a 11233
section of the board by fraud, misrepresentation, or deception; 11234

(d) Engaged in fraud, misrepresentation, or deception in the 11235
conduct of business. 11236

(C) When an applicant for licensure as a contractor in a 11237
licensed trade meets the qualifications set forth in division (B) 11238
of this section and passes the required examination, the 11239
appropriate section of the board, within ninety days after the 11240
application was filed, shall authorize the administrative section 11241
of the board to license the applicant for the type of contractor's 11242
license for which the applicant qualifies. A section of the board 11243
may withdraw its authorization to the administrative section for 11244
issuance of a license for good cause shown, on the condition that 11245
notice of that withdrawal is given prior to the administrative 11246

section's issuance of the license. 11247

(D) All licenses a contractor holds pursuant to this chapter 11248
shall expire annually on the same date, which shall be the 11249
expiration date of the original license the contractor holds. An 11250
individual holding a valid, unexpired license may renew the 11251
license, without reexamination, by submitting an application to 11252
the appropriate section of the board not more than ninety calendar 11253
days before the expiration of the license, along with the renewal 11254
fee the section requires and proof of compliance with the 11255
applicable continuing education requirements. The applicant shall 11256
provide information in the renewal application satisfactory to 11257
demonstrate to the appropriate section that the applicant 11258
continues to meet the requirements of division (B) of this 11259
section. 11260

Upon application and within one calendar year after a license 11261
has expired, a section may waive any of the requirements for 11262
renewal of a license upon finding that an applicant substantially 11263
meets the renewal requirements or that failure to timely apply for 11264
renewal is due to excusable neglect. A section that waives 11265
requirements for renewal of a license may impose conditions upon 11266
the licensee and assess a late filing fee of not more than double 11267
the usual renewal fee. An applicant shall satisfy any condition 11268
the section imposes before a license is reissued. 11269

(E) An individual holding a valid license may request the 11270
section of the board that authorized that license to place the 11271
license in inactive status under conditions, and for a period of 11272
time, as that section determines. 11273

(F) Except for the ninety-day extension provided for a 11274
license assigned to a business entity under division (D) of 11275
section 4740.07 of the Revised Code, a license held by an 11276
individual immediately terminates upon the death of the 11277
individual. 11278

(G) Nothing in any license issued by the Ohio construction industry licensing board shall be construed to limit or eliminate any requirement of or any license issued by the Ohio fire marshal.

(H)(1) Subject to divisions (H)(2), (3), and (4) of this section, 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. If the section denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the section may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the section may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the section, prior to the effective date of this amendment, was required or authorized to deny the application based on that offense.

In all other circumstances, the section shall follow the procedures it adopts by rule that conform to division (H)(1) of this section.

(3) In considering a renewal of an individual's license, the section shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a

conviction or plea of guilty if it occurred after the individual 11311
was initially licensed, or after the most recent license renewal. 11312

(4) The section may grant an individual a conditional license 11313
that lasts for one year. After the one-year period has expired, 11314
the license is no longer considered conditional, and the 11315
individual shall be considered fully licensed. 11316

Sec. 4740.10. (A) The appropriate section of the Ohio 11317
construction industry licensing board, upon an affirmative vote of 11318
four of its members, may take any of the following actions against 11319
a licensee who violates Chapter 4740. of the Revised Code: 11320

(1) Impose a fine on the licensee, not exceeding one thousand 11321
dollars per violation per day; 11322

(2) Direct the administrative section to suspend the 11323
licensee's license for a period of time the section establishes; 11324

(3) Direct the administrative section to revoke the 11325
licensee's license; 11326

(4) Require the licensee to complete additional continuing 11327
education course work. Any continuing education course work 11328
completed pursuant to this division may not count toward any other 11329
continuing education requirements this chapter establishes. 11330

(5) Direct the administrative section to refuse to issue or 11331
renew a license if the section finds that the applicant or 11332
licensee has done any of the following: 11333

(a) Been convicted of a ~~misdemeanor involving~~ crime of moral 11334
turpitude or a felony disqualifying offense as those terms are 11335
defined in section 4776.10 of the Revised Code; 11336

(b) Violated any provision of this chapter or the rules 11337
adopted pursuant thereto; 11338

(c) Obtained a license or any order, ruling, or authorization 11339

of the board by fraud, misrepresentation, or deception; 11340

(d) Engaged in fraud, misrepresentation, or deception in the 11341
conduct of business. 11342

(B) The appropriate section of the board shall determine the 11343
length of time that a license is to be suspended and whether or 11344
when an individual whose license has been revoked may apply for 11345
reinstatement. The appropriate section of the board may accept or 11346
refuse an application for reinstatement and may require an 11347
examination for reinstatement. 11348

(C) The appropriate section of the board may investigate any 11349
alleged violation of this chapter or the rules adopted pursuant to 11350
it. If, after an investigation, a section determines that any 11351
person has engaged or is engaging in any practice that violates 11352
this chapter or the rules adopted pursuant to it, that section may 11353
apply to the court of common pleas of the county in which the 11354
violation occurred or is occurring for an injunction or other 11355
appropriate relief to enjoin or terminate the violation. 11356

(D) Any person who wishes to make a complaint against a 11357
person who holds a license shall submit the complaint in writing 11358
to the appropriate section of the board within three years after 11359
the date of the action or event upon which the complaint is based. 11360

Sec. 4747.04. The hearing aid dealers and fitters licensing 11361
board shall meet annually to elect a ~~chairman~~ chairperson and a 11362
~~vice-chairman~~ vice-chairperson, who shall act as ~~chairman~~ 11363
chairperson in the absence of the ~~chairman~~ chairperson. A majority 11364
of the board constitutes a quorum. The board shall meet when 11365
called by the ~~chairman~~ chairperson. The board shall: 11366

(A) Adopt rules for the transaction of its business; 11367

(B) Design and prepare qualifying examinations for licensing 11368
of hearing aid dealers, fitters, and trainees; 11369

(C) Determine whether persons holding similar valid licenses 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;	11370 11371 11372 11373
(D) Determine whether charges made against any licensee warrant a hearing before the board;	11374 11375
(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;	11376 11377 11378 11379
(F) Determine and specify the length of time each license that is suspended or revoked shall remain suspended or revoked;	11380 11381
(G) Advise and assist the department of health in all matters relating to this chapter;	11382 11383
(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;	11384 11385 11386 11387
<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>	11388 11389 11390 11391
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 for the lawful sale of hearing aids or to prohibit a mercantile establishment from selling hearing aids if the sale would be otherwise lawful under this chapter.	11392 11393 11394 11395 11396 11397 11398 11399 11400

Sec. 4747.05. (A) The hearing aid dealers and fitters 11401
licensing board shall issue to each applicant, within sixty days 11402
of receipt of a properly completed application and payment of two 11403
hundred sixty-two dollars, a hearing aid dealer's or fitter's 11404
license if the applicant, if an individual: 11405

(1) Is at least eighteen years of age; 11406

(2) ~~Is a person of good moral character~~ Has not committed a 11407
disqualifying offense or a crime of moral turpitude, as those 11408
terms are defined in section 4776.10 of the Revised Code; 11409

(3) Is free of contagious or infectious disease; 11410

(4) Has successfully passed a qualifying examination 11411
specified and administered by the board. 11412

(B) If the applicant is a firm, partnership, association, or 11413
corporation, the application, in addition to such information as 11414
the board requires, shall be accompanied by an application for a 11415
license for each person, whether owner or employee, of the firm, 11416
partnership, association, or corporation, who engages in dealing 11417
in or fitting of hearing aids, or shall contain a statement that 11418
such applications are submitted separately. No firm, partnership, 11419
association, or corporation licensed pursuant to this chapter 11420
shall permit any unlicensed person to sell or fit hearing aids. 11421

(C) (1) Subject to divisions (C)(2), (3), and (4) of this 11422
section, the board shall not adopt, maintain, renew, or enforce 11423
any rule that precludes an individual from receiving or renewing a 11424
license issued under this chapter due to any past criminal 11425
activity or interpretation of moral character, unless the 11426
individual has committed a crime of moral turpitude or a 11427
disqualifying offense as those terms are defined in section 11428
4776.10 of the Revised Code. If the board denies an individual a 11429
license or license renewal, the reasons for such denial shall be 11430

put in writing. 11431

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use the board's discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use the board's discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to the effective date of this amendment, was required or authorized to deny the application based on that offense. 11432
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In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (C)(1) of this section. 11447
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(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal. 11450
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(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed. 11455
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(D) Each license issued expires on the thirtieth day of January of the year following that in which it was issued. 11459
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Sec. 4747.10. Each person currently engaged in training to 11461
become a licensed hearing aid dealer or fitter shall apply to the 11462
hearing aid dealers and fitters licensing board for a hearing aid 11463
dealer's and fitter's trainee permit. The board shall issue to 11464
each applicant within thirty days of receipt of a properly 11465
completed application and payment of one hundred fifty dollars, a 11466
trainee permit if such applicant ~~is~~ meets all of the following 11467
criteria: 11468

(A) ~~At~~ Is at least eighteen years of age; 11469

(B) ~~The~~ Is the holder of a diploma from an accredited high 11470
school, or possesses an equivalent education; 11471

(C) ~~A person of good moral character~~ Has not committed a 11472
disqualifying offense or a crime of moral turpitude, as those 11473
terms are defined in section 4776.10 of the Revised Code; 11474

(D) ~~Free~~ Is free of contagious or infectious disease. 11475

Subject to the next paragraph, the board shall not deny a 11476
trainee permit issued under this section to any individual based 11477
on the individual's past criminal history or an interpretation of 11478
moral character unless the individual has committed a 11479
disqualifying offense or crime of moral turpitude as those terms 11480
are defined in section 4776.10 of the Revised Code. Except as 11481
otherwise provided in this paragraph, if an individual applying 11482
for a trainee permit has been convicted of or pleaded guilty to a 11483
misdemeanor that is not a crime of moral turpitude or a 11484
disqualifying offense less than one year prior to making the 11485
application, the board may use the board's discretion in granting 11486
or denying the individual a trainee permit. Except as otherwise 11487
provided in this paragraph, if an individual applying for a 11488
trainee permit has been convicted of or pleaded guilty to a felony 11489
that is not a crime of moral turpitude or a disqualifying offense 11490
less than three years prior to making the application, the board 11491

may use the board's discretion in granting or denying the 11492
individual a trainee permit. The provisions in this paragraph do 11493
not apply with respect to any offense unless the board, prior to 11494
the effective date of this amendment, was required or authorized 11495
to deny the application based on that offense. 11496

In all other circumstances not described in the preceding 11497
paragraph, the board shall follow the procedures it adopts by rule 11498
that conform to this section. 11499

In considering a renewal of an individual's trainee permit, 11500
the board shall not consider any conviction or plea of guilty 11501
prior to the issuance of the initial trainee permit. However, the 11502
board may consider a conviction or plea of guilty if it occurred 11503
after the individual was initially granted the trainee permit, or 11504
after the most recent trainee permit renewal. If the board denies 11505
an individual for a trainee permit or renewal, the reasons for 11506
such denial shall be put in writing. Additionally, the board may 11507
grant an individual a conditional trainee permit that lasts for 11508
one year. After the one-year period has expired, the permit is no 11509
longer considered conditional, and the individual shall be 11510
considered to be granted a full trainee permit. 11511

Each trainee permit issued by the board expires one year from 11512
the date it was first issued, and may be renewed once if the 11513
trainee has not successfully completed the qualifying requirements 11514
for licensing as a hearing aid dealer or fitter before the 11515
expiration date of such permit. The board shall issue a renewed 11516
permit to each applicant upon receipt of a properly completed 11517
application and payment of one hundred five dollars. No person 11518
holding a trainee permit shall engage in the practice of dealing 11519
in or fitting of hearing aids except while under supervision by a 11520
licensed hearing aid dealer or fitter. 11521

Sec. 4747.12. The hearing aid dealers and fitters licensing 11522

board may revoke or suspend a license or permit if the person who holds such license or permit:

(A) Is convicted of a ~~felony~~ disqualifying offense or a ~~misdemeanor involving~~ crime of moral turpitude as those terms are defined in section 4776.10 of the Revised Code. The record of conviction, or a copy thereof certified by the clerk of the court or by the judge in whose court the conviction occurs, is conclusive evidence of such conviction;

(B) Procured a license or permit by fraud or deceit practiced upon the board;

(C) Obtained any fee or made any sale of a hearing aid by fraud or misrepresentation;

(D) Knowingly employed any person without a license or a person whose license was suspended or revoked to engage in the fitting or sale of hearing aids;

(E) Used or caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful;

(F) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid;

(G) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not accurate;

(H) Is found by the board to be a person of habitual intemperance or gross immorality;	11554 11555
(I) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist;	11556 11557 11558 11559
(J) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids;	11560 11561 11562
(K) Engaged in the fitting and sale of hearing aids under a false name or an alias;	11563 11564
(L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease;	11565 11566 11567
(M) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;	11568 11569
(N) Permitted another person to use his <u>the licensee's</u> license.	11570 11571
Sec. 4749.03. (A)(1) Any individual, including a partner in a partnership, may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if the individual meets all of the following requirements:	11572 11573 11574 11575 11576 11577
(a) Has a good reputation for integrity, has not been convicted of a felony <u>disqualifying offense as defined in section 4776.10 of the Revised Code</u> within the last twenty <u>three</u> years or any offense involving <u>crime of moral turpitude as that term is defined in section 4776.10 of the Revised Code</u> , and has not been adjudicated incompetent for the purpose of holding the license, as	11578 11579 11580 11581 11582 11583

provided in section 5122.301 of the Revised Code, without having 11584
been restored to legal capacity for that purpose. 11585

(b) Depending upon the class of license for which application 11586
is made, for a continuous period of at least two years immediately 11587
preceding application for a license, has been engaged in 11588
investigatory or security services work for a law enforcement or 11589
other public agency engaged in investigatory activities, or for a 11590
private investigator or security guard provider, or engaged in the 11591
practice of law, or has acquired equivalent experience as 11592
determined by rule of the director of public safety. 11593

(c) Demonstrates competency as a private investigator or 11594
security guard provider by passing an examination devised for this 11595
purpose by the director, except that any individually licensed 11596
person who qualifies a corporation for licensure shall not be 11597
required to be reexamined if the person qualifies the corporation 11598
in the same capacity that the person was individually licensed. 11599

(d) Submits evidence of comprehensive general liability 11600
insurance coverage, or other equivalent guarantee approved by the 11601
director in such form and in principal amounts satisfactory to the 11602
director, but not less than one hundred thousand dollars for each 11603
person and three hundred thousand dollars for each occurrence for 11604
bodily injury liability, and one hundred thousand dollars for 11605
property damage liability. 11606

(e) Pays the requisite examination and license fees. 11607

(2) A corporation may be licensed as a private investigator 11608
under a class B license, or as a security guard provider under a 11609
class C license, or as a private investigator and a security guard 11610
provider under a class A license, if an application for licensure 11611
is filed by an officer of the corporation and the officer, another 11612
officer, or the qualifying agent of the corporation satisfies the 11613
requirements of divisions (A)(1) and (F)(1) of this section. 11614

Officers and the statutory agent of a corporation shall be 11615
determined in accordance with Chapter 1701. of the Revised Code. 11616

(3) At least one partner in a partnership shall be licensed 11617
as a private investigator, or as a security guard provider, or as 11618
a private investigator and a security guard provider. Partners in 11619
a partnership shall be determined as provided for in Chapter 1775. 11620
or 1776. of the Revised Code. 11621

(B) An application for a class A, B, or C license shall be 11622
completed in the form the director prescribes. In the case of an 11623
individual, the application shall state the applicant's name, 11624
birth date, citizenship, physical description, current residence, 11625
residences for the preceding ten years, current employment, 11626
employment for the preceding seven years, experience 11627
qualifications, the location of each of the applicant's offices in 11628
this state, and any other information that is necessary in order 11629
for the director to comply with the requirements of this chapter. 11630
In the case of a corporation, the application shall state the name 11631
of the officer or qualifying agent filing the application; the 11632
state in which the corporation is incorporated and the date of 11633
incorporation; the states in which the corporation is authorized 11634
to transact business; the name of its qualifying agent; the name 11635
of the officer or qualifying agent of the corporation who 11636
satisfies the requirements of divisions (A)(1) and (F)(1) of this 11637
section and the birth date, citizenship, physical description, 11638
current residence, residences for the preceding ten years, current 11639
employment, employment for the preceding seven years, and 11640
experience qualifications of that officer or qualifying agent; and 11641
other information that the director requires. A corporation may 11642
specify in its application information relative to one or more 11643
individuals who satisfy the requirements of divisions (A)(1) and 11644
(F)(1) of this section. 11645

The application described in this division shall be 11646

accompanied by all of the following: 11647

(1) One recent full-face photograph of the applicant or, in 11648
the case of a corporation, of each officer or qualifying agent 11649
specified in the application as satisfying the requirements of 11650
divisions (A)(1) and (F)(1) of this section; 11651

(2) Character references from at least five reputable 11652
citizens for the applicant or, in the case of a corporation, for 11653
each officer or qualifying agent specified in the application as 11654
satisfying the requirements of divisions (A)(1) and (F)(1) of this 11655
section, each of whom has known the applicant, officer, or 11656
qualifying agent for at least five years preceding the 11657
application, and none of whom are connected with the applicant, 11658
officer, or qualifying agent by blood or marriage; 11659

(3) An examination fee of twenty-five dollars for the 11660
applicant or, in the case of a corporation, for each officer or 11661
qualifying agent specified in the application as satisfying the 11662
requirements of divisions (A)(1) and (F)(1) of this section, and a 11663
license fee in the amount the director determines, not to exceed 11664
three hundred seventy-five dollars. The license fee shall be 11665
refunded if a license is not issued. 11666

(C)(1) Each individual applying for a license and each 11667
individual specified by a corporation as an officer or qualifying 11668
agent in an application shall submit one complete set of 11669
fingerprints directly to the superintendent of the bureau of 11670
criminal identification and investigation for the purpose of 11671
conducting a criminal records check. The individual shall provide 11672
the fingerprints using a method the superintendent prescribes 11673
pursuant to division (C)(2) of section 109.572 of the Revised Code 11674
and fill out the form the superintendent prescribes pursuant to 11675
division (C)(1) of section 109.572 of the Revised Code. An 11676
applicant who intends to carry a firearm as defined in section 11677
2923.11 of the Revised Code in the course of business or 11678

employment shall so notify the superintendent. This notification 11679
is in addition to any other requirement related to carrying a 11680
firearm that applies to the applicant. The individual or 11681
corporation requesting the criminal records check shall pay the 11682
fee the superintendent prescribes. 11683

(2) The superintendent shall conduct the criminal records 11684
check as set forth in division (B) of section 109.572 of the 11685
Revised Code. If an applicant intends to carry a firearm in the 11686
course of business or employment, the superintendent shall make a 11687
request to the federal bureau of investigation for any information 11688
and review the information the bureau provides pursuant to 11689
division (B)(2) of section 109.572 of the Revised Code. The 11690
superintendent shall submit all results of the completed 11691
investigation to the director of public safety. 11692

(3) If the director determines that the applicant, officer, 11693
or qualifying agent meets the requirements of divisions (A)(1)(a), 11694
(b), and (d) of this section and that an officer or qualifying 11695
agent meets the requirement of division (F)(1) of this section, 11696
the director shall notify the applicant, officer, or agent of the 11697
time and place for the examination. If the director determines 11698
that an applicant does not meet the requirements of divisions 11699
(A)(1)(a), (b), and (d) of this section, the director shall notify 11700
the applicant that the applicant's application is refused and 11701
refund the license fee. If the director determines that none of 11702
the individuals specified in the application of a corporation as 11703
satisfying the requirements of divisions (A)(1) and (F)(1) of this 11704
section meet the requirements of divisions (A)(1)(a), (b), and (d) 11705
and (F)(1) of this section, the director shall notify the 11706
corporation that its application is refused and refund the license 11707
fee. If the bureau assesses the director a fee for any 11708
investigation, the director, in addition to any other fee assessed 11709
pursuant to this chapter, may assess the applicant, officer, or 11710

qualifying agent, as appropriate, a fee that is equal to the fee 11711
assessed by the bureau. 11712

(4)(a) Subject to divisions (C)(4)(b), (c), and (d) of this 11713
section, the director shall not adopt, maintain, renew, or enforce 11714
any rule, or otherwise preclude in any way, an individual from 11715
receiving or renewing a license under this chapter due to any past 11716
criminal activity or interpretation of moral character, except as 11717
pursuant to division (A)(1)(a) of this section. If the director 11718
denies an individual a license or license renewal, the reasons for 11719
such denial shall be put in writing. 11720

(b) Except as otherwise provided in this division, if an 11721
individual applying for a license has been convicted of or pleaded 11722
guilty to a misdemeanor that is not a crime of moral turpitude or 11723
a disqualifying offense less than one year prior to making the 11724
application, the director may use the director's discretion in 11725
granting or denying the individual a license. Except as otherwise 11726
provided in this division, if an individual applying for a license 11727
has been convicted of or pleaded guilty to a felony that is not a 11728
crime of moral turpitude or a disqualifying offense less than 11729
three years prior to making the application, the director may use 11730
the director's discretion in granting or denying the individual a 11731
license. The provisions in this paragraph do not apply with 11732
respect to any offense unless the director, prior to the effective 11733
date of this amendment, was required or authorized to deny the 11734
application based on that offense. 11735

In all other circumstances, the director shall follow the 11736
procedures the director adopts by rule that conform to division 11737
(C)(4)(a) of this section. 11738

(c) In considering a renewal of an individual's license, the 11739
director shall not consider any conviction or plea of guilty prior 11740
to the initial licensing. However, the director may consider a 11741
conviction or plea of guilty if it occurred after the individual 11742

was initially licensed, or after the most recent license renewal. 11743

(d) The director may grant an individual a conditional 11744
license that lasts for one year. After the one-year period has 11745
expired, the license is no longer considered conditional, and the 11746
individual shall be considered fully licensed. 11747

(D) If upon application, investigation, and examination, the 11748
director finds that the applicant or, in the case of a 11749
corporation, any officer or qualifying agent specified in the 11750
application as satisfying the requirements of divisions (A)(1) and 11751
(F)(1) of this section, meets the applicable requirements, the 11752
director shall issue the applicant or the corporation a class A, 11753
B, or C license. The director also shall issue an identification 11754
card to an applicant, but not an officer or qualifying agent of a 11755
corporation, who meets the applicable requirements. The license 11756
and identification card shall state the licensee's name, the 11757
classification of the license, the location of the licensee's 11758
principal place of business in this state, and the expiration date 11759
of the license, and, in the case of a corporation, it also shall 11760
state the name of each officer or qualifying agent who satisfied 11761
the requirements of divisions (A)(1) and (F)(1) of this section. 11762

Licenses expire on the first day of March following the date 11763
of initial issue, and on the first day of March of each year 11764
thereafter. Annual renewals shall be according to the standard 11765
renewal procedures contained in Chapter 4745. of the Revised Code, 11766
upon payment of an annual renewal fee the director determines, not 11767
to exceed two hundred seventy-five dollars. No license shall be 11768
renewed if the licensee or, in the case of a corporation, each 11769
officer or qualifying agent who qualified the corporation for 11770
licensure no longer meets the applicable requirements of this 11771
section. No license shall be renewed unless the licensee provides 11772
evidence of workers' compensation risk coverage and unemployment 11773
compensation insurance coverage, other than for clerical employees 11774

and excepting sole proprietors who are exempted therefrom, as 11775
provided for in Chapters 4123. and 4141. of the Revised Code, 11776
respectively, as well as the licensee's state tax identification 11777
number. No reexamination shall be required for renewal of a 11778
current license. 11779

For purposes of this chapter, a class A, B, or C license 11780
issued to a corporation shall be considered as also having 11781
licensed the individuals who qualified the corporation for 11782
licensure, for as long as they are associated with the 11783
corporation. 11784

For purposes of this division, "sole proprietor" means an 11785
individual licensed under this chapter who does not employ any 11786
other individual. 11787

(E) The director may issue a duplicate copy of a license 11788
issued under this section for the purpose of replacement of a 11789
lost, spoliated, or destroyed license, upon payment of a fee the 11790
director determines, not exceeding twenty-five dollars. Any change 11791
in license classification requires new application and application 11792
fees. 11793

(F)(1) In order to qualify a corporation for a class A, B, or 11794
C license, an officer or qualifying agent may qualify another 11795
corporation for similar licensure, provided that the officer or 11796
qualifying agent is actively engaged in the business of both 11797
corporations. 11798

(2) Each officer or qualifying agent who qualifies a 11799
corporation for class A, B, or C licensure shall surrender any 11800
personal license of a similar nature that the officer or 11801
qualifying agent possesses. 11802

(3) Upon written notification to the director, completion of 11803
an application similar to that for original licensure, surrender 11804
of the corporation's current license, and payment of a 11805

twenty-five-dollar fee, a corporation's class A, B, or C license 11806
may be transferred to another corporation. 11807

(4) Upon written notification to the director, completion of 11808
an application similar to that for an individual seeking class A, 11809
B, or C licensure, payment of a twenty-five-dollar fee, and, if 11810
the individual was the only individual that qualified a 11811
corporation for licensure, surrender of the corporation's license, 11812
any officer or qualifying agent who qualified a corporation for 11813
licensure under this chapter may obtain a similar license in the 11814
individual's own name without reexamination. A request by an 11815
officer or qualifying agent for an individual license shall not 11816
affect a corporation's license unless the individual is the only 11817
individual that qualified the corporation for licensure or all the 11818
other individuals who qualified the corporation for licensure 11819
submit such requests. 11820

(G) If a corporation is for any reason no longer associated 11821
with an individual who qualified it for licensure under this 11822
chapter, an officer of the corporation shall notify the director 11823
of that fact by certified mail, return receipt requested, within 11824
ten days after the association terminates. If the notification is 11825
so given, the individual was the only individual that qualified 11826
the corporation for licensure, and the corporation submits the 11827
name of another officer or qualifying agent to qualify the 11828
corporation for the license within thirty days after the 11829
association terminates, the corporation may continue to operate in 11830
the business of private investigation, the business of security 11831
services, or both businesses in this state under that license for 11832
ninety days after the association terminates. If the officer or 11833
qualifying agent whose name is submitted satisfies the 11834
requirements of divisions (A)(1) and (F)(1) of this section, the 11835
director shall issue a new license to the corporation within that 11836
ninety-day period. The names of more than one individual may be 11837

submitted. 11838

Sec. 4749.04. (A) The director of public safety may revoke, 11839
suspend, or refuse to renew, when a renewal form has been 11840
submitted, the license of any private investigator or security 11841
guard provider, or the registration of any employee of a private 11842
investigator or security guard provider, for any of the following: 11843

(1) Violation of any of the provisions of division (B) or (C) 11844
of section 4749.13 of the Revised Code; 11845

(2) Conviction of a ~~felony~~ or disqualifying offense as 11846
defined in section 4776.10 of the Revised Code if the offense 11847
occurred within the last three years; 11848

(3) Conviction of a crime involving moral turpitude as 11849
defined in section 4776.10 of the Revised Code; 11850

(4) Conviction of an offense that occurred after the 11851
individual was initially licensed, or after the most recent 11852
renewal. 11853

~~(3)~~(5) Violation of any rule of the director governing 11854
private investigators, the business of private investigation, 11855
security guard providers, or the business of security services; 11856

~~(4)~~(6) Testifying falsely under oath, or suborning perjury, 11857
in any judicial proceeding; 11858

~~(5)~~(7) Failure to satisfy the requirements specified in 11859
division (D) of section 4749.03 of the Revised Code. 11860

Any person whose license or registration is revoked, 11861
suspended, or not renewed when a renewal form is submitted may 11862
appeal in accordance with Chapter 119. of the Revised Code. 11863

(B) In lieu of suspending, revoking, or refusing to renew the 11864
class A, B, or C license, or of suspending, revoking, or refusing 11865
to renew the registration of an employee of a class A, B, or C 11866

licensee, the director may impose a civil penalty of not more than 11867
one hundred dollars for each calendar day of a violation of any of 11868
the provisions of this section or of division (B) or (C) of 11869
section 4749.13 of the Revised Code or of a violation of any rule 11870
of the director governing private investigators, the business of 11871
private investigation, security guard providers, or the business 11872
of security services. 11873

Sec. 4749.06. (A) Each class A, B, or C licensee shall 11874
register the licensee's investigator or security guard employees, 11875
with the department of public safety, which shall maintain a 11876
record of each licensee and registered employee and make it 11877
available, upon request, to any law enforcement agency. The class 11878
A, B, or C licensee shall file an application to register a new 11879
employee no sooner than three days nor later than seven calendar 11880
days after the date on which the employee is hired. 11881

(B)(1) Each employee's registration application shall be 11882
accompanied by one recent photograph of the employee, the 11883
employee's physical description, and the registration fee the 11884
director determines, not to exceed forty dollars. 11885

(2) The employee shall submit one complete set of 11886
fingerprints directly to the superintendent of the bureau of 11887
criminal identification and investigation for the purpose of 11888
conducting a criminal records check. The employee shall provide 11889
the fingerprints using a method the superintendent prescribes 11890
pursuant to division (C)(2) of section 109.572 of the Revised Code 11891
and fill out the form the superintendent prescribes pursuant to 11892
division (C)(1) of section 109.572 of the Revised Code. An 11893
employee who intends to carry a firearm as defined in section 11894
2923.11 of the Revised Code in the course of business or 11895
employment shall so notify the superintendent. This notification 11896
is in addition to any other requirement related to carrying a 11897

firearm that applies to the employee. The individual or 11898
corporation requesting the criminal records check shall pay the 11899
fee the superintendent prescribes. 11900

The superintendent shall conduct the criminal records check 11901
as set forth in division (B) of section 109.572 of the Revised 11902
Code. If an employee intends to carry a firearm in the course of 11903
business or employment, pursuant to division (B)(2) of section 11904
109.572 of the Revised Code the superintendent shall make a 11905
request of the federal bureau of investigation for any information 11906
and review the information the bureau provides. The superintendent 11907
shall submit all results of the completed investigation to the 11908
director of public safety. 11909

(3) If, after investigation, the bureau finds that the 11910
employee has not been convicted of a ~~felony~~ disqualifying offense 11911
as defined in section 4776.10 of the Revised Code within the last 11912
~~twenty~~ three years, the director shall issue to the employee an 11913
identification card bearing the license number and signature of 11914
the licensee, which in the case of a corporation shall be the 11915
signature of its president or its qualifying agent, and containing 11916
the employee's name, address, age, physical description, and right 11917
thumb print or other identifying mark as the director prescribes, 11918
a recent photograph of the employee, and the employee's signature. 11919
The director may issue a duplicate of a lost, spoliated, or 11920
destroyed identification card issued under this section, upon 11921
payment of a fee fixed by the director, not exceeding five 11922
dollars. 11923

(C) Except as provided in division (E) of this section, no 11924
class A, B, or C licensee shall permit an employee, other than an 11925
individual who qualified a corporation for licensure, to engage in 11926
the business of private investigation, the business of security 11927
services, or both businesses until the employee receives an 11928
identification card from the department, except that pending the 11929

issuance of an identification card, a class A, B, or C licensee 11930
may offer for hire security guard or investigator employees 11931
provided the licensee obtains a waiver from the person who 11932
receives, for hire, security guard or investigative services, 11933
acknowledging that the person is aware the employees have not 11934
completed their registration and agreeing to their employment. 11935

(D) If a class A, B, or C licensee, or a registered employee 11936
of a class A, B, or C licensee, intends to carry a firearm, as 11937
defined in section 2923.11 of the Revised Code, in the course of 11938
engaging in the business or employment, the licensee or registered 11939
employee shall satisfactorily complete a firearms basic training 11940
program that includes twenty hours of handgun training and five 11941
hours of training in the use of other firearms, if any other 11942
firearm is to be used, or equivalency training, if authorized, or 11943
shall be a former peace officer who previously had successfully 11944
completed a firearms training course, shall receive a certificate 11945
of satisfactory completion of that program or written evidence of 11946
approval of the equivalency training, shall file an application 11947
for registration, shall receive a firearm-bearer notation on the 11948
licensee's or registered employee's identification card, and shall 11949
annually requalify on a firearms range, all as described in 11950
division (A) of section 4749.10 of the Revised Code. A private 11951
investigator, security guard provider, or employee is authorized 11952
to carry a firearm only in accordance with that division. 11953

(E) This section does not apply to commissioned peace 11954
officers, as defined in division (B) of section 2935.01 of the 11955
Revised Code, working for, either as an employee or independent 11956
contractor, a class A, B, or C licensee. For purposes of this 11957
chapter, a commissioned peace officer is an employee exempt from 11958
registration. 11959

(F) The registration of an investigator or security guard 11960
employee expires annually on the anniversary date of its initial 11961

issuance. Annual renewals shall be made pursuant to procedures the 11962
director establishes by rule and upon payment of a renewal fee the 11963
director determines, not to exceed thirty-five dollars. The 11964
director shall not renew the registration of any investigator or 11965
security guard employee who no longer meets the requirements of 11966
this section. No background check is required for annual renewal, 11967
but an investigator or security guard employee shall report any 11968
~~felony~~ conviction of a disqualifying offense to the employer and 11969
the director of public safety as a condition of continued 11970
registration. 11971

Sec. 4776.021. (A) As used in this section and section 11972
4776.04 of the Revised Code, "trainee license" means a license, 11973
certificate, registration, permit, card, or other authority that 11974
is issued or conferred by any agency described in division (B) of 11975
this section that authorizes the holder to engage as a trainee in 11976
a profession, occupation, or occupational activity, or to operate 11977
as a trainee certain specific equipment, machinery, or premises, 11978
over which the agency described in division (B) of this section 11979
has jurisdiction. 11980

(B) Except as provided in division (E) of this section, if 11981
any licensing agency issues trainee licenses, or if any agency 11982
that issues licenses under Chapter 3772., 4729., 4738., 4747., or 11983
4749. of the Revised Code issues trainee licenses, an applicant 11984
for a trainee license from the licensing agency or other specified 11985
agency, in addition to any other eligibility requirements for the 11986
license, shall submit a request to the bureau of criminal 11987
identification and investigation for a criminal records check of 11988
the applicant. Division (A) of section 4776.02 of the Revised Code 11989
applies with respect to a request required under this division. 11990

(C) Upon receipt of the completed form, the set of 11991
fingerprint impressions, and the fee provided for in division (B) 11992

of this section and division (A) of section 4776.02 of the Revised Code, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the applicant under division (B) of section 109.572 of the Revised Code. Upon completion of the criminal records check, the superintendent shall report the results of the criminal records check and any information the federal bureau of investigation provides to the licensing agency or the agency that issues licenses under Chapter 3772., 4729., 4738., 4747., or 4749. of the Revised Code that was identified in the request for a criminal records check.

(D) Except as provided in division (E) of this section, no licensing agency that issues trainee licenses, and no agency that issues licenses under Chapter 3772., 4729., 4738., 4747., or 4749. of the Revised Code and that issues trainee licenses shall issue a trainee license to an applicant if the licensing agency or other agency determines that the applicant would not be eligible for issuance of a license, certificate, registration, permit, card, or other authority to engage in the profession, occupation, or occupational activity for which the trainee license would apply, or for issuance of a license, certificate, registration, permit, card, or other authority to operate certain specific equipment, machinery, or premises with respect to which the trainee license would apply, whichever is applicable.

(E) Divisions (B) to (D) of this section do not apply with respect to any person who is participating in an apprenticeship or training program operated by or under contract with the department of rehabilitation and correction.

Sec. 4776.04. The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the

federal bureau of investigation provides, are not public records 12024
for purposes of section 149.43 of the Revised Code and shall not 12025
be made available to any person or for any purpose other than as 12026
follows: 12027

(A) If the request for the criminal records check was 12028
submitted by an applicant for an initial license or restored 12029
license, as follows: 12030

(1) The superintendent of the bureau of criminal 12031
identification and investigation shall make the results available 12032
to the licensing agency for use in determining, under the agency's 12033
authorizing chapter of the Revised Code, whether the applicant who 12034
is the subject of the criminal records check should be granted a 12035
license under that chapter. 12036

(2) The licensing agency shall make the results available to 12037
the applicant who is the subject of the criminal records check. 12038

(B) If the request for the criminal records check was 12039
submitted by a person seeking to satisfy the criteria for being a 12040
qualified pharmacy technician that are specified in section 12041
4729.42 of the Revised Code or a person seeking to satisfy the 12042
requirements to be an employee of a pain management clinic as 12043
specified in section 4729.552 of the Revised Code, the 12044
superintendent of the bureau of criminal identification and 12045
investigation shall make the results available in accordance with 12046
the following: 12047

(1) The superintendent shall make the results of the criminal 12048
records check, including any information the federal bureau of 12049
investigation provides, available to the person who submitted the 12050
request and is the subject of the criminal records check. 12051

(2) The superintendent shall make the results of the portion 12052
of the criminal records check performed by the bureau of criminal 12053
identification and investigation under division (B)(1) of section 12054

109.572 of the Revised Code available to the employer or potential 12055
employer specified in the request of the person who submitted the 12056
request and shall send a letter of the type described in division 12057
(B)(2) of section 4776.02 of the Revised Code to that employer or 12058
potential employer regarding the information provided by the 12059
federal bureau of investigation that contains one of the types of 12060
statements described in that division. 12061

(C) If the request for the criminal records check was 12062
submitted by an applicant for a trainee license under section 12063
4776.021 of the Revised Code, as follows: 12064

(1) The superintendent of the bureau of criminal 12065
identification and investigation shall make the results available 12066
to the licensing agency or other agency identified in division (B) 12067
of section 4776.021 of the Revised Code for use in determining, 12068
under the agency's authorizing chapter of the Revised Code and 12069
division (D) of section 4776.021 of the Revised Code, whether the 12070
applicant who is the subject of the criminal records check should 12071
be granted a trainee license under that chapter and that division. 12072

(2) The licensing agency or other agency identified in 12073
division (B) of section 4776.021 of the Revised Code shall make 12074
the results available to the applicant who is the subject of the 12075
criminal records check. 12076

Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 4747., 12077
and 4749. and sections 4725.40 to 4725.59 of the Revised Code: 12078

(A) "Crime of moral turpitude" or "moral turpitude" means all 12079
of the following: 12080

(1) A violation of section 2903.01 or 2903.02 of the Revised 12081
Code; 12082

(2) A sexually oriented offense as defined in section 2950.01 12083
of the Revised Code; 12084

(3) An offense that is an offense of violence as defined in section 2901.01 of the Revised Code, if the offense is a felony of the first or second degree; 12085
12086
12087

(4) Complicity in committing an offense described in division (A)(1) of this section; 12088
12089

(5) An attempt or conspiracy to commit or complicity in committing any offense described in division (A)(1), (2), (3), or (4) of this section if the attempt, conspiracy, or complicity is a felony of the first or second degree; 12090
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(6) A violation of any former law of this state, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), or (5) of this section. 12094
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(B) "Direct nexus" means that the nature of the offense for which the individual was convicted or to which the individual pleaded guilty has a direct bearing on the fitness or ability of the individual to perform one or more of the duties or responsibilities necessarily related to a particular occupation, profession, or trade. 12100
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(C) "Disqualifying offense" means an offense that is a felony and that has a direct nexus to an individual's proposed or current field of licensure, certification, or employment. 12106
12107
12108

Sec. 5111.032. (A) As used in this section: 12109

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 12110
12111

(2) "Department" includes a designee of the department of job and family services. 12112
12113

(3) "Owner" means a person who has an ownership interest in a 12114

provider in an amount designated by the department of job and 12115
family services in rules adopted under this section. 12116

(4) "Provider" means a person, institution, or entity that 12117
has a provider agreement with the department of job and family 12118
services pursuant to Title XIX of the "Social Security Act," 49 12119
State Stat. 620 (1965), 42 U.S.C. 1396, as amended. 12120

(B)(1) Except as provided in division (B)(2) of this section, 12121
the department of job and family services may require that any 12122
provider, applicant to be a provider, employee or prospective 12123
employee of a provider, owner or prospective owner of a provider, 12124
officer or prospective officer of a provider, or board member or 12125
prospective board member of a provider submit to a criminal 12126
records check as a condition of obtaining a provider agreement, 12127
continuing to hold a provider agreement, being employed by a 12128
provider, having an ownership interest in a provider, or being an 12129
officer or board member of a provider. The department may 12130
designate the categories of persons who are subject to the 12131
criminal records check requirement. The department shall designate 12132
the times at which the criminal records checks must be conducted. 12133

(2) The section does not apply to providers, applicants to be 12134
providers, employees of a provider, or prospective employees of a 12135
provider who are subject to criminal records checks under section 12136
5111.033 or 5111.034 of the Revised Code. 12137

(C)(1) The department shall inform each provider or applicant 12138
to be a provider whether the provider or applicant is subject to a 12139
criminal records check requirement under division (B) of this 12140
section. For providers, the information shall be given at times 12141
designated in rules adopted under this section. For applicants to 12142
be providers, the information shall be given at the time of 12143
initial application. When the information is given, the department 12144
shall specify which of the provider's or applicant's employees or 12145
prospective employees, owners or prospective owners, officers or 12146

prospective officers, or board members or prospective board 12147
members are subject to the criminal records check requirement. 12148

(2) At times designated in rules adopted under this section, 12149
a provider that is subject to the criminal records check 12150
requirement shall inform each person specified by the department 12151
under division (C)(1) of this section that the person is required, 12152
as applicable, to submit to a criminal records check for final 12153
consideration for employment in a full-time, part-time, or 12154
temporary position; as a condition of continued employment; or as 12155
a condition of becoming or continuing to be an officer, board 12156
member or owner of a provider. 12157

(D)(1) If a provider or applicant to be a provider is subject 12158
to a criminal records check under this section, the department 12159
shall require the conduct of a criminal records check by the 12160
superintendent of the bureau of criminal identification and 12161
investigation. If a provider or applicant to be a provider for 12162
whom a criminal records check is required does not present proof 12163
of having been a resident of this state for the five-year period 12164
immediately prior to the date the criminal records check is 12165
requested or provide evidence that within that five-year period 12166
the superintendent has requested information about the individual 12167
from the federal bureau of investigation in a criminal records 12168
check, the department shall require the provider or applicant to 12169
request that the superintendent obtain information from the 12170
federal bureau of investigation as part of the criminal records 12171
check of the provider or applicant. Even if a provider or 12172
applicant for whom a criminal records check request is required 12173
presents proof of having been a resident of this state for the 12174
five-year period, the department may require that the provider or 12175
applicant request that the superintendent obtain information from 12176
the federal bureau of investigation and include it in the criminal 12177
records check of the provider or applicant. 12178

(2) A provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified by the department under division (C)(1) of this section. If the person for whom a criminal records check is required does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the individual from the federal bureau of investigation in a criminal records check, the individual shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

(E)(1) Criminal records checks required under this section for providers or applicants to be providers shall be obtained as follows:

(a) The department shall provide each provider or applicant information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section.

(b) The provider or applicant shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The applicant or provider

shall pay all fees associated with obtaining the criminal records check. 12211
12212

(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The provider or applicant shall instruct the superintendent to submit the report of the criminal records check directly to the director of job and family services. 12213
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(2) Criminal records checks required under this section for persons specified by the department under division (C)(1) of this section shall be obtained as follows: 12218
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(a) The provider shall give to each person subject to criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 12221
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(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check. 12227
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider. The department may require the provider to submit the report to the department. 12233
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(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as 12239
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12241

applicable, terminate the provider agreement or deny the 12242
application to be a provider. 12243

If a person is given the information specified in division 12244
(E)(2)(a) of this section but fails to obtain a criminal records 12245
check, the provider shall not, as applicable, permit the person to 12246
be an employee, owner, officer, or board member of the provider. 12247

(G) Except as provided in rules adopted under division (J) of 12248
this section, the department shall terminate the provider 12249
agreement of a provider or the department shall not issue a 12250
provider agreement to an applicant if the provider or applicant is 12251
subject to a criminal records check under this section and the 12252
provider or applicant has been convicted of, has pleaded guilty 12253
to, or has been found eligible for intervention in lieu of 12254
conviction for any of the following, regardless of the date of the 12255
conviction, the date of entry of the guilty plea, or the date the 12256
applicant or provider was found eligible for intervention in lieu 12257
of conviction: 12258

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 12259
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 12260
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 12261
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 12262
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 12263
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 12264
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 12265
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 12266
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 12267
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 12268
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 12269
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 12270
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 12271
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 12272
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 12273

2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 12274
felonious sexual penetration in violation of former section 12275
2907.12 of the Revised Code, a violation of section 2905.04 of the 12276
Revised Code as it existed prior to July 1, 1996, a violation of 12277
section 2919.23 of the Revised Code that would have been a 12278
violation of section 2905.04 of the Revised Code as it existed 12279
prior to July 1, 1996, had the violation been committed prior to 12280
that date; 12281

(2) A violation of an existing or former municipal ordinance 12282
or law of this state, any other state, or the United States that 12283
is substantially equivalent to any of the offenses listed in 12284
division (G)(1) of this section. 12285

(H)(1)(a) Except as provided in rules adopted under division 12286
(J) of this section and subject to division (H)(2) of this 12287
section, no provider shall permit a person to be an employee, 12288
owner, officer, or board member of the provider if the person is 12289
subject to a criminal records check under this section and the 12290
person has been convicted of, has pleaded guilty to, or has been 12291
found eligible for intervention in lieu of conviction for any of 12292
the offenses specified in division (G)(1) or (2) of this section. 12293

(b) No provider shall employ a person who has been excluded 12294
from participating in the medicaid program, the medicare program 12295
operated pursuant to Title XVIII of the "Social Security Act," or 12296
any other federal health care program. 12297

(2)(a) A provider may employ conditionally a person for whom 12298
a criminal records check is required under this section prior to 12299
obtaining the results of a criminal records check regarding the 12300
person, but only if the person submits a request for a criminal 12301
records check not later than five business days after the 12302
individual begins conditional employment. 12303

(b) A provider that employs a person conditionally under 12304

authority of division (H)(2)(a) of this section shall terminate 12305
the person's employment if the results of the criminal records 12306
check request are not obtained within the period ending sixty days 12307
after the date the request is made. Regardless of when the results 12308
of the criminal records check are obtained, if the results 12309
indicate that the individual has been convicted of, has pleaded 12310
guilty to, or has been found eligible for intervention in lieu of 12311
conviction for any of the offenses specified in division (G)(1) or 12312
(2) of this section, the provider shall terminate the person's 12313
employment unless the provider chooses to employ the individual 12314
pursuant to division (J) of this section. 12315

(I) The report of a criminal records check conducted pursuant 12316
to this section is not a public record for the purposes of section 12317
149.43 of the Revised Code and shall not be made available to any 12318
person other than the following: 12319

(1) The person who is the subject of the criminal records 12320
check or the person's representative; 12321

(2) The director of job and family services and the staff of 12322
the department in the administration of the medicaid program; 12323

(3) A court, hearing officer, or other necessary individual 12324
involved in a case dealing with the denial or termination of a 12325
provider agreement; 12326

(4) A court, hearing officer, or other necessary individual 12327
involved in a case dealing with a person's denial of employment, 12328
termination of employment, or employment or unemployment benefits. 12329

(J) The department may adopt rules in accordance with Chapter 12330
119. of the Revised Code to implement this section. The rules may 12331
specify circumstances under which the department may continue a 12332
provider agreement or issue a provider agreement to an applicant 12333
when the provider or applicant has been convicted of, has pleaded 12334
guilty to, or has been found eligible for intervention in lieu of 12335

conviction for any of the offenses specified in division (G)(1) or 12336
(2) of this section. The rules may also specify circumstances 12337
under which a provider may permit a person to be an employee, 12338
owner, officer, or board member of the provider, when the person 12339
has been convicted of, has pleaded guilty to, or has been found 12340
eligible for intervention in lieu of conviction for any of the 12341
offenses specified in division (G)(1) or (2) of this section. 12342

Sec. 5111.033. (A) As used in this section: 12343

(1) "Applicant" means a person who is under final 12344
consideration for employment or, after September 26, 2003, an 12345
existing employee with a waiver agency in a full-time, part-time, 12346
or temporary position that involves providing home and 12347
community-based waiver services to a person with disabilities. 12348
"Applicant" also means an existing employee with a waiver agency 12349
in a full-time, part-time, or temporary position that involves 12350
providing home and community-based waiver services to a person 12351
with disabilities after September 26, 2003. 12352

(2) "Criminal records check" has the same meaning as in 12353
section 109.572 of the Revised Code. 12354

(3) "Waiver agency" means a person or government entity that 12355
is not certified under the medicare program and is accredited by 12356
the community health accreditation program or the joint commission 12357
on accreditation of health care organizations or a company that 12358
provides home and community-based waiver services to persons with 12359
disabilities through department of job and family services 12360
administered home and community-based waiver programs. 12361

(4) "Home and community-based waiver services" means services 12362
furnished under the provision of 42 C.F.R. 441, subpart G, that 12363
permit individuals to live in a home setting rather than a nursing 12364
facility or hospital. Home and community-based waiver services are 12365
approved by the centers for medicare and medicaid for specific 12366

populations and are not otherwise available under the medicaid 12367
state plan. 12368

(B)(1) The chief administrator of a waiver agency shall 12369
require each applicant to request that the superintendent of the 12370
bureau of criminal identification and investigation conduct a 12371
criminal records check with respect to the applicant. If an 12372
applicant for whom a criminal records check request is required 12373
under this division does not present proof of having been a 12374
resident of this state for the five-year period immediately prior 12375
to the date the criminal records check is requested or provide 12376
evidence that within that five-year period the superintendent has 12377
requested information about the applicant from the federal bureau 12378
of investigation in a criminal records check, the chief 12379
administrator shall require the applicant to request that the 12380
superintendent obtain information from the federal bureau of 12381
investigation as part of the criminal records check of the 12382
applicant. Even if an applicant for whom a criminal records check 12383
request is required under this division presents proof of having 12384
been a resident of this state for the five-year period, the chief 12385
administrator may require the applicant to request that the 12386
superintendent include information from the federal bureau of 12387
investigation in the criminal records check. 12388

(2) The chief administrator shall provide the following to 12389
each applicant for whom a criminal records check request is 12390
required under division (B)(1) of this section: 12391

(a) Information about accessing, completing, and forwarding 12392
to the superintendent of the bureau of criminal identification and 12393
investigation the form prescribed pursuant to division (C)(1) of 12394
section 109.572 of the Revised Code and the standard fingerprint 12395
impression sheet prescribed pursuant to division (C)(2) of that 12396
section; 12397

(b) Written notification that the applicant is to instruct 12398

the superintendent to submit the completed report of the criminal 12399
records check directly to the chief administrator. 12400

(3) An applicant given information and notification under 12401
divisions (B)(2)(a) and (b) of this section who fails to access, 12402
complete, and forward to the superintendent the form or the 12403
standard fingerprint impression sheet, or who fails to instruct 12404
the superintendent to submit the completed report of the criminal 12405
records check directly to the chief administrator, shall not be 12406
employed in any position in a waiver agency for which a criminal 12407
records check is required by this section. 12408

(C)(1) Except as provided in rules adopted by the department 12409
of job and family services in accordance with division (F) of this 12410
section and subject to division (C)(2) of this section, no waiver 12411
agency shall employ a person in a position that involves providing 12412
home and community-based waiver services to persons with 12413
disabilities if the person has been convicted of, has pleaded 12414
guilty to, or has been found eligible for intervention in lieu of 12415
conviction for any of the following, regardless of the date of the 12416
conviction, the date of entry of the guilty plea, or the date the 12417
person was found eligible for intervention in lieu of conviction: 12418

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 12419
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 12420
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 12421
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 12422
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 12423
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 12424
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 12425
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 12426
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 12427
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 12428
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 12429
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 12430

2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 12431
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 12432
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 12433
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 12434
felonious sexual penetration in violation of former section 12435
2907.12 of the Revised Code, a violation of section 2905.04 of the 12436
Revised Code as it existed prior to July 1, 1996, a violation of 12437
section 2919.23 of the Revised Code that would have been a 12438
violation of section 2905.04 of the Revised Code as it existed 12439
prior to July 1, 1996, had the violation been committed prior to 12440
that date; 12441

(b) A violation of an existing or former municipal ordinance 12442
or law of this state, any other state, or the United States that 12443
is substantially equivalent to any of the offenses listed in 12444
division (C)(1)(a) of this section. 12445

(2)(a) A waiver agency may employ conditionally an applicant 12446
for whom a criminal records check request is required under 12447
division (B) of this section prior to obtaining the results of a 12448
criminal records check regarding the individual, provided that the 12449
agency shall require the individual to request a criminal records 12450
check regarding the individual in accordance with division (B)(1) 12451
of this section not later than five business days after the 12452
individual begins conditional employment. 12453

(b) A waiver agency that employs an individual conditionally 12454
under authority of division (C)(2)(a) of this section shall 12455
terminate the individual's employment if the results of the 12456
criminal records check request under division (B) of this section, 12457
other than the results of any request for information from the 12458
federal bureau of investigation, are not obtained within the 12459
period ending sixty days after the date the request is made. 12460
Regardless of when the results of the criminal records check are 12461
obtained, if the results indicate that the individual has been 12462

convicted of, has pleaded guilty to, or has been found eligible 12463
for intervention in lieu of conviction for any of the offenses 12464
listed or described in division (C)(1) of this section, the agency 12465
shall terminate the individual's employment unless the agency 12466
chooses to employ the individual pursuant to division (F) of this 12467
section. 12468

(D)(1) The fee prescribed pursuant to division (C)(3) of 12469
section 109.572 of the Revised Code for each criminal records 12470
check conducted pursuant to a request made under division (B) of 12471
this section shall be paid to the bureau of criminal 12472
identification and investigation by the applicant or the waiver 12473
agency. 12474

(2) If a waiver agency pays the fee, it may charge the 12475
applicant a fee not exceeding the amount the agency pays under 12476
division (D)(1) of this section. An agency may collect a fee only 12477
if the agency notifies the person at the time of initial 12478
application for employment of the amount of the fee and that, 12479
unless the fee is paid, the person will not be considered for 12480
employment. 12481

(E) The report of any criminal records check conducted 12482
pursuant to a request made under this section is not a public 12483
record for the purposes of section 149.43 of the Revised Code and 12484
shall not be made available to any person other than the 12485
following: 12486

(1) The individual who is the subject of the criminal records 12487
check or the individual's representative; 12488

(2) The chief administrator of the agency requesting the 12489
criminal records check or the administrator's representative; 12490

(3) An administrator at the department; 12491

(4) A court, hearing officer, or other necessary individual 12492
involved in a case dealing with a denial of employment of the 12493

applicant or dealing with employment or unemployment benefits of 12494
the applicant. 12495

(F) The department shall adopt rules in accordance with 12496
Chapter 119. of the Revised Code to implement this section. The 12497
rules shall specify circumstances under which a waiver agency may 12498
employ a person who has been convicted of, has pleaded guilty to, 12499
or has been found eligible for intervention in lieu of conviction 12500
for an offense listed or described in division (C)(1) of this 12501
section. 12502

(G) The chief administrator of a waiver agency shall inform 12503
each person, at the time of initial application for a position 12504
that involves providing home and community-based waiver services 12505
to a person with a disability, that the person is required to 12506
provide a set of fingerprint impressions and that a criminal 12507
records check is required to be conducted if the person comes 12508
under final consideration for employment. 12509

(H)(1) A person who, on September 26, 2003, is an employee of 12510
a waiver agency in a full-time, part-time, or temporary position 12511
that involves providing home and community-based waiver services 12512
to a person with disabilities shall comply with this section 12513
within sixty days after September 26, 2003, unless division (H)(2) 12514
of this section applies. 12515

(2) This section shall not apply to a person to whom all of 12516
the following apply: 12517

(a) On September 26, 2003, the person is an employee of a 12518
waiver agency in a full-time, part-time, or temporary position 12519
that involves providing home and community-based waiver services 12520
to a person with disabilities. 12521

(b) The person previously had been the subject of a criminal 12522
background check relating to that position; 12523

(c) The person has been continuously employed in that 12524

position since that criminal background check had been conducted. 12525

Sec. 5111.034. (A) As used in this section: 12526

(1) "Anniversary date" means the later of the effective date 12527
of the provider agreement relating to the independent provider or 12528
sixty days after September 26, 2003. 12529

(2) "Criminal records check" has the same meaning as in 12530
section 109.572 of the Revised Code. 12531

(3) "Department" includes a designee of the department of job 12532
and family services. 12533

(4) "Independent provider" means a person who is submitting 12534
an application for a provider agreement or who has a provider 12535
agreement as an independent provider in a department of job and 12536
family services administered home and community-based services 12537
program providing home and community-based waiver services to 12538
consumers with disabilities. 12539

(5) "Home and community-based waiver services" has the same 12540
meaning as in section 5111.033 of the Revised Code. 12541

(B)(1) The department of job and family services shall inform 12542
each independent provider, at the time of initial application for 12543
a provider agreement that involves providing home and 12544
community-based waiver services to consumers with disabilities, 12545
that the independent provider is required to provide a set of 12546
fingerprint impressions and that a criminal records check is 12547
required to be conducted if the person is to become an independent 12548
provider in a department administered home and community-based 12549
waiver program. 12550

(2) Beginning on September 26, 2003, the department shall 12551
inform each enrolled medicaid independent provider on or before 12552
time of the anniversary date of the provider agreement that 12553
involves providing home and community-based waiver services to 12554

consumers with disabilities that the independent provider is 12555
required to provide a set of fingerprint impressions and that a 12556
criminal records check is required to be conducted. 12557

(C)(1) The department shall require the independent provider 12558
to complete a criminal records check prior to entering into a 12559
provider agreement with the independent provider and at least 12560
annually thereafter. If an independent provider for whom a 12561
criminal records check is required under this division does not 12562
present proof of having been a resident of this state for the 12563
five-year period immediately prior to the date the criminal 12564
records check is requested or provide evidence that within that 12565
five-year period the superintendent of the bureau of criminal 12566
identification and investigation has requested information about 12567
the independent provider from the federal bureau of investigation 12568
in a criminal records check, the department shall request that the 12569
independent provider obtain through the superintendent a criminal 12570
records request from the federal bureau of investigation as part 12571
of the criminal records check of the independent provider. Even if 12572
an independent provider for whom a criminal records check request 12573
is required under this division presents proof of having been a 12574
resident of this state for the five-year period, the department 12575
may request that the independent provider obtain information 12576
through the superintendent from the federal bureau of 12577
investigation in the criminal records check. 12578

(2) The department shall provide the following to each 12579
independent provider for whom a criminal records check request is 12580
required under division (C)(1) of this section: 12581

(a) Information about accessing, completing, and forwarding 12582
to the superintendent of the bureau of criminal identification and 12583
investigation the form prescribed pursuant to division (C)(1) of 12584
section 109.572 of the Revised Code and the standard fingerprint 12585
impression sheet prescribed pursuant to division (C)(2) of that 12586

section; 12587

(b) Written notification that the independent provider is to 12588
instruct the superintendent to submit the completed report of the 12589
criminal records check directly to the department. 12590

(3) An independent provider given information and 12591
notification under divisions (C)(2)(a) and (b) of this section who 12592
fails to access, complete, and forward to the superintendent the 12593
form or the standard fingerprint impression sheet, or who fails to 12594
instruct the superintendent to submit the completed report of the 12595
criminal records check directly to the department, shall not be 12596
approved as an independent provider. 12597

(D) Except as provided in rules adopted by the department in 12598
accordance with division (G) of this section, the department shall 12599
not issue a new provider agreement to, and shall terminate an 12600
existing provider agreement of, an independent provider if the 12601
person has been convicted of, has pleaded guilty to, or has been 12602
found eligible for intervention in lieu of conviction for any of 12603
the following, regardless of the date of the conviction, the date 12604
of entry of the guilty plea, or the date the person was found 12605
eligible for intervention in lieu of conviction: 12606

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 12607
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 12608
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 12609
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 12610
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 12611
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 12612
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 12613
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 12614
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 12615
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 12616
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 12617
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 12618

2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 12619
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 12620
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 12621
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 12622
felonious sexual penetration in violation of former section 12623
2907.12 of the Revised Code, a violation of section 2905.04 of the 12624
Revised Code as it existed prior to July 1, 1996, a violation of 12625
section 2919.23 of the Revised Code that would have been a 12626
violation of section 2905.04 of the Revised Code as it existed 12627
prior to July 1, 1996, had the violation been committed prior to 12628
that date; 12629

(2) A violation of an existing or former municipal ordinance 12630
or law of this state, any other state, or the United States that 12631
is substantially equivalent to any of the offenses listed in 12632
division (D)(1) of this section. 12633

(E) Each independent provider shall pay to the bureau of 12634
criminal identification and investigation the fee prescribed 12635
pursuant to division (C)(3) of section 109.572 of the Revised Code 12636
for each criminal records check conducted pursuant to a request 12637
made under division (C) of this section. 12638

(F) The report of any criminal records check conducted by the 12639
bureau of criminal identification and investigation in accordance 12640
with section 109.572 of the Revised Code and pursuant to a request 12641
made under division (C) of this section is not a public record for 12642
the purposes of section 149.43 of the Revised Code and shall not 12643
be made available to any person other than the following: 12644

(1) The person who is the subject of the criminal records 12645
check or the person's representative; 12646

(2) An administrator at the department or the administrator's 12647
representative; 12648

(3) A court, hearing officer, or other necessary individual 12649

involved in a case dealing with a denial or termination of a provider agreement related to the criminal records check. 12650
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(G) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the department may either issue a provider agreement to an independent provider or allow an independent provider to maintain an existing provider agreement when the independent provider has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for an offense listed or described in division (D)(1) or (2) of this section. 12652
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Sec. 5120.07. (A) There is hereby created the ex-offender reentry coalition consisting of the following ~~seventeen~~ eighteen members or their designees: 12661
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- (1) The director of rehabilitation and correction; 12664
- (2) The director of aging; 12665
- (3) The director of alcohol and drug addiction services; 12666
- (4) The director of development; 12667
- (5) The superintendent of public instruction; 12668
- (6) The director of health; 12669
- (7) The director of job and family services; 12670
- (8) The director of mental health; 12671
- (9) The director of developmental disabilities; 12672
- (10) The director of public safety; 12673
- (11) The director of youth services; 12674
- (12) The chancellor of the Ohio board of regents; 12675
- (13) A representative or member of the governor's staff; 12676

(14) The director of the rehabilitation services commission;	12677
(15) The director of the department of commerce;	12678
(16) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;	12679 12680 12681
(17) The director of veterans services;	12682
<u>(18) An ex-offender appointed by the director of rehabilitation and correction.</u>	12683 12684
(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.	12685 12686 12687
(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 not limited to, the following:	12688 12689 12690 12691 12692 12693 12694 12695 12696 12697 12698 12699 12700 12701 12702
(1) Admission to public and other housing;	12703
(2) Child support obligations and procedures;	12704
(3) Parental incarceration and family reunification;	12705
(4) Social security benefits, veterans' benefits, food	12706

stamps, and other forms of public assistance;	12707
(5) Employment;	12708
(6) Education programs and financial assistance;	12709
(7) Substance abuse, mental health, and sex offender treatment programs and financial assistance;	12710 12711
(8) Civic and political participation;	12712
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	12713 12714 12715
(D)(1) The report shall also include the following information:	12716 12717
(a) Identification of state appropriations for reentry programs;	12718 12719
(b) Identification of other funding sources for reentry programs that are not funded by the state;	12720 12721
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	12722 12723 12724 12725
(a) The amount of funding received;	12726
(b) The number of program participants;	12727
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	12728 12729
(d) The type of post-program tracking that is utilized;	12730
(e) Information about employment rates and recidivism rates of ex-offenders.	12731 12732
(E) The coalition shall cease to exist on December 31, 2014.	12733

Sec. 5149.311. (A) The department of rehabilitation and 12734
correction shall establish and administer the probation 12735
improvement grant and the probation incentive grant for ~~court of~~ 12736
common pleas, municipal, and county court probation departments 12737
that supervise ~~felony~~ offenders. 12738

(B)(1) The probation improvement grant shall provide funding 12739
to ~~court of~~ common pleas, municipal, and county court probation 12740
departments to adopt policies and practices based on the latest 12741
research on how to reduce the number of ~~felony~~ offenders on 12742
probation supervision who violate the conditions of their 12743
supervision. 12744

(2) The department shall adopt rules for the distribution of 12745
the probation improvement grant, including the formula for the 12746
allocation of the subsidy based on the number of ~~felony~~ offenders 12747
placed on probation annually in each jurisdiction. 12748

(C)(1) The probation incentive grant shall provide a 12749
performance-based level of funding to ~~court of~~ common pleas, 12750
municipal, and county court probation departments that are 12751
successful in reducing the number of ~~felony~~ offenders on probation 12752
supervision whose terms of supervision are revoked. 12753

(2) The department shall calculate annually any cost savings 12754
realized by the state from a reduction in the percentage of people 12755
who are incarcerated because their terms of supervised probation 12756
were revoked. The cost savings estimate shall be calculated for 12757
each ~~county~~ jurisdiction served by the probation department 12758
eligible for a grant under this section and be based on the 12759
difference from fiscal year 2010 and the fiscal year under 12760
examination. 12761

(3) The department shall adopt rules that specify the subsidy 12762
amount to be appropriated to ~~court of~~ common pleas, municipal, and 12763

county court probation departments that successfully reduce the 12764
percentage of people on probation who are incarcerated because 12765
their terms of supervision are revoked. 12766

(D) The following stipulations apply to both the probation 12767
improvement grant and the probation incentive grant: 12768

(1) In order to be eligible for the probation improvement 12769
grant and the probation incentive grant, ~~courts of~~ common pleas, 12770
municipal, and county courts must satisfy all requirements under 12771
sections 2301.27 and 2301.30 of the Revised Code ~~and, except.~~ 12772
Except for sentencing decisions made by a court when use of the 12773
risk assessment tool is discretionary, in order to be eligible for 12774
the probation improvement grant and the probation incentive grant, 12775
a court must utilize the single validated risk assessment tool 12776
selected by the department of rehabilitation and correction under 12777
section 5120.114 of the Revised Code. 12778

(2) The department may deny a subsidy under this section to 12779
any applicant if the applicant fails to comply with the terms of 12780
any agreement entered into pursuant to any of the provisions of 12781
this section. 12782

(3) The department shall evaluate or provide for the 12783
evaluation of the policies, practices, and programs the ~~court of~~ 12784
common pleas, municipal, or county court probation departments 12785
utilize with the programs of subsidies established under this 12786
section and establish means of measuring their effectiveness. 12787

(4) The department shall specify the policies, practices, and 12788
programs for which ~~court of~~ common pleas, municipal, or county 12789
court probation departments may use the program subsidy and shall 12790
establish minimum standards of quality and efficiency that 12791
recipients of the subsidy must follow. The department shall give 12792
priority to supporting evidence-based policies and practices, as 12793
defined by the department. 12794

Sec. 5502.011. (A) As used in this section, "department of public safety" and "department" include all divisions within the department of public safety.

(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.

(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:

(1) Administer and direct the performance of the duties of the department;

(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;

(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 into contracts, agreements, and other business arrangements;

(4) Make appointments for the department as needed to comply with requirements of the Revised Code;

(5) Approve employment actions of the department, including

appointments, promotions, discipline, investigations, and	12825
terminations;	12826
(6) Accept, hold, and use, for the benefit of the department,	12827
any gift, donation, bequest, or devise, and may agree to and	12828
perform all conditions of the gift, donation, bequest, or devise,	12829
that are not contrary to law;	12830
(7) Apply for, allocate, disburse, and account for grants	12831
made available under federal law or from other federal, state, or	12832
private sources;	12833
(8) <u>Develop a list of disqualifying offenses for licensure as</u>	12834
<u>a private investigator or a security guard provider pursuant to</u>	12835
<u>sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised</u>	12836
<u>Code;</u>	12837
<u>(9)</u> Do all other acts necessary or desirable to carry out	12838
this chapter.	12839
(D)(1) The director of public safety may assess a reasonable	12840
fee, plus the amount of any charge or fee passed on from a	12841
financial institution, on a drawer or indorser for each of the	12842
following:	12843
(a) A check, draft, or money order that is returned or	12844
dishonored;	12845
(b) An automatic bank transfer that is declined, due to	12846
insufficient funds or for any other reason;	12847
(c) Any financial transaction device that is returned or	12848
dishonored for any reason.	12849
(2) The director shall deposit any fee collected under this	12850
division in an appropriate fund as determined by the director	12851
based on the tax, fee, or fine being paid.	12852
(3) As used in this division, "financial transaction device"	12853
has the same meaning as in section 113.40 of the Revised Code.	12854

(E) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. The advisory council shall include, but not be limited to, state and local government officials who have homeland security or emergency management responsibilities and who represent first responders. The director shall appoint the members of the council, who shall serve without compensation.

(F) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code as required by section 2909.28 of the Revised Code and division (A)(1) of section 2909.32 of the Revised Code. The director shall adopt rules as required by division (D) of section 2909.32 of the Revised Code, division (E) of section 2909.33 of the Revised Code, and division (D) of section 2909.34 of the Revised Code. The director may adopt rules pursuant to division (A)(2) of section 2909.32 of the Revised Code, division (A)(2) of section 2909.33 of the Revised Code, and division (A)(2) of section 2909.34 of the Revised Code.

Sec. 5743.99. (A)(1) Except as provided in division (A)(2) of this section, whoever violates section 5743.10, 5743.11, or 5743.12 or division (C) of section 5743.54 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fourth degree.

(2) Unless the total number of cigarettes exceeds one thousand two hundred, an individual who violates section 5743.10 of the Revised Code is guilty of a minor misdemeanor. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the first degree.

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a

felony of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the second degree.

(C) Whoever violates section 5743.41 or 5743.42 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the third degree.

(D) Whoever violates section 5743.21 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fifth degree.

(E) Whoever violates division (F) of section 5743.03 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(F) Whoever violates any provision of this chapter, or any rule promulgated by the tax commissioner under authority of this chapter, for the violation of which no penalty is provided elsewhere, is guilty of a misdemeanor of the fourth degree.

(G) In addition to any other penalty imposed upon a person convicted of a violation of section 5743.112 or 5743.60 of the Revised Code who was the operator of a motor vehicle used in the violation, the court ~~shall~~ may suspend for not less than thirty days or more than three years the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. ~~The~~ If the court imposes such a suspension, the court shall send a copy of its suspension order and determination to the registrar of motor vehicles, and the registrar, pursuant to the order and determination, shall impose a suspension of the same duration. No judge shall suspend the first thirty days of suspension of an offender's license, permit, or privilege required by this division. The court, in lieu of suspending the offender's driver's

or commercial driver's license or permit or nonresident operating 12917
privilege, instead may require the offender to perform community 12918
service for a number of hours determined by the court. 12919

Section 2. That existing sections 109.57, 109.572, 109.578, 12920
307.932, 2151.356, 2152.02, 2152.12, 2152.121, 2152.18, 2152.26, 12921
2152.52, 2152.56, 2152.59, 2301.27, 2301.271, 2705.031, 2907.24, 12922
2913.02, 2921.331, 2923.122, 2925.03, 2925.04, 2925.14, 2925.38, 12923
2929.14, 2929.19, 2929.26, 2929.41, 2947.23, 2949.08, 2951.022, 12924
2953.08, 2953.31, 2953.32, 2953.34, 2953.36, 2961.22, 2967.191, 12925
2967.193, 2967.26, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 12926
4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 12927
4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 12928
4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 12929
4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 12930
4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 12931
4749.06, 4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5149.311, 12932
5502.011, and 5743.99 of the Revised Code are hereby repealed. 12933

Section 3. The Department of Public Safety shall conduct a 12934
study on the advisability and feasibility of there being held in 12935
this state a one-time amnesty program for the payment of fees and 12936
fines owed by persons who have pleaded guilty to or been convicted 12937
of motor vehicle traffic and equipment offenses or have had their 12938
driver's license, commercial driver's license, or temporary 12939
instruction permit suspended for any reason by this state. The 12940
Department may confer with any public or private organization or 12941
entity that the Department determines could be of assistance to 12942
the Department in conducting the study. The Department shall study 12943
all aspects of such a program, including its scope, duration, the 12944
amounts or percentages of fees or fines persons would be permitted 12945
to pay under the program, and which persons would be eligible to 12946
participate in the program. 12947

Not later than six months after the effective date of this section, the Department shall issue a report containing the results of the study. The Department shall furnish copies of its report to the Governor, the Ohio Senate, and the Ohio House of Representatives.

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

Section 149.43 of the Revised Code as amended by both Sub. H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly.

Section 2925.03 of the Revised Code as amended by both Sub. H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly.

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

Section 4507.164 of the Revised Code as amended by both Sub. H.B. 5 and Am. Sub. H.B. 153 of the 129th General Assembly.

Section 5. The amendment of section 5120.07 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

Section 6. That Section 5 of Am. Sub. H.B. 86 of the 129th General Assembly be amended to read as follows:

Sec. 5. (A) The Ohio Interagency Task Force on Mental Health

and Juvenile Justice is hereby established to investigate and make 12975
recommendations on how to most effectively treat delinquent youth 12976
who suffer from serious mental illness or emotional and behavioral 12977
disorders, while giving attention to the needs of Ohio's economy. 12978
The Task Force shall consist of the following members: 12979

- (1) The Director of Youth Services; 12980
- (2) The Director of Mental Health; 12981
- (3) The Director of the Governor's Office of Health 12982
Transformation; 12983
- (4) The Superintendent of Public Instruction; 12984
- (5) A justice of the Supreme Court or a designee appointed by 12985
the justices of the Supreme Court who has experience in juvenile 12986
law or mental health issues; 12987
- (6) A designee appointed by the President of the Ohio 12988
Association of Juvenile Court Judges; 12989
- (7) A board-certified child and adolescent psychiatrist 12990
appointed by the Director of the Department of Mental Health; 12991
- (8) A licensed child and adolescent psychologist appointed by 12992
the President of the State Board of Psychology; 12993
- (9) Up to ten members with expertise in child and adolescent 12994
development, mental health, or juvenile justice appointed by the 12995
Governor, including, but not limited to, members representing the 12996
Ohio chapter of the National Alliance on Mental Illness, the Ohio 12997
Federation for Children's Mental Health, an academic research 12998
institution with expertise in juvenile justice and child and 12999
adolescent development, and a provider of children's 13000
community-based mental health services; 13001
- (10) Two members of the General Assembly, one from the 13002
majority party and one from the minority party, jointly appointed 13003

by the Speaker of the House of Representatives and the President 13004
of the Senate; 13005

(11) A member of the public jointly appointed by the Speaker 13006
of the House of Representatives and the President of the Senate; 13007

(12) A representative of the Ohio Prosecuting Attorneys 13008
Association designated by the Association; 13009

(13) The State Public Defender; 13010

(14) A representative of the Ohio Judicial Conference. 13011

(B) Members of the Task Force shall be appointed by September 13012
30, 2011. Vacancies on the Task Force shall be filled in the same 13013
manner as the original appointments. Members shall serve without 13014
compensation. 13015

(C) The Governor shall designate the chairperson of the Task 13016
Force. All meetings of the Task Force shall be held at the call of 13017
the chairperson. 13018

(D) The duties of the Task Force shall include all of the 13019
following: 13020

(1) Reviewing the current staff training and protocols and 13021
procedures for treating mentally ill and seriously mentally ill 13022
youth committed to the Department of Youth Services; 13023

(2) Reviewing the current funding, roles, and 13024
responsibilities of the Department of Youth Services, Department 13025
of Mental Health, Department of Education, and other Departments 13026
providing services to youth, as the funding, roles, and 13027
responsibilities pertain to youth with serious mental illness, or 13028
severe emotional and behavioral disorders; 13029

(3) Conducting a review of literature related to the best 13030
practices in the treatment of youth with mental illness and 13031
seriously mentally ill youth who are adjudicated to be a 13032
delinquent child and committed to the Department of Youth 13033

Services;	13034
(4) Investigating mental health treatment models for youth involved in the juvenile justice system of other states and jurisdictions, and other relevant data and information, in order to identify potential model programs, protocols, and best practices;	13035 13036 13037 13038 13039
(5) Conducting at least one visit to a Department of Youth Services mental health unit and completing a comprehensive data review of the mentally ill and seriously mentally ill youth currently committed to the Department of Youth Services to develop a profile of such youth currently committed to the Department of Youth Services.	13040 13041 13042 13043 13044 13045
(E) The members of the Task Force shall make findings and recommendations, based on the results of the Task Force's duties, regarding all of the following:	13046 13047 13048
(1) Best practices in the field of treatment for youth with mental illness or serious mental illness who are involved in the juvenile justice system;	13049 13050 13051
(2) Guiding principles for the treatment of youth with mental illness or serious mental illness who are involved in the juvenile justice system;	13052 13053 13054
(3) The infrastructure, roles, and responsibilities of and other departments providing services to youth, in relation to effectively meeting the multiple needs of youth with mental illness or serious mental illness who are involved in the juvenile justice system;	13055 13056 13057 13058 13059
(4) Funding strategies that maximize public, private, state, and federal resources and that create incentives for high performance and innovative treatment;	13060 13061 13062
(5) Changes to administrative, court, and legislative rules	13063

that would support the recommendations of the Task Force. 13064

The members of the Task Force may make other recommendations 13065
related to effectively treating delinquent youth who suffer from 13066
mental illness and serious mental health illness, including 13067
mentally ill youth who also have special education needs, as 13068
determined to be relevant by the chairperson of the Task Force. 13069

(F) Not later than ~~March 31~~ September 30, 2012, the Task 13070
Force shall issue a report of the Task Force's findings and 13071
recommendations to the Governor, the President of the Senate, the 13072
Speaker of the House of Representatives, and the Chief Justice of 13073
the Supreme Court. Upon the issuance of the report by the Task 13074
Force, the Task Force shall cease to exist. 13075

Section 7. That existing Section 5 of Am. Sub. H.B. 86 of the 13076
129th General Assembly is hereby repealed. 13077