

As Reported by the Senate Judiciary Committee

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Senators Seitz, Smith

Cosponsors: Senators Wagoner, Lehner, LaRose, Turner

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A B I L L

To amend sections 109.57, 109.572, 109.578, 2151.356,	1
2152.02, 2152.18, 2152.26, 2705.031, 2907.24,	2
2913.02, 2923.122, 2925.14, 2925.38, 2947.23,	3
2949.08, 2953.31, 2953.32, 2953.34, 2953.36,	4
2967.191, 3119.01, 3119.05, 3123.58, 3772.10,	5
4301.99, 4501.02, 4503.233, 4503.234, 4507.02,	6
4507.164, 4509.06, 4509.101, 4510.10, 4510.11,	7
4510.111, 4510.16, 4510.161, 4510.17, 4510.41,	8
4510.54, 4513.02, 4513.021, 4513.99, 4713.07,	9
4713.28, 4725.44, 4725.48, 4725.52, 4725.53,	10
4738.04, 4738.07, 4740.05, 4740.06, 4740.10,	11
4747.04, 4747.05, 4747.10, 4747.12, 4749.03,	12
4749.04, 4749.06, 4776.04, 5111.032, 5111.033,	13
5111.034, 5120.07, 5502.011, and 5743.99, and to	14
enact sections 2925.141, 2953.25, 4776.021, and	15
4776.10 of the Revised Code to exclude most	16
juvenile proceedings and adjudications from	17
criminal records checks; to ensure that persons	18
sentenced to confinement receive credit for time	19
served in juvenile facilities; to expand	20
eligibility for the sealing of criminal records	21
and to eliminate the prohibition of the sealing of	22
juvenile records in certain cases; to make the use	23

or possession with purpose to use drug 24
paraphernalia with marihuana a minor misdemeanor; 25
to provide that a court's failure to warn an 26
offender at sentencing about the possibility that 27
the court may order community service if the 28
offender fails to pay the costs of prosecution 29
does not negate or limit the authority of the 30
court to so order community service; to permit an 31
individual subject to civil sanctions as a result 32
of a conviction of or plea of guilty to a criminal 33
offense to file a petition for relief from the 34
sanctions and establish a procedure for the review 35
of such petitions; to permit the court of common 36
pleas of the individual's county of residence to 37
issue a certificate of qualification for 38
employment; to permit decision-makers to consider 39
on a case-by-case basis whether to grant or deny 40
the issuance or restoration of an occupational 41
license or employment opportunity to an offender 42
who has been issued such a certificate regardless 43
of the offender's possession of the certificate 44
and without reconsidering or rejecting any finding 45
made by the issuing court; to provide for the 46
revocation of a certificate of qualification for 47
employment; to increase from eighteen to 48
twenty-one the age at which certain offenders may 49
be held in places not authorized for the 50
confinement of children; to increase the juvenile 51
court's jurisdiction over certain specified cases 52
solely for the purpose of detaining a person while 53
the person's case is heard in adult court; to 54
create a process by which a prosecutor may file a 55
motion in juvenile court to request that a person 56

be held in a place other than those specified for 57
the placement for children while the person's case 58
is heard in adult court; to amend the law 59
governing child support; to modify the penalty for 60
driving under suspension if the suspension was 61
imposed as part of the penalty for certain 62
violations that do not directly involve the 63
operation of a motor vehicle; to make changes in 64
certain other driver's license suspension 65
provisions; to require the Department of Public 66
Safety to study the advisability and feasibility 67
of a one-time amnesty program for drivers who have 68
not paid fees or fines owed by them for motor 69
vehicle offenses and driver's license suspensions; 70
to define the terms moral turpitude and 71
disqualifying offense as applied to certain 72
employment; to provide for criminal records checks 73
and a license issuance restriction regarding 74
applicants for a trainee license for a profession 75
or occupation; to require the Casino Control 76
Commission to notify each applicant for a license 77
from the Commission who is denied the license of 78
the reasons for the denial and to provide an 79
annual report to the General Assembly and Governor 80
that specifies the number of license applications 81
denied in the year and the reasons for the denial; 82
to add an ex-offender appointed by the Director of 83
Rehabilitation and Correction to the Ex-offender 84
Reentry Coalition; and to prohibit the preclusion 85
of individuals from obtaining or renewing certain 86
licenses, certifications, or permits due to any 87
past criminal history unless the individual had 88
committed a crime of moral turpitude or a 89

disqualifying offense.

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

Section 1. That sections 109.57, 109.572, 109.578, 2151.356, 2152.02, 2152.18, 2152.26, 2705.031, 2907.24, 2913.02, 2923.122, 2925.14, 2925.38, 2947.23, 2949.08, 2953.31, 2953.32, 2953.34, 2953.36, 2967.191, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5502.011, and 5743.99 be amended, and sections 2925.141, 2953.25, 4776.021, and 4776.10 of the Revised Code be enacted to read as follows:

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county,

or multicounty-municipal jail or workhouse, community-based 119
correctional facility, halfway house, alternative residential 120
facility, or state correctional institution and the person in 121
charge of any state institution having custody of a person 122
suspected of having committed a felony, any crime constituting a 123
misdemeanor on the first offense and a felony on subsequent 124
offenses, or any misdemeanor described in division (A)(1)(a), 125
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 126
having custody of a child under eighteen years of age with respect 127
to whom there is probable cause to believe that the child may have 128
committed an act that would be a felony or an offense of violence 129
if committed by an adult shall furnish such material to the 130
superintendent of the bureau. Fingerprints, photographs, or other 131
descriptive information of a child who is under eighteen years of 132
age, has not been arrested or otherwise taken into custody for 133
committing an act that would be a felony or an offense of violence 134
who is not in any other category of child specified in this 135
division, if committed by an adult, has not been adjudicated a 136
delinquent child for committing an act that would be a felony or 137
an offense of violence if committed by an adult, has not been 138
convicted of or pleaded guilty to committing a felony or an 139
offense of violence, and is not a child with respect to whom there 140
is probable cause to believe that the child may have committed an 141
act that would be a felony or an offense of violence if committed 142
by an adult shall not be procured by the superintendent or 143
furnished by any person in charge of any county, multicounty, 144
municipal, municipal-county, or multicounty-municipal jail or 145
workhouse, community-based correctional facility, halfway house, 146
alternative residential facility, or state correctional 147
institution, except as authorized in section 2151.313 of the 148
Revised Code. 149

(2) Every clerk of a court of record in this state, other 150
than the supreme court or a court of appeals, shall send to the 151

superintendent of the bureau a weekly report containing a summary 152
of each case involving a felony, involving any crime constituting 153
a misdemeanor on the first offense and a felony on subsequent 154
offenses, involving a misdemeanor described in division (A)(1)(a), 155
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 156
or involving an adjudication in a case in which a child under 157
eighteen years of age was alleged to be a delinquent child for 158
committing an act that would be a felony or an offense of violence 159
if committed by an adult. The clerk of the court of common pleas 160
shall include in the report and summary the clerk sends under this 161
division all information described in divisions (A)(2)(a) to (f) 162
of this section regarding a case before the court of appeals that 163
is served by that clerk. The summary shall be written on the 164
standard forms furnished by the superintendent pursuant to 165
division (B) of this section and shall include the following 166
information: 167

(a) The incident tracking number contained on the standard 168
forms furnished by the superintendent pursuant to division (B) of 169
this section; 170

(b) The style and number of the case; 171

(c) The date of arrest, offense, summons, or arraignment; 172

(d) The date that the person was convicted of or pleaded 173
guilty to the offense, adjudicated a delinquent child for 174
committing the act that would be a felony or an offense of 175
violence if committed by an adult, found not guilty of the 176
offense, or found not to be a delinquent child for committing an 177
act that would be a felony or an offense of violence if committed 178
by an adult, the date of an entry dismissing the charge, an entry 179
declaring a mistrial of the offense in which the person is 180
discharged, an entry finding that the person or child is not 181
competent to stand trial, or an entry of a nolle prosequi, or the 182
date of any other determination that constitutes final resolution 183

of the case; 184

(e) A statement of the original charge with the section of 185
the Revised Code that was alleged to be violated; 186

(f) If the person or child was convicted, pleaded guilty, or 187
was adjudicated a delinquent child, the sentence or terms of 188
probation imposed or any other disposition of the offender or the 189
delinquent child. 190

If the offense involved the disarming of a law enforcement 191
officer or an attempt to disarm a law enforcement officer, the 192
clerk shall clearly state that fact in the summary, and the 193
superintendent shall ensure that a clear statement of that fact is 194
placed in the bureau's records. 195

(3) The superintendent shall cooperate with and assist 196
sheriffs, chiefs of police, and other law enforcement officers in 197
the establishment of a complete system of criminal identification 198
and in obtaining fingerprints and other means of identification of 199
all persons arrested on a charge of a felony, any crime 200
constituting a misdemeanor on the first offense and a felony on 201
subsequent offenses, or a misdemeanor described in division 202
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 203
Revised Code and of all children under eighteen years of age 204
arrested or otherwise taken into custody for committing an act 205
that would be a felony or an offense of violence if committed by 206
an adult. The superintendent also shall file for record the 207
fingerprint impressions of all persons confined in a county, 208
multicounty, municipal, municipal-county, or multicounty-municipal 209
jail or workhouse, community-based correctional facility, halfway 210
house, alternative residential facility, or state correctional 211
institution for the violation of state laws and of all children 212
under eighteen years of age who are confined in a county, 213
multicounty, municipal, municipal-county, or multicounty-municipal 214
jail or workhouse, community-based correctional facility, halfway 215

house, alternative residential facility, or state correctional 216
institution or in any facility for delinquent children for 217
committing an act that would be a felony or an offense of violence 218
if committed by an adult, and any other information that the 219
superintendent may receive from law enforcement officials of the 220
state and its political subdivisions. 221

(4) The superintendent shall carry out Chapter 2950. of the 222
Revised Code with respect to the registration of persons who are 223
convicted of or plead guilty to a sexually oriented offense or a 224
child-victim oriented offense and with respect to all other duties 225
imposed on the bureau under that chapter. 226

(5) The bureau shall perform centralized recordkeeping 227
functions for criminal history records and services in this state 228
for purposes of the national crime prevention and privacy compact 229
set forth in section 109.571 of the Revised Code and is the 230
criminal history record repository as defined in that section for 231
purposes of that compact. The superintendent or the 232
superintendent's designee is the compact officer for purposes of 233
that compact and shall carry out the responsibilities of the 234
compact officer specified in that compact. 235

(B) The superintendent shall prepare and furnish to every 236
county, multicounty, municipal, municipal-county, or 237
multicounty-municipal jail or workhouse, community-based 238
correctional facility, halfway house, alternative residential 239
facility, or state correctional institution and to every clerk of 240
a court in this state specified in division (A)(2) of this section 241
standard forms for reporting the information required under 242
division (A) of this section. The standard forms that the 243
superintendent prepares pursuant to this division may be in a 244
tangible format, in an electronic format, or in both tangible 245
formats and electronic formats. 246

(C)(1) The superintendent may operate a center for 247

electronic, automated, or other data processing for the storage 248
and retrieval of information, data, and statistics pertaining to 249
criminals and to children under eighteen years of age who are 250
adjudicated delinquent children for committing an act that would 251
be a felony or an offense of violence if committed by an adult, 252
criminal activity, crime prevention, law enforcement, and criminal 253
justice, and may establish and operate a statewide communications 254
network to be known as the Ohio law enforcement gateway to gather 255
and disseminate information, data, and statistics for the use of 256
law enforcement agencies and for other uses specified in this 257
division. The superintendent may gather, store, retrieve, and 258
disseminate information, data, and statistics that pertain to 259
children who are under eighteen years of age and that are gathered 260
pursuant to sections 109.57 to 109.61 of the Revised Code together 261
with information, data, and statistics that pertain to adults and 262
that are gathered pursuant to those sections. 263

(2) The superintendent or the superintendent's designee shall 264
gather information of the nature described in division (C)(1) of 265
this section that pertains to the offense and delinquency history 266
of a person who has been convicted of, pleaded guilty to, or been 267
adjudicated a delinquent child for committing a sexually oriented 268
offense or a child-victim oriented offense for inclusion in the 269
state registry of sex offenders and child-victim offenders 270
maintained pursuant to division (A)(1) of section 2950.13 of the 271
Revised Code and in the internet database operated pursuant to 272
division (A)(13) of that section and for possible inclusion in the 273
internet database operated pursuant to division (A)(11) of that 274
section. 275

(3) In addition to any other authorized use of information, 276
data, and statistics of the nature described in division (C)(1) of 277
this section, the superintendent or the superintendent's designee 278
may provide and exchange the information, data, and statistics 279

pursuant to the national crime prevention and privacy compact as 280
described in division (A)(5) of this section. 281

(4) The attorney general may adopt rules under Chapter 119. 282
of the Revised Code establishing guidelines for the operation of 283
and participation in the Ohio law enforcement gateway. The rules 284
may include criteria for granting and restricting access to 285
information gathered and disseminated through the Ohio law 286
enforcement gateway. The attorney general shall permit the state 287
medical board and board of nursing to access and view, but not 288
alter, information gathered and disseminated through the Ohio law 289
enforcement gateway. 290

The attorney general may appoint a steering committee to 291
advise the attorney general in the operation of the Ohio law 292
enforcement gateway that is comprised of persons who are 293
representatives of the criminal justice agencies in this state 294
that use the Ohio law enforcement gateway and is chaired by the 295
superintendent or the superintendent's designee. 296

(D)(1) The following are not public records under section 297
149.43 of the Revised Code: 298

(a) Information and materials furnished to the superintendent 299
pursuant to division (A) of this section; 300

(b) Information, data, and statistics gathered or 301
disseminated through the Ohio law enforcement gateway pursuant to 302
division (C)(1) of this section; 303

(c) Information and materials furnished to any board or 304
person under division (F) or (G) of this section. 305

(2) The superintendent or the superintendent's designee shall 306
gather and retain information so furnished under division (A) of 307
this section that pertains to the offense and delinquency history 308
of a person who has been convicted of, pleaded guilty to, or been 309
adjudicated a delinquent child for committing a sexually oriented 310

offense or a child-victim oriented offense for the purposes 311
described in division (C)(2) of this section. 312

(E)(1) The attorney general shall adopt rules, in accordance 313
with Chapter 119. of the Revised Code and subject to division 314
(E)(2) of this section, setting forth the procedure by which a 315
person may receive or release information gathered by the 316
superintendent pursuant to division (A) of this section. A 317
reasonable fee may be charged for this service. If a temporary 318
employment service submits a request for a determination of 319
whether a person the service plans to refer to an employment 320
position has been convicted of or pleaded guilty to an offense 321
listed in division (A)(1), (3), (4), (5), or (6) of section 322
109.572 of the Revised Code, the request shall be treated as a 323
single request and only one fee shall be charged. 324

(2) Except as otherwise provided in this division, a rule 325
adopted under division (E)(1) of this section may provide only for 326
the release of information gathered pursuant to division (A) of 327
this section that relates to the conviction of a person, or a 328
person's plea of guilty to, a criminal offense. The superintendent 329
shall not release, and the attorney general shall not adopt any 330
rule under division (E)(1) of this section that permits the 331
release of, any information gathered pursuant to division (A) of 332
this section that relates to an adjudication of a child as a 333
delinquent child, or that relates to a criminal conviction of a 334
person under eighteen years of age if the person's case was 335
transferred back to a juvenile court under division (B)(2) or (3) 336
of section 2152.121 of the Revised Code and the juvenile court 337
imposed a disposition or serious youthful offender disposition 338
upon the person under either division, unless either of the 339
following applies with respect to the adjudication or conviction: 340

(a) The adjudication or conviction was for a violation of 341
section 2903.01 or 2903.02 of the Revised Code. 342

(b) The adjudication or conviction was for a sexually 343
oriented offense, the juvenile court was required to classify the 344
child a juvenile offender registrant for that offense under 345
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 346
classification has not been removed. 347

(F)(1) As used in division (F)(2) of this section, "head 348
start agency" means an entity in this state that has been approved 349
to be an agency for purposes of subchapter II of the "Community 350
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 351
as amended. 352

(2)(a) In addition to or in conjunction with any request that 353
is required to be made under section 109.572, 2151.86, 3301.32, 354
3301.541, division (C) of section 3310.58, or section 3319.39, 355
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 356
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 357
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 358
Revised Code, the board of education of any school district; the 359
director of developmental disabilities; any county board of 360
developmental disabilities; any entity under contract with a 361
county board of developmental disabilities; the chief 362
administrator of any chartered nonpublic school; the chief 363
administrator of a registered private provider that is not also a 364
chartered nonpublic school; the chief administrator of any home 365
health agency; the chief administrator of or person operating any 366
child day-care center, type A family day-care home, or type B 367
family day-care home licensed or certified under Chapter 5104. of 368
the Revised Code; the administrator of any type C family day-care 369
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 370
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 371
general assembly; the chief administrator of any head start 372
agency; the executive director of a public children services 373
agency; a private company described in section 3314.41, 3319.392, 374

3326.25, or 3328.20 of the Revised Code; or an employer described 375
in division (J)(2) of section 3327.10 of the Revised Code may 376
request that the superintendent of the bureau investigate and 377
determine, with respect to any individual who has applied for 378
employment in any position after October 2, 1989, or any 379
individual wishing to apply for employment with a board of 380
education may request, with regard to the individual, whether the 381
bureau has any information gathered under division (A) of this 382
section that pertains to that individual. On receipt of the 383
request, subject to division (E)(2) of this section, the 384
superintendent shall determine whether that information exists 385
and, upon request of the person, board, or entity requesting 386
information, also shall request from the federal bureau of 387
investigation any criminal records it has pertaining to that 388
individual. The superintendent or the superintendent's designee 389
also may request criminal history records from other states or the 390
federal government pursuant to the national crime prevention and 391
privacy compact set forth in section 109.571 of the Revised Code. 392
Within thirty days of the date that the superintendent receives a 393
request, subject to division (E)(2) of this section, the 394
superintendent shall send to the board, entity, or person a report 395
of any information that the superintendent determines exists, 396
including information contained in records that have been sealed 397
under section 2953.32 of the Revised Code, and, within thirty days 398
of its receipt, subject to division (E)(2) of this section, shall 399
send the board, entity, or person a report of any information 400
received from the federal bureau of investigation, other than 401
information the dissemination of which is prohibited by federal 402
law. 403

(b) When a board of education or a registered private 404
provider is required to receive information under this section as 405
a prerequisite to employment of an individual pursuant to division 406
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 407

may accept a certified copy of records that were issued by the 408
bureau of criminal identification and investigation and that are 409
presented by an individual applying for employment with the 410
district in lieu of requesting that information itself. In such a 411
case, the board shall accept the certified copy issued by the 412
bureau in order to make a photocopy of it for that individual's 413
employment application documents and shall return the certified 414
copy to the individual. In a case of that nature, a district or 415
provider only shall accept a certified copy of records of that 416
nature within one year after the date of their issuance by the 417
bureau. 418

(c) Notwithstanding division (F)(2)(a) of this section, in 419
the case of a request under section 3319.39, 3319.391, or 3327.10 420
of the Revised Code only for criminal records maintained by the 421
federal bureau of investigation, the superintendent shall not 422
determine whether any information gathered under division (A) of 423
this section exists on the person for whom the request is made. 424

(3) The state board of education may request, with respect to 425
any individual who has applied for employment after October 2, 426
1989, in any position with the state board or the department of 427
education, any information that a school district board of 428
education is authorized to request under division (F)(2) of this 429
section, and the superintendent of the bureau shall proceed as if 430
the request has been received from a school district board of 431
education under division (F)(2) of this section. 432

(4) When the superintendent of the bureau receives a request 433
for information under section 3319.291 of the Revised Code, the 434
superintendent shall proceed as if the request has been received 435
from a school district board of education and shall comply with 436
divisions (F)(2)(a) and (c) of this section. 437

(5) When a recipient of a classroom reading improvement grant 438
paid under section 3301.86 of the Revised Code requests, with 439

respect to any individual who applies to participate in providing 440
any program or service funded in whole or in part by the grant, 441
the information that a school district board of education is 442
authorized to request under division (F)(2)(a) of this section, 443
the superintendent of the bureau shall proceed as if the request 444
has been received from a school district board of education under 445
division (F)(2)(a) of this section. 446

(G) In addition to or in conjunction with any request that is 447
required to be made under section 3701.881, 3712.09, 3721.121, 448
5119.693, or 5119.85 of the Revised Code with respect to an 449
individual who has applied for employment in a position that 450
involves providing direct care to an older adult or adult 451
resident, the chief administrator of a home health agency, hospice 452
care program, home licensed under Chapter 3721. of the Revised 453
Code, adult day-care program operated pursuant to rules adopted 454
under section 3721.04 of the Revised Code, adult foster home, or 455
adult care facility may request that the superintendent of the 456
bureau investigate and determine, with respect to any individual 457
who has applied after January 27, 1997, for employment in a 458
position that does not involve providing direct care to an older 459
adult or adult resident, whether the bureau has any information 460
gathered under division (A) of this section that pertains to that 461
individual. 462

In addition to or in conjunction with any request that is 463
required to be made under section 173.27 of the Revised Code with 464
respect to an individual who has applied for employment in a 465
position that involves providing ombudsperson services to 466
residents of long-term care facilities or recipients of 467
community-based long-term care services, the state long-term care 468
ombudsperson, ombudsperson's designee, or director of health may 469
request that the superintendent investigate and determine, with 470
respect to any individual who has applied for employment in a 471

position that does not involve providing such ombudsperson 472
services, whether the bureau has any information gathered under 473
division (A) of this section that pertains to that applicant. 474

In addition to or in conjunction with any request that is 475
required to be made under section 173.394 of the Revised Code with 476
respect to an individual who has applied for employment in a 477
position that involves providing direct care to an individual, the 478
chief administrator of a community-based long-term care agency may 479
request that the superintendent investigate and determine, with 480
respect to any individual who has applied for employment in a 481
position that does not involve providing direct care, whether the 482
bureau has any information gathered under division (A) of this 483
section that pertains to that applicant. 484

On receipt of a request under this division, the 485
superintendent shall determine whether that information exists 486
and, on request of the individual requesting information, shall 487
also request from the federal bureau of investigation any criminal 488
records it has pertaining to the applicant. The superintendent or 489
the superintendent's designee also may request criminal history 490
records from other states or the federal government pursuant to 491
the national crime prevention and privacy compact set forth in 492
section 109.571 of the Revised Code. Within thirty days of the 493
date a request is received, subject to division (E)(2) of this 494
section, the superintendent shall send to the requester a report 495
of any information determined to exist, including information 496
contained in records that have been sealed under section 2953.32 497
of the Revised Code, and, within thirty days of its receipt, shall 498
send the requester a report of any information received from the 499
federal bureau of investigation, other than information the 500
dissemination of which is prohibited by federal law. 501

(H) Information obtained by a government entity or person 502
under this section is confidential and shall not be released or 503

disseminated. 504

(I) The superintendent may charge a reasonable fee for 505
providing information or criminal records under division (F)(2) or 506
(G) of this section. 507

(J) As used in this section: 508

(1) "Sexually oriented offense" and "child-victim oriented 509
offense" have the same meanings as in section 2950.01 of the 510
Revised Code. 511

(2) "Registered private provider" means a nonpublic school or 512
entity registered with the superintendent of public instruction 513
under section 3310.41 of the Revised Code to participate in the 514
autism scholarship program or section 3310.58 of the Revised Code 515
to participate in the Jon Peterson special needs scholarship 516
program. 517

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 518
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 519
a completed form prescribed pursuant to division (C)(1) of this 520
section, and a set of fingerprint impressions obtained in the 521
manner described in division (C)(2) of this section, the 522
superintendent of the bureau of criminal identification and 523
investigation shall conduct a criminal records check in the manner 524
described in division (B) of this section to determine whether any 525
information exists that indicates that the person who is the 526
subject of the request previously has been convicted of or pleaded 527
guilty to any of the following: 528

(a) A violation of section 2903.01, 2903.02, 2903.03, 529
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 530
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 531
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 532
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 533

2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 534
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 535
2925.06, or 3716.11 of the Revised Code, felonious sexual 536
penetration in violation of former section 2907.12 of the Revised 537
Code, a violation of section 2905.04 of the Revised Code as it 538
existed prior to July 1, 1996, a violation of section 2919.23 of 539
the Revised Code that would have been a violation of section 540
2905.04 of the Revised Code as it existed prior to July 1, 1996, 541
had the violation been committed prior to that date, or a 542
violation of section 2925.11 of the Revised Code that is not a 543
minor drug possession offense; 544

(b) A violation of an existing or former law of this state, 545
any other state, or the United States that is substantially 546
equivalent to any of the offenses listed in division (A)(1)(a) of 547
this section. 548

(2) On receipt of a request pursuant to section 5123.081 of 549
the Revised Code with respect to an applicant for employment in 550
any position with the department of developmental disabilities, 551
pursuant to section 5126.28 of the Revised Code with respect to an 552
applicant for employment in any position with a county board of 553
developmental disabilities, or pursuant to section 5126.281 of the 554
Revised Code with respect to an applicant for employment in a 555
direct services position with an entity contracting with a county 556
board for employment, a completed form prescribed pursuant to 557
division (C)(1) of this section, and a set of fingerprint 558
impressions obtained in the manner described in division (C)(2) of 559
this section, the superintendent of the bureau of criminal 560
identification and investigation shall conduct a criminal records 561
check. The superintendent shall conduct the criminal records check 562
in the manner described in division (B) of this section to 563
determine whether any information exists that indicates that the 564
person who is the subject of the request has been convicted of or 565

pleaded guilty to any of the following: 566

(a) A violation of section 2903.01, 2903.02, 2903.03, 567
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 568
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 569
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 570
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 571
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 572
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 573
2925.03, or 3716.11 of the Revised Code; 574

(b) An existing or former municipal ordinance or law of this 575
state, any other state, or the United States that is substantially 576
equivalent to any of the offenses listed in division (A)(2)(a) of 577
this section. 578

(3) On receipt of a request pursuant to section 173.27, 579
173.394, 3712.09, 3721.121, 5119.693, or 5119.85 of the Revised 580
Code, a completed form prescribed pursuant to division (C)(1) of 581
this section, and a set of fingerprint impressions obtained in the 582
manner described in division (C)(2) of this section, the 583
superintendent of the bureau of criminal identification and 584
investigation shall conduct a criminal records check with respect 585
to any person who has applied for employment in a position for 586
which a criminal records check is required by those sections. The 587
superintendent shall conduct the criminal records check in the 588
manner described in division (B) of this section to determine 589
whether any information exists that indicates that the person who 590
is the subject of the request previously has been convicted of or 591
pleaded guilty to any of the following: 592

(a) A violation of section 2903.01, 2903.02, 2903.03, 593
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 594
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 595
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 596
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 597

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 598
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 599
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 600
2925.22, 2925.23, or 3716.11 of the Revised Code; 601

(b) An existing or former law of this state, any other state, 602
or the United States that is substantially equivalent to any of 603
the offenses listed in division (A)(3)(a) of this section. 604

(4) On receipt of a request pursuant to section 3701.881 of 605
the Revised Code with respect to an applicant for employment with 606
a home health agency as a person responsible for the care, 607
custody, or control of a child, a completed form prescribed 608
pursuant to division (C)(1) of this section, and a set of 609
fingerprint impressions obtained in the manner described in 610
division (C)(2) of this section, the superintendent of the bureau 611
of criminal identification and investigation shall conduct a 612
criminal records check. The superintendent shall conduct the 613
criminal records check in the manner described in division (B) of 614
this section to determine whether any information exists that 615
indicates that the person who is the subject of the request 616
previously has been convicted of or pleaded guilty to any of the 617
following: 618

(a) A violation of section 2903.01, 2903.02, 2903.03, 619
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 620
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 621
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 622
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 623
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 624
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 625
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 626
violation of section 2925.11 of the Revised Code that is not a 627
minor drug possession offense; 628

(b) An existing or former law of this state, any other state, 629

or the United States that is substantially equivalent to any of 630
the offenses listed in division (A)(4)(a) of this section. 631

(5) On receipt of a request pursuant to section 5111.032, 632
5111.033, or 5111.034 of the Revised Code, a completed form 633
prescribed pursuant to division (C)(1) of this section, and a set 634
of fingerprint impressions obtained in the manner described in 635
division (C)(2) of this section, the superintendent of the bureau 636
of criminal identification and investigation shall conduct a 637
criminal records check. The superintendent shall conduct the 638
criminal records check in the manner described in division (B) of 639
this section to determine whether any information exists that 640
indicates that the person who is the subject of the request 641
previously has been convicted of, has pleaded guilty to, or has 642
been found eligible for intervention in lieu of conviction for any 643
of the following, regardless of the date of the conviction, the 644
date of entry of the guilty plea, or the date the person was found 645
eligible for intervention in lieu of conviction: 646

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 647
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 648
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 649
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 650
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 651
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 652
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 653
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 654
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 655
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 656
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 657
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 658
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 659
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 660
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 661

2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 662
felonious sexual penetration in violation of former section 663
2907.12 of the Revised Code, a violation of section 2905.04 of the 664
Revised Code as it existed prior to July 1, 1996, a violation of 665
section 2919.23 of the Revised Code that would have been a 666
violation of section 2905.04 of the Revised Code as it existed 667
prior to July 1, 1996, had the violation been committed prior to 668
that date; 669

(b) A violation of an existing or former municipal ordinance 670
or law of this state, any other state, or the United States that 671
is substantially equivalent to any of the offenses listed in 672
division (A)(5)(a) of this section. 673

(6) On receipt of a request pursuant to section 3701.881 of 674
the Revised Code with respect to an applicant for employment with 675
a home health agency in a position that involves providing direct 676
care to an older adult, a completed form prescribed pursuant to 677
division (C)(1) of this section, and a set of fingerprint 678
impressions obtained in the manner described in division (C)(2) of 679
this section, the superintendent of the bureau of criminal 680
identification and investigation shall conduct a criminal records 681
check. The superintendent shall conduct the criminal records check 682
in the manner described in division (B) of this section to 683
determine whether any information exists that indicates that the 684
person who is the subject of the request previously has been 685
convicted of or pleaded guilty to any of the following: 686

(a) A violation of section 2903.01, 2903.02, 2903.03, 687
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 688
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 689
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 690
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 691
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 692
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 693

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 694
2925.22, 2925.23, or 3716.11 of the Revised Code; 695

(b) An existing or former law of this state, any other state, 696
or the United States that is substantially equivalent to any of 697
the offenses listed in division (A)(6)(a) of this section. 698

(7) When conducting a criminal records check upon a request 699
pursuant to section 3319.39 of the Revised Code for an applicant 700
who is a teacher, in addition to the determination made under 701
division (A)(1) of this section, the superintendent shall 702
determine whether any information exists that indicates that the 703
person who is the subject of the request previously has been 704
convicted of or pleaded guilty to any offense specified in section 705
3319.31 of the Revised Code. 706

(8) On receipt of a request pursuant to section 2151.86 of 707
the Revised Code, a completed form prescribed pursuant to division 708
(C)(1) of this section, and a set of fingerprint impressions 709
obtained in the manner described in division (C)(2) of this 710
section, the superintendent of the bureau of criminal 711
identification and investigation shall conduct a criminal records 712
check in the manner described in division (B) of this section to 713
determine whether any information exists that indicates that the 714
person who is the subject of the request previously has been 715
convicted of or pleaded guilty to any of the following: 716

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 717
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 718
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 719
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 720
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 721
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 722
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 723
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 724
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 725

of the Revised Code, a violation of section 2905.04 of the Revised 726
Code as it existed prior to July 1, 1996, a violation of section 727
2919.23 of the Revised Code that would have been a violation of 728
section 2905.04 of the Revised Code as it existed prior to July 1, 729
1996, had the violation been committed prior to that date, a 730
violation of section 2925.11 of the Revised Code that is not a 731
minor drug possession offense, two or more OVI or OVUAC violations 732
committed within the three years immediately preceding the 733
submission of the application or petition that is the basis of the 734
request, or felonious sexual penetration in violation of former 735
section 2907.12 of the Revised Code; 736

(b) A violation of an existing or former law of this state, 737
any other state, or the United States that is substantially 738
equivalent to any of the offenses listed in division (A)(8)(a) of 739
this section. 740

(9) Upon receipt of a request pursuant to section 5104.012 or 741
5104.013 of the Revised Code, a completed form prescribed pursuant 742
to division (C)(1) of this section, and a set of fingerprint 743
impressions obtained in the manner described in division (C)(2) of 744
this section, the superintendent of the bureau of criminal 745
identification and investigation shall conduct a criminal records 746
check in the manner described in division (B) of this section to 747
determine whether any information exists that indicates that the 748
person who is the subject of the request has been convicted of or 749
pleaded guilty to any of the following: 750

(a) A violation of section 2903.01, 2903.02, 2903.03, 751
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 752
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 753
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 754
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 755
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 756
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 757

2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 758
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 759
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 760
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 761
3716.11 of the Revised Code, felonious sexual penetration in 762
violation of former section 2907.12 of the Revised Code, a 763
violation of section 2905.04 of the Revised Code as it existed 764
prior to July 1, 1996, a violation of section 2919.23 of the 765
Revised Code that would have been a violation of section 2905.04 766
of the Revised Code as it existed prior to July 1, 1996, had the 767
violation been committed prior to that date, a violation of 768
section 2925.11 of the Revised Code that is not a minor drug 769
possession offense, a violation of section 2923.02 or 2923.03 of 770
the Revised Code that relates to a crime specified in this 771
division, or a second violation of section 4511.19 of the Revised 772
Code within five years of the date of application for licensure or 773
certification. 774

(b) A violation of an existing or former law of this state, 775
any other state, or the United States that is substantially 776
equivalent to any of the offenses or violations described in 777
division (A)(9)(a) of this section. 778

(10) Upon receipt of a request pursuant to section 5153.111 779
of the Revised Code, a completed form prescribed pursuant to 780
division (C)(1) of this section, and a set of fingerprint 781
impressions obtained in the manner described in division (C)(2) of 782
this section, the superintendent of the bureau of criminal 783
identification and investigation shall conduct a criminal records 784
check in the manner described in division (B) of this section to 785
determine whether any information exists that indicates that the 786
person who is the subject of the request previously has been 787
convicted of or pleaded guilty to any of the following: 788

(a) A violation of section 2903.01, 2903.02, 2903.03, 789

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 790
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 791
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 792
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 793
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 794
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 795
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 796
felonious sexual penetration in violation of former section 797
2907.12 of the Revised Code, a violation of section 2905.04 of the 798
Revised Code as it existed prior to July 1, 1996, a violation of 799
section 2919.23 of the Revised Code that would have been a 800
violation of section 2905.04 of the Revised Code as it existed 801
prior to July 1, 1996, had the violation been committed prior to 802
that date, or a violation of section 2925.11 of the Revised Code 803
that is not a minor drug possession offense; 804

(b) A violation of an existing or former law of this state, 805
any other state, or the United States that is substantially 806
equivalent to any of the offenses listed in division (A)(10)(a) of 807
this section. 808

(11) On receipt of a request for a criminal records check 809
from an individual pursuant to section 4749.03 or 4749.06 of the 810
Revised Code, accompanied by a completed copy of the form 811
prescribed in division (C)(1) of this section and a set of 812
fingerprint impressions obtained in a manner described in division 813
(C)(2) of this section, the superintendent of the bureau of 814
criminal identification and investigation shall conduct a criminal 815
records check in the manner described in division (B) of this 816
section to determine whether any information exists indicating 817
that the person who is the subject of the request has been 818
convicted of or pleaded guilty to a felony in this state or in any 819
other state. If the individual indicates that a firearm will be 820
carried in the course of business, the superintendent shall 821

require information from the federal bureau of investigation as 822
described in division (B)(2) of this section. The Subject to 823
division (F) of this section, the superintendent shall report the 824
findings of the criminal records check and any information the 825
federal bureau of investigation provides to the director of public 826
safety. 827

(12) On receipt of a request pursuant to section 1321.37, 828
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 829
Code, a completed form prescribed pursuant to division (C)(1) of 830
this section, and a set of fingerprint impressions obtained in the 831
manner described in division (C)(2) of this section, the 832
superintendent of the bureau of criminal identification and 833
investigation shall conduct a criminal records check with respect 834
to any person who has applied for a license, permit, or 835
certification from the department of commerce or a division in the 836
department. The superintendent shall conduct the criminal records 837
check in the manner described in division (B) of this section to 838
determine whether any information exists that indicates that the 839
person who is the subject of the request previously has been 840
convicted of or pleaded guilty to any of the following: a 841
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 842
2925.03 of the Revised Code; any other criminal offense involving 843
theft, receiving stolen property, embezzlement, forgery, fraud, 844
passing bad checks, money laundering, or drug trafficking, or any 845
criminal offense involving money or securities, as set forth in 846
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 847
the Revised Code; or any existing or former law of this state, any 848
other state, or the United States that is substantially equivalent 849
to those offenses. 850

(13) On receipt of a request for a criminal records check 851
from the treasurer of state under section 113.041 of the Revised 852
Code or from an individual under section 4701.08, 4715.101, 853

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 854
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 855
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 856
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 857
4762.031, 4762.06, 4776.021, or 4779.091 of the Revised Code, 858
accompanied by a completed form prescribed under division (C)(1) 859
of this section and a set of fingerprint impressions obtained in 860
the manner described in division (C)(2) of this section, the 861
superintendent of the bureau of criminal identification and 862
investigation shall conduct a criminal records check in the manner 863
described in division (B) of this section to determine whether any 864
information exists that indicates that the person who is the 865
subject of the request has been convicted of or pleaded guilty to 866
any criminal offense in this state or any other state. The Subject 867
to division (F) of this section, the superintendent shall send the 868
results of a check requested under section 113.041 of the Revised 869
Code to the treasurer of state and shall send the results of a 870
check requested under any of the other listed sections to the 871
licensing board specified by the individual in the request. 872

(14) On receipt of a request pursuant to section 1121.23, 873
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 874
Code, a completed form prescribed pursuant to division (C)(1) of 875
this section, and a set of fingerprint impressions obtained in the 876
manner described in division (C)(2) of this section, the 877
superintendent of the bureau of criminal identification and 878
investigation shall conduct a criminal records check in the manner 879
described in division (B) of this section to determine whether any 880
information exists that indicates that the person who is the 881
subject of the request previously has been convicted of or pleaded 882
guilty to any criminal offense under any existing or former law of 883
this state, any other state, or the United States. 884

(15) On receipt of a request for a criminal records check 885

from an appointing or licensing authority under section 3772.07 of 886
the Revised Code, a completed form prescribed under division 887
(C)(1) of this section, and a set of fingerprint impressions 888
obtained in the manner prescribed in division (C)(2) of this 889
section, the superintendent of the bureau of criminal 890
identification and investigation shall conduct a criminal records 891
check in the manner described in division (B) of this section to 892
determine whether any information exists that indicates that the 893
person who is the subject of the request previously has been 894
convicted of or pleaded guilty or no contest to any offense under 895
any existing or former law of this state, any other state, or the 896
United States that is a disqualifying offense as defined in 897
section 3772.07 of the Revised Code or substantially equivalent to 898
such an offense. 899

(16) ~~Not~~ Subject to division (F) of this section, not later 900
than thirty days after the date the superintendent receives a 901
request of a type described in division (A)(1), (2), (3), (4), 902
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 903
section, the completed form, and the fingerprint impressions, the 904
superintendent shall send the person, board, or entity that made 905
the request any information, other than information the 906
dissemination of which is prohibited by federal law, the 907
superintendent determines exists with respect to the person who is 908
the subject of the request that indicates that the person 909
previously has been convicted of or pleaded guilty to any offense 910
listed or described in division (A)(1), (2), (3), (4), (5), (6), 911
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 912
appropriate. ~~The~~ Subject to division (F) of this section, the 913
superintendent shall send the person, board, or entity that made 914
the request a copy of the list of offenses specified in division 915
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 916
(14), or (15) of this section, as appropriate. If the request was 917
made under section 3701.881 of the Revised Code with regard to an 918

applicant who may be both responsible for the care, custody, or 919
control of a child and involved in providing direct care to an 920
older adult, the superintendent shall provide a list of the 921
offenses specified in divisions (A)(4) and (6) of this section. 922

~~Not~~ Subject to division (F) of this section, not later than 923
thirty days after the superintendent receives a request for a 924
criminal records check pursuant to section 113.041 of the Revised 925
Code, the completed form, and the fingerprint impressions, the 926
superintendent shall send the treasurer of state any information, 927
other than information the dissemination of which is prohibited by 928
federal law, the superintendent determines exist with respect to 929
the person who is the subject of the request that indicates that 930
the person previously has been convicted of or pleaded guilty to 931
any criminal offense in this state or any other state. 932

(B) ~~The~~ Subject to division (F) of this section, the 933
superintendent shall conduct any criminal records check requested 934
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 935
1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 936
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 937
3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 938
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 939
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 940
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 941
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 942
4776.021, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 943
5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 944
5153.111 of the Revised Code as follows: 945

(1) The superintendent shall review or cause to be reviewed 946
any relevant information gathered and compiled by the bureau under 947
division (A) of section 109.57 of the Revised Code that relates to 948
the person who is the subject of the request, including, if the 949
criminal records check was requested under section 113.041, 950

121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 951
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 952
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 953
3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 954
5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 955
5126.281, or 5153.111 of the Revised Code, any relevant 956
information contained in records that have been sealed under 957
section 2953.32 of the Revised Code; 958

(2) If the request received by the superintendent asks for 959
information from the federal bureau of investigation, the 960
superintendent shall request from the federal bureau of 961
investigation any information it has with respect to the person 962
who is the subject of the request, including fingerprint-based 963
checks of national crime information databases as described in 42 964
U.S.C. 671 if the request is made pursuant to section 2151.86, 965
5104.012, or 5104.013 of the Revised Code or if any other Revised 966
Code section requires fingerprint-based checks of that nature, and 967
shall review or cause to be reviewed any information the 968
superintendent receives from that bureau. If a request under 969
section 3319.39 of the Revised Code asks only for information from 970
the federal bureau of investigation, the superintendent shall not 971
conduct the review prescribed by division (B)(1) of this section. 972

(3) The superintendent or the superintendent's designee may 973
request criminal history records from other states or the federal 974
government pursuant to the national crime prevention and privacy 975
compact set forth in section 109.571 of the Revised Code. 976

(C)(1) The superintendent shall prescribe a form to obtain 977
the information necessary to conduct a criminal records check from 978
any person for whom a criminal records check is requested under 979
section 113.041 of the Revised Code or required by section 121.08, 980
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 981
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 982

3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 983
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 984
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 985
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 986
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 987
4761.051, 4762.031, 4762.06, 4763.05, 4776.021, 4779.091, 988
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 989
5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 990
Code. The form that the superintendent prescribes pursuant to this 991
division may be in a tangible format, in an electronic format, or 992
in both tangible and electronic formats. 993

(2) The superintendent shall prescribe standard impression 994
sheets to obtain the fingerprint impressions of any person for 995
whom a criminal records check is requested under section 113.041 996
of the Revised Code or required by section 121.08, 173.27, 997
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 998
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 999
3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 1000
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1001
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1002
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1003
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1004
4761.051, 4762.031, 4762.06, 4763.05, 4776.021, 4779.091, 1005
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 1006
5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1007
Code. Any person for whom a records check is requested under or 1008
required by any of those sections shall obtain the fingerprint 1009
impressions at a county sheriff's office, municipal police 1010
department, or any other entity with the ability to make 1011
fingerprint impressions on the standard impression sheets 1012
prescribed by the superintendent. The office, department, or 1013
entity may charge the person a reasonable fee for making the 1014
impressions. The standard impression sheets the superintendent 1015

prescribes pursuant to this division may be in a tangible format, 1016
in an electronic format, or in both tangible and electronic 1017
formats. 1018

(3) Subject to division (D) of this section, the 1019
superintendent shall prescribe and charge a reasonable fee for 1020
providing a criminal records check requested under section 1021
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1022
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1023
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1024
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 1025
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 1026
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 1027
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 1028
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4776.021, 1029
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1030
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 1031
Revised Code. The person making a criminal records request under 1032
any of those sections shall pay the fee prescribed pursuant to 1033
this division. A person making a request under section 3701.881 of 1034
the Revised Code for a criminal records check for an applicant who 1035
may be both responsible for the care, custody, or control of a 1036
child and involved in providing direct care to an older adult 1037
shall pay one fee for the request. In the case of a request under 1038
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 1039
5111.032 of the Revised Code, the fee shall be paid in the manner 1040
specified in that section. 1041

(4) The superintendent of the bureau of criminal 1042
identification and investigation may prescribe methods of 1043
forwarding fingerprint impressions and information necessary to 1044
conduct a criminal records check, which methods shall include, but 1045
not be limited to, an electronic method. 1046

(D) A determination whether any information exists that 1047

indicates that a person previously has been convicted of or 1048
pleaded guilty to any offense listed or described in division 1049
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1050
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1051
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 1052
of this section, or that indicates that a person previously has 1053
been convicted of or pleaded guilty to any criminal offense in 1054
this state or any other state regarding a criminal records check 1055
of a type described in division (A)(13) of this section, and that 1056
is made by the superintendent with respect to information 1057
considered in a criminal records check in accordance with this 1058
section is valid for the person who is the subject of the criminal 1059
records check for a period of one year from the date upon which 1060
the superintendent makes the determination. During the period in 1061
which the determination in regard to a person is valid, if another 1062
request under this section is made for a criminal records check 1063
for that person, the superintendent shall provide the information 1064
that is the basis for the superintendent's initial determination 1065
at a lower fee than the fee prescribed for the initial criminal 1066
records check. 1067

(E) When the superintendent receives a request for 1068
information from a registered private provider, the superintendent 1069
shall proceed as if the request was received from a school 1070
district board of education under section 3319.39 of the Revised 1071
Code. The superintendent shall apply division (A)(7) of this 1072
section to any such request for an applicant who is a teacher. 1073

(F)(1) All information regarding the results of a criminal 1074
records check conducted under this section that the superintendent 1075
reports or sends under division (A)(11), (13), or (16) of this 1076
section to the director of public safety, the treasurer of state, 1077
or the person, board, or entity that made the request for the 1078
criminal records check shall relate to the conviction of the 1079

subject person, or the subject person's plea of guilty to, a 1080
criminal offense. 1081

(2) Division (F)(1) of this section does not limit, restrict, 1082
or preclude the superintendent's release of information that 1083
relates to an adjudication of a child as a delinquent child, or 1084
that relates to a criminal conviction of a person under eighteen 1085
years of age if the person's case was transferred back to a 1086
juvenile court under division (B)(2) or (3) of section 2152.121 of 1087
the Revised Code and the juvenile court imposed a disposition or 1088
serious youthful offender disposition upon the person under either 1089
division, if either of the following applies with respect to the 1090
adjudication or conviction: 1091

(a) The adjudication or conviction was for a violation of 1092
section 2903.01 or 2903.02 of the Revised Code. 1093

(b) The adjudication or conviction was for a sexually 1094
oriented offense, as defined in section 2950.01 of the Revised 1095
Code, the juvenile court was required to classify the child a 1096
juvenile offender registrant for that offense under section 1097
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 1098
classification has not been removed. 1099

(G) As used in this section: 1100

(1) "Criminal records check" means any criminal records check 1101
conducted by the superintendent of the bureau of criminal 1102
identification and investigation in accordance with division (B) 1103
of this section. 1104

(2) "Minor drug possession offense" has the same meaning as 1105
in section 2925.01 of the Revised Code. 1106

(3) "Older adult" means a person age sixty or older. 1107

(4) "OVI or OVUAC violation" means a violation of section 1108
4511.19 of the Revised Code or a violation of an existing or 1109

former law of this state, any other state, or the United States 1110
that is substantially equivalent to section 4511.19 of the Revised 1111
Code. 1112

(5) "Registered private provider" means a nonpublic school or 1113
entity registered with the superintendent of public instruction 1114
under section 3310.41 of the Revised Code to participate in the 1115
autism scholarship program or section 3310.58 of the Revised Code 1116
to participate in the Jon Peterson special needs scholarship 1117
program. 1118

Sec. 109.578. (A) On receipt of a request pursuant to section 1119
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 1120
completed form prescribed pursuant to division (C)(1) of this 1121
section, and a set of fingerprint impressions obtained in the 1122
manner described in division (C)(2) of this section, the 1123
superintendent of the bureau of criminal identification and 1124
investigation shall conduct a criminal records check in the manner 1125
described in division (B) of this section to determine whether any 1126
information exists that indicates that the person who is the 1127
subject of the request previously has been convicted of or pleaded 1128
guilty to any of the following: 1129

(1) A felony; 1130

(2) A violation of section 2909.03 of the Revised Code; 1131

(3) A violation of an existing or former law of this state, 1132
any other state, or the United States that is substantially 1133
equivalent to any of the offenses listed in division (A)(1) or (2) 1134
of this section. 1135

(B) The Subject to division (E) of this section, the 1136
superintendent shall conduct any criminal records check pursuant 1137
to division (A) of this section as follows: 1138

(1) The superintendent shall review or cause to be reviewed 1139

any relevant information gathered and compiled by the bureau under 1140
division (A) of section 109.57 of the Revised Code that relates to 1141
the person who is the subject of the request, including any 1142
relevant information contained in records that have been sealed 1143
under section 2953.32 of the Revised Code. 1144

(2) If the request received by the superintendent asks for 1145
information from the federal bureau of investigation, the 1146
superintendent shall request from the federal bureau of 1147
investigation any information it has with respect to the person 1148
who is the subject of the request and shall review or cause to be 1149
reviewed any information the superintendent receives from that 1150
bureau. 1151

(C)(1) The superintendent shall prescribe a form to obtain 1152
the information necessary to conduct a criminal records check from 1153
any person for whom a criminal records check is requested pursuant 1154
to section 505.381, 737.081, 737.221, or 4765.301 of the Revised 1155
Code. The form that the superintendent prescribes pursuant to this 1156
division may be in a tangible format, in an electronic format, or 1157
in both tangible and electronic formats. 1158

(2) The superintendent shall prescribe standard impression 1159
sheets to obtain the fingerprint impressions of any person for 1160
whom a criminal records check is requested pursuant to section 1161
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any 1162
person for whom a records check is requested pursuant to any of 1163
those sections shall obtain the fingerprint impressions at a 1164
county sheriff's office, a municipal police department, or any 1165
other entity with the ability to make fingerprint impressions on 1166
the standard impression sheets prescribed by the superintendent. 1167
The office, department, or entity may charge the person a 1168
reasonable fee for making the impressions. The standard impression 1169
sheets the superintendent prescribes pursuant to this division may 1170
be in a tangible format, in an electronic format, or in both 1171

tangible and electronic formats. 1172

(3) Subject to division (D) of this section, the 1173
superintendent shall prescribe and charge a reasonable fee for 1174
providing a criminal records check requested under section 1175
505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The 1176
person making the criminal records request shall pay the fee 1177
prescribed pursuant to this division. 1178

(4) The superintendent may prescribe methods of forwarding 1179
fingerprint impressions and information necessary to conduct a 1180
criminal records check. The methods shall include, but are not 1181
limited to, an electronic method. 1182

(D) A determination whether any information exists that 1183
indicates that a person previously has been convicted of or 1184
pleaded guilty to any offense listed or described in division (A) 1185
of this section and that the superintendent made with respect to 1186
information considered in a criminal records check in accordance 1187
with this section is valid for the person who is the subject of 1188
the criminal records check for a period of one year from the date 1189
upon which the superintendent makes the determination. During the 1190
period in which the determination in regard to a person is valid, 1191
if another request under this section is made for a criminal 1192
records check for that person, the superintendent shall provide 1193
the information that is the basis for the superintendent's initial 1194
determination at a lower fee than the fee prescribed for the 1195
initial criminal records check. 1196

(E)(1) All information regarding the results of a criminal 1197
records check conducted under this section that the superintendent 1198
reports or sends under this section to the person, board, or 1199
entity that made the request for the criminal records check shall 1200
relate to the conviction of the subject person, or the subject 1201
person's plea of guilty to, a criminal offense. 1202

(2) Division (E)(1) of this section does not limit, restrict, 1203
or preclude the superintendent's release of information that 1204
relates to an adjudication of a child as a delinquent child, or 1205
that relates to a criminal conviction of a person under eighteen 1206
years of age if the person's case was transferred back to a 1207
juvenile court under division (B)(2) or (3) of section 2152.121 of 1208
the Revised Code and the juvenile court imposed a disposition or 1209
serious youthful offender disposition upon the person under either 1210
division, if either of the following applies with respect to the 1211
adjudication or conviction: 1212

(a) The adjudication or conviction was for a violation of 1213
section 2903.01 or 2903.02 of the Revised Code. 1214

(b) The adjudication or conviction was for a sexually 1215
oriented offense, as defined in section 2950.01 of the Revised 1216
Code, the juvenile court was required to classify the child a 1217
juvenile offender registrant for that offense under section 1218
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 1219
classification has not been removed. 1220

(F) As used in this section, "criminal records check" means 1221
any criminal records check conducted by the superintendent of the 1222
bureau of criminal identification and investigation in accordance 1223
with division (B) of this section. 1224

Sec. 2151.356. (A) The records of a case in which a person 1225
was adjudicated a delinquent child for committing a violation of 1226
section 2903.01, 2903.02, or 2907.02, ~~2907.03, or 2907.05~~ of the 1227
Revised Code shall not be sealed under this section. 1228

(B)(1) The juvenile court shall promptly order the immediate 1229
sealing of records pertaining to a juvenile in any of the 1230
following circumstances: 1231

(a) If the court receives a record from a public office or 1232

agency under division (B)(2) of this section; 1233

(b) If a person was brought before or referred to the court 1234
for allegedly committing a delinquent or unruly act and the case 1235
was resolved without the filing of a complaint against the person 1236
with respect to that act pursuant to section 2151.27 of the 1237
Revised Code; 1238

(c) If a person was charged with violating division (E)(1) of 1239
section 4301.69 of the Revised Code and the person has 1240
successfully completed a diversion program under division 1241
(E)(2)(a) of section 4301.69 of the Revised Code with respect to 1242
that charge; 1243

(d) If a complaint was filed against a person alleging that 1244
the person was a delinquent child, an unruly child, or a juvenile 1245
traffic offender and the court dismisses the complaint after a 1246
trial on the merits of the case or finds the person not to be a 1247
delinquent child, an unruly child, or a juvenile traffic offender; 1248

(e) Notwithstanding division (C) of this section and subject 1249
to section 2151.358 of the Revised Code, if a person has been 1250
adjudicated an unruly child, that person has attained eighteen 1251
years of age, and the person is not under the jurisdiction of the 1252
court in relation to a complaint alleging the person to be a 1253
delinquent child. 1254

(2) The appropriate public office or agency shall immediately 1255
deliver all original records at that public office or agency 1256
pertaining to a juvenile to the court, if the person was arrested 1257
or taken into custody for allegedly committing a delinquent or 1258
unruly act, no complaint was filed against the person with respect 1259
to the commission of the act pursuant to section 2151.27 of the 1260
Revised Code, and the person was not brought before or referred to 1261
the court for the commission of the act. The records delivered to 1262
the court as required under this division shall not include 1263

fingerprints, DNA specimens, and DNA records described under 1264
division (A)(3) of section 2151.357 of the Revised Code. 1265

(C)(1) The juvenile court shall consider the sealing of 1266
records pertaining to a juvenile upon the court's own motion or 1267
upon the application of a person if the person has been 1268
adjudicated a delinquent child for committing an act other than a 1269
violation of section 2903.01, 2903.02, or 2907.02, ~~2907.03, or~~ 1270
~~2907.05~~ of the Revised Code, an unruly child, or a juvenile 1271
traffic offender and if, at the time of the motion or application, 1272
the person is not under the jurisdiction of the court in relation 1273
to a complaint alleging the person to be a delinquent child. The 1274
court shall not require a fee for the filing of the application. 1275
The motion or application may be made at any time after ~~two years~~ 1276
~~after the later of~~ six months after any of the following events 1277
occur: 1278

(a) The termination of any order made by the court in 1279
relation to the adjudication; 1280

(b) The unconditional discharge of the person from the 1281
department of youth services with respect to a dispositional order 1282
made in relation to the adjudication or from an institution or 1283
facility to which the person was committed pursuant to a 1284
dispositional order made in relation to the adjudication; 1285

(c) The court enters an order under section 2152.84 or 1286
2152.85 of the Revised Code that contains a determination that the 1287
child is no longer a juvenile offender registrant. 1288

(2) In making the determination whether to seal records 1289
pursuant to division (C)(1) of this section, all of the following 1290
apply: 1291

(a) The court may require a person filing an application 1292
under division (C)(1) of this section to submit any relevant 1293
documentation to support the application. 1294

(b) The court may cause an investigation to be made to 1295
determine if the person who is the subject of the proceedings has 1296
been rehabilitated to a satisfactory degree. 1297

(c) The court shall promptly notify the prosecuting attorney 1298
of any proceedings to seal records initiated pursuant to division 1299
(C)(1) of this section. 1300

(d)(i) The prosecuting attorney may file a response with the 1301
court within thirty days of receiving notice of the sealing 1302
proceedings. 1303

(ii) If the prosecuting attorney does not file a response 1304
with the court or if the prosecuting attorney files a response but 1305
indicates that the prosecuting attorney does not object to the 1306
sealing of the records, the court may order the records of the 1307
person that are under consideration to be sealed without 1308
conducting a hearing on the motion or application. If the court 1309
decides in its discretion to conduct a hearing on the motion or 1310
application, the court shall conduct the hearing within thirty 1311
days after making that decision and shall give notice, by regular 1312
mail, of the date, time, and location of the hearing to the 1313
prosecuting attorney and to the person who is the subject of the 1314
records under consideration. 1315

(iii) If the prosecuting attorney files a response with the 1316
court that indicates that the prosecuting attorney objects to the 1317
sealing of the records, the court shall conduct a hearing on the 1318
motion or application within thirty days after the court receives 1319
the response. The court shall give notice, by regular mail, of the 1320
date, time, and location of the hearing to the prosecuting 1321
attorney and to the person who is the subject of the records under 1322
consideration. 1323

(e) After conducting a hearing in accordance with division 1324
(C)(2)(d) of this section or after due consideration when a 1325

hearing is not conducted, except as provided in division (B)(1)(c) 1326
of this section, the court may order the records of the person 1327
that are the subject of the motion or application to be sealed if 1328
it finds that the person has been rehabilitated to a satisfactory 1329
degree. In determining whether the person has been rehabilitated 1330
to a satisfactory degree, the court may consider all of the 1331
following: 1332

(i) The age of the person; 1333

(ii) The nature of the case; 1334

(iii) The cessation or continuation of delinquent, unruly, or 1335
criminal behavior; 1336

(iv) The education and employment history of the person; 1337

(v) The granting of a new tier classification or 1338
declassification from the juvenile offender registry pursuant to 1339
section 2152.85 of the Revised Code, except for public 1340
registry-qualified juvenile offender registrants; 1341

(vi) Any other circumstances that may relate to the 1342
rehabilitation of the person who is the subject of the records 1343
under consideration. 1344

(D)(1)(a) The juvenile court shall provide verbal notice to a 1345
person whose records are sealed under division (B) of this 1346
section, if that person is present in the court at the time the 1347
court issues a sealing order, that explains what sealing a record 1348
means, states that the person may apply to have those records 1349
expunged under section 2151.358 of the Revised Code, and explains 1350
what expunging a record means. 1351

(b) The juvenile court shall provide written notice to a 1352
person whose records are sealed under division (B) of this section 1353
by regular mail to the person's last known address, if that person 1354
is not present in the court at the time the court issues a sealing 1355

order and if the court does not seal the person's record upon the
court's own motion, that explains what sealing a record means,
states that the person may apply to have those records expunged
under section 2151.358 of the Revised Code, and explains what
expunging a record means.

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

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

(b) Explains what sealing a record means;

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

(d) Explains what expunging a record means.

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

Sec. 2152.02. As used in this chapter:

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

(B) "Admitted to a department of youth services facility"

includes admission to a facility operated, or contracted for, by 1386
the department and admission to a comparable facility outside this 1387
state by another state or the United States. 1388

(C)(1) "Child" means a person who is under eighteen years of 1389
age, except as otherwise provided in divisions (C)(2) to ~~(7)~~(8) of 1390
this section. 1391

(2) Subject to division (C)(3) of this section, any person 1392
who violates a federal or state law or a municipal ordinance prior 1393
to attaining eighteen years of age shall be deemed a "child" 1394
irrespective of that person's age at the time the complaint with 1395
respect to that violation is filed or the hearing on the complaint 1396
is held. 1397

(3) Any person who, while under eighteen years of age, 1398
commits an act that would be a felony if committed by an adult and 1399
who is not taken into custody or apprehended for that act until 1400
after the person attains twenty-one years of age is not a child in 1401
relation to that act. 1402

(4) Except as otherwise provided in ~~division~~ divisions (C)(5) 1403
and (7) of this section, any person whose case is transferred for 1404
criminal prosecution pursuant to section 2152.12 of the Revised 1405
Code shall be deemed after the transfer not to be a child in the 1406
transferred case. 1407

(5) Any person whose case is transferred for criminal 1408
prosecution pursuant to section 2152.12 of the Revised Code and 1409
who subsequently is convicted of or pleads guilty to a felony in 1410
that case, unless a serious youthful offender dispositional 1411
sentence is imposed on the child for that offense under division 1412
(B)(2) or (3) of section 2152.121 of the Revised Code and the 1413
adult portion of that sentence is not invoked pursuant to section 1414
2152.14 of the Revised Code, and any person who is adjudicated a 1415
delinquent child for the commission of an act, who has a serious 1416

youthful offender dispositional sentence imposed for the act 1417
pursuant to section 2152.13 of the Revised Code, and whose adult 1418
portion of the dispositional sentence is invoked pursuant to 1419
section 2152.14 of the Revised Code, shall be deemed after the 1420
~~transfer~~ conviction, plea, or invocation not to be a child in any 1421
case in which a complaint is filed against the person. 1422

(6) The juvenile court has jurisdiction over a person who is 1423
adjudicated a delinquent child or juvenile traffic offender prior 1424
to attaining eighteen years of age until the person attains 1425
twenty-one years of age, and, for purposes of that jurisdiction 1426
related to that adjudication, except as otherwise provided in this 1427
division, a person who is so adjudicated a delinquent child or 1428
juvenile traffic offender shall be deemed a "child" until the 1429
person attains twenty-one years of age. If a person is so 1430
adjudicated a delinquent child or juvenile traffic offender and 1431
the court makes a disposition of the person under this chapter, at 1432
any time after the person attains ~~eighteen~~ twenty-one years of 1433
age, the places at which the person may be held under that 1434
disposition are not limited to places authorized under this 1435
chapter solely for confinement of children, and the person may be 1436
confined under that disposition, in accordance with division 1437
(F)(2) of section 2152.26 of the Revised Code, in places other 1438
than those authorized under this chapter solely for confinement of 1439
children. 1440

(7) The juvenile court has jurisdiction over any person whose 1441
case is transferred for criminal prosecution solely for the 1442
purpose of detaining the person as authorized in division (F)(1) 1443
or (4) of section 2152.26 of the Revised Code unless the person is 1444
convicted of or pleads guilty to a felony in the adult court. 1445

(8) Any person who, while eighteen years of age, violates 1446
division (A)(1) or (2) of section 2919.27 of the Revised Code by 1447
violating a protection order issued or consent agreement approved 1448

under section 2151.34 or 3113.31 of the Revised Code shall be 1449
considered a child for the purposes of that violation of section 1450
2919.27 of the Revised Code. 1451

(D) "Chronic truant" means any child of compulsory school age 1452
who is absent without legitimate excuse for absence from the 1453
public school the child is supposed to attend for seven or more 1454
consecutive school days, ten or more school days in one school 1455
month, or fifteen or more school days in a school year. 1456

(E) "Community corrections facility," "public safety beds," 1457
"release authority," and "supervised release" have the same 1458
meanings as in section 5139.01 of the Revised Code. 1459

(F) "Delinquent child" includes any of the following: 1460

(1) Any child, except a juvenile traffic offender, who 1461
violates any law of this state or the United States, or any 1462
ordinance of a political subdivision of the state, that would be 1463
an offense if committed by an adult; 1464

(2) Any child who violates any lawful order of the court made 1465
under this chapter or under Chapter 2151. of the Revised Code 1466
other than an order issued under section 2151.87 of the Revised 1467
Code; 1468

(3) Any child who violates division (C) of section 2907.39, 1469
division (A) of section 2923.211, or division (C)(1) or (D) of 1470
section 2925.55 of the Revised Code; 1471

(4) Any child who is a habitual truant and who previously has 1472
been adjudicated an unruly child for being a habitual truant; 1473

(5) Any child who is a chronic truant. 1474

(G) "Discretionary serious youthful offender" means a person 1475
who is eligible for a discretionary SYO and who is not transferred 1476
to adult court under a mandatory or discretionary transfer. 1477

(H) "Discretionary SYO" means a case in which the juvenile 1478

court, in the juvenile court's discretion, may impose a serious 1479
youthful offender disposition under section 2152.13 of the Revised 1480
Code. 1481

(I) "Discretionary transfer" means that the juvenile court 1482
has discretion to transfer a case for criminal prosecution under 1483
division (B) of section 2152.12 of the Revised Code. 1484

(J) "Drug abuse offense," "felony drug abuse offense," and 1485
"minor drug possession offense" have the same meanings as in 1486
section 2925.01 of the Revised Code. 1487

(K) "Electronic monitoring" and "electronic monitoring 1488
device" have the same meanings as in section 2929.01 of the 1489
Revised Code. 1490

(L) "Economic loss" means any economic detriment suffered by 1491
a victim of a delinquent act or juvenile traffic offense as a 1492
direct and proximate result of the delinquent act or juvenile 1493
traffic offense and includes any loss of income due to lost time 1494
at work because of any injury caused to the victim and any 1495
property loss, medical cost, or funeral expense incurred as a 1496
result of the delinquent act or juvenile traffic offense. 1497
"Economic loss" does not include non-economic loss or any punitive 1498
or exemplary damages. 1499

(M) "Firearm" has the same meaning as in section 2923.11 of 1500
the Revised Code. 1501

(N) "Juvenile traffic offender" means any child who violates 1502
any traffic law, traffic ordinance, or traffic regulation of this 1503
state, the United States, or any political subdivision of this 1504
state, other than a resolution, ordinance, or regulation of a 1505
political subdivision of this state the violation of which is 1506
required to be handled by a parking violations bureau or a joint 1507
parking violations bureau pursuant to Chapter 4521. of the Revised 1508
Code. 1509

(O) A "legitimate excuse for absence from the public school 1510
the child is supposed to attend" has the same meaning as in 1511
section 2151.011 of the Revised Code. 1512

(P) "Mandatory serious youthful offender" means a person who 1513
is eligible for a mandatory SYO and who is not transferred to 1514
adult court under a mandatory or discretionary transfer and also 1515
includes, for purposes of imposition of a mandatory serious 1516
youthful dispositional sentence under section 2152.13 of the 1517
Revised Code, a person upon whom a juvenile court is required to 1518
impose such a sentence under division (B)(3) of section 2152.121 1519
of the Revised Code. 1520

(Q) "Mandatory SYO" means a case in which the juvenile court 1521
is required to impose a mandatory serious youthful offender 1522
disposition under section 2152.13 of the Revised Code. 1523

(R) "Mandatory transfer" means that a case is required to be 1524
transferred for criminal prosecution under division (A) of section 1525
2152.12 of the Revised Code. 1526

(S) "Mental illness" has the same meaning as in section 1527
5122.01 of the Revised Code. 1528

(T) "Mentally retarded person" has the same meaning as in 1529
section 5123.01 of the Revised Code. 1530

(U) "Monitored time" and "repeat violent offender" have the 1531
same meanings as in section 2929.01 of the Revised Code. 1532

(V) "Of compulsory school age" has the same meaning as in 1533
section 3321.01 of the Revised Code. 1534

(W) "Public record" has the same meaning as in section 149.43 1535
of the Revised Code. 1536

(X) "Serious youthful offender" means a person who is 1537
eligible for a mandatory SYO or discretionary SYO but who is not 1538
transferred to adult court under a mandatory or discretionary 1539

transfer and also includes, for purposes of imposition of a 1540
mandatory serious youthful dispositional sentence under section 1541
2152.13 of the Revised Code, a person upon whom a juvenile court 1542
is required to impose such a sentence under division (B)(3) of 1543
section 2152.121 of the Revised Code. 1544

(Y) "Sexually oriented offense," "juvenile offender 1545
registrant," "child-victim oriented offense," "tier I sex 1546
offender/child-victim offender," "tier II sex 1547
offender/child-victim offender," "tier III sex 1548
offender/child-victim offender," and "public registry-qualified 1549
juvenile offender registrant" have the same meanings as in section 1550
2950.01 of the Revised Code. 1551

(Z) "Traditional juvenile" means a case that is not 1552
transferred to adult court under a mandatory or discretionary 1553
transfer, that is eligible for a disposition under sections 1554
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 1555
that is not eligible for a disposition under section 2152.13 of 1556
the Revised Code. 1557

(AA) "Transfer" means the transfer for criminal prosecution 1558
of a case involving the alleged commission by a child of an act 1559
that would be an offense if committed by an adult from the 1560
juvenile court to the appropriate court that has jurisdiction of 1561
the offense. 1562

(BB) "Category one offense" means any of the following: 1563

(1) A violation of section 2903.01 or 2903.02 of the Revised 1564
Code; 1565

(2) A violation of section 2923.02 of the Revised Code 1566
involving an attempt to commit aggravated murder or murder. 1567

(CC) "Category two offense" means any of the following: 1568

(1) A violation of section 2903.03, 2905.01, 2907.02, 1569

2909.02, 2911.01, or 2911.11 of the Revised Code; 1570

(2) A violation of section 2903.04 of the Revised Code that 1571
is a felony of the first degree; 1572

(3) A violation of section 2907.12 of the Revised Code as it 1573
existed prior to September 3, 1996. 1574

(DD) "Non-economic loss" means nonpecuniary harm suffered by 1575
a victim of a delinquent act or juvenile traffic offense as a 1576
result of or related to the delinquent act or juvenile traffic 1577
offense, including, but not limited to, pain and suffering; loss 1578
of society, consortium, companionship, care, assistance, 1579
attention, protection, advice, guidance, counsel, instruction, 1580
training, or education; mental anguish; and any other intangible 1581
loss. 1582

Sec. 2152.18. (A) When a juvenile court commits a delinquent 1583
child to the custody of the department of youth services pursuant 1584
to this chapter, the court shall not designate the specific 1585
institution in which the department is to place the child but 1586
instead shall specify that the child is to be institutionalized in 1587
a secure facility. 1588

(B) When a juvenile court commits a delinquent child to the 1589
custody of the department of youth services pursuant to this 1590
chapter, the court shall state in the order of commitment the 1591
total number of days that the child has been ~~held in detention~~ 1592
confined in connection with the delinquent child complaint upon 1593
which the order of commitment is based. The court shall not 1594
include days that the child has been under electronic monitoring 1595
or house arrest or days that the child has been confined in a 1596
halfway house. The department shall reduce the minimum period of 1597
institutionalization that was ordered by both the total number of 1598
days that the child has been so ~~held in detention~~ confined as 1599
stated by the court in the order of commitment and the total 1600

number of any additional days that the child has been ~~held in~~ 1601
~~detention~~ confined subsequent to the order of commitment but prior 1602
to the transfer of physical custody of the child to the 1603
department. 1604

(C)(1) When a juvenile court commits a delinquent child to 1605
the custody of the department of youth services pursuant to this 1606
chapter, the court shall provide the department with the child's 1607
medical records, a copy of the report of any mental examination of 1608
the child ordered by the court, the Revised Code section or 1609
sections the child violated and the degree of each violation, the 1610
warrant to convey the child to the department, a copy of the 1611
court's journal entry ordering the commitment of the child to the 1612
legal custody of the department, a copy of the arrest record 1613
pertaining to the act for which the child was adjudicated a 1614
delinquent child, a copy of any victim impact statement pertaining 1615
to the act, and any other information concerning the child that 1616
the department reasonably requests. The court also shall complete 1617
the form for the standard predisposition investigation report that 1618
the department furnishes pursuant to section 5139.04 of the 1619
Revised Code and provide the department with the completed form. 1620

The department may refuse to accept physical custody of a 1621
delinquent child who is committed to the legal custody of the 1622
department until the court provides to the department the 1623
documents specified in this division. No officer or employee of 1624
the department who refuses to accept physical custody of a 1625
delinquent child who is committed to the legal custody of the 1626
department shall be subject to prosecution or contempt of court 1627
for the refusal if the court fails to provide the documents 1628
specified in this division at the time the court transfers the 1629
physical custody of the child to the department. 1630

(2) Within twenty working days after the department of youth 1631
services receives physical custody of a delinquent child from a 1632

juvenile court, the court shall provide the department with a 1633
certified copy of the child's birth certificate and the child's 1634
social security number or, if the court made all reasonable 1635
efforts to obtain the information but was unsuccessful, with 1636
documentation of the efforts it made to obtain the information. 1637

(3) If an officer is preparing pursuant to section 2947.06 or 1638
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1639
investigation report pertaining to a person, the department shall 1640
make available to the officer, for use in preparing the report, 1641
any records or reports it possesses regarding that person that it 1642
received from a juvenile court pursuant to division (C)(1) of this 1643
section or that pertain to the treatment of that person after the 1644
person was committed to the custody of the department as a 1645
delinquent child. 1646

(D)(1) Within ten days after an adjudication that a child is 1647
a delinquent child, the court shall give written notice of the 1648
adjudication to the superintendent of a city, local, exempted 1649
village, or joint vocational school district, and to the principal 1650
of the school the child attends, if the basis of the adjudication 1651
was the commission of an act that would be a criminal offense if 1652
committed by an adult, if the act was committed by the delinquent 1653
child when the child was fourteen years of age or older, and if 1654
the act is any of the following: 1655

(a) An act that would be a felony or an offense of violence 1656
if committed by an adult, an act in the commission of which the 1657
child used or brandished a firearm, or an act that is a violation 1658
of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 1659
2907.241 of the Revised Code and that would be a misdemeanor if 1660
committed by an adult; 1661

(b) A violation of section 2923.12 of the Revised Code or of 1662
a substantially similar municipal ordinance that would be a 1663
misdemeanor if committed by an adult and that was committed on 1664

property owned or controlled by, or at an activity held under the 1665
auspices of, the board of education of that school district; 1666

(c) A violation of division (A) of section 2925.03 or 2925.11 1667
of the Revised Code that would be a misdemeanor if committed by an 1668
adult, that was committed on property owned or controlled by, or 1669
at an activity held under the auspices of, the board of education 1670
of that school district, and that is not a minor drug possession 1671
offense; 1672

(d) An act that would be a criminal offense if committed by 1673
an adult and that results in serious physical harm to persons or 1674
serious physical harm to property while the child is at school, on 1675
any other property owned or controlled by the board, or at an 1676
interscholastic competition, an extracurricular event, or any 1677
other school program or activity; 1678

(e) Complicity in any violation described in division 1679
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 1680
have been committed in the manner described in division (D)(1)(a), 1681
(b), (c), or (d) of this section, regardless of whether the act of 1682
complicity was committed on property owned or controlled by, or at 1683
an activity held under the auspices of, the board of education of 1684
that school district. 1685

(2) The notice given pursuant to division (D)(1) of this 1686
section shall include the name of the child who was adjudicated to 1687
be a delinquent child, the child's age at the time the child 1688
committed the act that was the basis of the adjudication, and 1689
identification of the violation of the law or ordinance that was 1690
the basis of the adjudication. 1691

(3) Within fourteen days after committing a delinquent child 1692
to the custody of the department of youth services, the court 1693
shall give notice to the school attended by the child of the 1694
child's commitment by sending to that school a copy of the court's 1695

journal entry ordering the commitment. As soon as possible after 1696
receipt of the notice described in this division, the school shall 1697
provide the department with the child's school transcript. 1698
However, the department shall not refuse to accept a child 1699
committed to it, and a child committed to it shall not be held in 1700
a county or district detention facility, because of a school's 1701
failure to provide the school transcript that it is required to 1702
provide under this division. 1703

(4) Within fourteen days after discharging or releasing a 1704
child from an institution under its control, the department of 1705
youth services shall provide the court and the superintendent of 1706
the school district in which the child is entitled to attend 1707
school under section 3313.64 or 3313.65 of the Revised Code with 1708
the following: 1709

(a) An updated copy of the child's school transcript; 1710

(b) A report outlining the child's behavior in school while 1711
in the custody of the department; 1712

(c) The child's current individualized education program, as 1713
defined in section 3323.01 of the Revised Code, if such a program 1714
has been developed for the child; 1715

(d) A summary of the institutional record of the child's 1716
behavior. 1717

The department also shall provide the court with a copy of 1718
any portion of the child's institutional record that the court 1719
specifically requests, within five working days of the request. 1720

(E) At any hearing at which a child is adjudicated a 1721
delinquent child or as soon as possible after the hearing, the 1722
court shall notify all victims of the delinquent act who may be 1723
entitled to a recovery under any of the following sections of the 1724
right of the victims to recover, pursuant to section 3109.09 of 1725
the Revised Code, compensatory damages from the child's parents; 1726

of the right of the victims to recover, pursuant to section 1727
3109.10 of the Revised Code, compensatory damages from the child's 1728
parents for willful and malicious assaults committed by the child; 1729
and of the right of the victims to recover an award of reparations 1730
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 1731

Sec. 2152.26. (A) Except as provided in divisions (B) and (F) 1732
of this section, a child alleged to be or adjudicated a delinquent 1733
child or a juvenile traffic offender may be held only in the 1734
following places: 1735

(1) A certified foster home or a home approved by the court; 1736

(2) A facility operated by a certified child welfare agency; 1737

(3) Any other suitable place designated by the court. 1738

(B) In addition to the places listed in division (A) of this 1739
section, a child alleged to be or adjudicated a delinquent child 1740
or a person described in division (C)(7) of section 2152.02 of the 1741
Revised Code may be held in a detention facility for delinquent 1742
children that is under the direction or supervision of the court 1743
or other public authority or of a private agency and approved by 1744
the court and a child adjudicated a delinquent child may be held 1745
in accordance with division (F)(2) of this section in a facility 1746
of a type specified in that division. Division (B) of this section 1747
does not apply to a child alleged to be or adjudicated a 1748
delinquent child for chronic truancy, unless the child violated a 1749
lawful court order made pursuant to division (A)(6) of section 1750
2152.19 of the Revised Code. Division (B) of this section also 1751
does not apply to a child alleged to be or adjudicated a 1752
delinquent child for being an habitual truant who previously has 1753
been adjudicated an unruly child for being an habitual truant, 1754
unless the child violated a lawful court order made pursuant to 1755
division (C)(1)(e) of section 2151.354 of the Revised Code. 1756

(C)(1) Except as provided under division (C)(1) of section 1757
2151.311 of the Revised Code or division (A)(5) of section 2152.21 1758
of the Revised Code, a child alleged to be or adjudicated a 1759
juvenile traffic offender may not be held in any of the following 1760
facilities: 1761

(a) A state correctional institution, county, multicounty, or 1762
municipal jail or workhouse, or other place in which an adult 1763
convicted of crime, under arrest, or charged with a crime is held. 1764

(b) A secure correctional facility. 1765

(2) Except as provided under this section, sections 2151.56 1766
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the 1767
Revised Code, a child alleged to be or adjudicated a juvenile 1768
traffic offender may not be held for more than twenty-four hours 1769
in a detention facility. 1770

(D) Except as provided in division (F) of this section or in 1771
division (C) of section 2151.311, in division (C)(2) of section 1772
5139.06 and section 5120.162, or in division (B) of section 1773
5120.16 of the Revised Code, a child who is alleged to be or is 1774
adjudicated a delinquent child or a person described in division 1775
(C)(7) of section 2152.02 of the Revised Code may not be held in a 1776
state correctional institution, county, multicounty, or municipal 1777
jail or workhouse, or other place where an adult convicted of 1778
crime, under arrest, or charged with crime is held. 1779

(E) Unless the detention is pursuant to division (F) of this 1780
section or division (C) of section 2151.311, division (C)(2) of 1781
section 5139.06 and section 5120.162, or division (B) of section 1782
5120.16 of the Revised Code, the official in charge of the 1783
institution, jail, workhouse, or other facility shall inform the 1784
court immediately when a ~~child~~, person who is or appears to be 1785
under the age of eighteen years, or a person who is charged with a 1786
violation of an order of a juvenile court or a violation of 1787

probation or parole conditions imposed by a juvenile court and who 1788
is or appears to be between the ages of eighteen and twenty-one 1789
years, is received at the facility~~7~~, and shall deliver the ~~child~~ 1790
person to the court upon request or transfer the ~~child~~ person to a 1791
detention facility designated by the court. 1792

(F)(1) If a case is transferred to another court for criminal 1793
prosecution pursuant to section 2152.12 of the Revised Code and 1794
the alleged offender is a person described in division (C)(7) of 1795
section 2152.02 of the Revised Code, the ~~child~~ person may not be 1796
transferred for detention pending the criminal prosecution in a 1797
jail or other facility ~~in accordance with the law governing the~~ 1798
~~detention of persons charged with crime~~ except under the 1799
circumstances described in division (F)(4) of this section. Any 1800
child ~~se~~ held in accordance with division (F)(3) of this section 1801
shall be confined in a manner that keeps the child beyond the 1802
~~range of touch~~ sight and sound of all adult detainees. The child 1803
shall be supervised at all times during the detention. 1804

(2) If a person is adjudicated a delinquent child or juvenile 1805
traffic offender or is a person described in division (C)(7) of 1806
section 2152.02 of the Revised Code and the court makes a 1807
disposition of the person under this chapter, at any time after 1808
the person attains ~~eighteen~~ twenty-one years of age, the person 1809
may be held under that disposition or under the circumstances 1810
described in division (F)(4) of this section in places other than 1811
those specified in division (A) of this section, including, but 1812
not limited to, a county, multicounty, or municipal jail or 1813
workhouse, or other place where an adult convicted of crime, under 1814
arrest, or charged with crime is held. 1815

(3)(a) A person alleged to be a delinquent child may be held 1816
in places other than those specified in division (A) of this 1817
section, including, but not limited to, a county, multicounty, or 1818
municipal jail, if the delinquent act that the child allegedly 1819

committed would be a felony if committed by an adult, and if 1820
either of the following applies: 1821

(i) The person attains ~~eighteen~~ twenty-one years of age 1822
before the person is arrested or apprehended for that act. 1823

(ii) The person is arrested or apprehended for that act 1824
before the person attains ~~eighteen~~ twenty-one years of age, but 1825
the person attains ~~eighteen~~ twenty-one years of age before the 1826
court orders a disposition in the case. 1827

(b) If, pursuant to division (F)(3)(a) of this section, a 1828
person is held in a place other than a place specified in division 1829
(A) of this section, the person has the same rights to bail as an 1830
adult charged with the same offense who is confined in a jail 1831
pending trial. 1832

(4)(a) Any person whose case is transferred for criminal 1833
prosecution pursuant to section 2151.10 or 2152.12 of the Revised 1834
Code or any person who has attained the age of eighteen years but 1835
has not attained the age of twenty-one years and who is being held 1836
in a place specified in division (B) of this section may be held 1837
under that disposition or charge in places other than those 1838
specified in division (B) of this section, including a county, 1839
multicounty, or municipal jail or workhouse, or other place where 1840
an adult under arrest or charged with crime is held if the 1841
juvenile court, upon its own motion or upon motion by the 1842
prosecutor and after notice and hearing, establishes by a 1843
preponderance of the evidence and makes written findings that the 1844
youth is a threat to the safety and security of the facility. 1845
Evidence that the youth is a threat to the safety and security of 1846
the facility may include, but is not limited to, whether the youth 1847
has done any of the following: 1848

(i) Injured or created an imminent danger to the life or 1849
health of another youth or staff member in the facility or program 1850

by violent behavior; 1851

(ii) Escaped from the facility or program in which the youth 1852
is being held on more than one occasion; 1853

(iii) Established a pattern of disruptive behavior as 1854
verified by a written record that the youth's behavior is not 1855
conducive to the established policies and procedures of the 1856
facility or program in which the youth is being held. 1857

(b) If the prosecutor submits a motion requesting that the 1858
person be held in a place other than those specified in division 1859
(B) of this section or if the court submits its own motion, the 1860
juvenile court shall hold a hearing within five days of the filing 1861
of the motion, and, in determining whether a place other than 1862
those specified in division (B) of this section is the appropriate 1863
place of confinement for the person, the court shall consider the 1864
following factors: 1865

(i) The age of the person; 1866

(ii) Whether the person would be deprived of contact with 1867
other people for a significant portion of the day or would not 1868
have access to recreational facilities or age-appropriate 1869
educational opportunities in order to provide physical separation 1870
from adults; 1871

(iii) The person's current emotional state, intelligence, and 1872
developmental maturity, including any emotional and psychological 1873
trauma, and the risk to the person in an adult facility, which may 1874
be evidenced by mental health or psychological assessments or 1875
screenings made available to the prosecuting attorney and the 1876
defense counsel; 1877

(iv) Whether detention in a juvenile facility would 1878
adequately serve the need for community protection pending the 1879
outcome of the criminal proceeding; 1880

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

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

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

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

(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.

(e) Any person transferred under division (F)(4)(a) of this

section to a place other than those specified in division (B) of 1912
this section shall be confined in a manner that keeps the person 1913
beyond sight and sound of all adult detainees. The person shall be 1914
supervised at all times during the detention. 1915

Sec. 2705.031. (A) As used in this section, "Title IV-D case" 1916
has the same meaning as in section 3125.01 of the Revised Code. 1917
1918

(B)(1) Any party who has a legal claim to any support ordered 1919
for a child, spouse, or former spouse may initiate a contempt 1920
action for failure to pay the support. In Title IV-D cases, the 1921
contempt action for failure to pay support also may be initiated 1922
by an attorney retained by the party who has the legal claim, the 1923
prosecuting attorney, or an attorney of the department of job and 1924
family services or the child support enforcement agency. 1925

(2) Any parent who is granted parenting time rights under a 1926
parenting time order or decree issued pursuant to section 3109.051 1927
or 3109.12 of the Revised Code, any person who is granted 1928
visitation rights under a visitation order or decree issued 1929
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 1930
Code or pursuant to any other provision of the Revised Code, or 1931
any other person who is subject to any parenting time or 1932
visitation order or decree, may initiate a contempt action for a 1933
failure to comply with, or an interference with, the order or 1934
decree. 1935

(C) In any contempt action initiated pursuant to division (B) 1936
of this section, the accused shall appear upon the summons and 1937
order to appear that is issued by the court. The summons shall 1938
include all of the following: 1939

(1) Notice that failure to appear may result in the issuance 1940
of an order of arrest, and in cases involving alleged failure to 1941
pay support, the issuance of an order for the payment of support 1942

by withholding an amount from the personal earnings of the accused 1943
or by withholding or deducting an amount from some other asset of 1944
the accused; 1945

(2) Notice that the accused has a right to counsel, and that 1946
if indigent, the accused must apply for a public defender or court 1947
appointed counsel within three business days after receipt of the 1948
summons; 1949

(3) Notice that the court may refuse to grant a continuance 1950
at the time of the hearing for the purpose of the accused 1951
obtaining counsel, if the accused fails to make a good faith 1952
effort to retain counsel or to obtain a public defender; 1953

(4) Notice of the potential penalties that could be imposed 1954
upon the accused, if the accused is found guilty of contempt for 1955
failure to pay support or for a failure to comply with, or an 1956
interference with, a parenting time or visitation order or decree; 1957

(5) Notice that the court may grant limited driving 1958
privileges under section 4510.021 of the Revised Code pursuant to 1959
a request made by the accused, if the driver's license was 1960
suspended based on a notice issued pursuant to section 3123.54 of 1961
the Revised Code by the child support enforcement agency and if 1962
the request is accompanied by a recent noncertified copy of a 1963
driver's abstract from the registrar of motor vehicles. 1964

(D) If the accused is served as required by the Rules of 1965
Civil Procedure or by any special statutory proceedings that are 1966
relevant to the case, the court may order the attachment of the 1967
person of the accused upon failure to appear as ordered by the 1968
court. 1969

(E) The imposition of any penalty for contempt under section 1970
2705.05 of the Revised Code shall not eliminate any obligation of 1971
the accused to pay any past, present, or future support obligation 1972
or any obligation of the accused to comply with or refrain from 1973

interfering with the parenting time or visitation order or decree. 1974
The court shall have jurisdiction to make a finding of contempt 1975
for the failure to pay support and to impose the penalties set 1976
forth in section 2705.05 of the Revised Code in all cases in which 1977
past due support is at issue even if the duty to pay support has 1978
terminated, and shall have jurisdiction to make a finding of 1979
contempt for a failure to comply with, or an interference with, a 1980
parenting time or visitation order or decree and to impose the 1981
penalties set forth in section 2705.05 of the Revised Code in all 1982
cases in which the failure or interference is at issue even if the 1983
parenting time or visitation order or decree no longer is in 1984
effect. 1985

Sec. 2907.24. (A) No person shall solicit another to engage 1986
with such other person in sexual activity for hire. 1987

(B) No person, with knowledge that the person has tested 1988
positive as a carrier of a virus that causes acquired 1989
immunodeficiency syndrome, shall engage in conduct in violation of 1990
division (A) of this section. 1991

(C)(1) Whoever violates division (A) of this section is 1992
guilty of soliciting, a misdemeanor of the third degree. 1993

(2) Whoever violates division (B) of this section is guilty 1994
of engaging in solicitation after a positive HIV test. If the 1995
offender commits the violation prior to July 1, 1996, engaging in 1996
solicitation after a positive HIV test is a felony of the second 1997
degree. If the offender commits the violation on or after July 1, 1998
1996, engaging in solicitation after a positive HIV test is a 1999
felony of the third degree. 2000

(D) If a person is convicted of or pleads guilty to a 2001
violation of any provision of this section, an attempt to commit a 2002
violation of any provision of this section, or a violation of or 2003
an attempt to commit a violation of a municipal ordinance that is 2004

substantially equivalent to any provision of this section and if 2005
the person, in committing or attempting to commit the violation, 2006
was in, was on, or used a motor vehicle, the court, in addition to 2007
or independent of all other penalties imposed for the violation, 2008
~~shall~~ may impose upon the offender a class six suspension of the 2009
person's driver's license, commercial driver's license, temporary 2010
instruction permit, probationary license, or nonresident operating 2011
privilege from the range specified in division (A)(6) of section 2012
4510.02 of the Revised Code. In lieu of imposing upon the offender 2013
the class six suspension, the court instead may require the 2014
offender to perform community service for a number of hours 2015
determined by the court. 2016

Sec. 2913.02. (A) No person, with purpose to deprive the 2017
owner of property or services, shall knowingly obtain or exert 2018
control over either the property or services in any of the 2019
following ways: 2020

(1) Without the consent of the owner or person authorized to 2021
give consent; 2022

(2) Beyond the scope of the express or implied consent of the 2023
owner or person authorized to give consent; 2024

(3) By deception; 2025

(4) By threat; 2026

(5) By intimidation. 2027

(B)(1) Whoever violates this section is guilty of theft. 2028

(2) Except as otherwise provided in this division or division 2029
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 2030
this section is petty theft, a misdemeanor of the first degree. If 2031
the value of the property or services stolen is one thousand 2032
dollars or more and is less than seven thousand five hundred 2033
dollars or if the property stolen is any of the property listed in 2034

section 2913.71 of the Revised Code, a violation of this section 2035
is theft, a felony of the fifth degree. If the value of the 2036
property or services stolen is seven thousand five hundred dollars 2037
or more and is less than one hundred fifty thousand dollars, a 2038
violation of this section is grand theft, a felony of the fourth 2039
degree. If the value of the property or services stolen is one 2040
hundred fifty thousand dollars or more and is less than seven 2041
hundred fifty thousand dollars, a violation of this section is 2042
aggravated theft, a felony of the third degree. If the value of 2043
the property or services is seven hundred fifty thousand dollars 2044
or more and is less than one million five hundred thousand 2045
dollars, a violation of this section is aggravated theft, a felony 2046
of the second degree. If the value of the property or services 2047
stolen is one million five hundred thousand dollars or more, a 2048
violation of this section is aggravated theft of one million five 2049
hundred thousand dollars or more, a felony of the first degree. 2050

(3) Except as otherwise provided in division (B)(4), (5), 2051
(6), (7), or (8) of this section, if the victim of the offense is 2052
an elderly person or disabled adult, a violation of this section 2053
is theft from an elderly person or disabled adult, and division 2054
(B)(3) of this section applies. Except as otherwise provided in 2055
this division, theft from an elderly person or disabled adult is a 2056
felony of the fifth degree. If the value of the property or 2057
services stolen is one thousand dollars or more and is less than 2058
seven thousand five hundred dollars, theft from an elderly person 2059
or disabled adult is a felony of the fourth degree. If the value 2060
of the property or services stolen is seven thousand five hundred 2061
dollars or more and is less than thirty-seven thousand five 2062
hundred dollars, theft from an elderly person or disabled adult is 2063
a felony of the third degree. If the value of the property or 2064
services stolen is thirty-seven thousand five hundred dollars or 2065
more and is less than one hundred fifty thousand dollars, theft 2066
from an elderly person or disabled adult is a felony of the second 2067

degree. If the value of the property or services stolen is one 2068
hundred fifty thousand dollars or more, theft from an elderly 2069
person or disabled adult is a felony of the first degree. 2070

(4) If the property stolen is a firearm or dangerous 2071
ordnance, a violation of this section is grand theft. Except as 2072
otherwise provided in this division, grand theft when the property 2073
stolen is a firearm or dangerous ordnance is a felony of the third 2074
degree, and there is a presumption in favor of the court imposing 2075
a prison term for the offense. If the firearm or dangerous 2076
ordnance was stolen from a federally licensed firearms dealer, 2077
grand theft when the property stolen is a firearm or dangerous 2078
ordnance is a felony of the first degree. The offender shall serve 2079
a prison term imposed for grand theft when the property stolen is 2080
a firearm or dangerous ordnance consecutively to any other prison 2081
term or mandatory prison term previously or subsequently imposed 2082
upon the offender. 2083

(5) If the property stolen is a motor vehicle, a violation of 2084
this section is grand theft of a motor vehicle, a felony of the 2085
fourth degree. 2086

(6) If the property stolen is any dangerous drug, a violation 2087
of this section is theft of drugs, a felony of the fourth degree, 2088
or, if the offender previously has been convicted of a felony drug 2089
abuse offense, a felony of the third degree. 2090

(7) If the property stolen is a police dog or horse or an 2091
assistance dog and the offender knows or should know that the 2092
property stolen is a police dog or horse or an assistance dog, a 2093
violation of this section is theft of a police dog or horse or an 2094
assistance dog, a felony of the third degree. 2095

(8) If the property stolen is anhydrous ammonia, a violation 2096
of this section is theft of anhydrous ammonia, a felony of the 2097
third degree. 2098

(9) In addition to the penalties described in division (B)(2) 2099
of this section, if the offender committed the violation by 2100
causing a motor vehicle to leave the premises of an establishment 2101
at which gasoline is offered for retail sale without the offender 2102
making full payment for gasoline that was dispensed into the fuel 2103
tank of the motor vehicle or into another container, the court may 2104
do one of the following: 2105

(a) Unless division (B)(9)(b) of this section applies, 2106
suspend for not more than six months the offender's driver's 2107
license, probationary driver's license, commercial driver's 2108
license, temporary instruction permit, or nonresident operating 2109
privilege; 2110

(b) If the offender's driver's license, probationary driver's 2111
license, commercial driver's license, temporary instruction 2112
permit, or nonresident operating privilege has previously been 2113
suspended pursuant to division (B)(9)(a) of this section, impose a 2114
class seven suspension of the offender's license, permit, or 2115
privilege from the range specified in division (A)(7) of section 2116
4510.02 of the Revised Code, provided that the suspension shall be 2117
for at least six months. 2118

(c) The court, in lieu of suspending the offender's driver's 2119
or commercial driver's license, probationary driver's license, 2120
temporary instruction permit, or nonresident operating privilege 2121
pursuant to division (B)(9)(a) or (b) of this section, instead may 2122
require the offender to perform community service for a number of 2123
hours determined by the court. 2124

(10) In addition to the penalties described in division 2125
(B)(2) of this section, if the offender committed the violation by 2126
stealing rented property or rental services, the court may order 2127
that the offender make restitution pursuant to section 2929.18 or 2128
2929.28 of the Revised Code. Restitution may include, but is not 2129
limited to, the cost of repairing or replacing the stolen 2130

property, or the cost of repairing the stolen property and any 2131
loss of revenue resulting from deprivation of the property due to 2132
theft of rental services that is less than or equal to the actual 2133
value of the property at the time it was rented. Evidence of 2134
intent to commit theft of rented property or rental services shall 2135
be determined pursuant to the provisions of section 2913.72 of the 2136
Revised Code. 2137

(C) The sentencing court that suspends an offender's license, 2138
permit, or nonresident operating privilege under division (B)(9) 2139
of this section may grant the offender limited driving privileges 2140
during the period of the suspension in accordance with Chapter 2141
4510. of the Revised Code. 2142

Sec. 2923.122. (A) No person shall knowingly convey, or 2143
attempt to convey, a deadly weapon or dangerous ordnance into a 2144
school safety zone. 2145

(B) No person shall knowingly possess a deadly weapon or 2146
dangerous ordnance in a school safety zone. 2147

(C) No person shall knowingly possess an object in a school 2148
safety zone if both of the following apply: 2149

(1) The object is indistinguishable from a firearm, whether 2150
or not the object is capable of being fired. 2151

(2) The person indicates that the person possesses the object 2152
and that it is a firearm, or the person knowingly displays or 2153
brandishes the object and indicates that it is a firearm. 2154

(D)(1) This section does not apply to any of the following: 2155

(a) An officer, agent, or employee of this or any other state 2156
or the United States, or a law enforcement officer, who is 2157
authorized to carry deadly weapons or dangerous ordnance and is 2158
acting within the scope of the officer's, agent's, or employee's 2159
duties, a security officer employed by a board of education or 2160

governing body of a school during the time that the security 2161
officer is on duty pursuant to that contract of employment, or any 2162
other person who has written authorization from the board of 2163
education or governing body of a school to convey deadly weapons 2164
or dangerous ordnance into a school safety zone or to possess a 2165
deadly weapon or dangerous ordnance in a school safety zone and 2166
who conveys or possesses the deadly weapon or dangerous ordnance 2167
in accordance with that authorization; 2168

(b) Any person who is employed in this state, who is 2169
authorized to carry deadly weapons or dangerous ordnance, and who 2170
is subject to and in compliance with the requirements of section 2171
109.801 of the Revised Code, unless the appointing authority of 2172
the person has expressly specified that the exemption provided in 2173
division (D)(1)(b) of this section does not apply to the person. 2174

(2) Division (C) of this section does not apply to premises 2175
upon which home schooling is conducted. Division (C) of this 2176
section also does not apply to a school administrator, teacher, or 2177
employee who possesses an object that is indistinguishable from a 2178
firearm for legitimate school purposes during the course of 2179
employment, a student who uses an object that is indistinguishable 2180
from a firearm under the direction of a school administrator, 2181
teacher, or employee, or any other person who with the express 2182
prior approval of a school administrator possesses an object that 2183
is indistinguishable from a firearm for a legitimate purpose, 2184
including the use of the object in a ceremonial activity, a play, 2185
reenactment, or other dramatic presentation, or a ROTC activity or 2186
another similar use of the object. 2187

(3) This section does not apply to a person who conveys or 2188
attempts to convey a handgun into, or possesses a handgun in, a 2189
school safety zone if, at the time of that conveyance, attempted 2190
conveyance, or possession of the handgun, all of the following 2191
apply: 2192

(a) The person does not enter into a school building or onto school premises and is not at a school activity. 2193
2194

(b) The person is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code. 2195
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2200

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B). 2201
2202

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (10) of section 2923.126 of the Revised Code. 2203
2204
2205

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 2206
2207
2208
2209
2210

(a) The person is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code. 2211
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(b) The person is the driver or passenger in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child. 2217
2218
2219

(c) The person is not in violation of section 2923.16 of the Revised Code. 2220
2221

(E)(1) Whoever violates division (A) or (B) of this section 2222

is guilty of illegal conveyance or possession of a deadly weapon 2223
or dangerous ordnance in a school safety zone. Except as otherwise 2224
provided in this division, illegal conveyance or possession of a 2225
deadly weapon or dangerous ordnance in a school safety zone is a 2226
felony of the fifth degree. If the offender previously has been 2227
convicted of a violation of this section, illegal conveyance or 2228
possession of a deadly weapon or dangerous ordnance in a school 2229
safety zone is a felony of the fourth degree. 2230

(2) Whoever violates division (C) of this section is guilty 2231
of illegal possession of an object indistinguishable from a 2232
firearm in a school safety zone. Except as otherwise provided in 2233
this division, illegal possession of an object indistinguishable 2234
from a firearm in a school safety zone is a misdemeanor of the 2235
first degree. If the offender previously has been convicted of a 2236
violation of this section, illegal possession of an object 2237
indistinguishable from a firearm in a school safety zone is a 2238
felony of the fifth degree. 2239

(F)(1) In addition to any other penalty imposed upon a person 2240
who is convicted of or pleads guilty to a violation of this 2241
section and subject to division (F)(2) of this section, if the 2242
offender has not attained nineteen years of age, regardless of 2243
whether the offender is attending or is enrolled in a school 2244
operated by a board of education or for which the state board of 2245
education prescribes minimum standards under section 3301.07 of 2246
the Revised Code, the court shall impose upon the offender a class 2247
four suspension of the offender's probationary driver's license, 2248
restricted license, driver's license, commercial driver's license, 2249
temporary instruction permit, or probationary commercial driver's 2250
license that then is in effect from the range specified in 2251
division (A)(4) of section 4510.02 of the Revised Code and shall 2252
deny the offender the issuance of any permit or license of that 2253
type during the period of the suspension. 2254

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

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

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

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

(1) A kit for propagating, cultivating, growing, or	2286
harvesting any species of a plant that is a controlled substance	2287
or from which a controlled substance can be derived;	2288
(2) A kit for manufacturing, compounding, converting,	2289
producing, processing, or preparing a controlled substance;	2290
(3) Any object, instrument, or device for manufacturing,	2291
compounding, converting, producing, processing, or preparing	2292
methamphetamine;	2293
(4) An isomerization device for increasing the potency of any	2294
species of a plant that is a controlled substance;	2295
(5) Testing equipment for identifying, or analyzing the	2296
strength, effectiveness, or purity of, a controlled substance;	2297
(6) A scale or balance for weighing or measuring a controlled	2298
substance;	2299
(7) A diluent or adulterant, such as quinine hydrochloride,	2300
mannitol, mannite, dextrose, or lactose, for cutting a controlled	2301
substance;	2302
(8) A separation gin or sifter for removing twigs and seeds	2303
from, or otherwise cleaning or refining, marihuana;	2304
(9) A blender, bowl, container, spoon, or mixing device for	2305
compounding a controlled substance;	2306
(10) A capsule, balloon, envelope, or container for packaging	2307
small quantities of a controlled substance;	2308
(11) A container or device for storing or concealing a	2309
controlled substance;	2310
(12) A hypodermic syringe, needle, or instrument for	2311
parenterally injecting a controlled substance into the human body;	2312
(13) An object, instrument, or device for ingesting,	2313
inhaling, or otherwise introducing into the human body, marihuana,	2314

cocaine, hashish, or hashish oil, such as a metal, wooden, 2315
acrylic, glass, stone, plastic, or ceramic pipe, with or without a 2316
screen, permanent screen, hashish head, or punctured metal bowl; 2317
water pipe; carburetion tube or device; smoking or carburetion 2318
mask; roach clip or similar object used to hold burning material, 2319
such as a marihuana cigarette, that has become too small or too 2320
short to be held in the hand; miniature cocaine spoon, or cocaine 2321
vial; chamber pipe; carburetor pipe; electric pipe; air driver 2322
pipe; chillum; bong; or ice pipe or chiller. 2323

(B) In determining if any equipment, product, or material is 2324
drug paraphernalia, a court or law enforcement officer shall 2325
consider, in addition to other relevant factors, the following: 2326

(1) Any statement by the owner, or by anyone in control, of 2327
the equipment, product, or material, concerning its use; 2328

(2) The proximity in time or space of the equipment, product, 2329
or material, or of the act relating to the equipment, product, or 2330
material, to a violation of any provision of this chapter; 2331

(3) The proximity of the equipment, product, or material to 2332
any controlled substance; 2333

(4) The existence of any residue of a controlled substance on 2334
the equipment, product, or material; 2335

(5) Direct or circumstantial evidence of the intent of the 2336
owner, or of anyone in control, of the equipment, product, or 2337
material, to deliver it to any person whom the owner or person in 2338
control of the equipment, product, or material knows intends to 2339
use the object to facilitate a violation of any provision of this 2340
chapter. A finding that the owner, or anyone in control, of the 2341
equipment, product, or material, is not guilty of a violation of 2342
any other provision of this chapter does not prevent a finding 2343
that the equipment, product, or material was intended or designed 2344
by the offender for use as drug paraphernalia. 2345

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;	2346 2347
(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;	2348 2349
(8) National or local advertising concerning the use of the equipment, product, or material;	2350 2351
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	2352 2353
(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;	2354 2355 2356
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	2357 2358
(12) Expert testimony concerning the use of the equipment, product, or material.	2359 2360
(C)(1) No <u>Subject to division (D)(2) of this section, no</u> person shall knowingly use, or possess with purpose to use, drug paraphernalia.	2361 2362 2363
(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.	2364 2365 2366 2367
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.	2368 2369 2370 2371 2372 2373 2374
(D)(1) This section does not apply to manufacturers, licensed	2375

health professionals authorized to prescribe drugs, pharmacists, 2376
owners of pharmacies, and other persons whose conduct is in 2377
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 2378
and 4741. of the Revised Code. This section shall not be construed 2379
to prohibit the possession or use of a hypodermic as authorized by 2380
section 3719.172 of the Revised Code. 2381

(2) Division (C)(1) of this section does not apply to a 2382
person's use, or possession with purpose to use, any drug 2383
paraphernalia that is equipment, a product, or material of any 2384
kind that is used by the person, intended by the person for use, 2385
or designed for use in storing, containing, concealing, injecting, 2386
ingesting, inhaling, or otherwise introducing into the human body 2387
marihuana. 2388

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2389
drug paraphernalia that was used, possessed, sold, or manufactured 2390
in a violation of this section shall be seized, after a conviction 2391
for that violation shall be forfeited, and upon forfeiture shall 2392
be disposed of pursuant to division (B) of section 2981.12 of the 2393
Revised Code. 2394

(F)(1) Whoever violates division (C)(1) of this section is 2395
guilty of illegal use or possession of drug paraphernalia, a 2396
misdemeanor of the fourth degree. 2397

(2) Except as provided in division (F)(3) of this section, 2398
whoever violates division (C)(2) of this section is guilty of 2399
dealing in drug paraphernalia, a misdemeanor of the second degree. 2400

(3) Whoever violates division (C)(2) of this section by 2401
selling drug paraphernalia to a juvenile is guilty of selling drug 2402
paraphernalia to juveniles, a misdemeanor of the first degree. 2403

(4) Whoever violates division (C)(3) of this section is 2404
guilty of illegal advertising of drug paraphernalia, a misdemeanor 2405
of the second degree. 2406

(G) In addition to any other sanction imposed upon an 2407
offender for a violation of this section, the court shall suspend 2408
for not less than six months or more than five years the 2409
offender's driver's or commercial driver's license or permit. If 2410
the offender is a professionally licensed person, in addition to 2411
any other sanction imposed for a violation of this section, the 2412
court immediately shall comply with section 2925.38 of the Revised 2413
Code. 2414

Sec. 2925.141. (A) As used in this section, "drug 2415
paraphernalia" has the same meaning as in section 2925.14 of the 2416
Revised Code. 2417

(B) In determining if any equipment, product, or material is 2418
drug paraphernalia, a court or law enforcement officer shall 2419
consider, in addition to other relevant factors, all factors 2420
identified in division (B) of section 2925.14 of the Revised Code. 2421

(C) No person shall knowingly use, or possess with purpose to 2422
use, any drug paraphernalia that is equipment, a product, or 2423
material of any kind that is used by the person, intended by the 2424
person for use, or designed for use in storing, containing, 2425
concealing, injecting, ingesting, inhaling, or otherwise 2426
introducing into the human body marihuana. 2427

(D) This section does not apply to any person identified in 2428
division (D)(1) of section 2925.14 of the Revised Code, and it 2429
shall not be construed to prohibit the possession or use of a 2430
hypodermic as authorized by section 3719.172 of the Revised Code. 2431

(E) Division (E) of section 2925.14 of the Revised Code 2432
applies with respect to any drug paraphernalia that was used or 2433
possessed in violation of this section. 2434

(F) Whoever violates division (C) of this section is guilty 2435
of illegal use or possession of marihuana drug paraphernalia, a 2436

minor misdemeanor. 2437

(G) In addition to any other sanction imposed upon an 2438
offender for a violation of this section, the court shall suspend 2439
for not less than six months or more than five years the 2440
offender's driver's or commercial driver's license or permit. If 2441
the offender is a professionally licensed person, in addition to 2442
any other sanction imposed for a violation of this section, the 2443
court immediately shall comply with section 2925.38 of the Revised 2444
Code. 2445

Sec. 2925.38. If a person who is convicted of or pleads 2446
guilty to a violation of section 2925.02, 2925.03, 2925.04, 2447
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2448
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 2449
of the Revised Code is a professionally licensed person, in 2450
addition to any other sanctions imposed for the violation, the 2451
court, except as otherwise provided in this section, immediately 2452
shall transmit a certified copy of the judgment entry of 2453
conviction to the regulatory or licensing board or agency that has 2454
the administrative authority to suspend or revoke the offender's 2455
professional license. If the professionally licensed person who is 2456
convicted of or pleads guilty to a violation of any section listed 2457
in this section is a person who has been admitted to the bar by 2458
order of the supreme court in compliance with its prescribed and 2459
published rules, in addition to any other sanctions imposed for 2460
the violation, the court immediately shall transmit a certified 2461
copy of the judgment entry of conviction to the secretary of the 2462
board of commissioners on grievances and discipline of the supreme 2463
court and to either the disciplinary counsel or the president, 2464
secretary, and chairperson of each certified grievance committee. 2465

Sec. 2947.23. (A)(1)(a) In all criminal cases, including 2466
violations of ordinances, the judge or magistrate shall include in 2467

the sentence the costs of prosecution, including any costs under 2468
section 2947.231 of the Revised Code, and render a judgment 2469
against the defendant for such costs. At the time the judge or 2470
magistrate imposes sentence, the judge or magistrate shall notify 2471
the defendant of both of the following: 2472

~~(a)~~(i) If the defendant fails to pay that judgment or fails 2473
to timely make payments towards that judgment under a payment 2474
schedule approved by the court, the court may order the defendant 2475
to perform community service in an amount of not more than forty 2476
hours per month until the judgment is paid or until the court is 2477
satisfied that the defendant is in compliance with the approved 2478
payment schedule. 2479

~~(b)~~(ii) If the court orders the defendant to perform the 2480
community service, the defendant will receive credit upon the 2481
judgment at the specified hourly credit rate per hour of community 2482
service performed, and each hour of community service performed 2483
will reduce the judgment by that amount. 2484

(b) The failure of a judge or magistrate to notify the 2485
defendant pursuant to division (A)(1)(a) of this section does not 2486
negate or limit the authority of the court to order the defendant 2487
to perform community service if the defendant fails to pay the 2488
judgment described in that division or to timely make payments 2489
toward that judgment under an approved payment plan. 2490

(2) The following shall apply in all criminal cases: 2491

(a) If a jury has been sworn at the trial of a case, the fees 2492
of the jurors shall be included in the costs, which shall be paid 2493
to the public treasury from which the jurors were paid. 2494

(b) If a jury has not been sworn at the trial of a case 2495
because of a defendant's failure to appear without good cause, the 2496
costs incurred in summoning jurors for that particular trial may 2497
be included in the costs of prosecution. If the costs incurred in 2498

summoning jurors are assessed against the defendant, those costs 2499
shall be paid to the public treasury from which the jurors were 2500
paid. 2501

(B) If a judge or magistrate has reason to believe that a 2502
defendant has failed to pay the judgment described in division (A) 2503
of this section or has failed to timely make payments towards that 2504
judgment under a payment schedule approved by the judge or 2505
magistrate, the judge or magistrate shall hold a hearing to 2506
determine whether to order the offender to perform community 2507
service for that failure. The judge or magistrate shall notify 2508
both the defendant and the prosecuting attorney of the place, 2509
time, and date of the hearing and shall give each an opportunity 2510
to present evidence. If, after the hearing, the judge or 2511
magistrate determines that the defendant has failed to pay the 2512
judgment or to timely make payments under the payment schedule and 2513
that imposition of community service for the failure is 2514
appropriate, the judge or magistrate may order the offender to 2515
perform community service in an amount of not more than forty 2516
hours per month until the judgment is paid or until the judge or 2517
magistrate is satisfied that the offender is in compliance with 2518
the approved payment schedule. If the judge or magistrate orders 2519
the defendant to perform community service under this division, 2520
the defendant shall receive credit upon the judgment at the 2521
specified hourly credit rate per hour of community service 2522
performed, and each hour of community service performed shall 2523
reduce the judgment by that amount. Except for the credit and 2524
reduction provided in this division, ordering an offender to 2525
perform community service under this division does not lessen the 2526
amount of the judgment and does not preclude the state from taking 2527
any other action to execute the judgment. 2528

(C) As used in this section, "specified hourly credit rate" 2529
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 2530

under the federal Fair Labor Standards Act of 1938, that then is 2531
in effect, and that an employer subject to that provision must pay 2532
per hour to each of the employer's employees who is subject to 2533
that provision. 2534

Sec. 2949.08. (A) When a person who is convicted of or pleads 2535
guilty to a felony is sentenced to a community residential 2536
sanction in a community-based correctional facility pursuant to 2537
section 2929.16 of the Revised Code or when a person who is 2538
convicted of or pleads guilty to a felony or a misdemeanor is 2539
sentenced to a term of imprisonment in a jail, the judge or 2540
magistrate shall order the person into the custody of the sheriff 2541
or constable, and the sheriff or constable shall deliver the 2542
person with the record of the person's conviction to the jailer, 2543
administrator, or keeper, in whose custody the person shall remain 2544
until the term of imprisonment expires or the person is otherwise 2545
legally discharged. 2546

(B) The record of the person's conviction shall specify the 2547
total number of days, if any, that the person was confined for any 2548
reason arising out of the offense for which the person was 2549
convicted and sentenced prior to delivery to the jailer, 2550
administrator, or keeper under this section. The record shall be 2551
used to determine any reduction of sentence under division (C) of 2552
this section. 2553

(C)(1) If the person is sentenced to a jail for a felony or a 2554
misdemeanor, the jailer in charge of a jail shall reduce the 2555
sentence of a person delivered into the jailer's custody pursuant 2556
to division (A) of this section by the total number of days the 2557
person was confined for any reason arising out of the offense for 2558
which the person was convicted and sentenced, including 2559
confinement in lieu of bail while awaiting trial, confinement for 2560
examination to determine the person's competence to stand trial or 2561

to determine sanity, ~~and~~ confinement while awaiting transportation 2562
to the place where the person is to serve the sentence, and 2563
confinement in a juvenile facility. 2564

(2) If the person is sentenced to a community-based 2565
correctional facility for a felony, the total amount of time that 2566
a person shall be confined in a community-based correctional 2567
facility, in a jail, and for any reason arising out of the offense 2568
for which the person was convicted and sentenced prior to delivery 2569
to the jailer, administrator, or keeper shall not exceed the 2570
maximum prison term available for that offense. Any term in a jail 2571
shall be reduced first pursuant to division (C)(1) of this section 2572
by the total number of days the person was confined prior to 2573
delivery to the jailer, administrator, or keeper. Only after the 2574
term in a jail has been entirely reduced may the term in a 2575
community-based correctional facility be reduced pursuant to this 2576
division. This division does not affect the limitations placed on 2577
the duration of a term in a jail or a community-based correctional 2578
facility under divisions (A)(1), (2), and (3) of section 2929.16 2579
of the Revised Code. 2580

(D) For purposes of divisions (B) and (C) of this section, a 2581
person shall be considered to have been confined for a day if the 2582
person was confined for any period or periods of time totaling 2583
more than eight hours during that day. 2584

(E) As used in this section, "community-based correctional 2585
facility" and "jail" have the same meanings as in section 2929.01 2586
of the Revised Code. 2587

Sec. 2953.25. (A) As used in this section: 2588

(1) "Collateral sanction" means a penalty, disability, or 2589
disadvantage that is related to employment or occupational 2590
licensing, however denominated, as a result of the individual's 2591
conviction of or plea of guilty to an offense and that applies by 2592

operation of law in this state whether or not the penalty, 2593
disability, or disadvantage is included in the sentence or 2594
judgment imposed. 2595

"Collateral sanction" does not include imprisonment, 2596
probation, parole, supervised release, forfeiture, restitution, 2597
fine, assessment, or costs of prosecution. 2598

(2) "Decision-maker" includes, but is not limited to, the 2599
state acting through a department, agency, board, commission, or 2600
instrumentality established by the law of this state for the 2601
exercise of any function of government, a political subdivision, 2602
an educational institution, or a government contractor or 2603
subcontractor made subject to this section by contract, law, or 2604
ordinance. 2605

(3) "Department-funded program" means a residential or 2606
nonresidential program that is not a term in a state correctional 2607
institution, that is funded in whole or part by the department of 2608
rehabilitation and correction, and that is imposed as a sanction 2609
for an offense, as part of a sanction that is imposed for an 2610
offense, or as a term or condition of any sanction that is imposed 2611
for an offense. 2612

(4) "Designee" means the person designated by the deputy 2613
director of the division of parole and community services to 2614
perform the duties designated in division (B) of this section. 2615

(5) "Division of parole and community services" means the 2616
division of parole and community services of the department of 2617
rehabilitation and correction. 2618

(6) "Offense" means any felony or misdemeanor under the laws 2619
of this state. 2620

(7) "Political subdivision" has the same meaning as in 2621
section 2969.21 of the Revised Code. 2622

(B)(1) After the provisions of this division become operative 2623
as described in division (J) of this section, an individual who is 2624
subject to one or more collateral sanctions as a result of being 2625
convicted of or pleading guilty to an offense and who either has 2626
served a term in a state correctional institution for any offense 2627
or has spent time in a department-funded program for any offense 2628
may file a petition with the designee of the deputy director of 2629
the division of parole and community services for a certificate of 2630
qualification for employment. 2631

(2) After the provisions of this division become operative as 2632
described in division (J) of this section, an individual who is 2633
subject to one or more collateral sanctions as a result of being 2634
convicted of or pleading guilty to an offense and who is not in a 2635
category described in division (B)(1) of this section may file a 2636
petition with the court of common pleas of the county in which the 2637
person resides or with the designee of the deputy director of the 2638
division of parole and community services for a certificate of 2639
qualification for employment. 2640

(3) A petition under division (B)(1) or (2) of this section 2641
shall be made on a copy of the form prescribed by the division of 2642
parole and community services under division (J) of this section 2643
and shall contain all of the information described in division (F) 2644
of this section. 2645

(4) An individual may file a petition under division (B)(1) 2646
or (2) of this section at any time after the expiration of 2647
whichever of the following is applicable: 2648

(a) If the offense that resulted in the collateral sanction 2649
from which the individual seeks relief is a felony, at any time 2650
after the expiration of one year from the date of release of the 2651
individual from any period of incarceration in a state or local 2652
correctional facility that was imposed for that offense and all 2653
periods of supervision imposed after release from the period of 2654

incarceration or, if the individual was not incarcerated for that 2655
offense, at any time after the expiration of one year from the 2656
date of the individual's final release from all other sanctions 2657
imposed for that offense. 2658

(b) If the offense that resulted in the collateral sanction 2659
from which the individual seeks relief is a misdemeanor, at any 2660
time after the expiration of six months from the date of release 2661
of the individual from any period of incarceration in a local 2662
correctional facility that was imposed for that offense and all 2663
periods of supervision imposed after release from the period of 2664
incarceration or, if the individual was not incarcerated for that 2665
offense, at any time after the expiration of six months from the 2666
date of the final release of the individual from all sanctions 2667
imposed for that offense including any period of supervision. 2668

(5)(a) A designee that receives a petition for a 2669
certification of qualification for employment from an individual 2670
under division (B)(1) or (2) of this section shall review the 2671
petition to determine whether it is complete. If the petition is 2672
complete, the designee shall forward the petition, and any other 2673
information the designee possesses that relates to the petition, 2674
to the court of common pleas of the county in which the individual 2675
resides. 2676

(b) A court of common pleas that receives a petition for a 2677
certificate of qualification for employment from an individual 2678
under division (B)(2) of this section, or that is forwarded a 2679
petition for such a certificate under division (B)(5)(a) of this 2680
section, shall attempt to determine all other courts in this state 2681
in which the individual was convicted of or pleaded guilty to an 2682
offense other than the offense from which the individual is 2683
seeking relief. The court that receives or is forwarded the 2684
petition shall notify all other courts in this state that it 2685
determines under this division were courts in which the individual 2686

was convicted of or pleaded guilty to an offense other than the 2687
offense from which the individual is seeking relief that the 2688
individual has filed the petition and that the court may send 2689
comments regarding the possible issuance of the certificate. 2690

A court of common pleas that receives a petition for a 2691
certificate of qualification for employment under division (B)(2) 2692
of this section shall notify the prosecuting attorney of the 2693
county in which the individual resides that the individual has 2694
filed the petition. 2695

(C)(1) Upon receiving a petition for a certificate of 2696
qualification for employment filed by an individual under division 2697
(B)(2) of this section or being forwarded a petition for such a 2698
certificate under division (B)(5)(a) of this section, the court 2699
shall review the individual's petition, the individual's criminal 2700
history, all filings submitted by the prosecutor or by the victim 2701
in accordance with rules adopted by the division of parole and 2702
community services, and all other relevant evidence. The court may 2703
order any report, investigation, or disclosure by the individual 2704
that the court believes is necessary for the court to reach a 2705
decision on whether to approve the individual's petition for a 2706
certificate of qualification for employment. 2707

(2) Upon receiving a petition for a certificate of 2708
qualification for employment filed by an individual under division 2709
(B)(2) of this section or being forwarded a petition for such a 2710
certificate under division (B)(5)(a) of this section, except as 2711
otherwise provided in this division, the court shall decide 2712
whether to issue the certificate within sixty days after the court 2713
receives or is forwarded the completed petition and all 2714
information requested for the court to make that decision. Upon 2715
request of the individual who filed the petition, the court may 2716
extend the sixty-day period specified in this division. 2717

(3) Subject to division (C)(5) of this section, a court that 2718

receives an individual's petition for a certificate of 2719
qualification for employment under division (B)(2) of this section 2720
or that is forwarded a petition for such a certificate under 2721
division (B)(5)(a) of this section may issue a certificate of 2722
qualification for employment, at the court's discretion, if the 2723
court finds that the individual has established all of the 2724
following by a preponderance of the evidence: 2725

(a) Granting the petition will materially assist the 2726
individual in obtaining employment or occupational licensing. 2727

(b) The individual has a substantial need for the relief 2728
requested in order to live a law-abiding life. 2729

(c) Granting the petition would not pose an unreasonable risk 2730
to the safety of the public or any individual. 2731

(4) The submission of an incomplete petition by an individual 2732
shall not be grounds for the designee or court to deny the 2733
petition. 2734

(5) A court that receives an individual's petition for a 2735
certificate of qualification for employment under division (B)(2) 2736
of this section or that is forwarded a petition for such a 2737
certificate under division (B)(5)(a) of this section shall not 2738
issue a certificate of qualification for employment that grants 2739
the individual relief from any of the following collateral 2740
sanctions: 2741

(a) Requirements imposed by Chapter 2950. of the Revised Code 2742
and rules adopted under sections 2950.13 and 2950.132 of the 2743
Revised Code; 2744

(b) A driver's license, commercial driver's license, or 2745
probationary license suspension, cancellation, or revocation 2746
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 2747
Revised Code if the relief sought is available pursuant to section 2748
4510.021 or division (B) of section 4510.13 of the Revised Code; 2749

(c) Restrictions on employment as a prosecutor or law 2750
enforcement officer; 2751

(d) The denial, ineligibility, or automatic suspension of a 2752
license that is imposed upon an individual applying for or holding 2753
a license as a health care professional under Title XLVII of the 2754
Revised Code if the individual is convicted of, pleads guilty to, 2755
is subject to a judicial finding of eligibility for intervention 2756
in lieu of conviction in this state under section 2951.041 of the 2757
Revised Code, or is subject to treatment or intervention in lieu 2758
of conviction for a violation of section 2903.01, 2903.02, 2759
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2760
2911.01, 2911.11, or 2919.123 of the Revised Code; 2761

(e) The immediate suspension of a license, certificate, or 2762
evidence of registration that is imposed upon an individual 2763
holding a license as a health care professional under Title XLVII 2764
of the Revised Code pursuant to division (C) of section 3719.121 2765
of the Revised Code; 2766

(f) The denial or ineligibility for employment in a pain 2767
clinic under division (B)(4) of section 4729.552 of the Revised 2768
Code; 2769

(g) The mandatory suspension of a license that is imposed on 2770
an individual applying for or holding a license as a health care 2771
professional under Title XLVII of the Revised Code pursuant to 2772
section 3123.43 of the Revised Code. 2773

(6) If a court that receives an individual's petition for a 2774
certificate of qualification for employment under division (B)(2) 2775
of this section or that is forwarded a petition for such a 2776
certificate under division (B)(5)(a) of this section denies the 2777
petition, the court shall provide written notice to the individual 2778
of the court's denial. The court may place conditions on the 2779
individual regarding the individual's filing of any subsequent 2780

petition for a certificate of qualification for employment. The 2781
written notice must notify the individual of any conditions placed 2782
on the individual's filing of a subsequent petition for a 2783
certificate of qualification for employment. 2784

If a court of common pleas that receives an individual's 2785
petition for a certificate of qualification for employment under 2786
division (B)(2) of this section or that is forwarded a petition 2787
for such a certificate under division (B)(5)(a) of this section 2788
denies the petition, the individual may appeal the decision to the 2789
court of appeals only if the individual alleges that the denial 2790
was an abuse of discretion on the part of the court of common 2791
pleas. 2792

(D) A certificate of qualification for employment issued to 2793
an individual lifts the automatic bar of a collateral sanction, 2794
and a decision-maker may consider on a case-by-case basis whether 2795
to grant or deny the issuance or restoration of an occupational 2796
license or an employment opportunity, notwithstanding the 2797
individual's possession of the certificate, without, however, 2798
reconsidering or rejecting any finding made by a designee or court 2799
under division (C)(3) of this section. 2800

(E) A certificate of qualification for employment does not 2801
grant the individual to whom the certificate was issued relief 2802
from the mandatory civil impacts identified in division (A)(1) of 2803
section 2961.01 or division (B) of section 2961.02 of the Revised 2804
Code. 2805

(F) A petition for a certificate of qualification for 2806
employment filed by an individual under division (B)(1) or (2) of 2807
this section shall include all of the following: 2808

(1) The individual's name, date of birth, and social security 2809
number; 2810

(2) All aliases of the individual and all social security 2811

<u>numbers associated with those aliases;</u>	2812
<u>(3) The individual's residence address, including the city,</u>	2813
<u>county, and state of residence and zip code;</u>	2814
<u>(4) The length of time that the individual has been a</u>	2815
<u>resident of this state, expressed in years and months of</u>	2816
<u>residence;</u>	2817
<u>(5) The name or type of each collateral sanction from which</u>	2818
<u>the individual is requesting a certificate of qualification for</u>	2819
<u>employment;</u>	2820
<u>(6) A summary of the individual's criminal history with</u>	2821
<u>respect to each offense that is a disqualification from employment</u>	2822
<u>or licensing in an occupation or profession, including the years</u>	2823
<u>of each conviction or plea of guilty for each of those offenses;</u>	2824
<u>(7) A summary of the individual's employment history,</u>	2825
<u>specifying the name of, and dates of employment with, each</u>	2826
<u>employer;</u>	2827
<u>(8) Verifiable references and endorsements;</u>	2828
<u>(9) The name of one or more immediate family members of the</u>	2829
<u>individual, or other persons with whom the individual has a close</u>	2830
<u>relationship, who support the individual's reentry plan;</u>	2831
<u>(10) A summary of the reason the individual believes the</u>	2832
<u>certificate of qualification for employment should be granted;</u>	2833
<u>(11) Any other information required by rule by the department</u>	2834
<u>of rehabilitation and correction.</u>	2835
<u>(G)(1) In a judicial or administrative proceeding alleging</u>	2836
<u>negligence or other fault, a certificate of qualification for</u>	2837
<u>employment issued to an individual under this section may be</u>	2838
<u>introduced as evidence of a person's due care in hiring,</u>	2839
<u>retaining, licensing, leasing to, admitting to a school or</u>	2840
<u>program, or otherwise transacting business or engaging in activity</u>	2841

with the individual to whom the certificate of qualification for 2842
employment was issued if the person knew of the certificate at the 2843
time of the alleged negligence or other fault. 2844

(2) In any proceeding on a claim against an employer for 2845
negligent hiring, a certificate of qualification for employment 2846
issued to an individual under this section shall provide immunity 2847
for the employer as to the claim if the employer knew of the 2848
certificate at the time of the alleged negligence. 2849

(3) If an employer hires an individual who has been issued a 2850
certificate of qualification for employment under this section, if 2851
the individual, after being hired, subsequently demonstrates 2852
dangerousness or is convicted of or pleads guilty to a felony, and 2853
if the employer retains the individual as an employee after the 2854
demonstration of dangerousness or the conviction or guilty plea, 2855
the employer may be held liable in a civil action that is based on 2856
or relates to the retention of the individual as an employee only 2857
if it is proved by a preponderance of the evidence that the person 2858
having hiring and firing responsibility for the employer had 2859
actual knowledge that the employee was dangerous or had been 2860
convicted of or pleaded guilty to the felony and was willful in 2861
retaining the individual as an employee after the demonstration of 2862
dangerousness or the conviction or guilty plea of which the person 2863
has actual knowledge. 2864

(H) A certificate of qualification for employment issued 2865
under this section shall be presumptively revoked if the 2866
individual to whom the certificate of qualification for employment 2867
was issued is convicted of or pleads guilty to a felony offense 2868
committed subsequent to the issuance of the certificate of 2869
qualification for employment. 2870

(I) A designee's forwarding, or failure to forward, a 2871
petition for a certificate of qualification for employment to a 2872
court or a court's issuance, or failure to issue, a petition for a 2873

certificate of qualification for employment to an individual under 2874
division (B) of this section does not give rise to a claim for 2875
damages against the department of rehabilitation and correction or 2876
court. 2877

(J) Not later than ninety days after the effective date of 2878
this section, the division of parole and community services shall 2879
adopt rules in accordance with Chapter 119. of the Revised Code 2880
for the implementation and administration of this section and 2881
shall prescribe the form for the petition to be used under 2882
division (B)(1) or (2) of this section. The form for the petition 2883
shall include places for all of the information specified in 2884
division (F) of this section. Upon the adoption of the rules, the 2885
provisions of divisions (A) to (I) of this section become 2886
operative. 2887

(K) The department of rehabilitation and correction shall 2888
conduct a study to determine the manner for transferring the 2889
mechanism for the issuance of a certificate of qualification for 2890
employment created by this section to an electronic database 2891
established and maintained by the department. The database to 2892
which the mechanism is to be transferred shall include granted 2893
certificates and revoked certificates and shall be designed to 2894
track the number of certificates granted and revoked, the 2895
industries, occupations, and professions with respect to which the 2896
certificates have been most applicable, the types of employers 2897
that have accepted the certificates, and the recidivism rates of 2898
individuals who have been issued the certificates. Not later than 2899
the date that is one year after the effective date of this 2900
section, the department of rehabilitation and correction shall 2901
submit to the general assembly and the governor a report that 2902
contains the results of the study and recommendations for 2903
transferring the mechanism for the issuance of certificate of 2904
qualification for employment created by this section to an 2905

electronic database established and maintained by the department. 2906

(L) The department of rehabilitation and correction, in 2907
conjunction with the Ohio judicial conference, shall conduct a 2908
study to determine whether the application process for 2909
certificates of qualification for employment created by this 2910
section is feasible based upon the caseload capacity of the 2911
department and the courts of common pleas. Not later than the date 2912
that is one year after the effective date of this section, the 2913
department shall submit to the general assembly a report that 2914
contains the results of the study and any recommendations for 2915
improvement of the application process. 2916

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 2917
Revised Code: 2918

(A) "~~First~~ Eligible offender" means anyone who has been 2919
convicted of an offense in this state or any other jurisdiction 2920
and who ~~previously or subsequently has not been convicted of the~~ 2921
~~same or a different offense~~ has not more than one felony 2922
conviction, not more than two misdemeanor convictions if the 2923
convictions are not of the same offense, or not more than one 2924
felony conviction and one misdemeanor conviction in this state or 2925
any other jurisdiction. When two or more convictions result from 2926
or are connected with the same act or result from offenses 2927
committed at the same time, they shall be counted as one 2928
conviction. When two or three convictions result from the same 2929
indictment, information, or complaint, from the same plea of 2930
guilty, or from the same official proceeding, and result from 2931
related criminal acts that were committed within a three-month 2932
period but do not result from the same act or from offenses 2933
committed at the same time, they shall be counted as one 2934
conviction, provided that a court may decide as provided in 2935
division (C)(1)(a) of section 2953.32 of the Revised Code that it 2936

is not in the public interest for the two or three convictions to 2937
be counted as one conviction. 2938

For purposes of, and except as otherwise provided in, this 2939
division, a conviction for a minor misdemeanor, for a violation of 2940
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 2941
Revised Code, or for a violation of a municipal ordinance that is 2942
substantially similar to any section in those chapters is not a 2943
~~previous or subsequent~~ conviction. However, a conviction for a 2944
violation of section 4511.19, 4511.251, 4549.02, 4549.021, 2945
4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of 2946
the Revised Code, for a violation of section 4510.11 or 4510.14 of 2947
the Revised Code that is based upon the offender's operation of a 2948
vehicle during a suspension imposed under section 4511.191 or 2949
4511.196 of the Revised Code, for a violation of a substantially 2950
equivalent municipal ordinance, for a felony violation of Title 2951
XLV of the Revised Code, or for a violation of a substantially 2952
equivalent former law of this state or former municipal ordinance 2953
shall be considered a ~~previous or subsequent~~ conviction. 2954

(B) "Prosecutor" means the county prosecuting attorney, city 2955
director of law, village solicitor, or similar chief legal 2956
officer, who has the authority to prosecute a criminal case in the 2957
court in which the case is filed. 2958

(C) "Bail forfeiture" means the forfeiture of bail by a 2959
defendant who is arrested for the commission of a misdemeanor, 2960
other than a defendant in a traffic case as defined in Traffic 2961
Rule 2, if the forfeiture is pursuant to an agreement with the 2962
court and prosecutor in the case. 2963

(D) "Official records" has the same meaning as in division 2964
(D) of section 2953.51 of the Revised Code. 2965

(E) "Official proceeding" has the same meaning as in section 2966
2921.01 of the Revised Code. 2967

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

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

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

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

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

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

(B) Upon the filing of an application under this section, the

court shall set a date for a hearing and shall notify the
prosecutor for the case of the hearing on the application. The
prosecutor may object to the granting of the application by filing
an objection with the court prior to the date set for the hearing.
The prosecutor shall specify in the objection the reasons for
believing a denial of the application is justified. The court
shall direct its regular probation officer, a state probation
officer, or the department of probation of the county in which the
applicant resides to make inquiries and written reports as the
court requires concerning the applicant. If the applicant was
convicted of or pleaded guilty to a violation of division (A)(2)
or (B) of section 2919.21 of the Revised Code, the probation
officer or county department of probation that the court directed
to make inquiries concerning the applicant shall contact the child
support enforcement agency enforcing the applicant's obligations
under the child support order to inquire about the offender's
compliance with the child support order.

(C)(1) The court shall do each of the following:

(a) Determine whether the applicant is ~~a first~~ an eligible
offender or whether the forfeiture of bail was agreed to by the
applicant and the prosecutor in the case. If the applicant applies
as ~~a first~~ an eligible offender pursuant to division (A)(1) of
this section and has two or three convictions that result from the
same indictment, information, or complaint, from the same plea of
guilty, or from the same official proceeding, and result from
related criminal acts that were committed within a three-month
period but do not result from the same act or from offenses
committed at the same time, in making its determination under this
division, the court initially shall determine whether it is not in
the public interest for the two or three convictions to be counted
as one conviction. If the court determines that it is not in the
public interest for the two or three convictions to be counted as

one conviction, the court shall determine that the applicant is 3030
not ~~a first~~ an eligible offender; if the court does not make that 3031
determination, the court shall determine that the offender is a 3032
~~first~~ an eligible offender. 3033

(b) Determine whether criminal proceedings are pending 3034
against the applicant; 3035

(c) If the applicant is ~~a first~~ an eligible offender who 3036
applies pursuant to division (A)(1) of this section, determine 3037
whether the applicant has been rehabilitated to the satisfaction 3038
of the court; 3039

(d) If the prosecutor has filed an objection in accordance 3040
with division (B) of this section, consider the reasons against 3041
granting the application specified by the prosecutor in the 3042
objection; 3043

(e) Weigh the interests of the applicant in having the 3044
records pertaining to the applicant's conviction sealed against 3045
the legitimate needs, if any, of the government to maintain those 3046
records. 3047

(2) If the court determines, after complying with division 3048
(C)(1) of this section, that the applicant is ~~a first~~ an eligible 3049
offender or the subject of a bail forfeiture, that no criminal 3050
proceeding is pending against the applicant, and that the 3051
interests of the applicant in having the records pertaining to the 3052
applicant's conviction or bail forfeiture sealed are not 3053
outweighed by any legitimate governmental needs to maintain those 3054
records, and that the rehabilitation of an applicant who is a 3055
~~first~~ an eligible offender applying pursuant to division (A)(1) of 3056
this section has been attained to the satisfaction of the court, 3057
the court, except as provided in divisions (G) and (H) of this 3058
section, shall order all official records pertaining to the case 3059
sealed and, except as provided in division (F) of this section, 3060

all index references to the case deleted and, in the case of bail 3061
forfeitures, shall dismiss the charges in the case. The 3062
proceedings in the case shall be considered not to have occurred 3063
and the conviction or bail forfeiture of the person who is the 3064
subject of the proceedings shall be sealed, except that upon 3065
conviction of a subsequent offense, the sealed record of prior 3066
conviction or bail forfeiture may be considered by the court in 3067
determining the sentence or other appropriate disposition, 3068
including the relief provided for in sections 2953.31 to 2953.33 3069
of the Revised Code. 3070

(3) Upon the filing of an application under this section, the 3071
applicant, unless indigent, shall pay a fee of fifty dollars. The 3072
court shall pay thirty dollars of the fee into the state treasury. 3073
It shall pay twenty dollars of the fee into the county general 3074
revenue fund if the sealed conviction or bail forfeiture was 3075
pursuant to a state statute, or into the general revenue fund of 3076
the municipal corporation involved if the sealed conviction or 3077
bail forfeiture was pursuant to a municipal ordinance. 3078

(D) Inspection of the sealed records included in the order 3079
may be made only by the following persons or for the following 3080
purposes: 3081

(1) By a law enforcement officer or prosecutor, or the 3082
assistants of either, to determine whether the nature and 3083
character of the offense with which a person is to be charged 3084
would be affected by virtue of the person's previously having been 3085
convicted of a crime; 3086

(2) By the parole or probation officer of the person who is 3087
the subject of the records, for the exclusive use of the officer 3088
in supervising the person while on parole or under a community 3089
control sanction or a post-release control sanction, and in making 3090
inquiries and written reports as requested by the court or adult 3091
parole authority; 3092

- (3) Upon application by the person who is the subject of the records, by the persons named in the application;
- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;
- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;
- (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;
- (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;
- (8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;
- (9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;
- (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in

division (B)(1) of that section; 3124

(11) By the bureau of criminal identification and 3125
investigation, an authorized employee of the bureau, a sheriff, or 3126
an authorized employee of a sheriff in connection with a criminal 3127
records check described in section 311.41 of the Revised Code; 3128

(12) By the attorney general or an authorized employee of the 3129
attorney general or a court for purposes of determining a person's 3130
classification pursuant to Chapter 2950. of the Revised Code. 3131

When the nature and character of the offense with which a 3132
person is to be charged would be affected by the information, it 3133
may be used for the purpose of charging the person with an 3134
offense. 3135

(E) In any criminal proceeding, proof of any otherwise 3136
admissible prior conviction may be introduced and proved, 3137
notwithstanding the fact that for any such prior conviction an 3138
order of sealing previously was issued pursuant to sections 3139
2953.31 to 2953.36 of the Revised Code. 3140

(F) The person or governmental agency, office, or department 3141
that maintains sealed records pertaining to convictions or bail 3142
forfeitures that have been sealed pursuant to this section may 3143
maintain a manual or computerized index to the sealed records. The 3144
index shall contain only the name of, and alphanumeric identifiers 3145
that relate to, the persons who are the subject of the sealed 3146
records, the word "sealed," and the name of the person, agency, 3147
office, or department that has custody of the sealed records, and 3148
shall not contain the name of the crime committed. The index shall 3149
be made available by the person who has custody of the sealed 3150
records only for the purposes set forth in divisions (C), (D), and 3151
(E) of this section. 3152

(G) Notwithstanding any provision of this section or section 3153
2953.33 of the Revised Code that requires otherwise, a board of 3154

education of a city, local, exempted village, or joint vocational 3155
school district that maintains records of an individual who has 3156
been permanently excluded under sections 3301.121 and 3313.662 of 3157
the Revised Code is permitted to maintain records regarding a 3158
conviction that was used as the basis for the individual's 3159
permanent exclusion, regardless of a court order to seal the 3160
record. An order issued under this section to seal the record of a 3161
conviction does not revoke the adjudication order of the 3162
superintendent of public instruction to permanently exclude the 3163
individual who is the subject of the sealing order. An order 3164
issued under this section to seal the record of a conviction of an 3165
individual may be presented to a district superintendent as 3166
evidence to support the contention that the superintendent should 3167
recommend that the permanent exclusion of the individual who is 3168
the subject of the sealing order be revoked. Except as otherwise 3169
authorized by this division and sections 3301.121 and 3313.662 of 3170
the Revised Code, any school employee in possession of or having 3171
access to the sealed conviction records of an individual that were 3172
the basis of a permanent exclusion of the individual is subject to 3173
section 2953.35 of the Revised Code. 3174

(H) For purposes of sections 2953.31 to 2953.36 of the 3175
Revised Code, DNA records collected in the DNA database and 3176
fingerprints filed for record by the superintendent of the bureau 3177
of criminal identification and investigation shall not be sealed 3178
unless the superintendent receives a certified copy of a final 3179
court order establishing that the offender's conviction has been 3180
overturned. For purposes of this section, a court order is not 3181
"final" if time remains for an appeal or application for 3182
discretionary review with respect to the order. 3183

Sec. 2953.34. Nothing in sections 2953.31 to 2953.33 of the 3184
Revised Code precludes ~~a first~~ an eligible offender from taking an 3185
appeal or seeking any relief from ~~his~~ the eligible offender's 3186

conviction or from relying on it in lieu of any subsequent 3187
prosecution for the same offense. 3188

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code 3189
do not apply to any of the following: 3190

(A) Convictions when the offender is subject to a mandatory 3191
prison term; 3192

(B) Convictions under section 2907.02, 2907.03, 2907.04, 3193
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 3194
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 3195
Code, or a conviction for a violation of a municipal ordinance 3196
that is substantially similar to any section contained in any of 3197
those chapters; 3198

(C) Convictions of an offense of violence when the offense is 3199
a misdemeanor of the first degree or a felony and when the offense 3200
is not a violation of section 2917.03 of the Revised Code and is 3201
not a violation of section 2903.13, 2917.01, or 2917.31 of the 3202
Revised Code that is a misdemeanor of the first degree; 3203

(D) Convictions on or after ~~the effective date of this~~ 3204
~~amendment~~ October 10, 2007, under section 2907.07 of the Revised 3205
Code or a conviction on or after ~~the effective date of this~~ 3206
~~amendment~~ October 10, 2007, for a violation of a municipal 3207
ordinance that is substantially similar to that section; 3208

(E) Convictions on or after ~~the effective date of this~~ 3209
~~amendment~~ October 10, 2007, under section 2907.08, 2907.09, 3210
2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 3211
of the Revised Code when the victim of the offense was under 3212
eighteen years of age; 3213

(F) Convictions of an offense in circumstances in which the 3214
victim of the offense was under eighteen years of age when the 3215
offense is a misdemeanor of the first degree or a felony, except 3216

<u>for convictions under section 2919.21 of the Revised Code;</u>	3217
(G) Convictions of a felony of the first or second degree;	3218
(H) Bail forfeitures in a traffic case as defined in Traffic Rule 2.	3219 3220
Sec. 2967.191. The department of rehabilitation and correction shall reduce the stated prison term of a prisoner or, if the prisoner is serving a term for which there is parole eligibility, the minimum and maximum term or the parole eligibility date of the prisoner by the total number of days that the prisoner was confined for any reason arising out of the offense for which the prisoner was convicted and sentenced, including confinement in lieu of bail while awaiting trial, confinement for examination to determine the prisoner's competence to stand trial or sanity, and confinement while awaiting transportation to the place where the prisoner is to serve the prisoner's prison term, <u>and confinement in a juvenile facility.</u>	3221 3222 3223 3224 3225 3226 3227 3228 3229 3230 3231 3232
Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.	3233 3234 3235 3236 3237 3238
(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:	3239 3240
(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	3241 3242 3243 3244 3245 3246

sections existed prior to March 22, 2001.	3247
(2) "Child support order" means either a court child support order or an administrative child support order.	3248 3249
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	3250 3251
(4) "Obligor" means the person who is required to pay support under a support order.	3252 3253
(5) "Support order" means either an administrative child support order or a court support order.	3254 3255
(C) As used in this chapter:	3256
(1) "Combined gross income" means the combined gross income of both parents.	3257 3258
(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.	3259 3260 3261 3262 3263 3264 3265
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	3266 3267 3268 3269 3270
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	3271 3272 3273
(5) "Income" means either of the following:	3274
(a) For a parent who is employed to full capacity, the gross income of the parent;	3275 3276

(b) For a parent who is unemployed or underemployed, the sum 3277
of the gross income of the parent and any potential income of the 3278
parent. 3279

(6) "Insurer" means any person authorized under Title XXXIX 3280
of the Revised Code to engage in the business of insurance in this 3281
state, any health insuring corporation, and any legal entity that 3282
is self-insured and provides benefits to its employees or members. 3283

(7) "Gross income" means, except as excluded in division 3284
(C)(7) of this section, the total of all earned and unearned 3285
income from all sources during a calendar year, whether or not the 3286
income is taxable, and includes income from salaries, wages, 3287
overtime pay, and bonuses to the extent described in division (D) 3288
of section 3119.05 of the Revised Code; commissions; royalties; 3289
tips; rents; dividends; severance pay; pensions; interest; trust 3290
income; annuities; social security benefits, including retirement, 3291
disability, and survivor benefits that are not means-tested; 3292
workers' compensation benefits; unemployment insurance benefits; 3293
disability insurance benefits; benefits that are not means-tested 3294
and that are received by and in the possession of the veteran who 3295
is the beneficiary for any service-connected disability under a 3296
program or law administered by the United States department of 3297
veterans' affairs or veterans' administration; spousal support 3298
actually received; and all other sources of income. "Gross income" 3299
includes income of members of any branch of the United States 3300
armed services or national guard, including, amounts representing 3301
base pay, basic allowance for quarters, basic allowance for 3302
subsistence, supplemental subsistence allowance, cost of living 3303
adjustment, specialty pay, variable housing allowance, and pay for 3304
training or other types of required drills; self-generated income; 3305
and potential cash flow from any source. 3306

"Gross income" does not include any of the following: 3307

(a) Benefits received from means-tested government 3308

administered programs, including Ohio works first; prevention, 3309
retention, and contingency; means-tested veterans' benefits; 3310
supplemental security income; supplemental nutrition assistance 3311
program; disability financial assistance; or other assistance for 3312
which eligibility is determined on the basis of income or assets; 3313

(b) Benefits for any service-connected disability under a 3314
program or law administered by the United States department of 3315
veterans' affairs or veterans' administration that are not 3316
means-tested, that have not been distributed to the veteran who is 3317
the beneficiary of the benefits, and that are in the possession of 3318
the United States department of veterans' affairs or veterans' 3319
administration; 3320

(c) Child support received for children who were not born or 3321
adopted during the marriage at issue; 3322

(d) Amounts paid for mandatory deductions from wages such as 3323
union dues but not taxes, social security, or retirement in lieu 3324
of social security; 3325

(e) Nonrecurring or unsustainable income or cash flow items; 3326

(f) Adoption assistance and foster care maintenance payments 3327
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 3328
501, 42 U.S.C.A. 670 (1980), as amended. 3329

(8) "Nonrecurring or unsustainable income or cash flow item" 3330
means an income or cash flow item the parent receives in any year 3331
or for any number of years not to exceed three years that the 3332
parent does not expect to continue to receive on a regular basis. 3333
"Nonrecurring or unsustainable income or cash flow item" does not 3334
include a lottery prize award that is not paid in a lump sum or 3335
any other item of income or cash flow that the parent receives or 3336
expects to receive for each year for a period of more than three 3337
years or that the parent receives and invests or otherwise uses to 3338
produce income or cash flow for a period of more than three years. 3339

(9)(a) "Ordinary and necessary expenses incurred in 3340
generating gross receipts" means actual cash items expended by the 3341
parent or the parent's business and includes depreciation expenses 3342
of business equipment as shown on the books of a business entity. 3343

(b) Except as specifically included in "ordinary and 3344
necessary expenses incurred in generating gross receipts" by 3345
division (C)(9)(a) of this section, "ordinary and necessary 3346
expenses incurred in generating gross receipts" does not include 3347
depreciation expenses and other noncash items that are allowed as 3348
deductions on any federal tax return of the parent or the parent's 3349
business. 3350

(10) "Personal earnings" means compensation paid or payable 3351
for personal services, however denominated, and includes wages, 3352
salary, commissions, bonuses, draws against commissions, profit 3353
sharing, vacation pay, or any other compensation. 3354

(11) "Potential income" means both of the following for a 3355
parent who the court pursuant to a court support order, or a child 3356
support enforcement agency pursuant to an administrative child 3357
support order, determines is voluntarily unemployed or voluntarily 3358
underemployed: 3359

(a) Imputed income that the court or agency determines the 3360
parent would have earned if fully employed as determined from the 3361
following criteria: 3362

(i) The parent's prior employment experience; 3363

(ii) The parent's education; 3364

(iii) The parent's physical and mental disabilities, if any; 3365

(iv) The availability of employment in the geographic area in 3366
which the parent resides; 3367

(v) The prevailing wage and salary levels in the geographic 3368
area in which the parent resides; 3369

(vi) The parent's special skills and training;	3370
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	3371 3372
(viii) The age and special needs of the child for whom child support is being calculated under this section;	3373 3374
(ix) The parent's increased earning capacity because of experience;	3375 3376
(x) <u>The parent's decreased earning capacity because of a felony conviction;</u>	3377 3378
(xi) Any other relevant factor.	3379
(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.	3380 3381 3382 3383 3384
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	3385 3386
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	3387 3388 3389 3390 3391 3392 3393 3394 3395 3396
(14) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each	3397 3398 3399

parent is the residential parent and legal custodian of at least 3400
one of those children. 3401

(15) "Worksheet" means the applicable worksheet that is used 3402
to calculate a parent's child support obligation as set forth in 3403
sections 3119.022 and 3119.023 of the Revised Code. 3404

Sec. 3119.05. When a court computes the amount of child 3405
support required to be paid under a court child support order or a 3406
child support enforcement agency computes the amount of child 3407
support to be paid pursuant to an administrative child support 3408
order, all of the following apply: 3409

(A) The parents' current and past income and personal 3410
earnings shall be verified by electronic means or with suitable 3411
documents, including, but not limited to, paystubs, employer 3412
statements, receipts and expense vouchers related to 3413
self-generated income, tax returns, and all supporting 3414
documentation and schedules for the tax returns. 3415

(B) The amount of any pre-existing child support obligation 3416
of a parent under a child support order and the amount of any 3417
court-ordered spousal support actually paid shall be deducted from 3418
the gross income of that parent to the extent that payment under 3419
the child support order or that payment of the court-ordered 3420
spousal support is verified by supporting documentation. 3421

(C) If other minor children who were born to the parent and a 3422
person other than the other parent who is involved in the 3423
immediate child support determination live with the parent, the 3424
court or agency shall deduct an amount from that parent's gross 3425
income that equals the number of such minor children times the 3426
federal income tax exemption for such children less child support 3427
received for them for the year, not exceeding the federal income 3428
tax exemption. 3429

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

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

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

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

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

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

(H) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a

reasonable period of years. 3461

(I) A Unless it would be unjust or inappropriate and 3462
therefore not in the best interests of the child, a court or 3463
agency shall not determine a parent ~~receiving means-tested public~~ 3464
~~assistance benefits~~ to be voluntarily unemployed or underemployed 3465
and shall not impute income to that parent, ~~unless not making such~~ 3466
~~determination and not imputing income would be unjust,~~ 3467
~~inappropriate, and not in the best interest of the child if either~~ 3468
of the following conditions exist: 3469

(1) The parent is receiving recurring monetary income from 3470
means-tested public assistance benefits, including cash assistance 3471
payments under the Ohio works first program established under 3472
Chapter 5107. of the Revised Code, financial assistance under the 3473
disability financial assistance program established under Chapter 3474
5115. of the Revised Code, supplemental security income, or 3475
means-tested veterans' benefits; 3476

(2) The parent is incarcerated or institutionalized for a 3477
period of twelve months or more with no other available assets, 3478
unless the parent is incarcerated for an offense relating to the 3479
abuse or neglect of a child who is the subject of the support 3480
order or an offense under Title XXIX of the Revised Code when the 3481
obligee or a child who is the subject of the support order is a 3482
victim of the offense. 3483

(J) When a court or agency requires a parent to pay an amount 3484
for that parent's failure to support a child for a period of time 3485
prior to the date the court modifies or issues a court child 3486
support order or an agency modifies or issues an administrative 3487
child support order for the current support of the child, the 3488
court or agency shall calculate that amount using the basic child 3489
support schedule, worksheets, and child support laws in effect, 3490
and the incomes of the parents as they existed, for that prior 3491
period of time. 3492

(K) A court or agency may disregard a parent's additional 3493
income from overtime or additional employment when the court or 3494
agency finds that the additional income was generated primarily to 3495
support a new or additional family member or members, or under 3496
other appropriate circumstances. 3497

(L) If both parents involved in the immediate child support 3498
determination have a prior order for support relative to a minor 3499
child or children born to both parents, the court or agency shall 3500
collect information about the existing order or orders and 3501
consider those together with the current calculation for support 3502
to ensure that the total of all orders for all children of the 3503
parties does not exceed the amount that would have been ordered if 3504
all children were addressed in a single judicial or administrative 3505
proceeding. 3506

Sec. 3123.58. (A) On receipt of a notice pursuant to section 3507
3123.54 of the Revised Code, the registrar of motor vehicles shall 3508
determine whether the individual named in the notice holds or has 3509
applied for a driver's license or commercial driver's license, 3510
motorcycle operator's license or endorsement, or temporary 3511
instruction permit or commercial driver's temporary instruction 3512
permit. If the registrar determines that the individual holds or 3513
has applied for a license, permit, or endorsement and the 3514
individual is the individual named in the notice and does not 3515
receive a notice pursuant to section 3123.56 or 3123.57 of the 3516
Revised Code, the registrar immediately shall provide notice of 3517
the determination to each deputy registrar. The registrar or a 3518
deputy registrar may not issue to the individual a driver's or 3519
commercial driver's license, motorcycle operator's license or 3520
endorsement, or temporary instruction permit or commercial 3521
driver's temporary instruction permit and may not renew for the 3522
individual a driver's or commercial driver's license, motorcycle 3523
operator's license or endorsement, or commercial driver's 3524

temporary instruction permit. The registrar or a deputy registrar 3525
also shall impose a class F suspension of the license, permit, or 3526
endorsement held by the individual under division (B)(6) of 3527
section 4510.02 of the Revised Code. 3528

(B)(1) A court may grant an individual whose license, permit, 3529
or endorsement is suspended under this section limited driving 3530
privileges in accordance with division (B) of section 4510.021 of 3531
the Revised Code pursuant to a request made during an action for 3532
contempt initiated under section 2705.031 of the Revised Code. 3533
Prior to granting privileges under this division, the court shall 3534
request the accused to provide the court with a recent 3535
noncertified copy of a driver's abstract from the registrar of 3536
motor vehicles and shall request the child support enforcement 3537
agency that issued the notice pursuant to section 3123.54 of the 3538
Revised Code relative to the individual to advise the court, 3539
either in person through a representative testifying at a hearing 3540
or through a written document, the position of the agency relative 3541
to the issue of the granting of privileges to the individual. The 3542
court, in determining whether to grant the individual privileges 3543
under this division, shall take into consideration the position of 3544
the agency, but the court is not bound by the position of the 3545
agency. 3546

(2) A court that grants limited driving privileges to a 3547
person under division (B)(1) of this section shall deliver to the 3548
person a permit card, in a form to be prescribed by the court, 3549
setting forth the date on which the limited privileges will become 3550
effective, the purposes for which the person may drive, the times 3551
and places at which the person may drive, and any other conditions 3552
imposed upon the person's use of a motor vehicle. 3553

(3) The court immediately shall notify the registrar, in 3554
writing, of a grant of limited driving privileges under division 3555
(B)(1) of this section. The notification shall specify the date on 3556

which the limited driving privileges will become effective, the 3557
purposes for which the person may drive, and any other conditions 3558
imposed upon the person's use of a motor vehicle. 3559

(C) If a person who has been granted limited driving 3560
privileges under division (B)(1) of this section is convicted of, 3561
pleads guilty to, or is adjudicated in juvenile court of having 3562
committed a violation of Chapter 4510. of the Revised Code or any 3563
similar municipal ordinance during the period of which the person 3564
was granted limited driving privileges, the person's limited 3565
driving privileges shall be suspended immediately pending a 3566
reinstatement hearing. 3567

Sec. 3772.10. (A) In determining whether to grant or maintain 3568
the privilege of a casino operator, management company, holding 3569
company, key employee, casino gaming employee, or gaming-related 3570
vendor license, the Ohio casino control commission shall consider 3571
all of the following, as applicable: 3572

(1) The reputation, experience, and financial integrity of 3573
the applicant, its holding company, if applicable, and any other 3574
person that directly or indirectly controls the applicant; 3575

(2) The financial ability of the applicant to purchase and 3576
maintain adequate liability and casualty insurance and to provide 3577
an adequate surety bond; 3578

(3) The past and present compliance of the applicant and its 3579
affiliates or affiliated companies with casino-related licensing 3580
requirements in this state or any other jurisdiction, including 3581
whether the applicant has a history of noncompliance with the 3582
casino licensing requirements of any jurisdiction; 3583

(4) If the applicant has been indicted, convicted, pleaded 3584
guilty or no contest, or forfeited bail concerning any criminal 3585
offense under the laws of any jurisdiction, either felony or 3586

misdemeanor, not including traffic violations; 3587

(5) If the applicant has filed, or had filed against it a 3588
proceeding for bankruptcy or has ever been involved in any formal 3589
process to adjust, defer, suspend, or otherwise work out the 3590
payment of any debt; 3591

(6) If the applicant has been served with a complaint or 3592
other notice filed with any public body regarding a payment of any 3593
tax required under federal, state, or local law that has been 3594
delinquent for one or more years; 3595

(7) If the applicant is or has been a defendant in litigation 3596
involving its business practices; 3597

(8) If awarding a license would undermine the public's 3598
confidence in the casino gaming industry in this state; 3599

(9) If the applicant meets other standards for the issuance 3600
of a license that the commission adopts by rule, which shall not 3601
be arbitrary, capricious, or contradictory to the expressed 3602
provisions of this chapter. 3603

(B) All applicants for a license under this chapter shall 3604
establish their suitability for a license by clear and convincing 3605
evidence. If the commission determines that a person is eligible 3606
under this chapter to be issued a license as a casino operator, 3607
management company, holding company, key employee, casino gaming 3608
employee, or gaming-related vendor, the commission shall issue 3609
such license for not more than three years, as determined by 3610
commission rule, if all other requirements of this chapter have 3611
been satisfied. 3612

(C) The commission shall not issue a casino operator, 3613
management company, holding company, key employee, casino gaming 3614
employee, or gaming-related vendor license under this chapter to 3615
an applicant if: 3616

(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code. 3617
3618

(2) The applicant has submitted an application for license under this chapter that contains false information. 3619
3620

(3) The applicant is a commission member. 3621

(4) The applicant owns an ownership interest that is unlawful under this chapter, unless waived by the commission. 3622
3623

(5) The applicant violates specific rules adopted by the commission related to denial of licensure. 3624
3625

(6) The applicant is a member of or employed by a gaming regulatory body of a governmental unit in this state, another state, or the federal government, or is employed by a governmental unit of this state. This division does not prohibit a casino operator from hiring special duty law enforcement officers if the officers are not specifically involved in gaming-related regulatory functions. 3626
3627
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(7) The commission otherwise determines the applicant is ineligible for the license. 3633
3634

(D)(1) The commission shall investigate the qualifications of each applicant under this chapter before any license is issued and before any finding with regard to acts or transactions for which commission approval is required is made. The commission shall continue to observe the conduct of all licensees and all other persons having a material involvement directly or indirectly with a casino operator, management company, or holding company to ensure that licenses are not issued to or held by, or that there is not any material involvement with a casino operator, management company, or holding company by, an unqualified, disqualified, or unsuitable person or a person whose operations are conducted in an unsuitable manner or in unsuitable or prohibited places or locations. 3635
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(2) The executive director may recommend to the commission 3648
that it deny any application, or limit, condition, or restrict, or 3649
suspend or revoke, any license or finding, or impose any fine upon 3650
any licensee or other person according to this chapter and the 3651
rules adopted thereunder. 3652

(3) A license issued under this chapter is a revocable 3653
privilege. No licensee has a vested right in or under any license 3654
issued under this chapter. The initial determination of the 3655
commission to deny, or to limit, condition, or restrict, a license 3656
may be appealed under section 2505.03 of the Revised Code. 3657

(E)(1) An institutional investor otherwise required to be 3658
found suitable or qualified under this chapter and the rules 3659
adopted under this chapter shall be presumed suitable or qualified 3660
upon submitting documentation sufficient to establish 3661
qualifications as an institutional investor and upon certifying 3662
all of the following: 3663

(a) The institutional investor owns, holds, or controls 3664
publicly traded securities issued by a licensee or holding, 3665
intermediate, or parent company of a licensee or in the ordinary 3666
course of business for investment purposes only. 3667

(b) The institutional investor does not exercise influence 3668
over the affairs of the issuer of such securities nor over any 3669
licensed subsidiary of the issuer of such securities. 3670

(c) The institutional investor does not intend to exercise 3671
influence over the affairs of the issuer of such securities, nor 3672
over any licensed subsidiary of the issuer of such securities, in 3673
the future, and that it agrees to notify the commission in writing 3674
within thirty days if such intent changes. 3675

(2) The exercise of voting privileges with regard to publicly 3676
traded securities shall not be deemed to constitute the exercise 3677
of influence over the affairs of a licensee. 3678

(3) The commission shall rescind the presumption of 3679
suitability for an institutional investor at any time if the 3680
institutional investor exercises or intends to exercise influence 3681
or control over the affairs of the licensee. 3682

(4) This division shall not be construed to preclude the 3683
commission from investigating the suitability or qualifications of 3684
an institutional investor if the commission becomes aware of facts 3685
or information that may result in the institutional investor being 3686
found unsuitable or disqualified. 3687

(F) Information provided on the application shall be used as 3688
a basis for a thorough background investigation of each applicant. 3689
A false or incomplete application is cause for denial of a license 3690
by the commission. All applicants and licensees shall consent to 3691
inspections, searches, and seizures and to the disclosure to the 3692
commission and its agents of confidential records, including tax 3693
records, held by any federal, state, or local agency, credit 3694
bureau, or financial institution and to provide handwriting 3695
exemplars, photographs, fingerprints, and information as 3696
authorized in this chapter and in rules adopted by the commission. 3697

(G) The commission shall provide a written statement to each 3698
applicant for a license under this chapter who is denied the 3699
license that describes the reason or reasons for which the 3700
applicant was denied the license. 3701

(H) Not later than January 31 in each calendar year, the 3702
commission shall provide to the general assembly and the governor 3703
a report that, for each type of license issued under this chapter, 3704
specifies the number of applications made in the preceding 3705
calendar year for each type of such license, the number of 3706
applications denied in the preceding calendar year for each type 3707
of such license, and the reasons for those denials. The 3708
information regarding the reasons for the denials shall specify 3709
each reason that resulted in, or that was a factor resulting in, 3710

denial for each type of license issued under this chapter and, for 3711
each of those reasons, the total number of denials for each such 3712
type that involved that reason. 3713

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 3714
4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or 3715
division (B) of section 4301.691 of the Revised Code is guilty of 3716
a minor misdemeanor. 3717

(B) Whoever violates section 4301.15, division (A)(2) or (C) 3718
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 3719
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 3720
Code is guilty of a misdemeanor of the fourth degree. 3721

If an offender who violates section 4301.64 of the Revised 3722
Code was under the age of eighteen years at the time of the 3723
offense, the court, in addition to any other penalties it imposes 3724
upon the offender, ~~shall~~ may suspend the offender's temporary 3725
instruction permit, probationary driver's license, or driver's 3726
license for a period of not less than six months and not more than 3727
one year. In lieu of suspending the offender's temporary 3728
instruction permit, probationary driver's license, or driver's 3729
license, the court instead may require the offender to perform 3730
community service for a number of hours determined by the court. 3731
If the offender is fifteen years and six months of age or older 3732
and has not been issued a temporary instruction permit or 3733
probationary driver's license, the offender shall not be eligible 3734
to be issued such a license or permit for a period of six months. 3735
If the offender has not attained the age of fifteen years and six 3736
months, the offender shall not be eligible to be issued a 3737
temporary instruction permit until the offender attains the age of 3738
sixteen years. 3739

(C) Whoever violates division (D) of section 4301.21, section 3740
4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 3741

or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 3742
4301.69, or division (C), (D), (E), (F), (G), or (I) of section 3743
4301.691 of the Revised Code is guilty of a misdemeanor of the 3744
first degree. 3745

If an offender who violates division (E)(1) of section 3746
4301.69 of the Revised Code was under the age of eighteen years at 3747
the time of the offense and the offense occurred while the 3748
offender was the operator of or a passenger in a motor vehicle, 3749
the court, in addition to any other penalties it imposes upon the 3750
offender, shall suspend the offender's temporary instruction 3751
permit or probationary driver's license for a period of not less 3752
than six months and not more than one year. If the offender is 3753
fifteen years and six months of age or older and has not been 3754
issued a temporary instruction permit or probationary driver's 3755
license, the offender shall not be eligible to be issued such a 3756
license or permit for a period of six months. If the offender has 3757
not attained the age of fifteen years and six months, the offender 3758
shall not be eligible to be issued a temporary instruction permit 3759
until the offender attains the age of sixteen years. 3760

(D) Whoever violates division (B) of section 4301.14, or 3761
division (A)(1) or (3) or (B) of section 4301.22 of the Revised 3762
Code is guilty of a misdemeanor of the third degree. 3763

(E) Whoever violates section 4301.63 or division (B) of 3764
section 4301.631 of the Revised Code shall be fined not less than 3765
twenty-five nor more than one hundred dollars. The court imposing 3766
a fine for a violation of section 4301.63 or division (B) of 3767
section 4301.631 of the Revised Code may order that the fine be 3768
paid by the performance of public work at a reasonable hourly rate 3769
established by the court. The court shall designate the time 3770
within which the public work shall be completed. 3771

(F)(1) Whoever violates section 4301.634 of the Revised Code 3772
is guilty of a misdemeanor of the first degree. If, in committing 3773

a first violation of that section, the offender presented to the 3774
permit holder or the permit holder's employee or agent a false, 3775
fictitious, or altered identification card, a false or fictitious 3776
driver's license purportedly issued by any state, or a driver's 3777
license issued by any state that has been altered, the offender is 3778
guilty of a misdemeanor of the first degree and shall be fined not 3779
less than two hundred fifty and not more than one thousand 3780
dollars, and may be sentenced to a term of imprisonment of not 3781
more than six months. 3782

(2) On a second violation in which, for the second time, the 3783
offender presented to the permit holder or the permit holder's 3784
employee or agent a false, fictitious, or altered identification 3785
card, a false or fictitious driver's license purportedly issued by 3786
any state, or a driver's license issued by any state that has been 3787
altered, the offender is guilty of a misdemeanor of the first 3788
degree and shall be fined not less than five hundred nor more than 3789
one thousand dollars, and may be sentenced to a term of 3790
imprisonment of not more than six months. The court also may 3791
impose a class seven suspension of the offender's driver's or 3792
commercial driver's license or permit or nonresident operating 3793
privilege from the range specified in division (A)(7) of section 3794
4510.02 of the Revised Code. 3795

(3) On a third or subsequent violation in which, for the 3796
third or subsequent time, the offender presented to the permit 3797
holder or the permit holder's employee or agent a false, 3798
fictitious, or altered identification card, a false or fictitious 3799
driver's license purportedly issued by any state, or a driver's 3800
license issued by any state that has been altered, the offender is 3801
guilty of a misdemeanor of the first degree and shall be fined not 3802
less than five hundred nor more than one thousand dollars, and may 3803
be sentenced to a term of imprisonment of not more than six 3804
months. ~~The~~ Except as provided in this division, the court also 3805

~~shall~~ may impose a class six suspension of the offender's driver's
or commercial driver's license or permit or nonresident operating
privilege from the range specified in division (A)(6) of section
4510.02 of the Revised Code, and the court may order that the
suspension or denial remain in effect until the offender attains
the age of twenty-one years. The court ~~also~~, in lieu of suspending
the offender's temporary instruction permit, probationary driver's
license, or driver's license, instead may order the offender to
perform a determinate number of hours of community service, with
the court determining the actual number of hours and the nature of
the community service the offender shall perform.

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

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

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

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

Sec. 4501.02. (A) There is hereby created in the department
of public safety a bureau of motor vehicles, which shall be
administered by a registrar of motor vehicles. The registrar shall

be appointed by the director of public safety and shall serve at 3837
the director's pleasure. 3838

The registrar shall administer the laws of the state relative 3839
to the registration of and certificates of title for motor 3840
vehicles, and the licensing of motor vehicle dealers, motor 3841
vehicle leasing dealers, distributors, and salespersons, and of 3842
motor vehicle salvage dealers, salvage motor vehicle auctions, and 3843
salvage motor vehicle pools. The registrar also shall, in 3844
accordance with section 4503.61 of the Revised Code, take those 3845
steps necessary to enter this state into membership in the 3846
international registration plan and carry out the registrar's 3847
other duties under that section. The registrar, with the approval 3848
of the director of public safety, may do all of the following: 3849

(1) Adopt such forms and rules as are necessary to carry out 3850
all laws the registrar is required to administer; 3851

(2) Appoint such number of assistants, deputies, clerks, 3852
stenographers, and other employees as are necessary to carry out 3853
such laws; 3854

(3) Acquire or lease such facilities as are necessary to 3855
carry out the duties of the registrar's office; 3856

(4) Apply for, allocate, disburse, and account for grants 3857
made available under federal law or from other federal, state, or 3858
private sources; 3859

(5) Establish accounts in a bank or depository and deposit 3860
any funds collected by the registrar in those accounts to the 3861
credit of "state of Ohio, bureau of motor vehicles." Within three 3862
days after the deposit of funds in such an account, the registrar 3863
shall draw on that account in favor of the treasurer of state. The 3864
registrar may reserve funds against the draw to the treasurer of 3865
state to the extent reasonably necessary to ensure that the 3866
deposited items are not dishonored. The registrar may pay any 3867

service charge usually collected by the bank or depository; 3868

(6) Develop rules that establish disqualifying offenses for 3869
licensure as a motor vehicle salvage dealer pursuant to sections 3870
4738.04, 4738.07, and 4776.10 of the Revised Code. 3871

The registrar shall give a bond for the faithful performance 3872
of the registrar's duties in such amount and with such security as 3873
the director approves. When in the opinion of the director it is 3874
advisable, any deputy or other employee may be required to give 3875
bond in such amount and with such security as the director 3876
approves. In the discretion of the director, the bonds authorized 3877
to be taken on deputies or other employees may be individual, 3878
schedule, or blanket bonds. 3879

The director of public safety may investigate the activities 3880
of the bureau and have access to its records at any time, and the 3881
registrar shall make a report to the director at any time upon 3882
request. 3883

All laws relating to the licensing of motor vehicle dealers, 3884
motor vehicle leasing dealers, distributors, and salespersons, and 3885
of motor vehicle salvage dealers, salvage motor vehicle auctions, 3886
and salvage motor vehicle pools, designating and granting power to 3887
the registrar shall be liberally construed to the end that the 3888
practice or commission of fraud in the business of selling motor 3889
vehicles and of disposing of salvage motor vehicles may be 3890
prohibited and prevented. 3891

(B) There is hereby created in the department of public 3892
safety a division of emergency medical services, which shall be 3893
administered by an executive director of emergency medical 3894
services appointed under section 4765.03 of the Revised Code. 3895

Sec. 4503.233. (A)(1) If a court is required to order the 3896
immobilization of a vehicle for a specified period of time 3897

pursuant to section 4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 3898
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 3899
subject to section 4503.235 of the Revised Code, shall issue the 3900
immobilization order in accordance with this division and for the 3901
period of time specified in the particular section, and the 3902
immobilization under the order shall be in accordance with this 3903
section. The court, at the time of sentencing the offender for the 3904
offense relative to which the immobilization order is issued or as 3905
soon thereafter as is practicable, shall give a copy of the order 3906
to the offender or the offender's counsel. The court promptly 3907
shall send a copy of the order to the registrar on a form 3908
prescribed by the registrar and to the person or agency it 3909
designates to execute the order. 3910

The order shall indicate the date on which it is issued, 3911
shall identify the vehicle that is subject to the order, and shall 3912
specify all of the following: 3913

(a) The period of the immobilization; 3914

(b) The place at which the court determines that the 3915
immobilization shall be carried out, provided that the court shall 3916
not determine and shall not specify that the immobilization is to 3917
be carried out at any place other than a commercially operated 3918
private storage lot, a place owned by a law enforcement or other 3919
government agency, or a place to which one of the following 3920
applies: 3921

(i) The place is leased by or otherwise under the control of 3922
a law enforcement or other government agency. 3923

(ii) The place is owned by the offender, the offender's 3924
spouse, or a parent or child of the offender. 3925

(iii) The place is owned by a private person or entity, and, 3926
prior to the issuance of the order, the private entity or person 3927
that owns the place, or the authorized agent of that private 3928

entity or person, has given express written consent for the 3929
immobilization to be carried out at that place. 3930

(iv) The place is a public street or highway on which the 3931
vehicle is parked in accordance with the law. 3932

(c) The person or agency designated by the court to execute 3933
the order, which shall be either the law enforcement agency that 3934
employs the law enforcement officer who seized the vehicle, a 3935
bailiff of the court, another person the court determines to be 3936
appropriate to execute the order, or the law enforcement agency 3937
with jurisdiction over the place of residence of the vehicle 3938
owner; 3939

(d) That neither the registrar nor a deputy registrar will be 3940
permitted to accept an application for the license plate 3941
registration of any motor vehicle in the name of the vehicle owner 3942
until the immobilization fee is paid. 3943

(2) The person or agency the court designates to immobilize 3944
the vehicle shall seize or retain that vehicle's license plates 3945
and forward them to the bureau of motor vehicles. 3946

(3) In all cases, the offender shall be assessed an 3947
immobilization fee of one hundred dollars, and the immobilization 3948
fee shall be paid to the registrar before the vehicle may be 3949
released to the offender. Neither the registrar nor a deputy 3950
registrar shall accept an application for the registration of any 3951
motor vehicle in the name of the offender until the immobilization 3952
fee is paid. 3953

(4) If the vehicle subject to the order is immobilized 3954
pursuant to the order and is found being operated upon any street 3955
or highway in this state during the immobilization period, it 3956
shall be seized, removed from the street or highway, and 3957
criminally forfeited and disposed of pursuant to section 4503.234 3958
of the Revised Code. 3959

(5) The registrar shall deposit the immobilization fee into the law enforcement reimbursement fund created by section 4501.19 of the Revised Code. Money in the fund shall be expended only as provided in division (A)(5) of this section. If the court designated in the order a court bailiff or another appropriate person other than a law enforcement officer to immobilize the vehicle, the amount of the fee deposited into the law enforcement reimbursement fund shall be paid out to the county treasury if the court that issued the order is a county court, to the treasury of the municipal corporation served by the court if the court that issued the order is a mayor's court, or to the city treasury of the legislative authority of the court, both as defined in section 1901.03 of the Revised Code, if the court that issued the order is a municipal court. If the court designated a law enforcement agency to immobilize the vehicle and if the law enforcement agency immobilizes the vehicle, the amount of the fee deposited into the law enforcement reimbursement fund shall be paid out to the law enforcement agency to reimburse the agency for the costs it incurs in obtaining immobilization equipment and, if required, in sending an officer or other person to search for and locate the vehicle specified in the immobilization order and to immobilize the vehicle.

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

(B) If a court issues an immobilization order under division (A)(1) of this section, the person or agency designated by the court to execute the immobilization order promptly shall immobilize or continue the immobilization of the vehicle at the place specified by the court in the order. The registrar shall not authorize the release of the vehicle or authorize the issuance of

new identification license plates for the vehicle at the end of 3992
the immobilization period until the immobilization fee has been 3993
paid. 3994

(C) Upon receipt of the license plates for a vehicle under 3995
this section, the registrar shall destroy the license plates. At 3996
the end of the immobilization period and upon the payment of the 3997
immobilization fee that must be paid under this section, the 3998
registrar shall authorize the release of the vehicle and authorize 3999
the issuance, upon the payment of the same fee as is required for 4000
the replacement of lost, mutilated, or destroyed license plates 4001
and certificates of registration, of new license plates and, if 4002
necessary, a new certificate of registration to the offender for 4003
the vehicle in question. 4004

(D)(1) If a court issues an immobilization order under 4005
division (A) of this section, the immobilization period commences 4006
on the day on which the vehicle in question is immobilized. If the 4007
vehicle in question had been seized under section 4510.41 or 4008
4511.195 of the Revised Code, the time between the seizure and the 4009
beginning of the immobilization period shall be credited against 4010
the immobilization period specified in the immobilization order 4011
issued under division (A) of this section. No vehicle that is 4012
immobilized under this section is eligible to have restricted 4013
license plates under section 4503.231 of the Revised Code issued 4014
for that vehicle. 4015

(2) If a court issues an immobilization order under division 4016
(A) of this section, if the vehicle subject to the order is 4017
immobilized under the order, and if the vehicle is found being 4018
operated upon any street or highway of this state during the 4019
immobilization period, it shall be seized, removed from the street 4020
or highway, and criminally forfeited, and disposed of pursuant to 4021
section 4503.234 of the Revised Code. No vehicle that is forfeited 4022
under this provision shall be considered contraband for purposes 4023

of Chapter 2981. of the Revised Code, but shall be held by the law 4024
enforcement agency that employs the officer who seized it for 4025
disposal in accordance with section 4503.234 of the Revised Code. 4026

(3) If a court issues an immobilization order under division 4027
(A) of this section, and if the vehicle is not claimed within 4028
seven days after the end of the period of immobilization or if the 4029
offender has not paid the immobilization fee, the person or agency 4030
that immobilized the vehicle shall send a written notice to the 4031
offender at the offender's last known address informing the 4032
offender of the date on which the period of immobilization ended, 4033
that the offender has twenty days after the date of the notice to 4034
pay the immobilization fee and obtain the release of the vehicle, 4035
and that if the offender does not pay the fee and obtain the 4036
release of the vehicle within that twenty-day period, the vehicle 4037
will be forfeited under section 4503.234 of the Revised Code to 4038
the entity that is entitled to the immobilization fee. 4039

(4) An offender whose motor vehicle is subject to an 4040
immobilization order issued under division (A) of this section 4041
shall not sell the motor vehicle without approval of the court 4042
that issued the order. If such an offender wishes to sell the 4043
motor vehicle during the immobilization period, the offender shall 4044
apply to the court that issued the immobilization order for 4045
permission to assign the title to the vehicle. If the court is 4046
satisfied that the sale will be in good faith and not for the 4047
purpose of circumventing the provisions of division (A)(1) of this 4048
section, it may certify its consent to the offender and to the 4049
registrar. Upon receipt of the court's consent, the registrar 4050
shall enter the court's notice in the offender's vehicle license 4051
plate registration record. 4052

If, during a period of immobilization under an immobilization 4053
order issued under division (A) of this section, the title to the 4054
immobilized motor vehicle is transferred by the foreclosure of a 4055

chattel mortgage, a sale upon execution, the cancellation of a 4056
conditional sales contract, or an order of a court, the involved 4057
court shall notify the registrar of the action, and the registrar 4058
shall enter the court's notice in the offender's vehicle license 4059
plate registration record. 4060

Nothing in this section shall be construed as requiring the 4061
registrar or the clerk of the court of common pleas to note upon 4062
the certificate of title records any prohibition regarding the 4063
sale of a motor vehicle. 4064

(5) If the title to a motor vehicle that is subject to an 4065
immobilization order under division (A) of this section is 4066
assigned or transferred without court approval between the time of 4067
arrest of the offender who committed the offense for which such an 4068
order is to be issued and the time of the actual immobilization of 4069
the vehicle, the court shall order that, for a period of two years 4070
from the date of the order, neither the registrar nor any deputy 4071
registrar shall accept an application for the registration of any 4072
motor vehicle in the name of the offender whose vehicle was 4073
assigned or transferred without court approval. The court shall 4074
notify the registrar of the order on a form prescribed by the 4075
registrar for that purpose. 4076

(6) If the title to a motor vehicle that is subject to an 4077
immobilization order under division (A) of this section is 4078
assigned or transferred without court approval in violation of 4079
division (D)(4) of this section, then, in addition to or 4080
independent of any other penalty established by law, the court may 4081
fine the offender the value of the vehicle as determined by 4082
publications of the national auto dealers association. The 4083
proceeds from any fine so imposed shall be distributed in the same 4084
manner as the proceeds of the sale of a forfeited vehicle are 4085
distributed pursuant to division (C)(2) of section 4503.234 of the 4086
Revised Code. 4087

(E)(1) The court with jurisdiction over the case, after 4088
notice to all interested parties including lienholders, and after 4089
an opportunity for them to be heard, if the offender fails to 4090
appear in person, without good cause, or if the court finds that 4091
the offender does not intend to seek release of the vehicle at the 4092
end of the period of immobilization or that the offender is not or 4093
will not be able to pay the expenses and charges incurred in its 4094
removal and storage, may order that title to the vehicle be 4095
transferred, in order of priority, first into the name of the 4096
entity entitled to the immobilization fee under division (A)(5) of 4097
this section, next into the name of a lienholder, or lastly, into 4098
the name of the owner of the place of storage. 4099

A lienholder that receives title under a court order shall do 4100
so on the condition that it pay any expenses or charges incurred 4101
in the vehicle's removal and storage. If the entity that receives 4102
title to the vehicle is the entity that is entitled to the 4103
immobilization fee under division (A)(5) of this section, it shall 4104
receive title on the condition that it pay any lien on the 4105
vehicle. The court shall not order that title be transferred to 4106
any person or entity other than the owner of the place of storage 4107
if the person or entity refuses to receive the title. Any person 4108
or entity that receives title may either keep title to the vehicle 4109
or may dispose of the vehicle in any legal manner that it 4110
considers appropriate, including assignment of the certificate of 4111
title to the motor vehicle to a salvage dealer or a scrap metal 4112
processing facility. The person or entity shall not transfer the 4113
vehicle to the person who is the vehicle's immediate previous 4114
owner. 4115

If the person or entity assigns the motor vehicle to a 4116
salvage dealer or scrap metal processing facility, the person or 4117
entity shall send the assigned certificate of title to the motor 4118
vehicle to the clerk of the court of common pleas of the county in 4119

which the salvage dealer or scrap metal processing facility is 4120
located. The person or entity shall mark the face of the 4121
certificate of title with the words "FOR DESTRUCTION" and shall 4122
deliver a photocopy of the certificate of title to the salvage 4123
dealer or scrap metal processing facility for its records. 4124

(2) Whenever a court issues an order under division (E)(1) of 4125
this section, the court also shall order removal of the license 4126
plates from the vehicle and cause them to be sent to the registrar 4127
if they have not already been sent to the registrar. Thereafter, 4128
no further proceedings shall take place under this section, but 4129
the offender remains liable for payment of the immobilization fee 4130
described in division (A)(3) of this section if an immobilization 4131
order previously had been issued by the court. 4132

(3) Prior to initiating a proceeding under division (E)(1) of 4133
this section, and upon payment of the fee under division (B) of 4134
section 4505.14 of the Revised Code, any interested party may 4135
cause a search to be made of the public records of the bureau of 4136
motor vehicles or the clerk of the court of common pleas, to 4137
ascertain the identity of any lienholder of the vehicle. The 4138
initiating party shall furnish this information to the clerk of 4139
the court with jurisdiction over the case, and the clerk shall 4140
provide notice to the vehicle owner, the defendant, any 4141
lienholder, and any other interested parties listed by the 4142
initiating party, at the last known address supplied by the 4143
initiating party, by certified mail or, at the option of the 4144
initiating party, by personal service or ordinary mail. 4145

As used in this section, "interested party" includes the 4146
offender, all lienholders, the owner of the place of storage, the 4147
person or entity that caused the vehicle to be removed, and the 4148
person or entity, if any, entitled to the immobilization fee under 4149
division (A)(5) of this section. 4150

Sec. 4503.234. (A) If a court orders the criminal forfeiture 4151
of a vehicle pursuant to section 4503.233, 4503.236, 4510.11, 4152
4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, or 4153
4511.203 of the Revised Code, the order shall be issued and 4154
enforced in accordance with this division, subject to division (B) 4155
of this section. An order of criminal forfeiture issued under this 4156
division shall authorize an appropriate law enforcement agency to 4157
seize the vehicle ordered criminally forfeited upon the terms and 4158
conditions that the court determines proper. No vehicle ordered 4159
criminally forfeited pursuant to this division shall be considered 4160
contraband for purposes of Chapter 2981. of the Revised Code, but 4161
the law enforcement agency that employs the officer who seized it 4162
shall hold the vehicle for disposal in accordance with this 4163
section. A forfeiture order may be issued only after the offender 4164
has been provided with an opportunity to be heard. The prosecuting 4165
attorney shall give the offender written notice of the possibility 4166
of forfeiture by sending a copy of the relevant uniform traffic 4167
ticket or other written notice to the offender not less than seven 4168
days prior to the date of issuance of the forfeiture order. A 4169
vehicle is subject to an order of criminal forfeiture pursuant to 4170
this division upon the conviction of the offender of or plea of 4171
guilty by the offender to a violation of division (A) of section 4172
4503.236, section 4510.11, 4510.14, ~~4510.16~~, or 4511.203, or 4173
division (A) of section 4511.19 of the Revised Code, or a 4174
municipal ordinance that is substantially equivalent to any of 4175
those sections or divisions. 4176

(B)(1) Prior to the issuance of an order of criminal 4177
forfeiture pursuant to this section, the law enforcement agency 4178
that employs the law enforcement officer who seized the vehicle 4179
shall conduct or cause to be conducted a search of the appropriate 4180
public records that relate to the vehicle and shall make or cause 4181
to be made reasonably diligent inquiries to identify any 4182

lienholder or any person or entity with an ownership interest in 4183
the vehicle. The court that is to issue the forfeiture order also 4184
shall cause a notice of the potential order relative to the 4185
vehicle and of the expected manner of disposition of the vehicle 4186
after its forfeiture to be sent to any lienholder or person who is 4187
known to the court to have any right, title, or interest in the 4188
vehicle. The court shall give the notice by certified mail, return 4189
receipt requested, or by personal service. 4190

(2) No order of criminal forfeiture shall be issued pursuant 4191
to this section if a lienholder or other person with an ownership 4192
interest in the vehicle establishes to the court, by a 4193
preponderance of the evidence after filing a motion with the 4194
court, that the lienholder or other person neither knew nor should 4195
have known after a reasonable inquiry that the vehicle would be 4196
used or involved, or likely would be used or involved, in the 4197
violation resulting in the issuance of the order of criminal 4198
forfeiture or the violation of the order of immobilization issued 4199
under section 4503.233 of the Revised Code, that the lienholder or 4200
other person did not expressly or impliedly consent to the use or 4201
involvement of the vehicle in that violation, and that the lien or 4202
ownership interest was perfected pursuant to law prior to the 4203
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 4204
or 4511.203 of the Revised Code. If the lienholder or holder of 4205
the ownership interest satisfies the court that these criteria 4206
have been met, the court shall preserve the lienholder's or other 4207
person's lien or interest, and the court either shall return the 4208
vehicle to the holder, or shall order that the proceeds of any 4209
sale held pursuant to division (C)(2) of this section be paid to 4210
the lienholder or holder of the interest less the costs of 4211
seizure, storage, and maintenance of the vehicle. The court shall 4212
not return a vehicle to a lienholder or a holder of an ownership 4213
interest unless the lienholder or holder submits an affidavit to 4214
the court that states that the lienholder or holder will not 4215

return the vehicle to the person from whom the vehicle was seized 4216
pursuant to the order of criminal forfeiture or to any member of 4217
that person's family and will not otherwise knowingly permit that 4218
person or any member of that person's family to obtain possession 4219
of the vehicle. 4220

(3) No order of criminal forfeiture shall be issued pursuant 4221
to this section if a person with an interest in the vehicle 4222
establishes to the court, by a preponderance of the evidence after 4223
filing a motion with the court, that the person neither knew nor 4224
should have known after a reasonable inquiry that the vehicle had 4225
been used or was involved in the violation resulting in the 4226
issuance of the order of criminal forfeiture or the violation of 4227
the order of immobilization issued under section 4503.233 of the 4228
Revised Code, that the person did not expressly or impliedly 4229
consent to the use or involvement of the vehicle in that 4230
violation, that the interest was perfected in good faith and for 4231
value pursuant to law between the time of the arrest of the 4232
offender and the final disposition of the criminal charge in 4233
question, and that the vehicle was in the possession of the 4234
interest holder at the time of the perfection of the interest. If 4235
the court is satisfied that the interest holder has met these 4236
criteria, the court shall preserve the interest holder's interest, 4237
and the court either shall return the vehicle to the interest 4238
holder or order that the proceeds of any sale held pursuant to 4239
division (C) of this section be paid to the holder of the interest 4240
less the costs of seizure, storage, and maintenance of the 4241
vehicle. The court shall not return a vehicle to an interest 4242
holder unless the holder submits an affidavit to the court stating 4243
that the holder will not return the vehicle to the person from 4244
whom the holder acquired the holder's interest, nor to any member 4245
of that person's family, and the holder will not otherwise 4246
knowingly permit that person or any member of that person's family 4247
to obtain possession of the vehicle. 4248

(C) A vehicle ordered criminally forfeited to the state 4249
pursuant to this section shall be disposed of as follows: 4250

(1) It shall be given to the law enforcement agency that 4251
employs the law enforcement officer who seized the vehicle, if 4252
that agency desires to have it; 4253

(2) If a vehicle is not disposed of pursuant to division 4254
(C)(1) of this section, the vehicle shall be sold, without 4255
appraisal, if the value of the vehicle is two thousand dollars or 4256
more as determined by publications of the national auto dealer's 4257
association, at a public auction to the highest bidder for cash. 4258
Prior to the sale, the prosecuting attorney in the case shall 4259
cause a notice of the proposed sale to be given in accordance with 4260
law. The court shall cause notice of the sale of the vehicle to be 4261
published in a newspaper of general circulation in the county in 4262
which the court is located at least seven days prior to the date 4263
of the sale. The proceeds of a sale under this division or 4264
division (F) of this section shall be applied in the following 4265
order: 4266

(a) First, they shall be applied to the payment of the costs 4267
incurred in connection with the seizure, storage, and maintenance 4268
of, and provision of security for, the vehicle, any proceeding 4269
arising out of the forfeiture, and if any, the sale. 4270

(b) Second, the remaining proceeds after compliance with 4271
division (C)(2)(a) of this section, shall be applied to the 4272
payment of the value of any lien or ownership interest in the 4273
vehicle preserved under division (B) of this section. 4274

(c) Third, the remaining proceeds, after compliance with 4275
divisions (C)(2)(a) and (b) of this section, shall be applied to 4276
the appropriate funds in accordance with divisions (B) and (C) of 4277
section 2981.13 of the Revised Code, provided that the total of 4278
the amount so deposited under this division shall not exceed one 4279

thousand dollars. The remaining proceeds deposited under this 4280
division shall be used only for the purposes authorized by those 4281
divisions and division (D) of that section. 4282

(d) Fourth, the remaining proceeds after compliance with 4283
divisions (C)(2)(a) and (b) of this section and after deposit of a 4284
total amount of one thousand dollars under division (C)(2)(c) of 4285
this section shall be applied so that fifty per cent of those 4286
remaining proceeds is paid into the reparation fund established by 4287
section 2743.191 of the Revised Code, twenty-five per cent is paid 4288
into the drug abuse resistance education programs fund created by 4289
division (F)(2)(e) of section 4511.191 of the Revised Code and 4290
shall be used only for the purposes authorized by division 4291
(F)(2)(e) of that section, and twenty-five per cent is applied to 4292
the appropriate funds in accordance with divisions (B) and (C) of 4293
section 2981.13 of the Revised Code. The proceeds deposited into 4294
any fund described in section 2981.13 of the Revised Code shall be 4295
used only for the purposes authorized by divisions (B)(4)(c), (C), 4296
and (D) of that section. 4297

(D) Except as provided in division (E) of section 4511.203 of 4298
the Revised Code and notwithstanding any other provision of law, 4299
neither the registrar of motor vehicles nor any deputy registrar 4300
shall accept an application for the registration of any motor 4301
vehicle in the name of any person, or register any motor vehicle 4302
in the name of any person, if both of the following apply: 4303

(1) Any vehicle registered in the person's name was 4304
criminally forfeited under this section and section 4503.233, 4305
4503.236, 4510.10, 4510.11, 4510.14, ~~4510.16~~, 4510.41, 4511.19, 4306
4511.193, or 4511.203 of the Revised Code; 4307

(2) Less than five years have expired since the issuance of 4308
the most recent order of criminal forfeiture issued in relation to 4309
a vehicle registered in the person's name. 4310

(E) If a court orders the criminal forfeiture to the state of a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 4510.11, 4510.14, ~~4510.16~~, 4510.161, 4510.41, 4511.19, 4511.193, or 4511.203 of the Revised Code, the title to the motor vehicle is assigned or transferred, and division (B)(2) or (3) of this section applies, 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 dealer's association. The proceeds from any fine imposed under this division shall be distributed in accordance with division (C)(2) of this section.

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

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

If the court assigns the motor vehicle to a salvage dealer or scrap metal processing facility and the court is in possession of the certificate of title to the motor vehicle, it shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage

dealer or scrap metal processing facility is located. The court 4343
shall mark the face of the certificate of title with the words 4344
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 4345
of title to the salvage dealer or scrap metal processing facility 4346
for its records. 4347

If the court is not in possession of the certificate of title 4348
to the motor vehicle, the court shall issue an order transferring 4349
ownership of the motor vehicle to a salvage dealer or scrap metal 4350
processing facility, send the order to the clerk of the court of 4351
common pleas of the county in which the salvage dealer or scrap 4352
metal processing facility is located, and send a photocopy of the 4353
order to the salvage dealer or scrap metal processing facility for 4354
its records. The clerk shall make the proper notations or entries 4355
in the clerk's records concerning the disposition of the motor 4356
vehicle. 4357

Sec. 4507.02. (A)(1) No person shall permit the operation of 4358
a motor vehicle upon any public or private property used by the 4359
public for purposes of vehicular travel or parking knowing the 4360
operator does not have a valid driver's license issued to the 4361
operator by the registrar of motor vehicles under this chapter or 4362
a valid commercial driver's license issued under Chapter 4506. of 4363
the Revised Code. Except as otherwise provided in this division, 4364
whoever violates this division is guilty of an unclassified 4365
misdemeanor. When the offense is an unclassified misdemeanor, the 4366
offender shall be sentenced pursuant to sections 2929.21 to 4367
2929.28 of the Revised Code, except that the offender shall not be 4368
sentenced to a jail term; the offender shall not be sentenced to a 4369
community residential sanction pursuant to section 2929.26 of the 4370
Revised Code; notwithstanding division (A)(2)(a) of section 4371
2929.28 of the Revised Code, the offender may be fined up to one 4372
thousand dollars; and, notwithstanding division (A)(3) of section 4373
2929.27 of the Revised Code, the offender may be ordered pursuant 4374

to division (C) of that section to serve a term of community 4375
service of up to five hundred hours. The failure of an offender to 4376
complete a term of community service imposed by the court may be 4377
punished as indirect criminal contempt under division (A) of 4378
section 2705.02 of the Revised Code that may be filed in the 4379
underlying case. 4380

If, within three years of the offense, the offender 4381
previously has been convicted of or pleaded guilty to two or more 4382
violations of this section or a substantially equivalent municipal 4383
ordinance, the offense is a misdemeanor of the first degree. 4384

(2) No person shall receive a driver's license, or a 4385
motorcycle operator's endorsement of a driver's or commercial 4386
driver's license, unless and until the person surrenders to the 4387
registrar all valid licenses issued to the person by another 4388
jurisdiction recognized by this state. The registrar shall report 4389
the surrender of a license to the issuing authority, together with 4390
information that a license is now issued in this state. The 4391
registrar shall destroy any such license that is not returned to 4392
the issuing authority. No person shall be permitted to have more 4393
than one valid license at any time. 4394

(B)(1) If a person is convicted of a violation of section 4395
4510.11, 4510.14, ~~4510.16 when division (C)(2) and (3) of that~~ 4396
~~section applies,~~ or 4510.21 of the Revised Code or if division 4397
~~(F)(E)~~ of section 4507.164 of the Revised Code applies, the trial 4398
judge of any court, in addition to or independent of any other 4399
penalties provided by law or ordinance, may impound the 4400
identification license plates of any motor vehicle registered in 4401
the name of the person. ~~If a person is convicted of a violation of~~ 4402
~~section 4510.16 of the Revised Code and division (C)(1) of that~~ 4403
~~section applies, the trial judge of any court, in addition to or~~ 4404
~~independent of any other penalties provided by law or ordinance,~~ 4405

~~may impound the identification license plates of any motor vehicle~~ 4406
~~registered in the name of the person.~~ The court shall send the 4407
impounded license plates to the registrar, who may retain the 4408
license plates until the driver's or commercial driver's license 4409
of the owner has been reinstated or destroy them pursuant to 4410
section 4503.232 of the Revised Code. 4411

If the license plates of a person convicted of a violation of 4412
any provision of those sections have been impounded in accordance 4413
with the provisions of this division, the court shall notify the 4414
registrar of that action. The notice shall contain the name and 4415
address of the driver, the serial number of the driver's or 4416
commercial driver's license, the serial numbers of the license 4417
plates of the motor vehicle, and the length of time for which the 4418
license plates have been impounded. The registrar shall record the 4419
data in the notice as part of the driver's permanent record. 4420

(2) Any motor vehicle owner who has had the license plates of 4421
a motor vehicle impounded pursuant to division (B)(1) of this 4422
section may apply to the registrar, or to a deputy registrar, for 4423
restricted license plates that shall conform to the requirements 4424
of section 4503.231 of the Revised Code. The registrar or deputy 4425
registrar forthwith shall notify the court of the application and, 4426
upon approval of the court, shall issue restricted license plates 4427
to the applicant. Until the driver's or commercial driver's 4428
license of the owner is reinstated, any new license plates issued 4429
to the owner also shall conform to the requirements of section 4430
4503.231 of the Revised Code. 4431

The registrar or deputy registrar shall charge the owner of a 4432
vehicle the fees provided in section 4503.19 of the Revised Code 4433
for restricted license plates that are issued in accordance with 4434
this division, except upon renewal as specified in section 4503.10 4435
of the Revised Code, when the regular fee as provided in section 4436
4503.04 of the Revised Code shall be charged. The registrar or 4437

deputy registrar shall charge the owner of a vehicle the fees 4438
provided in section 4503.19 of the Revised Code whenever 4439
restricted license plates are exchanged, by reason of the 4440
reinstatement of the driver's or commercial driver's license of 4441
the owner, for those ordinarily issued. 4442

(3) If an owner wishes to sell a motor vehicle during the 4443
time the restricted license plates provided under division (B)(2) 4444
of this section are in use, the owner may apply to the court that 4445
impounded the license plates of the motor vehicle for permission 4446
to transfer title to the motor vehicle. If the court is satisfied 4447
that the sale will be made in good faith and not for the purpose 4448
of circumventing the provisions of this section, it may certify 4449
its consent to the owner and to the registrar of motor vehicles 4450
who shall enter notice of the transfer of the title of the motor 4451
vehicle in the vehicle registration record. 4452

If, during the time the restricted license plates provided 4453
under division (B)(2) of this section are in use, the title to a 4454
motor vehicle is transferred by the foreclosure of a chattel 4455
mortgage, a sale upon execution, the cancellation of a conditional 4456
sales contract, or by order of a court, the court shall notify the 4457
registrar of the action and the registrar shall enter notice of 4458
the transfer of the title to the motor vehicle in the vehicle 4459
registration record. 4460

(C) This section is not intended to change or modify any 4461
provision of Chapter 4503. of the Revised Code with respect to the 4462
taxation of motor vehicles or the time within which the taxes on 4463
motor vehicles shall be paid. 4464

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 4465
of this section, when the license of any person is suspended 4466
pursuant to any provision of the Revised Code other than division 4467
(G) of section 4511.19 of the Revised Code and other than section 4468

4510.07 of the Revised Code for a violation of a municipal OVI 4469
ordinance, the trial judge may impound the identification license 4470
plates of any motor vehicle registered in the name of the person. 4471

(B)(1) When the license of any person is suspended pursuant 4472
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 4473
pursuant to section 4510.07 of the Revised Code for a municipal 4474
OVI offense when the suspension is equivalent in length to the 4475
suspension under division (G) of section 4511.19 of the Revised 4476
Code that is specified in this division, the trial judge of the 4477
court of record or the mayor of the mayor's court that suspended 4478
the license may impound the identification license plates of any 4479
motor vehicle registered in the name of the person. 4480

(2) When the license of any person is suspended pursuant to 4481
division (G)(1)(b) of section 4511.19 of the Revised Code, or 4482
pursuant to section 4510.07 of the Revised Code for a municipal 4483
OVI offense when the suspension is equivalent in length to the 4484
suspension under division (G) of section 4511.19 of the Revised 4485
Code that is specified in this division, the trial judge of the 4486
court of record that suspended the license shall order the 4487
impoundment of the identification license plates of the motor 4488
vehicle the offender was operating at the time of the offense and 4489
the immobilization of that vehicle in accordance with section 4490
4503.233 and division (G)(1)(b) of section 4511.19 or division 4491
(C)(2)(a) of section 4511.193 of the Revised Code and may impound 4492
the identification license plates of any other motor vehicle 4493
registered in the name of the person whose license is suspended. 4494

(3) When the license of any person is suspended pursuant to 4495
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 4496
Code, or pursuant to section 4510.07 of the Revised Code for a 4497
municipal OVI offense when the suspension is equivalent in length 4498
to the suspension under division (G) of section 4511.19 of the 4499

Revised Code that is specified in this division, the trial judge
of the court of record that suspended the license shall order the
criminal forfeiture to the state of the motor vehicle the offender
was operating at the time of the offense in accordance with
section 4503.234 and division (G)(1)(c), (d), or (e) of section
4511.19 or division (C)(2)(b) of section 4511.193 of the Revised
Code and may impound the identification license plates of any
other motor vehicle registered in the name of the person whose
license is suspended.

(C)(1) 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)(1)
or (2) of section 4510.14 or division ~~(C)~~(B)(1) or (2) of section
4510.161 of the Revised Code applies, 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 the person was
operating at the time of the offense and the impoundment of its
identification license plates in accordance with section 4503.233
and division (B)(1) or (2) of section 4510.14 or division
~~(C)~~(B)(1) or (2) 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.

(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. 4532

~~(D) When a person is convicted of or pleads guilty to a 4533
violation of division (A) of section 4510.16 of the Revised Code 4534
or a substantially equivalent municipal ordinance, division (D) or 4535
(C) of section 4510.16 or division (B) of section 4510.161 of the 4536
Revised Code applies in determining whether the immobilization of 4537
the vehicle the person was operating at the time of the offense 4538
and the impoundment of its identification license plates or the 4539
criminal forfeiture to the state of the vehicle the person was 4540
operating at the time of the offense is authorized or required. 4541
The trial judge of the court of record or the mayor of the mayor's 4542
court that imposes sentence may impound the identification license 4543
plates of any other vehicle registered in the name of that person. 4544~~

~~(E)~~(1) When a person is convicted of or pleads guilty to a 4545
violation of section 4511.203 of the Revised Code and the person 4546
is sentenced pursuant to division (C)(3)(a) or (b) of section 4547
4511.203 of the Revised Code, the trial judge of the court of 4548
record or the mayor of the mayor's court that imposes sentence 4549
shall order the immobilization of the vehicle that was involved in 4550
the commission of the offense and the impoundment of its 4551
identification license plates in accordance with division 4552
(C)(3)(a) or (b) of section 4511.203 and section 4503.233 of the 4553
Revised Code and may impound the identification license plates of 4554
any other vehicle registered in the name of that person. 4555

(2) When a person is convicted of or pleads guilty to a 4556
violation of section 4511.203 of the Revised Code and the person 4557
is sentenced pursuant to division (C)(3)(c) of section 4511.203 of 4558
the Revised Code, the trial judge of the court of record or the 4559
mayor of the mayor's court that imposes sentence shall order the 4560
criminal forfeiture to the state of the vehicle that was involved 4561
in the commission of the offense in accordance with division 4562
(C)(3)(c) of section 4511.203 and section 4503.234 of the Revised 4563

Code and may impound the identification license plates of any 4564
other vehicle registered in the name of that person. 4565

~~(F)~~(E) Except as provided in section 4503.233 or 4503.234 of 4566
the Revised Code, when the certificate of registration, the 4567
identification license plates, or both have been impounded, 4568
division (B) of section 4507.02 of the Revised Code is applicable. 4569

~~(G)~~(F) As used in this section, "municipal OVI offense" has 4570
the same meaning as in section 4511.181 of the Revised Code. 4571

Sec. 4509.06. (A) The driver of any motor vehicle which is in 4572
any manner involved in a motor vehicle accident within six months 4573
of the accident may forward a written report of the accident to 4574
the registrar of motor vehicles on a form prescribed by the 4575
registrar alleging that a driver or owner of any other vehicle 4576
involved in the accident was uninsured at the time of the 4577
accident. 4578

(B) Upon receipt of the accident report, the registrar shall 4579
send a notice by regular mail to the driver and owner alleged to 4580
be uninsured requiring the person to give evidence that the person 4581
had proof of financial responsibility in effect at the time of the 4582
accident. 4583

(C) Within thirty days after the mailing of the notice by the 4584
registrar, the driver of the vehicle alleged to be uninsured shall 4585
forward a report together with acceptable proof of financial 4586
responsibility to the registrar in a form prescribed by the 4587
registrar. The forwarding of the report by the owner of the motor 4588
vehicle involved in the accident is deemed compliance with this 4589
section by the driver. This section does not change or modify the 4590
duties of the driver or operator of a motor vehicle as set forth 4591
in section 4549.02 of the Revised Code. 4592

~~(D) In accordance with sections 4509.01 to 4509.78 of the 4593~~

~~Revised Code, the registrar shall suspend the license of any~~ 4594
~~person who fails to give acceptable proof of financial~~ 4595
~~responsibility as required in this section.~~ 4596

Sec. 4509.101. (A)(1) No person shall operate, or permit the 4597
operation of, a motor vehicle in this state, unless proof of 4598
financial responsibility is maintained continuously throughout the 4599
registration period with respect to that vehicle, or, in the case 4600
of a driver who is not the owner, with respect to that driver's 4601
operation of that vehicle. 4602

(2) Whoever violates division (A)(1) of this section shall be 4603
subject to the following civil penalties: 4604

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 4605
class ~~E~~ (F) suspension of the person's driver's license, 4606
commercial driver's license, temporary instruction permit, 4607
probationary license, or nonresident operating privilege for the 4608
period of time specified in division (B)~~(5)~~(6) of section 4510.02 4609
of the Revised Code and impoundment of the person's license. ~~The~~ 4610
~~court may grant limited driving privileges to the person only if~~ 4611
~~the person presents proof of financial responsibility and has~~ 4612
~~complied with division (A)(5) of this section.~~ 4613

(b) If, within five years of the violation, the person's 4614
operating privileges are again suspended and the person's license 4615
again is impounded for a violation of division (A)(1) of this 4616
section, a class C suspension of the person's driver's license, 4617
commercial driver's license, temporary instruction permit, 4618
probationary license, or nonresident operating privilege for the 4619
period of time specified in division (B)(3) of section 4510.02 of 4620
the Revised Code. The court may grant limited driving privileges 4621
to the person only if the person presents proof of financial 4622
responsibility and has complied with division (A)(5) of this 4623
section, and no court may grant limited driving privileges for the 4624

first fifteen days of the suspension. 4625

(c) If, within five years of the violation, the person's 4626
operating privileges are suspended and the person's license is 4627
impounded two or more times for a violation of division (A)(1) of 4628
this section, a class B suspension of the person's driver's 4629
license, commercial driver's license, temporary instruction 4630
permit, probationary license, or nonresident operating privilege 4631
for the period of time specified in division (B)(2) of section 4632
4510.02 of the Revised Code. ~~No~~ The court may grant limited 4633
driving privileges to the person only if the person presents proof 4634
of financial responsibility and has complied with division (A)(5) 4635
of this section, except that no court may grant limited driving 4636
privileges ~~during~~ for the first thirty days of the suspension. 4637

(d) In addition to the suspension of an owner's license under 4638
division (A)(2)(a), (b), or (c) of this section, the suspension of 4639
the rights of the owner to register the motor vehicle and the 4640
impoundment of the owner's certificate of registration and license 4641
plates until the owner complies with division (A)(5) of this 4642
section. 4643

(3) A person to whom this state has issued a certificate of 4644
registration for a motor vehicle or a license to operate a motor 4645
vehicle or who is determined to have operated any motor vehicle or 4646
permitted the operation in this state of a motor vehicle owned by 4647
the person shall be required to verify the existence of proof of 4648
financial responsibility covering the operation of the motor 4649
vehicle or the person's operation of the motor vehicle under any 4650
of the following circumstances: 4651

(a) The person or a motor vehicle owned by the person is 4652
involved in a traffic accident that requires the filing of an 4653
accident report under section 4509.06 of the Revised Code. 4654

(b) The person receives a traffic ticket indicating that 4655

proof of the maintenance of financial responsibility was not 4656
produced upon the request of a peace officer or state highway 4657
patrol trooper made in accordance with division (D)(2) of this 4658
section. 4659

(c) Whenever, in accordance with rules adopted by the 4660
registrar, the person is randomly selected by the registrar and 4661
requested to provide such verification. 4662

(4) An order of the registrar that suspends and impounds a 4663
license or registration, or both, shall state the date on or 4664
before which the person is required to surrender the person's 4665
license or certificate of registration and license plates. The 4666
person is deemed to have surrendered the license or certificate of 4667
registration and license plates, in compliance with the order, if 4668
the person does either of the following: 4669

(a) On or before the date specified in the order, personally 4670
delivers the license or certificate of registration and license 4671
plates, or causes the delivery of the items, to the registrar; 4672

(b) Mails the license or certificate of registration and 4673
license plates to the registrar in an envelope or container 4674
bearing a postmark showing a date no later than the date specified 4675
in the order. 4676

(5) Except as provided in division (A)(6) or (L) of this 4677
section, the registrar shall not restore any operating privileges 4678
or registration rights suspended under this section, return any 4679
license, certificate of registration, or license plates impounded 4680
under this section, or reissue license plates under section 4681
4503.232 of the Revised Code, if the registrar destroyed the 4682
impounded license plates under that section, or reissue a license 4683
under section 4510.52 of the Revised Code, if the registrar 4684
destroyed the suspended license under that section, unless the 4685
rights are not subject to suspension or revocation under any other 4686

law and unless the person, in addition to complying with all other 4687
conditions required by law for reinstatement of the operating 4688
privileges or registration rights, complies with all of the 4689
following: 4690

(a) Pays to the registrar or an eligible deputy registrar a 4691
financial responsibility reinstatement fee of one hundred dollars 4692
for the first violation of division (A)(1) of this section, three 4693
hundred dollars for a second violation of that division, and six 4694
hundred dollars for a third or subsequent violation of that 4695
division; 4696

(b) If the person has not voluntarily surrendered the 4697
license, certificate, or license plates in compliance with the 4698
order, pays to the registrar or an eligible deputy registrar a 4699
financial responsibility nonvoluntary compliance fee in an amount, 4700
not to exceed fifty dollars, determined by the registrar; 4701

(c) Files and continuously maintains proof of financial 4702
responsibility under sections 4509.44 to 4509.65 of the Revised 4703
Code; 4704

(d) Pays a deputy registrar a service fee of ten dollars to 4705
compensate the deputy registrar for services performed under this 4706
section. The deputy registrar shall retain eight dollars of the 4707
service fee and shall transmit the reinstatement fee, any 4708
nonvoluntary compliance fee, and two dollars of the service fee to 4709
the registrar in the manner the registrar shall determine. 4710

(6) If the registrar issues an order under division (A)(2) of 4711
this section resulting from the failure of a person to respond to 4712
a financial responsibility random verification request under 4713
division (A)(3)(c) of this section and the person successfully 4714
maintains an affirmative defense to a violation of section 4510.16 4715
of the Revised Code or is determined by the registrar or a deputy 4716
registrar to have been in compliance with division (A)(1) of this 4717

section at the time of the initial financial responsibility random 4718
verification request, the registrar shall do both of the 4719
following: 4720

(a) Terminate the order of suspension or impoundment; 4721

(b) Restore the operating privileges and registration rights 4722
of the person without payment of the fees established in divisions 4723
(A)(5)(a) and (b) of this section and without a requirement to 4724
file proof of financial responsibility. 4725

(B)(1) Every party required to file an accident report under 4726
section 4509.06 of the Revised Code also shall include with the 4727
report a document described in division (G)(1) of this section. 4728

If the registrar determines, within forty-five days after the 4729
report is filed, that an operator or owner has violated division 4730
(A)(1) of this section, the registrar shall do all of the 4731
following: 4732

(a) Order the impoundment, with respect to the motor vehicle 4733
involved, required under division (A)(2)(d) of this section, of 4734
the certificate of registration and license plates of any owner 4735
who has violated division (A)(1) of this section; 4736

(b) Order the suspension required under division (A)(2)(a), 4737
(b), or (c) of this section of the license of any operator or 4738
owner who has violated division (A)(1) of this section; 4739

(c) Record the name and address of the person whose 4740
certificate of registration and license plates have been impounded 4741
or are under an order of impoundment, or whose license has been 4742
suspended or is under an order of suspension; the serial number of 4743
the person's license; the serial numbers of the person's 4744
certificate of registration and license plates; and the person's 4745
social security account number, if assigned, or, where the motor 4746
vehicle is used for hire or principally in connection with any 4747
established business, the person's federal taxpayer identification 4748

number. The information shall be recorded in such a manner that it 4749
becomes a part of the person's permanent record, and assists the 4750
registrar in monitoring compliance with the orders of suspension 4751
or impoundment. 4752

(d) Send written notification to every person to whom the 4753
order pertains, at the person's last known address as shown on the 4754
records of the bureau. The person, within ten days after the date 4755
of the mailing of the notification, shall surrender to the 4756
registrar, in a manner set forth in division (A)(4) of this 4757
section, any certificate of registration and registration plates 4758
under an order of impoundment, or any license under an order of 4759
suspension. 4760

(2) The registrar shall issue any order under division (B)(1) 4761
of this section without a hearing. Any person adversely affected 4762
by the order, within ten days after the issuance of the order, may 4763
request an administrative hearing before the registrar, who shall 4764
provide the person with an opportunity for a hearing in accordance 4765
with this paragraph. A request for a hearing does not operate as a 4766
suspension of the order. The scope of the hearing shall be limited 4767
to whether the person in fact demonstrated to the registrar proof 4768
of financial responsibility in accordance with this section. The 4769
registrar shall determine the date, time, and place of any 4770
hearing, provided that the hearing shall be held, and an order 4771
issued or findings made, within thirty days after the registrar 4772
receives a request for a hearing. If requested by the person in 4773
writing, the registrar may designate as the place of hearing the 4774
county seat of the county in which the person resides or a place 4775
within fifty miles of the person's residence. The person shall pay 4776
the cost of the hearing before the registrar, if the registrar's 4777
order of suspension or impoundment is upheld. 4778

(C) Any order of suspension or impoundment issued under this 4779
section or division (B) of section 4509.37 of the Revised Code may 4780

be terminated at any time if the registrar determines upon a 4781
showing of proof of financial responsibility that the operator or 4782
owner of the motor vehicle was in compliance with division (A)(1) 4783
of this section at the time of the traffic offense, motor vehicle 4784
inspection, or accident that resulted in the order against the 4785
person. A determination may be made without a hearing. This 4786
division does not apply unless the person shows good cause for the 4787
person's failure to present satisfactory proof of financial 4788
responsibility to the registrar prior to the issuance of the 4789
order. 4790

(D)(1) For the purpose of enforcing this section, every peace 4791
officer is deemed an agent of the registrar. 4792

(a) Except as provided in division (D)(1)(b) of this section, 4793
any peace officer who, in the performance of the peace officer's 4794
duties as authorized by law, becomes aware of a person whose 4795
license is under an order of suspension, or whose certificate of 4796
registration and license plates are under an order of impoundment, 4797
pursuant to this section, may confiscate the license, certificate 4798
of registration, and license plates, and return them to the 4799
registrar. 4800

(b) Any peace officer who, in the performance of the peace 4801
officer's duties as authorized by law, becomes aware of a person 4802
whose license is under an order of suspension, or whose 4803
certificate of registration and license plates are under an order 4804
of impoundment resulting from failure to respond to a financial 4805
responsibility random verification, shall not, for that reason, 4806
arrest the owner or operator or seize the vehicle or license 4807
plates. Instead, the peace officer shall issue a citation for a 4808
violation of section 4510.16 of the Revised Code specifying the 4809
circumstances as failure to respond to a financial responsibility 4810
random verification. 4811

(2) A peace officer shall request the owner or operator of a 4812

motor vehicle to produce proof of financial responsibility in a 4813
manner described in division (G) of this section at the time the 4814
peace officer acts to enforce the traffic laws of this state and 4815
during motor vehicle inspections conducted pursuant to section 4816
4513.02 of the Revised Code. 4817

(3) A peace officer shall indicate on every traffic ticket 4818
whether the person receiving the traffic ticket produced proof of 4819
the maintenance of financial responsibility in response to the 4820
officer's request under division (D)(2) of this section. The peace 4821
officer shall inform every person who receives a traffic ticket 4822
and who has failed to produce proof of the maintenance of 4823
financial responsibility that the person must submit proof to the 4824
traffic violations bureau with any payment of a fine and costs for 4825
the ticketed violation or, if the person is to appear in court for 4826
the violation, the person must submit proof to the court. 4827

(4)(a) If a person who has failed to produce proof of the 4828
maintenance of financial responsibility appears in court for a 4829
ticketed violation, the court may permit the defendant to present 4830
evidence of proof of financial responsibility to the court at such 4831
time and in such manner as the court determines to be necessary or 4832
appropriate. In a manner prescribed by the registrar, the clerk of 4833
courts shall provide the registrar with the identity of any person 4834
who fails to submit proof of the maintenance of financial 4835
responsibility pursuant to division (D)(3) of this section. 4836

(b) If a person who has failed to produce proof of the 4837
maintenance of financial responsibility also fails to submit that 4838
proof to the traffic violations bureau with payment of a fine and 4839
costs for the ticketed violation, the traffic violations bureau, 4840
in a manner prescribed by the registrar, shall notify the 4841
registrar of the identity of that person. 4842

(5)(a) Upon receiving notice from a clerk of courts or 4843
traffic violations bureau pursuant to division (D)(4) of this 4844

section, the registrar shall order the suspension of the license 4845
of the person required under division (A)(2)(a), (b), or (c) of 4846
this section and the impoundment of the person's certificate of 4847
registration and license plates required under division (A)(2)(d) 4848
of this section, effective thirty days after the date of the 4849
mailing of notification. The registrar also shall notify the 4850
person that the person must present the registrar with proof of 4851
financial responsibility in accordance with this section, 4852
surrender to the registrar the person's certificate of 4853
registration, license plates, and license, or submit a statement 4854
subject to section 2921.13 of the Revised Code that the person did 4855
not operate or permit the operation of the motor vehicle at the 4856
time of the offense. Notification shall be in writing and shall be 4857
sent to the person at the person's last known address as shown on 4858
the records of the bureau of motor vehicles. The person, within 4859
fifteen days after the date of the mailing of notification, shall 4860
present proof of financial responsibility, surrender the 4861
certificate of registration, license plates, and license to the 4862
registrar in a manner set forth in division (A)(4) of this 4863
section, or submit the statement required under this section 4864
together with other information the person considers appropriate. 4865

If the registrar does not receive proof or the person does 4866
not surrender the certificate of registration, license plates, and 4867
license, in accordance with this division, the registrar shall 4868
permit the order for the suspension of the license of the person 4869
and the impoundment of the person's certificate of registration 4870
and license plates to take effect. 4871

(b) In the case of a person who presents, within the 4872
fifteen-day period, documents to show proof of financial 4873
responsibility, the registrar shall terminate the order of 4874
suspension and the impoundment of the registration and license 4875
plates required under division (A)(2)(d) of this section and shall 4876

send written notification to the person, at the person's last 4877
known address as shown on the records of the bureau. 4878

(c) Any person adversely affected by the order of the 4879
registrar under division (D)(5)(a) or (b) of this section, within 4880
ten days after the issuance of the order, may request an 4881
administrative hearing before the registrar, who shall provide the 4882
person with an opportunity for a hearing in accordance with this 4883
paragraph. A request for a hearing does not operate as a 4884
suspension of the order. The scope of the hearing shall be limited 4885
to whether, at the time of the hearing, the person presents proof 4886
of financial responsibility covering the vehicle and whether the 4887
person is eligible for an exemption in accordance with this 4888
section or any rule adopted under it. The registrar shall 4889
determine the date, time, and place of any hearing; provided, that 4890
the hearing shall be held, and an order issued or findings made, 4891
within thirty days after the registrar receives a request for a 4892
hearing. If requested by the person in writing, the registrar may 4893
designate as the place of hearing the county seat of the county in 4894
which the person resides or a place within fifty miles of the 4895
person's residence. Such person shall pay the cost of the hearing 4896
before the registrar, if the registrar's order of suspension or 4897
impoundment under division (D)(5)(a) or (b) of this section is 4898
upheld. 4899

(6) A peace officer may charge an owner or operator of a 4900
motor vehicle with a violation of section 4510.16 of the Revised 4901
Code when the owner or operator fails to show proof of the 4902
maintenance of financial responsibility pursuant to a peace 4903
officer's request under division (D)(2) of this section, if a 4904
check of the owner or operator's driving record indicates that the 4905
owner or operator, at the time of the operation of the motor 4906
vehicle, is required to file and maintain proof of financial 4907
responsibility under section 4509.45 of the Revised Code for a 4908

previous violation of this chapter. 4909

(7) Any forms used by law enforcement agencies in 4910
administering this section shall be prescribed, supplied, and paid 4911
for by the registrar. 4912

(8) No peace officer, law enforcement agency employing a 4913
peace officer, or political subdivision or governmental agency 4914
that employs a peace officer shall be liable in a civil action for 4915
damages or loss to persons arising out of the performance of any 4916
duty required or authorized by this section. 4917

(9) As used in this division and divisions (E) and (G) of 4918
this section, "peace officer" has the meaning set forth in section 4919
2935.01 of the Revised Code. 4920

(E) All fees, except court costs, fees paid to a deputy 4921
registrar, and those portions of the financial responsibility 4922
reinstatement fees as otherwise specified in this division, 4923
collected under this section shall be paid into the state treasury 4924
to the credit of the financial responsibility compliance fund. The 4925
financial responsibility compliance fund shall be used exclusively 4926
to cover costs incurred by the bureau in the administration of 4927
this section and sections 4503.20, 4507.212, and 4509.81 of the 4928
Revised Code, and by any law enforcement agency employing any 4929
peace officer who returns any license, certificate of 4930
registration, and license plates to the registrar pursuant to 4931
division (C) of this section, except that the director of budget 4932
and management may transfer excess money from the financial 4933
responsibility compliance fund to the state bureau of motor 4934
vehicles fund if the registrar determines that the amount of money 4935
in the financial responsibility compliance fund exceeds the amount 4936
required to cover such costs incurred by the bureau or a law 4937
enforcement agency and requests the director to make the transfer. 4938

Of each financial responsibility reinstatement fee the 4939

registrar collects pursuant to division (A)(5)(a) of this section 4940
or receives from a deputy registrar under division (A)(5)(d) of 4941
this section, the registrar shall deposit twenty-five dollars of 4942
each one-hundred-dollar reinstatement fee, fifty dollars of each 4943
three-hundred-dollar reinstatement fee, and one hundred dollars of 4944
each six-hundred-dollar reinstatement fee into the state treasury 4945
to the credit of the indigent defense support fund created by 4946
section 120.08 of the Revised Code. 4947

All investment earnings of the financial responsibility 4948
compliance fund shall be credited to the fund. 4949

(F) Chapter 119. of the Revised Code applies to this section 4950
only to the extent that any provision in that chapter is not 4951
clearly inconsistent with this section. 4952

(G)(1) The registrar, court, traffic violations bureau, or 4953
peace officer may require proof of financial responsibility to be 4954
demonstrated by use of a standard form prescribed by the 4955
registrar. If the use of a standard form is not required, a person 4956
may demonstrate proof of financial responsibility under this 4957
section by presenting to the traffic violations bureau, court, 4958
registrar, or peace officer any of the following documents or a 4959
copy of the documents: 4960

(a) A financial responsibility identification card as 4961
provided in section 4509.103 of the Revised Code; 4962

(b) A certificate of proof of financial responsibility on a 4963
form provided and approved by the registrar for the filing of an 4964
accident report required to be filed under section 4509.06 of the 4965
Revised Code; 4966

(c) A policy of liability insurance, a declaration page of a 4967
policy of liability insurance, or liability bond, if the policy or 4968
bond complies with section 4509.20 or sections 4509.49 to 4509.61 4969
of the Revised Code; 4970

(d) A bond or certification of the issuance of a bond as 4971
provided in section 4509.59 of the Revised Code; 4972

(e) A certificate of deposit of money or securities as 4973
provided in section 4509.62 of the Revised Code; 4974

(f) A certificate of self-insurance as provided in section 4975
4509.72 of the Revised Code. 4976

(2) If a person fails to demonstrate proof of financial 4977
responsibility in a manner described in division (G)(1) of this 4978
section, the person may demonstrate proof of financial 4979
responsibility under this section by any other method that the 4980
court or the bureau, by reason of circumstances in a particular 4981
case, may consider appropriate. 4982

(3) A motor carrier certificated by the interstate commerce 4983
commission or by the public utilities commission may demonstrate 4984
proof of financial responsibility by providing a statement 4985
designating the motor carrier's operating authority and averring 4986
that the insurance coverage required by the certificating 4987
authority is in full force and effect. 4988

(4)(a) A finding by the registrar or court that a person is 4989
covered by proof of financial responsibility in the form of an 4990
insurance policy or surety bond is not binding upon the named 4991
insurer or surety or any of its officers, employees, agents, or 4992
representatives and has no legal effect except for the purpose of 4993
administering this section. 4994

(b) The preparation and delivery of a financial 4995
responsibility identification card or any other document 4996
authorized to be used as proof of financial responsibility under 4997
this division does not do any of the following: 4998

(i) Create any liability or estoppel against an insurer or 4999
surety, or any of its officers, employees, agents, or 5000
representatives; 5001

(ii) Constitute an admission of the existence of, or of any 5002
liability or coverage under, any policy or bond; 5003

(iii) Waive any defenses or counterclaims available to an 5004
insurer, surety, agent, employee, or representative in an action 5005
commenced by an insured or third-party claimant upon a cause of 5006
action alleged to have arisen under an insurance policy or surety 5007
bond or by reason of the preparation and delivery of a document 5008
for use as proof of financial responsibility. 5009

(c) Whenever it is determined by a final judgment in a 5010
judicial proceeding that an insurer or surety, which has been 5011
named on a document accepted by a court or the registrar as proof 5012
of financial responsibility covering the operation of a motor 5013
vehicle at the time of an accident or offense, is not liable to 5014
pay a judgment for injuries or damages resulting from such 5015
operation, the registrar, notwithstanding any previous contrary 5016
finding, shall forthwith suspend the operating privileges and 5017
registration rights of the person against whom the judgment was 5018
rendered as provided in division (A)(2) of this section. 5019

(H) In order for any document described in division (G)(1)(b) 5020
of this section to be used for the demonstration of proof of 5021
financial responsibility under this section, the document shall 5022
state the name of the insured or obligor, the name of the insurer 5023
or surety company, and the effective and expiration dates of the 5024
financial responsibility, and designate by explicit description or 5025
by appropriate reference all motor vehicles covered which may 5026
include a reference to fleet insurance coverage. 5027

(I) For purposes of this section, "owner" does not include a 5028
licensed motor vehicle leasing dealer as defined in section 5029
4517.01 of the Revised Code, but does include a motor vehicle 5030
renting dealer as defined in section 4549.65 of the Revised Code. 5031
Nothing in this section or in section 4509.51 of the Revised Code 5032
shall be construed to prohibit a motor vehicle renting dealer from 5033

entering into a contractual agreement with a person whereby the 5034
person renting the motor vehicle agrees to be solely responsible 5035
for maintaining proof of financial responsibility, in accordance 5036
with this section, with respect to the operation, maintenance, or 5037
use of the motor vehicle during the period of the motor vehicle's 5038
rental. 5039

(J) The purpose of this section is to require the maintenance 5040
of proof of financial responsibility with respect to the operation 5041
of motor vehicles on the highways of this state, so as to minimize 5042
those situations in which persons are not compensated for injuries 5043
and damages sustained in motor vehicle accidents. The general 5044
assembly finds that this section contains reasonable civil 5045
penalties and procedures for achieving this purpose. 5046

(K) Nothing in this section shall be construed to be subject 5047
to section 4509.78 of the Revised Code. 5048

(L)(1) The registrar may terminate any suspension imposed 5049
under this section and not require the owner to comply with 5050
divisions (A)(5)(a), (b), and (c) of this section if the registrar 5051
with or without a hearing determines that the owner of the vehicle 5052
has established by clear and convincing evidence that all of the 5053
following apply: 5054

(a) The owner customarily maintains proof of financial 5055
responsibility. 5056

(b) Proof of financial responsibility was not in effect for 5057
the vehicle on the date in question for one of the following 5058
reasons: 5059

(i) The vehicle was inoperable. 5060

(ii) The vehicle is operated only seasonally, and the date in 5061
question was outside the season of operation. 5062

(iii) A person other than the vehicle owner or driver was at 5063

fault for the lapse of proof of financial responsibility through 5064
no fault of the owner or driver. 5065

(iv) The lapse of proof of financial responsibility was 5066
caused by excusable neglect under circumstances that are not 5067
likely to recur and do not suggest a purpose to evade the 5068
requirements of this chapter. 5069

(2) The registrar may grant an owner or driver relief for a 5070
reason specified in division (L)(1)(b)(i) or (ii) of this section 5071
whenever the owner or driver is randomly selected to verify the 5072
existence of proof of financial responsibility for such a vehicle. 5073
However, the registrar may grant an owner or driver relief for a 5074
reason specified in division (L)(1)(b)(iii) or (iv) of this 5075
section only if the owner or driver has not previously been 5076
granted relief under division (L)(1)(b)(iii) or (iv) of this 5077
section. 5078

(M) The registrar shall adopt rules in accordance with 5079
Chapter 119. of the Revised Code that are necessary to administer 5080
and enforce this section. The rules shall include procedures for 5081
the surrender of license plates upon failure to maintain proof of 5082
financial responsibility and provisions relating to reinstatement 5083
of registration rights, acceptable forms of proof of financial 5084
responsibility, and verification of the existence of financial 5085
responsibility during the period of registration. 5086

Sec. 4510.10. (A) As used in this section, "reinstatement 5087
fees" means the fees that are required under section 4507.1612, 5088
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 5089
provision of the Revised Code, or under a schedule established by 5090
the bureau of motor vehicles, in order to reinstate a driver's or 5091
commercial driver's license or permit or nonresident operating 5092
privilege of an offender under a suspension. 5093

(B) Reinstatement fees are those fees that compensate the 5094

bureau of motor vehicles for suspensions, cancellations, or 5095
disqualifications of a person's driving privileges and to 5096
compensate the bureau and other agencies in their administration 5097
of programs intended to reduce and eliminate threats to public 5098
safety through education, treatment, and other activities. The 5099
registrar of motor vehicles shall not reinstate a driver's or 5100
commercial driver's license or permit or nonresident operating 5101
privilege of a person until the person has paid all reinstatement 5102
fees and has complied with all conditions for each suspension, 5103
cancellation, or disqualification incurred by that person. 5104

(C) When a municipal court or county court determines in a 5105
pending case involving an offender that the offender cannot 5106
reasonably pay reinstatement fees due and owing by the offender 5107
relative to one or more suspensions that have been or will be 5108
imposed by the bureau of motor vehicles or by a court of this 5109
state, the court, by order, may undertake an installment payment 5110
plan or a payment extension plan for the payment of reinstatement 5111
fees due and owing to the bureau in that pending case. The court 5112
shall establish an installment payment plan or a payment extension 5113
plan under this division in accordance with the requirements of 5114
divisions (D)(1) and (2) of this section. 5115

(D) Independent of the provisions of division (C) of this 5116
section, an offender who cannot reasonably pay reinstatement fees 5117
due and owing by the offender relative to a suspension that has 5118
been imposed on the offender may file a petition in the municipal 5119
court, county court, or, if the person is under the age of 5120
eighteen, the juvenile division of the court of common pleas in 5121
whose jurisdiction the person resides or, if the person is not a 5122
resident of this state, in the Franklin county municipal court or 5123
juvenile division of the Franklin county court of common pleas for 5124
an order that does either of the following, in order of 5125
preference: 5126

(1) Establishes a reasonable payment plan of not less than 5127
fifty dollars per month, to be paid by the offender to the 5128
registrar of motor vehicles or an eligible deputy registrar, in 5129
all succeeding months until all reinstatement fees required of the 5130
offender are paid in full. If the person is making payments to a 5131
deputy registrar, the deputy registrar shall collect a service fee 5132
of ten dollars each time the deputy registrar collects a payment 5133
to compensate the deputy registrar for services performed under 5134
this section. The deputy registrar shall retain eight dollars of 5135
the service fee and shall transmit the reinstatement payments, 5136
plus two dollars of each service fee, to the registrar in the 5137
manner the registrar shall determine. 5138

(2) If the offender, but for the payment of the reinstatement 5139
fees, otherwise would be entitled to operate a vehicle in this 5140
state or to obtain reinstatement of the offender's operating 5141
privileges, permits the offender to operate a motor vehicle, as 5142
authorized by the court, until a future date upon which date all 5143
reinstatement fees must be paid in full. A payment extension 5144
granted under this division shall not exceed one hundred eighty 5145
days, and any operating privileges granted under this division 5146
shall be solely for the purpose of permitting the offender 5147
occupational or "family necessity" privileges in order to enable 5148
the offender to reasonably acquire the delinquent reinstatement 5149
fees due and owing. 5150

(E) If a municipal court, county court, or juvenile division 5151
enters an order of the type described in division (C) or division 5152
(D)(1) or (2) of this section, the court, at any time after the 5153
issuance of the order, may determine that a change of 5154
circumstances has occurred and may amend the order as justice 5155
requires, provided that the amended order also shall be an order 5156
that is permitted under division (C) or division (D)(1) or (2) of 5157
this section. 5158

(F) If a court enters an order of the type described in 5159
division (C), (D)(1), (D)(2), or (E) of this section, during the 5160
pendency of the order, the offender in relation to whom it applies 5161
is not subject to prosecution for failing to pay the reinstatement 5162
fees covered by the order. 5163

(G) In addition to divisions (A) to (F) of this section, the 5164
registrar, with the approval of the director of public safety and 5165
in accordance with Chapter 119. of the Revised Code, may adopt 5166
rules that permit a person to pay reinstatement fees in 5167
installments in accordance with this division. The rules may 5168
contain any of the following provisions: 5169

(1) A schedule establishing a minimum monthly payment amount; 5170

(2) If the person otherwise would have valid driving 5171
privileges but for the payment of the reinstatement fees, the 5172
registrar may record the person's driving privileges as "valid" so 5173
long as the person's installments are current. 5174

(3) If the person's installments are not current, the 5175
registrar may record the person's driving privileges as 5176
"suspended" or "failure to reinstate," as appropriate. 5177

(4) Any other provision the registrar reasonably may 5178
prescribe. 5179

(H) Reinstatement fees are debts that may be discharged in 5180
bankruptcy. 5181

Sec. 4510.11. (A) Except as provided in division (B) of this 5182
section and in sections 4510.111 and 4510.16 of the Revised Code, 5183
no person whose driver's or commercial driver's license or permit 5184
or nonresident operating privilege has been suspended under any 5185
provision of the Revised Code, other than Chapter 4509. of the 5186
Revised Code, or under any applicable law in any other 5187
jurisdiction in which the person's license or permit was issued, 5188

shall operate any motor vehicle upon the public roads and highways 5189
or upon any public or private property used by the public for 5190
purposes of vehicular travel or parking within this state during 5191
the period of suspension unless the person is granted limited 5192
driving privileges and is operating the vehicle in accordance with 5193
the terms of the limited driving privileges. 5194

(B) No person shall operate any motor vehicle upon a highway 5195
or any public or private property used by the public for purposes 5196
of vehicular travel or parking in this state in violation of any 5197
restriction of the person's driver's or commercial driver's 5198
license or permit imposed under division (D) of section 4506.10 or 5199
under section 4507.14 of the Revised Code. 5200

(C) Upon the request or motion of the prosecuting authority, 5201
a noncertified copy of the law enforcement automated data system 5202
report or a noncertified copy of a record of the registrar of 5203
motor vehicles that shows the name, date of birth, and social 5204
security number of a person charged with a violation of division 5205
(A) or (B) of this section may be admitted into evidence as 5206
prima-facie evidence that the license of the person was under 5207
suspension at the time of the alleged violation of division (A) of 5208
this section or the person operated a motor vehicle in violation 5209
of a restriction at the time of the alleged violation of division 5210
(B) of this section. The person charged with a violation of 5211
division (A) or (B) of this section may offer evidence to rebut 5212
this prima-facie evidence. 5213

(D)(1) Whoever violates division (A) or (B) of this section 5214
is guilty of a misdemeanor of the first degree. The court may 5215
impose upon the offender a class seven suspension of the 5216
offender's driver's license, commercial driver's license, 5217
temporary instruction permit, probationary license, or nonresident 5218
operating privilege from the range specified in division (A)(7) of 5219

section 4510.02 of the Revised Code. 5220

(2)(a) Except as provided in division (D)(2)(b) or (c) of 5221
this section, the court, in addition to any other penalty that it 5222
imposes on the offender and if the vehicle is registered in the 5223
offender's name and if, within three years of the offense, the 5224
offender previously has been convicted of or pleaded guilty to one 5225
violation of this section or section 4510.111 or 4510.16 of the 5226
Revised Code, or a substantially equivalent municipal ordinance, 5227
the court, in addition to or independent of any other sentence 5228
that it imposes upon the offender, may order the immobilization of 5229
the vehicle involved in the offense for thirty days and the 5230
impoundment of that vehicle's license plates for thirty days in 5231
accordance with section 4503.233 of the Revised Code. 5232

(b) If the vehicle is registered in the offender's name and 5233
if, within three years of the offense, the offender previously has 5234
been convicted of or pleaded guilty to two violations of this 5235
section, or any combination of two violations of this section or 5236
section 4510.111 or 4510.16 of the Revised Code, or of a 5237
substantially similar municipal ordinance, the court, in addition 5238
to any other sentence that it imposes on the offender, may order 5239
the immobilization of the vehicle involved in the offense for 5240
sixty days and the impoundment of that vehicle's license plates 5241
for sixty days in accordance with section 4503.233 of the Revised 5242
Code. 5243

(c) If the vehicle is registered in the offender's name and 5244
if, within three years of the offense, the offender previously has 5245
been convicted of or pleaded guilty to three or more violations of 5246
this section, or any combination of three or more violations of 5247
this section or section 4510.111 or 4510.16 of the Revised Code, 5248
or of a substantially similar municipal ordinance, the court, in 5249
addition to any other sentence that it imposes on the offender, 5250
may order the criminal forfeiture of the vehicle involved in the 5251

offense to the state. 5252

(E) Any order for immobilization and impoundment under this 5253
section shall be issued and enforced under sections 4503.233 and 5254
4507.02 of the Revised Code, as applicable. The court shall not 5255
release a vehicle from immobilization ordered under this section 5256
unless the court is presented with current proof of financial 5257
responsibility with respect to that vehicle. 5258

(F) Any order of criminal forfeiture under this section shall 5259
be issued and enforced under section 4503.234 of the Revised Code. 5260
Upon receipt of the copy of the order from the court, neither the 5261
registrar of motor vehicles nor a deputy registrar shall accept 5262
any application for the registration or transfer of registration 5263
of any motor vehicle owned or leased by the person named in the 5264
declaration of forfeiture. The period of registration denial shall 5265
be five years after the date of the order, unless, during that 5266
period, the court having jurisdiction of the offense that led to 5267
the order terminates the forfeiture and notifies the registrar of 5268
the termination. The registrar then shall take necessary measures 5269
to permit the person to register a vehicle owned or leased by the 5270
person or to transfer registration of the vehicle. 5271

(G) The offender shall provide the court with proof of 5272
financial responsibility as defined in section 4509.01 of the 5273
Revised Code. If the offender fails to provide that proof of 5274
financial responsibility, then, in addition to any other penalties 5275
provided by law, the court may order restitution pursuant to 5276
section 2929.28 of the Revised Code in an amount not exceeding 5277
five thousand dollars for any economic loss arising from an 5278
accident or collision that was the direct and proximate result of 5279
the offender's operation of the vehicle before, during, or after 5280
committing the offense for which the offender is sentenced under 5281
this section. 5282

Sec. 4510.111. (A) No person shall operate any motor vehicle 5283
upon a highway or any public or private property used by the 5284
public for purposes of vehicular travel or parking in this state 5285
whose driver's or commercial driver's license has been suspended 5286
pursuant to section 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 5287
4510.032, 4510.22, or 4510.33 of the Revised Code ~~for failing to~~ 5288
~~appear in court or to pay a fine, resulting in license forfeiture.~~ 5289

~~(B) No person shall operate any motor vehicle upon a highway 5290
or any public or private property used by the public for purposes 5291
of vehicular travel or parking in this state whose driver's or 5292
commercial driver's license has been suspended pursuant to section 5293
3123.58 of the Revised Code for being in default in payment of 5294
child support. 5295~~

~~(C)~~ Upon the request or motion of the prosecuting authority, 5296
a noncertified copy of the law enforcement automated data system 5297
report or a noncertified copy of a record of the registrar of 5298
motor vehicles that shows the name, date of birth, and social 5299
security number of a person charged with a violation of division 5300
(A) ~~or (B)~~ of this section may be admitted into evidence as 5301
prima-facie evidence that the license of the person was under 5302
suspension at the time of the alleged violation of division (A) ~~or~~ 5303
~~(B)~~ of this section. The person charged with a violation of 5304
division (A) ~~or (B)~~ of this section may offer evidence to rebut 5305
this prima-facie evidence. 5306

~~(D)~~ (C) Whoever violates division (A) ~~or (B)~~ of this section 5307
is guilty of driving under suspension, and shall be punished as 5308
provided in division (D) of this section. 5309

(1) Except as otherwise provided in division (D)(2) of this 5310
section, the offense is an unclassified misdemeanor. The offender 5311
shall be sentenced pursuant to sections 2929.21 to 2929.28 of the 5312
Revised Code, except that the offender shall not be sentenced to a 5313

jail term; the offender shall not be sentenced to a community 5314
residential sanction pursuant to section 2929.26 of the Revised 5315
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 5316
Revised Code, the offender may be fined up to one thousand 5317
dollars; and, notwithstanding division (A)(3) of section 2929.27 5318
of the Revised Code, the offender may be ordered pursuant to 5319
division (C) of that section to serve a term of community service 5320
of up to five hundred hours. The failure of an offender to 5321
complete a term of community service imposed by the court may be 5322
punished as indirect criminal contempt under division (A) of 5323
section 2705.02 of the Revised Code that may be filed in the 5324
underlying case. 5325

(2) If, within three years of the offense, the offender 5326
previously was convicted of or pleaded guilty to two or more 5327
violations of division (A) ~~or (B)~~ of this section, or any 5328
combination of two or more violations of division (A) ~~or (B)~~ of 5329
this section or section 4510.11 or 4510.16 of the Revised Code, or 5330
a substantially equivalent municipal ordinance, the offense is a 5331
misdemeanor of the ~~first~~ fourth degree. ~~The offender shall provide~~ 5332
~~the court with proof of financial responsibility as defined in~~ 5333
~~section 4509.01 of the Revised Code. If the offender fails to~~ 5334
~~provide that proof of financial responsibility, then, in addition~~ 5335
~~to any penalties provided by law, the court may order restitution~~ 5336
~~pursuant to section 2929.28 of the Revised Code in an amount not~~ 5337
~~exceeding five thousand dollars for any economic loss arising from~~ 5338
~~an accident or collision that was the direct and proximate result~~ 5339
~~of the offender's operation of the vehicle before, during, or~~ 5340
~~after committing the offense for which the offender is sentenced~~ 5341
~~under this section.~~ 5342

~~(3) In all cases, the court may impose a class seven~~ 5343
~~suspension of the offender's driver's or commercial driver's~~ 5344
~~license or permit or nonresident operating privilege from the~~ 5345

~~range of time specified in division (A)(7) of section 4507.02 of~~ 5346
~~the Revised Code.~~ 5347

~~(4)(a) In all cases, if the vehicle is registered in the~~ 5348
~~offender's name and if, within three years of the offense, the~~ 5349
~~offender previously has been convicted of or pleaded guilty to one~~ 5350
~~violation of division (A) or (B) of this section or section~~ 5351
~~4510.11 or 4510.16 of the Revised Code, or a substantially~~ 5352
~~equivalent municipal ordinance, the court, in addition to any~~ 5353
~~other sentence that it imposes upon the offender, may order the~~ 5354
~~immobilization of the vehicle involved in the offense for thirty~~ 5355
~~days and the impoundment of that vehicle's license plates for~~ 5356
~~thirty days in accordance with section 4503.233 of the Revised~~ 5357
~~Code.~~ 5358

~~(b) In all cases, if the vehicle is registered in the~~ 5359
~~offender's name and if, within three years of the offense, the~~ 5360
~~offender previously has been convicted of or pleaded guilty to two~~ 5361
~~violations of division (A) or (B) of this section, or any~~ 5362
~~combination of two violations of division (A) or (B) of this~~ 5363
~~section or section 4510.11 or 4510.16 of the Revised Code, or a~~ 5364
~~substantially equivalent municipal ordinance, the court, in~~ 5365
~~addition to any other sentence that it imposes upon the offender,~~ 5366
~~may order the immobilization of the vehicle involved in the~~ 5367
~~offense for sixty days and the impoundment of that vehicle's~~ 5368
~~license plates for sixty days in accordance with section 4503.233~~ 5369
~~of the Revised Code.~~ 5370

~~(c) In all cases, if the vehicle is registered in the~~ 5371
~~offender's name and if, within three years of the offense, the~~ 5372
~~offender previously has been convicted of or pleaded guilty to~~ 5373
~~three or more violations of this section, or any combination of~~ 5374
~~three or more violations of this section or section 4510.11 or~~ 5375
~~4510.16 of the Revised Code, or a substantially equivalent~~ 5376
~~municipal ordinance, the court, in addition to any other sentence~~ 5377

~~that it imposes upon the offender, may order the criminal~~ 5378
~~forfeiture of the vehicle involved in the offense to the state.~~ 5379

~~(E) An order for immobilization and impoundment under this~~ 5380
~~section shall be issued and enforced under sections 4503.233 and~~ 5381
~~4507.02 of the Revised Code, as applicable. The court shall not~~ 5382
~~release a motor vehicle from immobilization ordered under this~~ 5383
~~section unless the court is presented with current proof of~~ 5384
~~financial responsibility with respect to that motor vehicle.~~ 5385

~~(F) An order for criminal forfeiture under this section shall~~ 5386
~~be issued and enforced under section 4503.234 of the Revised Code.~~ 5387
~~Upon receipt of a copy of the order from the court, neither the~~ 5388
~~registrar of motor vehicles nor a deputy registrar shall accept~~ 5389
~~any application for the registration or transfer of registration~~ 5390
~~of any motor vehicle owned or leased by the person named in the~~ 5391
~~declaration of forfeiture. The period of registration denial shall~~ 5392
~~be five years after the date of the order unless, during that~~ 5393
~~period, the court having jurisdiction of the offense that led to~~ 5394
~~the order terminates the forfeiture and notifies the registrar of~~ 5395
~~the termination. The registrar then shall take the necessary~~ 5396
~~measures to permit the person to register a vehicle owned or~~ 5397
~~leased by the person or to transfer registration of the vehicle.~~ 5398

Sec. 4510.16. (A) No person, whose driver's or commercial 5399
driver's license or temporary instruction permit or nonresident's 5400
operating privilege has been suspended or canceled pursuant to 5401
Chapter 4509. of the Revised Code, shall operate any motor vehicle 5402
within this state, or knowingly permit any motor vehicle owned by 5403
the person to be operated by another person in the state, during 5404
the period of the suspension or cancellation, except as 5405
specifically authorized by Chapter 4509. of the Revised Code. No 5406
person shall operate a motor vehicle within this state, or 5407
knowingly permit any motor vehicle owned by the person to be 5408

operated by another person in the state, during the period in 5409
which the person is required by section 4509.45 of the Revised 5410
Code to file and maintain proof of financial responsibility for a 5411
violation of section 4509.101 of the Revised Code, unless proof of 5412
financial responsibility is maintained with respect to that 5413
vehicle. 5414

(B) No person shall operate any motor vehicle upon a highway 5415
or any public or private property used by the public for purposes 5416
of vehicular travel or parking in this state if the person's 5417
driver's or commercial driver's license or temporary instruction 5418
permit or nonresident operating privilege has been suspended 5419
pursuant to section 4509.37 or 4509.40 of the Revised Code for 5420
nonpayment of a judgment. 5421

(C) Upon the request or motion of the prosecuting authority, 5422
a noncertified copy of the law enforcement automated data system 5423
report or a noncertified copy of a record of the registrar of 5424
motor vehicles that shows the name, date of birth, and social 5425
security number of a person charged with a violation of division 5426
(A) or (B) of this section may be admitted into evidence as 5427
prima-facie evidence that the license of the person was under 5428
either a financial responsibility law suspension at the time of 5429
the alleged violation of division (A) of this section or a 5430
nonpayment of judgment suspension at the time of the alleged 5431
violation of division (B) of this section. The person charged with 5432
a violation of division (A) or (B) of this section may offer 5433
evidence to rebut this prima-facie evidence. 5434

(D) Whoever violates division (A) of this section is guilty 5435
of driving under financial responsibility law suspension or 5436
cancellation and shall be punished as provided in divisions (D) to 5437
(I) of this section. Whoever violates division (B) of this section 5438
is guilty of driving under a nonpayment of judgment suspension and 5439

shall be punished as provided in divisions (D) to (I) of this 5440
section. 5441

(1) Except as otherwise provided in division (D)(2) of this 5442
section, the offense is an unclassified misdemeanor. When the 5443
offense is an unclassified misdemeanor, the offender shall be 5444
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 5445
Code, except that the offender shall not be sentenced to a jail 5446
term; the offender shall not be sentenced to a community 5447
residential sanction pursuant to section 2929.26 of the Revised 5448
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 5449
Revised Code, the offender may be fined up to one thousand 5450
dollars; and, notwithstanding division (A)(3) of section 2929.27 5451
of the Revised Code, the offender may be ordered pursuant to 5452
division (C) of that section to serve a term of community service 5453
of up to five hundred hours. The failure of an offender to 5454
complete a term of community service imposed by the court may be 5455
punished as indirect criminal contempt under division (A) of 5456
section 2705.02 of the Revised Code that may be filed in the 5457
underlying case. 5458

(2) If, within three years of the offense, the offender 5459
previously was convicted of or pleaded guilty to two or more 5460
violations of this section, or any combination of two violations 5461
of this section or section 4510.11 or 4510.111 of the Revised 5462
Code, or a substantially equivalent municipal ordinance, the 5463
offense is a misdemeanor of the ~~first~~ fourth degree. 5464

~~(E) The offender shall provide the court with proof of 5465
financial responsibility as defined in section 4509.01 of the 5466
Revised Code. If the offender fails to provide that proof of 5467
financial responsibility, then, in addition to any other penalties 5468
provided by law, the court may order restitution pursuant to 5469
section 2929.28 of the Revised Code in an amount not exceeding 5470
five thousand dollars for any economic loss arising from an 5471~~

~~accident or collision that was the direct and proximate result of~~ 5472
~~the offender's operation of the vehicle before, during, or after~~ 5473
~~committing the offense for which the offender is sentenced under~~ 5474
~~this section.~~ 5475

~~(F) The court may impose a class seven suspension of the~~ 5476
~~offender's driver's or commercial driver's license or permit or~~ 5477
~~nonresident operating privilege from the range of time specified~~ 5478
~~in division (A)(7) of section 4510.02 of the Revised Code.~~ 5479

~~(G)(1) If the vehicle is registered in the offender's name~~ 5480
~~and if, within three years of the offense, the offender previously~~ 5481
~~has been convicted of or pleaded guilty to one violation of~~ 5482
~~division (A) or (B) of this section or section 4510.11 or 4510.111~~ 5483
~~of the Revised Code or a substantially equivalent municipal~~ 5484
~~ordinance, the court, in addition to or independent of any other~~ 5485
~~sentence that it imposes upon the offender, may order the~~ 5486
~~immobilization for thirty days of the vehicle involved in the~~ 5487
~~offense and the impoundment for thirty days of the license plates~~ 5488
~~of that vehicle in accordance with section 4503.233 of the Revised~~ 5489
~~Code.~~ 5490

~~(2) If the vehicle is registered in the offender's name and~~ 5491
~~if, within three years of the offense, the offender has been~~ 5492
~~convicted of or pleaded guilty to two violations of division (A)~~ 5493
~~or (B) of this section or section 4510.11 or 4510.111 of the~~ 5494
~~Revised Code, or any combination of two violations of this section~~ 5495
~~or section 4510.11 or 4510.111 of the Revised Code, or a~~ 5496
~~substantially similar municipal ordinance, the court, in addition~~ 5497
~~to or independent of any other sentence that it imposes on the~~ 5498
~~offender, may order the immobilization for sixty days of the~~ 5499
~~vehicle involved in the offense and the impoundment for sixty days~~ 5500
~~of the license plates of that vehicle in accordance with section~~ 5501
~~4503.233 of the Revised Code.~~ 5502

~~(3) If the vehicle is registered in the offender's name and~~ 5503

~~if, within three years of the offense, the offender has been~~ 5504
~~convicted of or pleaded guilty to three or more violations of this~~ 5505
~~section or section 4510.11 or 4510.111 of the Revised Code, or any~~ 5506
~~combination of three or more violations of this section or section~~ 5507
~~4510.11 or 4510.111 of the Revised Code, or a substantially~~ 5508
~~similar municipal ordinance, the court, in addition to or~~ 5509
~~independent of any other sentence that it imposes upon the~~ 5510
~~offender, may order the criminal forfeiture to the state of the~~ 5511
~~vehicle involved in the offense. If title to a motor vehicle that~~ 5512
~~is subject to an order for criminal forfeiture under this division~~ 5513
~~is assigned or transferred and division (B)(2) or (3) of section~~ 5514
~~4503.234 of the Revised Code applies, in addition to or~~ 5515
~~independent of any other penalty established by law, the court may~~ 5516
~~fine the offender the value of the vehicle as determined by~~ 5517
~~publications of the national automobile dealers association. The~~ 5518
~~proceeds from any fine so imposed shall be distributed in~~ 5519
~~accordance with division (C)(2) of that section.~~ 5520

~~(H) Any order for immobilization and impoundment under this~~ 5521
~~section shall be issued and enforced in accordance with sections~~ 5522
~~4503.233 and 4507.02 of the Revised Code, as applicable. The court~~ 5523
~~shall not release a vehicle from immobilization ordered under this~~ 5524
~~section unless the court is presented with current proof of~~ 5525
~~financial responsibility with respect to that vehicle.~~ 5526

~~(I) An order for criminal forfeiture under this section shall~~ 5527
~~be issued and enforced under section 4503.234 of the Revised Code.~~ 5528
~~Upon receipt of a copy of the order from the court, neither the~~ 5529
~~registrar of motor vehicles nor a deputy registrar shall accept~~ 5530
~~any application for the registration or transfer of registration~~ 5531
~~of any motor vehicle owned or leased by the person named in the~~ 5532
~~declaration of forfeiture. The period of registration denial shall~~ 5533
~~be five years after the date of the order unless, during that~~ 5534
~~period, the court having jurisdiction of the offense that led to~~ 5535

~~the order terminates the forfeiture and notifies the registrar of~~ 5536
~~the termination. The registrar then shall take the necessary~~ 5537
~~measures to permit the person to register a vehicle owned or~~ 5538
~~leased by the person or to transfer registration of the vehicle.~~ 5539

Sec. 4510.161. (A) The requirements and sanctions imposed by 5540
divisions (B) and (C) of this section are an adjunct to and derive 5541
from the state's exclusive authority over the registration and 5542
titling of motor vehicles and do not comprise a part of the 5543
criminal sentence to be imposed upon a person who violates a 5544
municipal ordinance that is substantially equivalent to section 5545
~~4510.14 or to division (A) of section 4510.16~~ of the Revised Code. 5546

(B) ~~If a person is convicted of or pleads guilty to a~~ 5547
~~violation of a municipal ordinance that is substantially~~ 5548
~~equivalent to division (A) of section 4510.16 of the Revised Code~~ 5549
~~or former division (B)(1) of section 4507.02 of the Revised Code~~ 5550
~~or a municipal ordinance that is substantially equivalent to~~ 5551
~~either of those divisions, the court, in addition to or~~ 5552
~~independent of any sentence that it imposes upon the offender for~~ 5553
~~the offense, may do whichever of the following is applicable:~~ 5554

~~(1) If the vehicle is registered in the offender's name and~~ 5555
~~if, within three years of the current offense, the offender~~ 5556
~~previously has been convicted of or pleaded guilty to one~~ 5557
~~violation of this section or section 4510.11, 4510.111, or 4510.16~~ 5558
~~of the Revised Code or a substantially equivalent municipal~~ 5559
~~ordinance, the court, in addition to or independent of any other~~ 5560
~~sentence that it imposes upon the offender, may order the~~ 5561
~~immobilization of the vehicle involved in the offense for thirty~~ 5562
~~days and the impoundment of that vehicle's license plates for~~ 5563
~~thirty days in accordance with section 4503.233 of the Revised~~ 5564
~~Code.~~ 5565

~~(2) If the vehicle is registered in the offender's name and~~ 5566

~~if, within three years of the current offense, the offender~~ 5567
~~previously has been convicted of or pleaded guilty to two~~ 5568
~~violations of this section or any combination of two violations of~~ 5569
~~this section or section 4510.11, 4510.111, or 4510.16 of the~~ 5570
~~Revised Code, or a substantially equivalent municipal ordinance,~~ 5571
~~the court, in addition to or independent of any other sentence~~ 5572
~~that it imposes upon the offender, may order the immobilization~~ 5573
~~for sixty days of the vehicle involved in the offense and the~~ 5574
~~impoundment of that vehicle's license plates for sixty days in~~ 5575
~~accordance with section 4503.233 of the Revised Code.~~ 5576

~~(3) If the vehicle is registered in the offender's name and~~ 5577
~~if, within three years of the current offense, the offender~~ 5578
~~previously has been convicted of or pleaded guilty to three or~~ 5579
~~more violations of this section or any combination of three or~~ 5580
~~more violations of this section or section 4510.11, 4510.111, or~~ 5581
~~4510.16 of the Revised Code, or a substantially equivalent~~ 5582
~~municipal ordinance, the court may order the criminal forfeiture~~ 5583
~~to the state of the vehicle the offender was operating at the time~~ 5584
~~of the offense. If title to a motor vehicle that is subject to an~~ 5585
~~order for criminal forfeiture under this division is assigned or~~ 5586
~~transferred and division (B)(2) or (3) of section 4503.234 of the~~ 5587
~~Revised Code applies, in addition to or independent of any other~~ 5588
~~penalty established by law, the court may fine the offender the~~ 5589
~~value of the motor vehicle as determined by publications of the~~ 5590
~~national automobile dealers association. The proceeds from any~~ 5591
~~fine so imposed shall be distributed in accordance with division~~ 5592
~~(C)(2) of that section.~~ 5593

~~(C) If a person is convicted of or pleads guilty to a~~ 5594
~~violation of a municipal ordinance that is substantially~~ 5595
~~equivalent to section 4510.14 of the Revised Code, the court, in~~ 5596
~~addition to and independent of any sentence that it imposes upon~~ 5597
~~the offender for the offense, if the vehicle the offender was~~ 5598

operating at the time of the offense is registered in the 5599
offender's name, shall do whichever of the following is 5600
applicable: 5601

(1) If, within six years of the current offense, the offender 5602
has not been convicted of or pleaded guilty to a violation of 5603
section 4510.14 or former division (D)(2) of section 4507.02 of 5604
the Revised Code or a municipal ordinance that is substantially 5605
equivalent to that section or former division, the court shall 5606
order the immobilization for thirty days of the vehicle involved 5607
in the offense and the impoundment for thirty days of the license 5608
plates of that vehicle in accordance with section 4503.233 of the 5609
Revised Code. 5610

(2) If, within six years of the current offense, the offender 5611
has been convicted of or pleaded guilty to one violation of 5612
section 4510.14 or former division (D)(2) of section 4507.02 of 5613
the Revised Code or a municipal ordinance that is substantially 5614
equivalent to that section or former division, the court shall 5615
order the immobilization for sixty days of the vehicle involved in 5616
the offense and the impoundment for sixty days of the license 5617
plates of that vehicle in accordance with section 4503.233 of the 5618
Revised Code. 5619

(3) If, within six years of the current offense, the offender 5620
has been convicted of or pleaded guilty to two or more violations 5621
of section 4510.14 or former division (D)(2) of section 4507.02 of 5622
the Revised Code or a municipal ordinance that is substantially 5623
equivalent to that section or former division, the court shall 5624
order the criminal forfeiture to the state of the vehicle the 5625
offender was operating at the time of the offense. 5626

~~(D)~~(C) An order for immobilization and impoundment of a 5627
vehicle under this section shall be issued and enforced in 5628
accordance with sections 4503.233 and 4507.02 of the Revised Code, 5629
as applicable. The court shall not release a vehicle from 5630

immobilization ordered under this section unless the court is 5631
presented with current proof of financial responsibility with 5632
respect to that vehicle. 5633

~~(E)~~(D) An order for criminal forfeiture of a vehicle under 5634
this section shall be issued and enforced under section 4503.234 5635
of the Revised Code. Upon receipt of a copy of the order from the 5636
court, neither the registrar of motor vehicles nor a deputy 5637
registrar shall accept any application for the registration or 5638
transfer of registration of any motor vehicle owned or leased by 5639
the person named in the declaration of forfeiture. The period of 5640
registration denial shall be five years after the date of the 5641
order unless, during that period, the court having jurisdiction of 5642
the offense that led to the order terminates the forfeiture and 5643
notifies the registrar of the termination. The registrar then 5644
shall take the necessary measures to permit the person to register 5645
a vehicle owned or leased by the person or to transfer 5646
registration of the vehicle. 5647

Sec. 4510.17. (A) The registrar of motor vehicles shall 5648
impose a class D suspension of the person's driver's license, 5649
commercial driver's license, temporary instruction permit, 5650
probationary license, or nonresident operating privilege for the 5651
period of time specified in division (B)(4) of section 4510.02 of 5652
the Revised Code on any person who is a resident of this state and 5653
is convicted of or pleads guilty to a violation of a statute of 5654
any other state or any federal statute that is substantially 5655
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5656
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 5657
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 5658
Code. Upon receipt of a report from a court, court clerk, or other 5659
official of any other state or from any federal authority that a 5660
resident of this state was convicted of or pleaded guilty to an 5661
offense described in this division, the registrar shall send a 5662

notice by regular first class mail to the person, at the person's 5663
last known address as shown in the records of the bureau of motor 5664
vehicles, informing the person of the suspension, that the 5665
suspension will take effect twenty-one days from the date of the 5666
notice, and that, if the person wishes to appeal the suspension or 5667
denial, the person must file a notice of appeal within twenty-one 5668
days of the date of the notice requesting a hearing on the matter. 5669
If the person requests a hearing, the registrar shall hold the 5670
hearing not more than forty days after receipt by the registrar of 5671
the notice of appeal. The filing of a notice of appeal does not 5672
stay the operation of the suspension that must be imposed pursuant 5673
to this division. The scope of the hearing shall be limited to 5674
whether the person actually was convicted of or pleaded guilty to 5675
the offense for which the suspension is to be imposed. 5676

The suspension the registrar is required to impose under this 5677
division shall end either on the last day of the class D 5678
suspension period or of the suspension of the person's nonresident 5679
operating privilege imposed by the state or federal court, 5680
whichever is earlier. 5681

The registrar shall subscribe to or otherwise participate in 5682
any information system or register, or enter into reciprocal and 5683
mutual agreements with other states and federal authorities, in 5684
order to facilitate the exchange of information with other states 5685
and the United States government regarding persons who plead 5686
guilty to or are convicted of offenses described in this division 5687
and therefore are subject to the suspension or denial described in 5688
this division. 5689

(B) The registrar shall impose a class D suspension of the 5690
person's driver's license, commercial driver's license, temporary 5691
instruction permit, probationary license, or nonresident operating 5692
privilege for the period of time specified in division (B)(4) of 5693
section 4510.02 of the Revised Code on any person who is a 5694

resident of this state and is convicted of or pleads guilty to a 5695
violation of a statute of any other state or a municipal ordinance 5696
of a municipal corporation located in any other state that is 5697
substantially similar to section 4511.19 of the Revised Code. Upon 5698
receipt of a report from another state made pursuant to section 5699
4510.61 of the Revised Code indicating that a resident of this 5700
state was convicted of or pleaded guilty to an offense described 5701
in this division, the registrar shall send a notice by regular 5702
first class mail to the person, at the person's last known address 5703
as shown in the records of the bureau of motor vehicles, informing 5704
the person of the suspension, that the suspension or denial will 5705
take effect twenty-one days from the date of the notice, and that, 5706
if the person wishes to appeal the suspension, the person must 5707
file a notice of appeal within twenty-one days of the date of the 5708
notice requesting a hearing on the matter. If the person requests 5709
a hearing, the registrar shall hold the hearing not more than 5710
forty days after receipt by the registrar of the notice of appeal. 5711
The filing of a notice of appeal does not stay the operation of 5712
the suspension that must be imposed pursuant to this division. The 5713
scope of the hearing shall be limited to whether the person 5714
actually was convicted of or pleaded guilty to the offense for 5715
which the suspension is to be imposed. 5716

The suspension the registrar is required to impose under this 5717
division shall end either on the last day of the class D 5718
suspension period or of the suspension of the person's nonresident 5719
operating privilege imposed by the state or federal court, 5720
whichever is earlier. 5721

(C) The registrar shall impose a class D suspension of the 5722
child's driver's license, commercial driver's license, temporary 5723
instruction permit, or nonresident operating privilege for the 5724
period of time specified in division (B)(4) of section 4510.02 of 5725
the Revised Code on any child who is a resident of this state and 5726

is convicted of or pleads guilty to a violation of a statute of 5727
any other state or any federal statute that is substantially 5728
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5729
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 5730
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 5731
Code. Upon receipt of a report from a court, court clerk, or other 5732
official of any other state or from any federal authority that a 5733
child who is a resident of this state was convicted of or pleaded 5734
guilty to an offense described in this division, the registrar 5735
shall send a notice by regular first class mail to the child, at 5736
the child's last known address as shown in the records of the 5737
bureau of motor vehicles, informing the child of the suspension, 5738
that the suspension or denial will take effect twenty-one days 5739
from the date of the notice, and that, if the child wishes to 5740
appeal the suspension, the child must file a notice of appeal 5741
within twenty-one days of the date of the notice requesting a 5742
hearing on the matter. If the child requests a hearing, the 5743
registrar shall hold the hearing not more than forty days after 5744
receipt by the registrar of the notice of appeal. The filing of a 5745
notice of appeal does not stay the operation of the suspension 5746
that must be imposed pursuant to this division. The scope of the 5747
hearing shall be limited to whether the child actually was 5748
convicted of or pleaded guilty to the offense for which the 5749
suspension is to be imposed. 5750

The suspension the registrar is required to impose under this 5751
division shall end either on the last day of the class D 5752
suspension period or of the suspension of the child's nonresident 5753
operating privilege imposed by the state or federal court, 5754
whichever is earlier. If the child is a resident of this state who 5755
is sixteen years of age or older and does not have a current, 5756
valid Ohio driver's or commercial driver's license or permit, the 5757
notice shall inform the child that the child will be denied 5758
issuance of a driver's or commercial driver's license or permit 5759

for six months beginning on the date of the notice. If the child 5760
has not attained the age of sixteen years on the date of the 5761
notice, the notice shall inform the child that the period of 5762
denial of six months shall commence on the date the child attains 5763
the age of sixteen years. 5764

The registrar shall subscribe to or otherwise participate in 5765
any information system or register, or enter into reciprocal and 5766
mutual agreements with other states and federal authorities, in 5767
order to facilitate the exchange of information with other states 5768
and the United States government regarding children who are 5769
residents of this state and plead guilty to or are convicted of 5770
offenses described in this division and therefore are subject to 5771
the suspension or denial described in this division. 5772

(D) The registrar shall impose a class D suspension of the 5773
child's driver's license, commercial driver's license, temporary 5774
instruction permit, probationary license, or nonresident operating 5775
privilege for the period of time specified in division (B)(4) of 5776
section 4510.02 of the Revised Code on any child who is a resident 5777
of this state and is convicted of or pleads guilty to a violation 5778
of a statute of any other state or a municipal ordinance of a 5779
municipal corporation located in any other state that is 5780
substantially similar to section 4511.19 of the Revised Code. Upon 5781
receipt of a report from another state made pursuant to section 5782
4510.61 of the Revised Code indicating that a child who is a 5783
resident of this state was convicted of or pleaded guilty to an 5784
offense described in this division, the registrar shall send a 5785
notice by regular first class mail to the child, at the child's 5786
last known address as shown in the records of the bureau of motor 5787
vehicles, informing the child of the suspension, that the 5788
suspension will take effect twenty-one days from the date of the 5789
notice, and that, if the child wishes to appeal the suspension, 5790
the child must file a notice of appeal within twenty-one days of 5791

the date of the notice requesting a hearing on the matter. If the
child requests a hearing, the registrar shall hold the hearing not
more than forty days after receipt by the registrar of the notice
of appeal. The filing of a notice of appeal does not stay the
operation of the suspension that must be imposed pursuant to this
division. The scope of the hearing shall be limited to whether the
child actually was convicted of or pleaded guilty to the offense
for which the suspension is to be imposed.

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

(E) Any person whose license or permit has been suspended
pursuant to this section may file a petition in the municipal or
county court, or in case the person is under eighteen years of
age, the juvenile court, in whose jurisdiction the person resides,
agreeing to pay the cost of the proceedings and alleging that the
suspension would seriously affect the person's ability to continue
the person's employment. Upon satisfactory proof that there is
reasonable cause to believe that the suspension would seriously
affect the person's ability to continue the person's employment,
the judge may grant the person limited driving privileges during

the period during which the suspension otherwise would be imposed, 5824
except that the judge shall not grant limited driving privileges 5825
for employment as a driver of a commercial motor vehicle to any 5826
person who would be disqualified from operating a commercial motor 5827
vehicle under section 4506.16 of the Revised Code if the violation 5828
had occurred in this state, or during any of the following periods 5829
of time: 5830

(1) The first fifteen days of a suspension under division (B) 5831
or (D) of this section, if the person has not been convicted 5832
within six years of the date of the offense giving rise to the 5833
suspension under this section of a violation of any of the 5834
following: 5835

(a) Section 4511.19 of the Revised Code, or a municipal 5836
ordinance relating to operating a vehicle while under the 5837
influence of alcohol, a drug of abuse, or alcohol and a drug of 5838
abuse; 5839

(b) A municipal ordinance relating to operating a motor 5840
vehicle with a prohibited concentration of alcohol, a controlled 5841
substance, or a metabolite of a controlled substance in the whole 5842
blood, blood serum or plasma, breath, or urine; 5843

(c) Section 2903.04 of the Revised Code in a case in which 5844
the person was subject to the sanctions described in division (D) 5845
of that section; 5846

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 5847
section 2903.08 of the Revised Code or a municipal ordinance that 5848
is substantially similar to either of those divisions; 5849

(e) Division (A)(2), (3), or (4) of section 2903.06, division 5850
(A)(2) of section 2903.08, or as it existed prior to March 23, 5851
2000, section 2903.07 of the Revised Code, or a municipal 5852
ordinance that is substantially similar to any of those divisions 5853
or that former section, in a case in which the jury or judge found 5854

that the person was under the influence of alcohol, a drug of 5855
abuse, or alcohol and a drug of abuse. 5856

(2) The first thirty days of a suspension under division (B) 5857
or (D) of this section, if the person has been convicted one time 5858
within six years of the date of the offense giving rise to the 5859
suspension under this section of any violation identified in 5860
division (E)(1) of this section. 5861

(3) The first one hundred eighty days of a suspension under 5862
division (B) or (D) of this section, if the person has been 5863
convicted two times within six years of the date of the offense 5864
giving rise to the suspension under this section of any violation 5865
identified in division (E)(1) of this section. 5866

(4) No limited driving privileges may be granted if the 5867
person has been convicted three or more times within five years of 5868
the date of the offense giving rise to a suspension under division 5869
(B) or (D) of this section of any violation identified in division 5870
(E)(1) of this section. 5871

If a person petitions for limited driving privileges under 5872
division (E) of this section, the registrar shall be represented 5873
by the county prosecutor of the county in which the person resides 5874
if the petition is filed in a juvenile court or county court, 5875
except that if the person resides within a city or village that is 5876
located within the jurisdiction of the county in which the 5877
petition is filed, the city director of law or village solicitor 5878
of that city or village shall represent the registrar. If the 5879
petition is filed in a municipal court, the registrar shall be 5880
represented as provided in section 1901.34 of the Revised Code. 5881

In granting limited driving privileges under division (E) of 5882
this section, the court may impose any condition it considers 5883
reasonable and necessary to limit the use of a vehicle by the 5884
person. The court shall deliver to the person a permit card, in a 5885

form to be prescribed by the court, setting forth the time, place, 5886
and other conditions limiting the person's use of a motor vehicle. 5887
The grant of limited driving privileges shall be conditioned upon 5888
the person's having the permit in the person's possession at all 5889
times during which the person is operating a vehicle. 5890

A person granted limited driving privileges who operates a 5891
vehicle for other than limited purposes, in violation of any 5892
condition imposed by the court or without having the permit in the 5893
person's possession, is guilty of a violation of section 4510.11 5894
of the Revised Code. 5895

(F) As used in divisions (C) and (D) of this section: 5896

(1) "Child" means a person who is under the age of eighteen 5897
years, except that any person who violates a statute or ordinance 5898
described in division (C) or (D) of this section prior to 5899
attaining eighteen years of age shall be deemed a "child" 5900
irrespective of the person's age at the time the complaint or 5901
other equivalent document is filed in the other state or a 5902
hearing, trial, or other proceeding is held in the other state on 5903
the complaint or other equivalent document, and irrespective of 5904
the person's age when the period of license suspension or denial 5905
prescribed in division (C) or (D) of this section is imposed. 5906

(2) "Is convicted of or pleads guilty to" means, as it 5907
relates to a child who is a resident of this state, that in a 5908
proceeding conducted in a state or federal court located in 5909
another state for a violation of a statute or ordinance described 5910
in division (C) or (D) of this section, the result of the 5911
proceeding is any of the following: 5912

(a) Under the laws that govern the proceedings of the court, 5913
the child is adjudicated to be or admits to being a delinquent 5914
child or a juvenile traffic offender for a violation described in 5915
division (C) or (D) of this section that would be a crime if 5916

committed by an adult; 5917

(b) Under the laws that govern the proceedings of the court, 5918
the child is convicted of or pleads guilty to a violation 5919
described in division (C) or (D) of this section; 5920

(c) Under the laws that govern the proceedings of the court, 5921
irrespective of the terminology utilized in those laws, the result 5922
of the court's proceedings is the functional equivalent of 5923
division (F)(2)(a) or (b) of this section. 5924

Sec. 4510.41. (A) As used in this section: 5925

(1) "Arrested person" means a person who is arrested for a 5926
violation of section 4510.14, ~~4510.16~~, or 4511.203 of the Revised 5927
Code, or a municipal ordinance that is substantially equivalent to 5928
~~any~~ either of those sections, and whose arrest results in a 5929
vehicle being seized under division (B) of this section. 5930

(2) "Vehicle owner" means either of the following: 5931

(a) The person in whose name is registered, at the time of 5932
the seizure, a vehicle that is seized under division (B) of this 5933
section; 5934

(b) A person to whom the certificate of title to a vehicle 5935
that is seized under division (B) of this section has been 5936
assigned and who has not obtained a certificate of title to the 5937
vehicle in that person's name, but who is deemed by the court as 5938
being the owner of the vehicle at the time the vehicle was seized 5939
under division (B) of this section. 5940

(3) "Interested party" includes the owner of a vehicle seized 5941
under this section, all lienholders, the arrested person, the 5942
owner of the place of storage at which a vehicle seized under this 5943
section is stored, and the person or entity that caused the 5944
vehicle to be removed. 5945

(B)(1) If a person is arrested for a violation of section 5946

4510.14 or 4511.203 of the Revised Code or a municipal ordinance 5947
that is substantially equivalent to either of those sections ~~or if~~ 5948
~~a person is arrested for a violation of section 4510.16 of the~~ 5949
~~Revised Code or a municipal ordinance that is substantially~~ 5950
~~equivalent to that section and if division (G)(2) of section~~ 5951
~~4510.16 or division (B) of section 4510.161 of the Revised Code~~ 5952
~~applies~~, the arresting officer or another officer of the law 5953
enforcement agency that employs the arresting officer, in addition 5954
to any action that the arresting officer is required or authorized 5955
to take by any other provision of law, shall seize the vehicle 5956
that the person was operating at the time of, or that was involved 5957
in, the alleged offense if the vehicle is registered in the 5958
arrested person's name and its license plates. A law enforcement 5959
agency that employs a law enforcement officer who makes an arrest 5960
of a type that is described in this division and that involves a 5961
rented or leased vehicle that is being rented or leased for a 5962
period of thirty days or less shall notify, within twenty-four 5963
hours after the officer makes the arrest, the lessor or owner of 5964
the vehicle regarding the circumstances of the arrest and the 5965
location at which the vehicle may be picked up. At the time of the 5966
seizure of the vehicle, the law enforcement officer who made the 5967
arrest shall give the arrested person written notice that the 5968
vehicle and its license plates have been seized; that the vehicle 5969
either will be kept by the officer's law enforcement agency or 5970
will be immobilized at least until the person's initial appearance 5971
on the charge of the offense for which the arrest was made; that, 5972
at the initial appearance, the court in certain circumstances may 5973
order that the vehicle and license plates be released to the 5974
arrested person until the disposition of that charge; that, if the 5975
arrested person is convicted of that charge, the court generally 5976
must order the immobilization of the vehicle and the impoundment 5977
of its license plates or the forfeiture of the vehicle; and that 5978
the arrested person may be charged expenses or charges incurred 5979

under this section and section 4503.233 of the Revised Code for 5980
the removal and storage of the vehicle. 5981

(2) The arresting officer or a law enforcement officer of the 5982
agency that employs the arresting officer shall give written 5983
notice of the seizure under division (B)(1) of this section to the 5984
court that will conduct the initial appearance of the arrested 5985
person on the charges arising out of the arrest. Upon receipt of 5986
the notice, the court promptly shall determine whether the 5987
arrested person is the vehicle owner. If the court determines that 5988
the arrested person is not the vehicle owner, it promptly shall 5989
send by regular mail written notice of the seizure to the 5990
vehicle's registered owner. The written notice shall contain all 5991
of the information required by division (B)(1) of this section to 5992
be in a notice to be given to the arrested person and also shall 5993
specify the date, time, and place of the arrested person's initial 5994
appearance. The notice also shall inform the vehicle owner that if 5995
title to a motor vehicle that is subject to an order for criminal 5996
forfeiture under this section is assigned or transferred and 5997
division (B)(2) or (3) of section 4503.234 of the Revised Code 5998
applies, the court may fine the arrested person the value of the 5999
vehicle. The notice also shall state that if the vehicle is 6000
immobilized under division (A) of section 4503.233 of the Revised 6001
Code, seven days after the end of the period of immobilization a 6002
law enforcement agency will send the vehicle owner a notice, 6003
informing the owner that if the release of the vehicle is not 6004
obtained in accordance with division (D)(3) of section 4503.233 of 6005
the Revised Code, the vehicle shall be forfeited. The notice also 6006
shall inform the vehicle owner that the owner may be charged 6007
expenses or charges incurred under this section and section 6008
4503.233 of the Revised Code for the removal and storage of the 6009
vehicle. 6010

The written notice that is given to the arrested person also 6011

shall state that if the person is convicted of or pleads guilty to 6012
the offense and the court issues an immobilization and impoundment 6013
order relative to that vehicle, division (D)(4) of section 6014
4503.233 of the Revised Code prohibits the vehicle from being sold 6015
during the period of immobilization without the prior approval of 6016
the court. 6017

(3) At or before the initial appearance, the vehicle owner 6018
may file a motion requesting the court to order that the vehicle 6019
and its license plates be released to the vehicle owner. Except as 6020
provided in this division and subject to the payment of expenses 6021
or charges incurred in the removal and storage of the vehicle, the 6022
court, in its discretion, then may issue an order releasing the 6023
vehicle and its license plates to the vehicle owner. Such an order 6024
may be conditioned upon such terms as the court determines 6025
appropriate, including the posting of a bond in an amount 6026
determined by the court. If the arrested person is not the vehicle 6027
owner and if the vehicle owner is not present at the arrested 6028
person's initial appearance, and if the court believes that the 6029
vehicle owner was not provided with adequate notice of the initial 6030
appearance, the court, in its discretion, may allow the vehicle 6031
owner to file a motion within seven days of the initial 6032
appearance. If the court allows the vehicle owner to file such a 6033
motion after the initial appearance, the extension of time granted 6034
by the court does not extend the time within which the initial 6035
appearance is to be conducted. If the court issues an order for 6036
the release of the vehicle and its license plates, a copy of the 6037
order shall be made available to the vehicle owner. If the vehicle 6038
owner presents a copy of the order to the law enforcement agency 6039
that employs the law enforcement officer who arrested the arrested 6040
person, the law enforcement agency promptly shall release the 6041
vehicle and its license plates to the vehicle owner upon payment 6042
by the vehicle owner of any expenses or charges incurred in the 6043
removal or storage of the vehicle. 6044

(4) A vehicle seized under division (B)(1) of this section 6045
either shall be towed to a place specified by the law enforcement 6046
agency that employs the arresting officer to be safely kept by the 6047
agency at that place for the time and in the manner specified in 6048
this section or shall be otherwise immobilized for the time and in 6049
the manner specified in this section. A law enforcement officer of 6050
that agency shall remove the identification license plates of the 6051
vehicle, and they shall be safely kept by the agency for the time 6052
and in the manner specified in this section. No vehicle that is 6053
seized and either towed or immobilized pursuant to this division 6054
shall be considered contraband for purposes of Chapter 2981. of 6055
the Revised Code. The vehicle shall not be immobilized at any 6056
place other than a commercially operated private storage lot, a 6057
place owned by a law enforcement or other government agency, or a 6058
place to which one of the following applies: 6059

(a) The place is leased by or otherwise under the control of 6060
a law enforcement or other government agency. 6061

(b) The place is owned by the arrested person, the arrested 6062
person's spouse, or a parent or child of the arrested person. 6063

(c) The place is owned by a private person or entity, and, 6064
prior to the immobilization, the private entity or person that 6065
owns the place, or the authorized agent of that private entity or 6066
person, has given express written consent for the immobilization 6067
to be carried out at that place. 6068

(d) The place is a public street or highway on which the 6069
vehicle is parked in accordance with the law. 6070

(C)(1) A vehicle seized under division (B)(1) of this section 6071
shall be safely kept at the place to which it is towed or 6072
otherwise moved by the law enforcement agency that employs the 6073
arresting officer until the initial appearance of the arrested 6074
person relative to the charge in question. The license plates of 6075

the vehicle that are removed pursuant to division (B)(1) of this 6076
section shall be safely kept by the law enforcement agency that 6077
employs the arresting officer until at least the initial 6078
appearance of the arrested person relative to the charge in 6079
question. 6080

(2)(a) At the initial appearance or not less than seven days 6081
prior to the date of final disposition, the court shall notify the 6082
arrested person that, if title to a motor vehicle that is subject 6083
to an order for criminal forfeiture under this section is assigned 6084
or transferred and division (B)(2) or (3) of section 4503.234 of 6085
the Revised Code applies, the court may fine the arrested person 6086
the value of the vehicle. If, at the initial appearance, the 6087
arrested person pleads guilty to the violation of section 4510.14, 6088
~~4510.16~~, or 4511.203 of the Revised Code, or a municipal ordinance 6089
that is substantially equivalent to ~~any~~ either of those sections 6090
or pleads no contest to and is convicted of the violation, the 6091
following sentencing provisions apply: 6092

(i) If the person violated section 4510.14 of the Revised 6093
Code or a municipal ordinance that is substantially equivalent to 6094
that section, the court shall impose sentence upon the person as 6095
provided by law or ordinance; the court shall order the 6096
immobilization of the vehicle the arrested person was operating at 6097
the time of, or that was involved in, the offense if registered in 6098
the arrested person's name and the impoundment of its license 6099
plates under sections 4503.233 and 4510.14 of the Revised Code or 6100
the criminal forfeiture to the state of the vehicle if registered 6101
in the arrested person's name under sections 4503.234 and 4510.14 6102
of the Revised Code, whichever is applicable; and the vehicle and 6103
its license plates shall not be returned or released to the 6104
arrested person. 6105

(ii) If the person violated section 4511.203 of the Revised 6106
Code or a municipal ordinance that is substantially equivalent to 6107

that section, ~~or violated section 4510.16 of the Revised Code or a~~ 6108
~~municipal ordinance that is substantially equivalent to that~~ 6109
~~section and division (C)(2) of section 4510.16 or division (B) of~~ 6110
~~section 4510.161 of the Revised Code applies,~~ the court shall 6111
impose sentence upon the person as provided by law or ordinance; 6112
the court may order the immobilization of the vehicle the arrested 6113
person was operating at the time of, or that was involved in, the 6114
offense if registered in the arrested person's name and the 6115
impoundment of its license plates under section 4503.233 and 6116
section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the 6117
criminal forfeiture to the state of the vehicle if registered in 6118
the arrested person's name under section 4503.234 and section 6119
~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code, whichever is 6120
applicable; and the vehicle and its license plates shall not be 6121
returned or released to the arrested person. 6122

~~(ii) If the person violated section 4510.16 of the Revised~~ 6123
~~Code or a municipal ordinance that is substantially equivalent to~~ 6124
~~that section and division (C)(1) of section 4510.16 or division~~ 6125
~~(B) of section 4510.161 applies, the court shall impose sentence~~ 6126
~~upon the person as provided by law or ordinance and may order the~~ 6127
~~immobilization of the vehicle the person was operating at the time~~ 6128
~~of, or that was involved in, the offense if it is registered in~~ 6129
~~the arrested person's name and the impoundment of its license~~ 6130
~~plates under section 4503.233 and section 4510.16 or 4510.161 of~~ 6131
~~the Revised Code, and the vehicle and its license plates shall not~~ 6132
~~be returned or released to the arrested person.~~ 6133

(b) If, at any time, the charge that the arrested person 6134
violated section 4510.14, ~~4510.16,~~ or 4511.203 of the Revised 6135
Code, or a municipal ordinance that is substantially equivalent to 6136
~~any~~ either of those sections is dismissed for any reason, the 6137
court shall order that the vehicle seized at the time of the 6138
arrest and its license plates immediately be released to the 6139

person. 6140

(D) If a vehicle and its license plates are seized under 6141
division (B)(1) of this section and are not returned or released 6142
to the arrested person pursuant to division (C) of this section, 6143
the vehicle and its license plates shall be retained until the 6144
final disposition of the charge in question. Upon the final 6145
disposition of that charge, the court shall do whichever of the 6146
following is applicable: 6147

(1) If the arrested person is convicted of or pleads guilty 6148
to the violation of section 4510.14 of the Revised Code or a 6149
municipal ordinance that is substantially equivalent to that 6150
section, the court shall impose sentence upon the person as 6151
provided by law or ordinance and shall order the immobilization of 6152
the vehicle the person was operating at the time of, or that was 6153
involved in, the offense if it is registered in the arrested 6154
person's name and the impoundment of its license plates under 6155
sections 4503.233 and 4510.14 of the Revised Code or the criminal 6156
forfeiture of the vehicle if it is registered in the arrested 6157
person's name under sections 4503.234 and 4510.14 of the Revised 6158
Code, whichever is applicable. 6159

(2) If the arrested person is convicted of or pleads guilty 6160
to the violation of section 4511.203 of the Revised Code, or a 6161
municipal ordinance that is substantially equivalent to that 6162
section, ~~or to the violation of section 4510.16 of the Revised~~ 6163
~~Code or a municipal ordinance that is substantially equivalent to~~ 6164
~~that section and division (F)(2) of section 4510.16 or division~~ 6165
~~(B) of section 4510.161 of the Revised Code applies,~~ the court 6166
shall impose sentence upon the person as provided by law or 6167
ordinance and may order the immobilization of the vehicle the 6168
person was operating at the time of, or that was involved in, the 6169
offense if it is registered in the arrested person's name and the 6170
impoundment of its license plates under section 4503.233 and 6171

section ~~4510.16, 4510.161, or~~ 4511.203 of the Revised Code or the
criminal forfeiture of the vehicle if it is registered in the
arrested person's name under section 4503.234 and section ~~4510.16,~~
~~4510.161, or~~ 4511.203 of the Revised Code, whichever is
applicable.

~~(2) If the person violated section 4510.16 of the Revised
Code or a municipal ordinance that is substantially equivalent to
that section and division (G)(1) of section 4510.16 or division
(B) of section 4510.161 applies, the court shall impose sentence
upon the person as provided by law or ordinance and may 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 person's name and the impoundment of its license plates under
section 4503.233 and section 4510.16 or 4510.161 of the Revised
Code.~~

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

(4) If 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 and its license plates immediately be released to the
arrested person.

(5) If the impoundment of the vehicle was not authorized
under this section, the court shall order that the vehicle and its
license plates be returned immediately to the arrested person or,
if the arrested person is not the vehicle owner, to the vehicle
owner and shall order that the state or political subdivision of

the law enforcement agency served by the law enforcement officer 6204
who seized the vehicle pay all expenses and charges incurred in 6205
its removal and storage. 6206

(E) If a vehicle is seized under division (B)(2) of this 6207
section, the time between the seizure of the vehicle and either 6208
its release to the arrested person pursuant to division (C) of 6209
this section or the issuance of an order of immobilization of the 6210
vehicle under section 4503.233 of the Revised Code shall be 6211
credited against the period of immobilization ordered by the 6212
court. 6213

(F)(1) Except as provided in division (D)(4) of this section, 6214
the arrested person may be charged expenses or charges incurred in 6215
the removal and storage of the immobilized vehicle. The court with 6216
jurisdiction over the case, after notice to all interested 6217
parties, including lienholders, and after an opportunity for them 6218
to be heard, if the court finds that the arrested person does not 6219
intend to seek release of the vehicle at the end of the period of 6220
immobilization under section 4503.233 of the Revised Code or that 6221
the arrested person is not or will not be able to pay the expenses 6222
and charges incurred in its removal and storage, may order that 6223
title to the vehicle be transferred, in order of priority, first 6224
into the name of the person or entity that removed it, next into 6225
the name of a lienholder, or lastly into the name of the owner of 6226
the place of storage. 6227

Any lienholder that receives title under a court order shall 6228
do so on the condition that it pay any expenses or charges 6229
incurred in the vehicle's removal and storage. If the person or 6230
entity that receives title to the vehicle is the person or entity 6231
that removed it, the person or entity shall receive title on the 6232
condition that it pay any lien on the vehicle. The court shall not 6233
order that title be transferred to any person or entity other than 6234
the owner of the place of storage if the person or entity refuses 6235

to receive the title. Any person or entity that receives title 6236
either may keep title to the vehicle or may dispose of the vehicle 6237
in any legal manner that it considers appropriate, including 6238
assignment of the certificate of title to the motor vehicle to a 6239
salvage dealer or a scrap metal processing facility. The person or 6240
entity shall not transfer the vehicle to the person who is the 6241
vehicle's immediate previous owner. 6242

If the person or entity that receives title assigns the motor 6243
vehicle to a salvage dealer or scrap metal processing facility, 6244
the person or entity shall send the assigned certificate of title 6245
to the motor vehicle to the clerk of the court of common pleas of 6246
the county in which the salvage dealer or scrap metal processing 6247
facility is located. The person or entity shall mark the face of 6248
the certificate of title with the words "FOR DESTRUCTION" and 6249
shall deliver a photocopy of the certificate of title to the 6250
salvage dealer or scrap metal processing facility for its records. 6251

(2) Whenever a court issues an order under division (F)(1) of 6252
this section, the court also shall order removal of the license 6253
plates from the vehicle and cause them to be sent to the registrar 6254
if they have not already been sent to the registrar. Thereafter, 6255
no further proceedings shall take place under this section or 6256
under section 4503.233 of the Revised Code. 6257

(3) Prior to initiating a proceeding under division (F)(1) of 6258
this section, and upon payment of the fee under division (B) of 6259
section 4505.14, any interested party may cause a search to be 6260
made of the public records of the bureau of motor vehicles or the 6261
clerk of the court of common pleas, to ascertain the identity of 6262
any lienholder of the vehicle. The initiating party shall furnish 6263
this information to the clerk of the court with jurisdiction over 6264
the case, and the clerk shall provide notice to the arrested 6265
person, any lienholder, and any other interested parties listed by 6266
the initiating party, at the last known address supplied by the 6267

initiating party, by certified mail, or, at the option of the 6268
initiating party, by personal service or ordinary mail. 6269

Sec. 4510.54. (A) Except as provided in division (F) of this 6270
section, a person whose driver's or commercial driver's license 6271
has been suspended for life under a class one suspension or as 6272
otherwise provided by law or has been suspended for a period in 6273
excess of fifteen years under a class two suspension may file a 6274
motion with the sentencing court for modification or termination 6275
of the suspension. The person filing the motion shall demonstrate 6276
all of the following: 6277

(1) One of the following applies: 6278

(a) At least fifteen years have elapsed since the suspension 6279
began- 6280

~~(2)~~ For, and, for the past fifteen years, the person has not 6281
been found guilty of any felony, any offense involving a moving 6282
violation under federal law, the law of this state, or the law of 6283
any of its political subdivisions, or any violation of a 6284
suspension under this chapter or a substantially equivalent 6285
municipal ordinance. 6286

(b) At least five years have elapsed since the suspension 6287
began, and, for the past five years, the person has not been found 6288
guilty of any offense involving a moving violation under the law 6289
of this state, the law of any of its political subdivisions, or 6290
federal law, any violation of section 2903.06 or 2903.08 of the 6291
Revised Code, or any violation of a suspension under this chapter 6292
or a substantially equivalent municipal ordinance. 6293

~~(3)~~(2) The person has proof of financial responsibility, a 6294
policy of liability insurance in effect that meets the minimum 6295
standard set forth in section 4509.51 of the Revised Code, or 6296
proof, to the satisfaction of the registrar of motor vehicles, 6297

that the person is able to respond in damages in an amount at 6298
least equal to the minimum amounts specified in that section. 6299

~~(4)~~(3) If the suspension was imposed because the person was 6300
under the influence of alcohol, a drug of abuse, or combination of 6301
them at the time of the offense or because at the time of the 6302
offense the person's whole blood, blood serum or plasma, breath, 6303
or urine contained at least the concentration of alcohol specified 6304
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 6305
Revised Code or at least the concentration of a listed controlled 6306
substance or a listed metabolite of a controlled substance 6307
specified in division (A)(1)(j) of section 4511.19 of the Revised 6308
Code, the person also shall demonstrate all of the following: 6309

(a) The person successfully completed an alcohol, drug, or 6310
alcohol and drug treatment program. 6311

(b) The person has not abused alcohol or other drugs for a 6312
period satisfactory to the court. 6313

(c) For the past fifteen years, the person has not been found 6314
guilty of any alcohol-related or drug-related offense. 6315

(B) Upon receipt of a motion for modification or termination 6316
of the suspension under this section, the court may schedule a 6317
hearing on the motion. The court may deny the motion without a 6318
hearing but shall not grant the motion without a hearing. If the 6319
court denies a motion without a hearing, the court may consider a 6320
subsequent motion filed under this section by that person. If a 6321
court denies the motion after a hearing, the court shall not 6322
consider a subsequent motion for that person. The court shall hear 6323
only one motion filed by a person under this section. If 6324
scheduled, the hearing shall be conducted in open court within 6325
ninety days after the date on which the motion is filed. 6326

(C) The court shall notify the person whose license was 6327
suspended and the prosecuting attorney of the date, time, and 6328

location of the hearing. Upon receipt of the notice from the 6329
court, the prosecuting attorney shall notify the victim or the 6330
victim's representative of the date, time, and location of the 6331
hearing. 6332

(D) At any hearing under this section, the person who seeks 6333
modification or termination of the suspension has the burden to 6334
demonstrate, under oath, that the person meets the requirements of 6335
division (A) of this section. At the hearing, the court shall 6336
afford the offender or the offender's counsel an opportunity to 6337
present oral or written information relevant to the motion. The 6338
court shall afford a similar opportunity to provide relevant 6339
information to the prosecuting attorney and the victim or victim's 6340
representative. 6341

Before ruling on the motion, the court shall take into 6342
account the person's driving record, the nature of the offense 6343
that led to the suspension, and the impact of the offense on any 6344
victim. In addition, if the offender is eligible for modification 6345
or termination of the suspension under division (A)~~(2)~~(1)(a) of 6346
this section, the court shall consider whether the person 6347
committed any other offense while under suspension and determine 6348
whether the offense is relevant to a determination under this 6349
section. The court may modify or terminate the suspension subject 6350
to any considerations it considers proper if it finds that 6351
allowing the person to drive is not likely to present a danger to 6352
the public. After the court makes a ruling on a motion filed under 6353
this section, the prosecuting attorney shall notify the victim or 6354
the victim's representative of the court's ruling. 6355

(E) If a court modifies a person's license suspension under 6356
this section and the person subsequently is found guilty of any 6357
moving violation or of any substantially equivalent municipal 6358
ordinance that carries as a possible penalty the suspension of a 6359
person's driver's or commercial driver's license, the court may 6360

reimpose the class one or other lifetime suspension, or the class 6361
two suspension, whichever is applicable. 6362

(F) This section does not apply to any person whose driver's 6363
or commercial driver's license or permit or nonresident operating 6364
privilege has been suspended for life under a class one suspension 6365
imposed under division (B)(3) of section 2903.06 or section 6366
2903.08 of the Revised Code or a class two suspension imposed 6367
under division (C) of section 2903.06 or section 2903.11, 2923.02, 6368
or 2929.02 of the Revised Code. 6369

Sec. 4513.02. (A) No person shall drive or move, or cause or 6370
knowingly permit to be driven or moved, on any highway any vehicle 6371
or combination of vehicles which is in such unsafe condition as to 6372
endanger any person. 6373

(B) When directed by any state highway patrol trooper, the 6374
operator of any motor vehicle shall stop and submit such motor 6375
vehicle to an inspection under division (B)(1) or (2) of this 6376
section, as appropriate, and such tests as are necessary. 6377

(1) Any motor vehicle not subject to inspection by the public 6378
utilities commission shall be inspected and tested to determine 6379
whether it is unsafe or not equipped as required by law, or that 6380
its equipment is not in proper adjustment or repair, or in 6381
violation of the equipment provisions of Chapter 4513. of the 6382
Revised Code. 6383

Such inspection shall be made with respect to the brakes, 6384
lights, turn signals, steering, horns and warning devices, glass, 6385
mirrors, exhaust system, windshield wipers, tires, and such other 6386
items of equipment as designated by the superintendent of the 6387
state highway patrol by rule or regulation adopted pursuant to 6388
sections 119.01 to 119.13 of the Revised Code. 6389

Upon determining that a motor vehicle is in safe operating 6390

condition and its equipment in conformity with Chapter 4513. of 6391
the Revised Code, the inspecting officer shall issue to the 6392
operator an official inspection sticker, which shall be in such 6393
form as the superintendent prescribes except that its color shall 6394
vary from year to year. 6395

(2) Any motor vehicle subject to inspection by the public 6396
utilities commission shall be inspected and tested in accordance 6397
with rules adopted by the commission. Upon determining that the 6398
vehicle and operator are in compliance with rules adopted by the 6399
commission, the inspecting officer shall issue to the operator an 6400
appropriate official inspection sticker. 6401

(C) The superintendent of the state highway patrol, pursuant 6402
to sections 119.01 to 119.13 of the Revised Code, shall determine 6403
and promulgate standards for any inspection program conducted by a 6404
political subdivision of this state. These standards shall exempt 6405
licensed collector's vehicles and historical motor vehicles from 6406
inspection. Any motor vehicle bearing a valid certificate of 6407
inspection issued by another state or a political subdivision of 6408
this state whose inspection program conforms to the 6409
superintendent's standards, and any licensed collector's vehicle 6410
or historical motor vehicle which is not in a condition which 6411
endangers the safety of persons or property, shall be exempt from 6412
the tests provided in division (B) of this section. 6413

(D) Every person, firm, association, or corporation that, in 6414
the conduct of its business, owns and operates not less than 6415
fifteen motor vehicles in this state that are not subject to 6416
regulation by the public utilities commission and that, for the 6417
purpose of storing, repairing, maintaining, and servicing such 6418
motor vehicles, equips and operates one or more service 6419
departments within this state, may file with the superintendent of 6420
the state highway patrol applications for permits for such service 6421
departments as official inspection stations for its own motor 6422

vehicles. Upon receiving an application for each such service 6423
department, and after determining that it is properly equipped and 6424
has competent personnel to perform the inspections referred to in 6425
this section, the superintendent shall issue the necessary 6426
inspection stickers and permit to operate as an official 6427
inspection station. Any such person who has had one or more 6428
service departments so designated as official inspection stations 6429
may have motor vehicles that are owned and operated by the person 6430
and that are not subject to regulation by the public utilities 6431
commission, excepting private passenger cars owned by the person 6432
or the person's employees, inspected at such service department; 6433
and any motor vehicle bearing a valid certificate of inspection 6434
issued by such service department shall be exempt from the tests 6435
provided in division (B) of this section. 6436

No permit for an official inspection station shall be 6437
assigned or transferred or used at any location other than therein 6438
designated, and every such permit shall be posted in a conspicuous 6439
place at the location designated. 6440

If a person, firm, association, or corporation owns and 6441
operates fifteen or more motor vehicles in the conduct of business 6442
and is subject to regulation by the public utilities commission, 6443
that person, firm, association, or corporation is not eligible to 6444
apply to the superintendent for permits to enable any of its 6445
service departments to serve as official inspection stations for 6446
its own motor vehicles. 6447

(E) When any motor vehicle is found to be unsafe for 6448
operation, the inspecting officer may order it removed from the 6449
highway and not operated, except for purposes of removal and 6450
repair, until it has been repaired pursuant to a repair order as 6451
provided in division (F) of this section. 6452

(F) When any motor vehicle is found to be defective or in 6453
violation of Chapter 4513. of the Revised Code, the inspecting 6454

officer may issue a repair order, in such form and containing such 6455
information as the superintendent shall prescribe, to the owner or 6456
operator of the motor vehicle. The owner or operator shall 6457
thereupon obtain such repairs as are required and shall, as 6458
directed by the inspecting officer, return the repair order 6459
together with proof of compliance with its provisions. When any 6460
motor vehicle or operator subject to rules of the public utilities 6461
commission fails the inspection, the inspecting officer shall 6462
issue an appropriate order to obtain compliance with such rules. 6463

(G) Sections 4513.01 to 4513.37 of the Revised Code, with 6464
respect to equipment on vehicles, do not apply to implements of 6465
husbandry, road machinery, road rollers, or agricultural tractors 6466
except as made applicable to such articles of machinery. 6467

(H) ~~Except as otherwise provided in this division, whoever~~ 6468
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 6469
~~the offender previously has been convicted of a violation of this~~ 6470
~~section, whoever violates this section is guilty of a misdemeanor~~ 6471
~~of the third degree.~~ 6472

Sec. 4513.021. (A) As used in this section: 6473

(1) "Passenger car" means any motor vehicle with motive 6474
power, designed for carrying ten persons or less, except a 6475
multipurpose passenger vehicle or motorcycle. 6476

(2) "Multipurpose passenger vehicle" means a motor vehicle 6477
with motive power, except a motorcycle, designed to carry ten 6478
persons or less, that is constructed either on a truck chassis or 6479
with special features for occasional off-road operation. 6480

(3) "Truck" means every motor vehicle, except trailers and 6481
semitrailers, designed and used to carry property and having a 6482
gross vehicle weight rating of ten thousand pounds or less. 6483

(4) "Manufacturer" has the same meaning as in section 4501.01 6484

of the Revised Code. 6485

(5) "Gross vehicle weight rating" means the manufacturer's 6486
gross vehicle weight rating established for that vehicle. 6487

(B) The director of public safety, in accordance with Chapter 6488
119. of the Revised Code, shall adopt rules in conformance with 6489
standards of the vehicle equipment safety commission, that shall 6490
govern the maximum bumper height or, in the absence of bumpers and 6491
in cases where bumper heights have been lowered or modified, the 6492
maximum height to the bottom of the frame rail, of any passenger 6493
car, multipurpose passenger vehicle, or truck. 6494

(C) No person shall operate upon a street or highway any 6495
passenger car, multipurpose passenger vehicle, or truck registered 6496
in this state that does not conform to the requirements of this 6497
section or to any applicable rule adopted pursuant to this 6498
section. 6499

(D) No person shall modify any motor vehicle registered in 6500
this state in such a manner as to cause the vehicle body or 6501
chassis to come in contact with the ground, expose the fuel tank 6502
to damage from collision, or cause the wheels to come in contact 6503
with the body under normal operation, and no person shall 6504
disconnect any part of the original suspension system of the 6505
vehicle to defeat the safe operation of that system. 6506

(E) Nothing contained in this section or in the rules adopted 6507
pursuant to this section shall be construed to prohibit either of 6508
the following: 6509

(1) The installation upon a passenger car, multipurpose 6510
passenger vehicle, or truck registered in this state of heavy duty 6511
equipment, including shock absorbers and overload springs; 6512

(2) The operation on a street or highway of a passenger car, 6513
multipurpose passenger vehicle, or truck registered in this state 6514
with normal wear to the suspension system if the normal wear does 6515

not adversely affect the control of the vehicle. 6516

(F) This section and the rules adopted pursuant to it do not 6517
apply to any specially designed or modified passenger car, 6518
multipurpose passenger vehicle, or truck when operated off a 6519
street or highway in races and similar events. 6520

(G) ~~Except as otherwise provided in this division, whoever~~ 6521
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 6522
~~the offender previously has been convicted of a violation of this~~ 6523
~~section, whoever violates this section is guilty of a misdemeanor~~ 6524
~~of the third degree.~~ 6525

Sec. 4513.99. (A) Any violation of section 4513.10, 4513.182, 6526
4513.20, 4513.201, 4513.202, 4513.25, 4513.26, 4513.27, 4513.29, 6527
4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code shall be 6528
punished under division (B) of this section. 6529

(B) Whoever violates the sections of this chapter that are 6530
specifically required to be punished under this division, or any 6531
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 6532
the Revised Code for which violation no penalty is otherwise 6533
provided, is guilty of a minor misdemeanor ~~on a first offense; on~~ 6534
~~a second offense within one year after the first offense, the~~ 6535
~~person is guilty of a misdemeanor of the fourth degree; on each~~ 6536
~~subsequent offense within one year after the first offense, the~~ 6537
~~person is guilty of a misdemeanor of the third degree.~~ 6538

Sec. 4713.07. The state board of cosmetology shall do all of 6539
the following: 6540

(A) Prescribe and make available application forms to be used 6541
by persons seeking admission to an examination conducted under 6542
section 4713.24 of the Revised Code or a license issued under this 6543
chapter; 6544

(B) Prescribe and make available application forms to be used 6545

by persons seeking renewal of a license issued under this chapter; 6546

(C) Report to the proper prosecuting officer all violations 6547
of section 4713.14 of the Revised Code of which the board is 6548
aware; 6549

(D) Submit a written report annually to the governor that 6550
provides all of the following: 6551

(1) A discussion of the conditions in this state of the 6552
branches of cosmetology; 6553

(2) A brief summary of the board's proceedings during the 6554
year the report covers; 6555

(3) A statement of all money that the board received and 6556
expended during the year the report covers. 6557

(E) Keep a record of all of the following: 6558

(1) The board's proceedings; 6559

(2) The name and last known address of each person issued a 6560
license under section 4713.28, 4713.30, 4713.31, 4713.34, or 6561
4713.39 of the Revised Code; 6562

(3) The name and address of each salon issued a license under 6563
section 4713.41 of the Revised Code and each school of cosmetology 6564
issued a license under section 4713.44 of the Revised Code; 6565

(4) The name and address of each tanning facility issued a 6566
permit under section 4713.48 of the Revised Code; 6567

(5) The date and number of each license and permit that the 6568
board issues; 6569

(F) Assist ex-offenders and military veterans who hold 6570
licenses issued by the board to find employment within salons or 6571
other facilities within this state; 6572

(G) All other duties that this chapter imposes on the board. 6573

Sec. 4713.28. The state board of cosmetology shall issue a 6574
practicing license to an applicant who, except as provided in 6575
section 4713.30 of the Revised Code, satisfies all of the 6576
following applicable conditions: 6577

(A) Is at least sixteen years of age; 6578

(B) Is of good moral character; 6579

(C) Has the equivalent of an Ohio public school tenth grade 6580
education; 6581

(D) Passes an examination conducted under section 4713.24 of 6582
the Revised Code for the branch of cosmetology the applicant seeks 6583
to practice; 6584

(E) Pays to the board the applicable fee; 6585

(F) In the case of an applicant for an initial cosmetologist 6586
license, has successfully completed at least fifteen hundred hours 6587
of board-approved cosmetology training in a school of cosmetology 6588
licensed in this state, except that only one thousand hours of 6589
board-approved cosmetology training in a school of cosmetology 6590
licensed in this state is required of a person licensed as a 6591
barber under Chapter 4709. of the Revised Code; 6592

(G) In the case of an applicant for an initial esthetician 6593
license, has successfully completed at least six hundred hours of 6594
board-approved esthetics training in a school of cosmetology 6595
licensed in this state; 6596

(H) In the case of an applicant for an initial hair designer 6597
license, has successfully completed at least one thousand two 6598
hundred hours of board-approved hair designer training in a school 6599
of cosmetology licensed in this state, except that only one 6600
thousand hours of board-approved hair designer training in a 6601
school of cosmetology licensed in this state is required of a 6602
person licensed as a barber under Chapter 4709. of the Revised 6603

Code; 6604

(I) In the case of an applicant for an initial manicurist 6605
license, has successfully completed at least two hundred hours of 6606
board-approved manicurist training in a school of cosmetology 6607
licensed in this state; 6608

(J) In the case of an applicant for an initial natural hair 6609
stylist license, has successfully completed at least four hundred 6610
fifty hours of instruction in subjects relating to sanitation, 6611
scalp care, anatomy, hair styling, communication skills, and laws 6612
and rules governing the practice of cosmetology; 6613

(K) The board shall not deny a license to any applicant based 6614
on prior incarceration or conviction for any crime. If the board 6615
denies an individual a license or license renewal, the reasons for 6616
such denial shall be put in writing. 6617

Sec. 4725.44. (A) The Ohio optical dispensers board shall be 6618
responsible for the administration of sections 4725.40 to 4725.59 6619
of the Revised Code and, in particular, shall process applications 6620
for licensure as licensed dispensing opticians and ocularists; 6621
schedule, administer, and supervise the qualifying examinations 6622
for licensure or contract with a testing service to schedule, 6623
administer, and supervise the qualifying examination for 6624
licensure; issue licenses to qualified individuals; revoke and 6625
suspend licenses; and maintain adequate records with respect to 6626
its operations and responsibilities. 6627

(B) The board shall adopt, amend, or rescind rules, pursuant 6628
to Chapter 119. of the Revised Code, for the licensure of 6629
dispensing opticians and ocularists, and such other rules as are 6630
required by or necessary to carry out the responsibilities imposed 6631
by sections 4725.40 to 4725.59 of the Revised Code, including 6632
rules establishing criminal records check requirements under 6633
section 4776.03 of the Revised Code and rules establishing 6634

disqualifying offenses for licensure as a dispensing optician or 6635
certification as an apprentice dispensing optician pursuant to 6636
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 6637
Code. 6638

(C) The board shall have no authority to adopt rules 6639
governing the employment of dispensing opticians, the location or 6640
number of optical stores, advertising of optical products or 6641
services, or the manner in which optical products can be 6642
displayed. 6643

Sec. 4725.48. (A) Any person who desires to engage in optical 6644
dispensing, except as provided in section 4725.47 of the Revised 6645
Code, shall file a properly completed written application for an 6646
examination with the Ohio optical dispensers board or with the 6647
testing service the board has contracted with pursuant to section 6648
4725.49 of the Revised Code. The application for examination shall 6649
be made on a form provided by the board or testing service and 6650
shall be accompanied by an examination fee the board shall 6651
establish by rule. Applicants must return the application to the 6652
board or testing service at least sixty days prior to the date the 6653
examination is scheduled to be administered. 6654

(B) Except as provided in section 4725.47 of the Revised 6655
Code, any person who desires to engage in optical dispensing shall 6656
file a properly completed written application for a license with 6657
the board with a licensure application fee of fifty dollars. 6658

No person shall be eligible to apply for a license under this 6659
division, unless the person is at least eighteen years of age, ~~is~~ 6660
~~of good moral character~~, is free of contagious or infectious 6661
disease, has received a passing score, as determined by the board, 6662
on the examination administered under division (A) of this 6663
section, is a graduate of an accredited high school of any state, 6664
or has received an equivalent education and has successfully 6665

completed either of the following: 6666

(1) Two years of supervised experience under a licensed 6667
dispensing optician, optometrist, or physician engaged in the 6668
practice of ophthalmology, up to one year of which may be 6669
continuous experience of not less than thirty hours a week in an 6670
optical laboratory; 6671

(2) A two-year college level program in optical dispensing 6672
that has been approved by the board and that includes, but is not 6673
limited to, courses of study in mathematics, science, English, 6674
anatomy and physiology of the eye, applied optics, ophthalmic 6675
optics, measurement and inspection of lenses, lens grinding and 6676
edging, ophthalmic lens design, keratometry, and the fitting and 6677
adjusting of spectacle lenses and frames and contact lenses, 6678
including methods of fitting contact lenses and post-fitting care. 6679

(C) Any person who desires to obtain a license to practice as 6680
an ocularist shall file a properly completed written application 6681
with the board accompanied by the appropriate fee and proof that 6682
the applicant has met the requirements for licensure. The board 6683
shall establish, by rule, the application fee and the minimum 6684
requirements for licensure, including education, examination, or 6685
experience standards recognized by the board as national standards 6686
for ocularists. The board shall issue a license to practice as an 6687
ocularist to an applicant who satisfies the requirements of this 6688
division and rules adopted pursuant to this division. 6689

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 6690
section, the board shall not adopt, maintain, renew, or enforce 6691
any rule that precludes an individual from receiving or renewing a 6692
license as a dispensing optician issued under sections 4725.40 to 6693
4725.59 of the Revised Code due to any past criminal activity or 6694
interpretation of moral character, unless the individual has 6695
committed a crime of moral turpitude or a disqualifying offense as 6696
those terms are defined in section 4776.10 of the Revised Code. If 6697

the board denies an individual a license or license renewal, the 6698
reasons for such denial shall be put in writing. 6699

(2) Except as otherwise provided in this division, if an 6700
individual applying for a license has been convicted of or pleaded 6701
guilty to a misdemeanor that is not a crime of moral turpitude or 6702
a disqualifying offense less than one year prior to making the 6703
application, the board may use its discretion in granting or 6704
denying the individual a license. Except as otherwise provided in 6705
this division, if an individual applying for a license has been 6706
convicted of or pleaded guilty to a felony that is not a crime of 6707
moral turpitude or a disqualifying offense less than three years 6708
prior to making the application, the board may use its discretion 6709
in granting or denying the individual a license. The provisions in 6710
this paragraph do not apply with respect to any offense unless the 6711
board, prior to the effective date of this amendment, was required 6712
or authorized to deny the application based on that offense. 6713

In all other circumstances, the board shall follow the 6714
procedures it adopts by rule that conform to division (D)(1) of 6715
this section. 6716

(3) In considering a renewal of an individual's license, the 6717
board shall not consider any conviction or plea of guilty prior to 6718
the initial licensing. However, the board may consider a 6719
conviction or plea of guilty if it occurred after the individual 6720
was initially licensed, or after the most recent license renewal. 6721

(4) The board may grant an individual a conditional license 6722
that lasts for one year. After the one-year period has expired, 6723
the license is no longer considered conditional, and the 6724
individual shall be considered fully licensed. 6725

Sec. 4725.52. Any licensed dispensing optician may supervise 6726
a maximum of three apprentices who shall be permitted to engage in 6727
optical dispensing only under the supervision of the licensed 6728

dispensing optician.

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To serve as an apprentice, a person shall register with the
Ohio optical dispensers board either on a form provided by the
board or in the form of a statement giving the name and address of
the supervising licensed dispensing optician, the location at
which the apprentice will be employed, and any other information
required by the board. For the duration of the apprenticeship, the
apprentice shall register annually on the form provided by the
board or in the form of a statement.

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Each apprentice shall pay an initial registration fee of
twenty dollars. For each registration renewal thereafter, each
apprentice shall pay a registration renewal fee of twenty dollars.

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The board shall not deny registration as an apprentice under
this section to any individual based on the individual's past
criminal history or an interpretation of moral character unless
the individual has committed a disqualifying offense or crime of
moral turpitude as those terms are defined in section 4776.10 of
the Revised Code. Except as otherwise provided in this division,
if an individual applying for a registration 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 its discretion in
granting or denying the individual a registration. Except as
otherwise provided in this division, if an individual applying for
a registration 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 its discretion in granting or denying the individual a
registration. 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
registration based on that offense.

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In all other circumstances, the board shall follow the 6761
procedures it adopts by rule that conform to this section. In 6762
considering a renewal of an individual's registration, the board 6763
shall not consider any conviction or plea of guilty prior to the 6764
initial registration. However, the board may consider a conviction 6765
or plea of guilty if it occurred after the individual was 6766
initially registered, or after the most recent registration 6767
renewal. If the board denies an individual for a registration or 6768
registration renewal, the reasons for such denial shall be put in 6769
writing. Additionally, the board may grant an individual a 6770
conditional registration that lasts for one year. After the 6771
one-year period has expired, the registration is no longer 6772
considered conditional, and the individual shall be considered 6773
fully registered. 6774

A person who is gaining experience under the supervision of a 6775
licensed optometrist or ophthalmologist that would qualify the 6776
person under division (B)(1) of section 4725.48 of the Revised 6777
Code to take the examination for optical dispensing is not 6778
required to register with the board. 6779

Sec. 4725.53. (A) The Ohio optical dispensers board, by a 6780
majority vote of its members, may refuse to grant a license and, 6781
in accordance with Chapter 119. of the Revised Code, may suspend 6782
or revoke the license of a licensed dispensing optician or impose 6783
a fine or order restitution pursuant to division (B) of this 6784
section on any of the following grounds: 6785

(1) Conviction of a ~~felony or a~~ crime involving moral 6786
turpitude or a disqualifying offense as those terms are defined in 6787
section 4776.10 of the Revised Code; 6788

(2) Obtaining or attempting to obtain a license by fraud or 6789
deception; 6790

(3) Obtaining any fee or making any sale of an optical aid by 6791

means of fraud or misrepresentation; 6792

(4) Habitual indulgence in the use of controlled substances 6793
or other habit-forming drugs, or in the use of alcoholic liquors 6794
to an extent that affects professional competency; 6795

(5) Finding by a court of competent jurisdiction that the 6796
applicant or licensee is incompetent by reason of mental illness 6797
and no subsequent finding by the court of competency; 6798

(6) Finding by a court of law that the licensee is guilty of 6799
incompetence or negligence in the dispensing of optical aids; 6800

(7) Knowingly permitting or employing a person whose license 6801
has been suspended or revoked or an unlicensed person to engage in 6802
optical dispensing; 6803

(8) Permitting another person to use ~~his~~ the licensee's 6804
license; 6805

(9) Engaging in optical dispensing not pursuant to the 6806
prescription of a licensed physician or licensed optometrist, but 6807
nothing in this section shall prohibit the duplication or 6808
replacement of previously prepared optical aids, except contact 6809
lenses shall not be duplicated or replaced without a written 6810
prescription; 6811

(10) Violation of sections 4725.40 to 4725.59 of the Revised 6812
Code; 6813

(11) Waiving the payment of all or any part of a deductible 6814
or copayment that a patient, pursuant to a health insurance or 6815
health care policy, contract, or plan that covers optical 6816
dispensing services, would otherwise be required to pay if the 6817
waiver is used as an enticement to a patient or group of patients 6818
to receive health care services from that provider. 6819

(12) Advertising that ~~he~~ the licensee will waive the payment 6820
of all or any part of a deductible or copayment that a patient, 6821

pursuant to a health insurance or health care policy, contract, or 6822
plan that covers optical dispensing services, would otherwise be 6823
required to pay. 6824

(B) The board may impose a fine of not more than five hundred 6825
dollars for a first occurrence of an action that is grounds for 6826
discipline under this section and of not less than five hundred 6827
nor more than one thousand dollars for a subsequent occurrence, or 6828
may order the licensee to make restitution to a person who has 6829
suffered a financial loss as a result of the licensee's failure to 6830
comply with sections 4725.40 to 4725.59 of the Revised Code. 6831

(C) Notwithstanding divisions (A)(11) and (12) of this 6832
section, sanctions shall not be imposed against any licensee who 6833
waives deductibles and copayments: 6834

(1) In compliance with the health benefit plan that expressly 6835
allows such a practice. Waiver of the deductibles or copays shall 6836
be made only with the full ~~knowledge~~ knowledge and consent of the 6837
plan purchaser, payer, and third-party administrator. Such consent 6838
shall be made available to the board upon request. 6839

(2) For professional services rendered to any other person 6840
licensed pursuant to this chapter to the extent allowed by this 6841
chapter and the rules of the board. 6842

Sec. 4738.04. Each person applying for a motor vehicle 6843
salvage dealer license or a salvage motor vehicle auction license 6844
or a salvage motor vehicle pool license shall make out and deliver 6845
to the registrar of motor vehicles, upon a blank to be furnished 6846
by the registrar for that purpose, a separate application for 6847
license for each county in which the business is to be conducted. 6848
The application for each type of license shall be in the form 6849
prescribed by the registrar and shall be signed and sworn to by 6850
the applicant. The application for a license for a motor vehicle 6851
salvage dealer, a salvage motor vehicle auction, or salvage motor 6852

vehicle pool, in addition to other information as is required by 6853
the registrar, shall include the following: 6854

(A) Name of applicant and location of principal place of 6855
business; 6856

(B) Name or style under which business is to be conducted 6857
and, if a corporation, the state of incorporation; 6858

(C) Name and address of each owner or partner and, if a 6859
corporation, the names of the officers and directors; 6860

(D) The county in which the business is to be conducted and 6861
the address of each place of business therein; 6862

(E) A financial statement of the applicant showing the true 6863
financial condition as of a date not earlier than six months prior 6864
to the date of the application; 6865

(F) A statement of the previous history, record, and 6866
association of the applicant and of each owner, partner, officer, 6867
and director, which statement shall be sufficient to establish to 6868
the satisfaction of the registrar the reputation in business of 6869
the applicant; 6870

(G) A statement showing whether the applicant has previously 6871
been convicted of a ~~felony~~ crime of moral turpitude or a 6872
disqualifying offense as those terms are defined in section 6873
4776.10 of the Revised Code; 6874

(H) A statement showing whether the applicant has previously 6875
applied for a license under this chapter and the result of the 6876
application, and whether the applicant has ever been the holder of 6877
any such license which was revoked or suspended; 6878

(I) If the applicant is a corporation or partnership, a 6879
statement showing whether any of the partners, officers, or 6880
directors have been refused a license under this chapter, or have 6881
been the holder of any such license which was revoked or 6882

suspended. 6883

Sec. 4738.07. The (A) Except as otherwise provided in 6884
division (B) of this section, the registrar of motor vehicles 6885
shall deny the application of any person for a license under this 6886
chapter and refuse to issue ~~him~~ the person a license if the 6887
registrar finds that the applicant: 6888

~~(A)~~(1) Has made false statement of a material fact in ~~his~~ the 6889
individual's application; 6890

~~(B)~~(2) Has not complied with sections 4738.01 to 4738.15 of 6891
the Revised Code: 6892

~~(C)~~(3) Is of bad business repute or has habitually defaulted 6893
on financial obligations; 6894

~~(D)~~(4) Has been convicted of or pleaded guilty to a felony 6895
crime of moral turpitude or a disqualifying offense as defined in 6896
section 4776.10 of the Revised Code; 6897

~~(E)~~(5) Has been guilty of a fraudulent act in connection with 6898
dealing in salvage motor vehicles or when operating as a motor 6899
vehicle salvage dealer, salvage motor vehicle auction, or salvage 6900
motor vehicle pool; 6901

~~(F)~~(6) Is insolvent; 6902

~~(G)~~(7) Is of insufficient responsibility to assure the prompt 6903
payment of any final judgments which might reasonably be entered 6904
against ~~him~~ the individual because of the transaction of ~~his~~ the 6905
individual's business during the period of the license applied 6906
for; 6907

~~(H)~~(8) Has no established place of business; 6908

~~(I)~~(9) Has less than twelve months prior to said application, 6909
been denied a license under this chapter. 6910

(B)(1) Except as otherwise provided in this division, the 6911

registrar of motor vehicles may grant, but is not required to 6912
grant, the application of any person for a license under this 6913
chapter if the registrar finds that the applicant has been 6914
convicted of or pleaded guilty to either of the following: 6915

(a) A misdemeanor that is not a crime of moral turpitude or a 6916
disqualifying offense less than a year prior to the person's 6917
initial application; 6918

(b) A felony that is not a crime of moral turpitude or a 6919
disqualifying offense less than three years prior to the person's 6920
application. 6921

(2) The provisions in division (B)(1) of this section do not 6922
apply with respect to any offense unless the registrar, prior to 6923
the effective date of this amendment, was required or authorized 6924
to deny the registration based on that offense. 6925

(3) In considering a renewal of an individual's license, the 6926
registrar shall not consider any conviction or plea of guilty 6927
prior to the initial licensing. However, the registrar may 6928
consider a conviction or plea of guilty if it occurred after the 6929
individual was initially licensed, or after the most recent 6930
license renewal. 6931

(C) The registrar may grant a person a conditional license 6932
that lasts for one year. After the one-year period has expired, 6933
the license is no longer considered conditional, and the person 6934
shall be considered fully licensed. 6935

(D) If the applicant is a corporation or partnership, the 6936
registrar may refuse to issue a license if any officer, director, 6937
or partner of the applicant has been guilty of any act or omission 6938
which would be cause for refusing or revoking a license issued to 6939
the officer, director, or partner as an individual. The 6940
registrar's finding may be based upon facts contained in the 6941
application or upon any other information which he may have. 6942

Immediately upon denying an application for any of the reasons in 6943
this section, the registrar shall enter a final order together 6944
with ~~his~~ the registrar's findings and certify the same to the 6945
motor vehicle salvage dealer's licensing board. 6946

(E) If the registrar refuses an application for a license, 6947
the reasons for such refusal shall be put in writing. An applicant 6948
who has been refused a license may appeal from the action of the 6949
registrar to the motor vehicle salvage dealer's licensing board in 6950
the manner prescribed in section 4738.12 of the Revised Code. 6951

(F) The registrar of motor vehicles shall not adopt, 6952
maintain, renew, or enforce any rule, or otherwise preclude in any 6953
way, an individual from receiving or renewing a license under this 6954
chapter due to any past criminal activity or interpretation of 6955
moral character, except as pursuant to division (A)(4), (5), and 6956
(B) of this section. If the registrar denies an individual a 6957
license or license renewal, the reasons for such denial shall be 6958
put in writing. 6959

Sec. 4740.05. (A) Each section of the Ohio construction 6960
industry licensing board, other than the administrative section, 6961
shall do all of the following: 6962

(1) Adopt rules in accordance with Chapter 119. of the 6963
Revised Code that are limited to the following: 6964

(a) Criteria for the section to use in evaluating the 6965
qualifications of an individual; 6966

(b) Criteria for the section to use in deciding whether to 6967
authorize the administrative section to issue, renew, suspend, 6968
revoke, or refuse to issue or renew a license; 6969

(c) The determinations and approvals the section makes under 6970
the reciprocity provision of section 4740.08 of the Revised Code; 6971

(d) Criteria for continuing education courses conducted 6972

pursuant to this chapter; 6973

(e) A requirement that persons seeking approval to provide 6974
continuing education courses submit the required information to 6975
the appropriate section of the board at least thirty days, but not 6976
more than one year, prior to the date on which the course is 6977
proposed to be offered; 6978

(f) A prohibition against any person providing a continuing 6979
education course unless the administrative section of the board 6980
approved that person not more than one year prior to the date the 6981
course is offered; 6982

(g) A list of disqualifying offenses pursuant to sections 6983
4740.06, 4740.10, and 4776.10 of the Revised Code. 6984

(2) Investigate allegations in reference to violations of 6985
this chapter and the rules adopted pursuant to it that pertain to 6986
the section and determine by rule a procedure to conduct 6987
investigations and hearings on these allegations; 6988

(3) Maintain a record of its proceedings; 6989

(4) Grant approval to a person to offer continuing education 6990
courses pursuant to rules the board adopts; 6991

(5) As required, do all things necessary to carry out this 6992
chapter. 6993

(B) In accordance with rules they establish, the trade 6994
sections of the board shall authorize the administrative section 6995
to issue, renew, suspend, revoke, or refuse to issue or renew 6996
licenses for the classes of contractors for which each has primary 6997
responsibility as set forth in section 4740.02 of the Revised 6998
Code. 6999

(C) Each trade section of the board shall establish or 7000
approve a continuing education curriculum for license renewal for 7001
each class of contractors for which the section has primary 7002

responsibility. No curriculum may require more than five hours per 7003
year in specific course requirements. No contractor may be 7004
required to take more than ten hours per year in continuing 7005
education courses. The ten hours shall be the aggregate of hours 7006
of continuing education for all licenses the contractor holds. 7007

Sec. 4740.06. (A) Any individual who applies for a license 7008
shall file a written application with the appropriate section of 7009
the Ohio construction industry licensing board, accompanied with 7010
the application fee as determined pursuant to section 4740.09 of 7011
the Revised Code. The individual shall file the application not 7012
more than sixty days nor less than thirty days prior to the date 7013
of the examination. The application shall be on the form the 7014
section prescribes and verified by the applicant's oath. The 7015
applicant shall provide information satisfactory to the section 7016
showing that the applicant meets the requirements of division (B) 7017
of this section. 7018

(B) To qualify to take an examination, an individual shall: 7019

(1) Be at least eighteen years of age; 7020

(2) Be a United States citizen or legal alien who produces 7021
valid documentation to demonstrate the individual is a legal 7022
resident of the United States; 7023

(3) Either have been a tradesperson in the type of licensed 7024
trade for which the application is filed for not less than five 7025
years immediately prior to the date the application is filed, be a 7026
currently registered engineer in this state with three years of 7027
business experience in the construction industry in the trade for 7028
which the engineer is applying to take an examination, or have 7029
other experience acceptable to the appropriate section of the 7030
board; 7031

(4) Maintain contractor's liability insurance, including 7032

without limitation, complete operations coverage, in an amount the 7033
appropriate section of the board determines; 7034

(5) Not have done any of the following: 7035

(a) Been convicted of or pleaded guilty to a ~~misdemeanor~~ 7036
~~involving crime of moral turpitude or of any felony a~~ 7037
disqualifying offense as those terms are defined in section 7038
4776.10 of the Revised Code; 7039

(b) Violated this chapter or any rule adopted pursuant to it; 7040

(c) Obtained or renewed a license issued pursuant to this 7041
chapter, or any order, ruling, or authorization of the board or a 7042
section of the board by fraud, misrepresentation, or deception; 7043

(d) Engaged in fraud, misrepresentation, or deception in the 7044
conduct of business. 7045

(C) When an applicant for licensure as a contractor in a 7046
licensed trade meets the qualifications set forth in division (B) 7047
of this section and passes the required examination, the 7048
appropriate section of the board, within ninety days after the 7049
application was filed, shall authorize the administrative section 7050
of the board to license the applicant for the type of contractor's 7051
license for which the applicant qualifies. A section of the board 7052
may withdraw its authorization to the administrative section for 7053
issuance of a license for good cause shown, on the condition that 7054
notice of that withdrawal is given prior to the administrative 7055
section's issuance of the license. 7056

(D) All licenses a contractor holds pursuant to this chapter 7057
shall expire annually on the same date, which shall be the 7058
expiration date of the original license the contractor holds. An 7059
individual holding a valid, unexpired license may renew the 7060
license, without reexamination, by submitting an application to 7061
the appropriate section of the board not more than ninety calendar 7062
days before the expiration of the license, along with the renewal 7063

fee the section requires and proof of compliance with the 7064
applicable continuing education requirements. The applicant shall 7065
provide information in the renewal application satisfactory to 7066
demonstrate to the appropriate section that the applicant 7067
continues to meet the requirements of division (B) of this 7068
section. 7069

Upon application and within one calendar year after a license 7070
has expired, a section may waive any of the requirements for 7071
renewal of a license upon finding that an applicant substantially 7072
meets the renewal requirements or that failure to timely apply for 7073
renewal is due to excusable neglect. A section that waives 7074
requirements for renewal of a license may impose conditions upon 7075
the licensee and assess a late filing fee of not more than double 7076
the usual renewal fee. An applicant shall satisfy any condition 7077
the section imposes before a license is reissued. 7078

(E) An individual holding a valid license may request the 7079
section of the board that authorized that license to place the 7080
license in inactive status under conditions, and for a period of 7081
time, as that section determines. 7082

(F) Except for the ninety-day extension provided for a 7083
license assigned to a business entity under division (D) of 7084
section 4740.07 of the Revised Code, a license held by an 7085
individual immediately terminates upon the death of the 7086
individual. 7087

(G) Nothing in any license issued by the Ohio construction 7088
industry licensing board shall be construed to limit or eliminate 7089
any requirement of or any license issued by the Ohio fire marshal. 7090

(H)(1) Subject to divisions (H)(2), (3), and (4) of this 7091
section, no trade section of the board shall adopt, maintain, 7092
renew, or enforce any rule, or otherwise preclude in any way, an 7093
individual from receiving or renewing a license under this chapter 7094

due to any past criminal activity or interpretation of moral 7095
character, except as pursuant to division (B)(5)(a) of this 7096
section. If the section denies an individual a license or license 7097
renewal, the reasons for such denial shall be put in writing. 7098

(2) Except as otherwise provided in this division, if an 7099
individual applying for a license has been convicted of or pleaded 7100
guilty to a misdemeanor that is not a crime of moral turpitude or 7101
a disqualifying offense less than one year prior to making the 7102
application, the section may use its discretion in granting or 7103
denying the individual a license. Except as otherwise provided in 7104
this division, if an individual applying for a license has been 7105
convicted of or pleaded guilty to a felony that is not a crime of 7106
moral turpitude or a disqualifying offense less than three years 7107
prior to making the application, the section may use its 7108
discretion in granting or denying the individual a license. The 7109
provisions in this paragraph do not apply with respect to any 7110
offense unless the section, prior to the effective date of this 7111
amendment, was required or authorized to deny the application 7112
based on that offense. 7113

In all other circumstances, the section shall follow the 7114
procedures it adopts by rule that conform to division (H)(1) of 7115
this section. 7116

(3) In considering a renewal of an individual's license, the 7117
section shall not consider any conviction or plea of guilty prior 7118
to the initial licensing. However, the board may consider a 7119
conviction or plea of guilty if it occurred after the individual 7120
was initially licensed, or after the most recent license renewal. 7121

(4) The section may grant an individual a conditional license 7122
that lasts for one year. After the one-year period has expired, 7123
the license is no longer considered conditional, and the 7124
individual shall be considered fully licensed. 7125

Sec. 4740.10. (A) The appropriate section of the Ohio 7126
construction industry licensing board, upon an affirmative vote of 7127
four of its members, may take any of the following actions against 7128
a licensee who violates Chapter 4740. of the Revised Code: 7129

(1) Impose a fine on the licensee, not exceeding one thousand 7130
dollars per violation per day; 7131

(2) Direct the administrative section to suspend the 7132
licensee's license for a period of time the section establishes; 7133

(3) Direct the administrative section to revoke the 7134
licensee's license; 7135

(4) Require the licensee to complete additional continuing 7136
education course work. Any continuing education course work 7137
completed pursuant to this division may not count toward any other 7138
continuing education requirements this chapter establishes. 7139

(5) Direct the administrative section to refuse to issue or 7140
renew a license if the section finds that the applicant or 7141
licensee has done any of the following: 7142

(a) Been convicted of a ~~misdemeanor involving~~ crime of moral 7143
turpitude or a felony disqualifying offense as those terms are 7144
defined in section 4776.10 of the Revised Code; 7145

(b) Violated any provision of this chapter or the rules 7146
adopted pursuant thereto; 7147

(c) Obtained a license or any order, ruling, or authorization 7148
of the board by fraud, misrepresentation, or deception; 7149

(d) Engaged in fraud, misrepresentation, or deception in the 7150
conduct of business. 7151

(B) The appropriate section of the board shall determine the 7152
length of time that a license is to be suspended and whether or 7153
when an individual whose license has been revoked may apply for 7154

reinstatement. The appropriate section of the board may accept or 7155
refuse an application for reinstatement and may require an 7156
examination for reinstatement. 7157

(C) The appropriate section of the board may investigate any 7158
alleged violation of this chapter or the rules adopted pursuant to 7159
it. If, after an investigation, a section determines that any 7160
person has engaged or is engaging in any practice that violates 7161
this chapter or the rules adopted pursuant to it, that section may 7162
apply to the court of common pleas of the county in which the 7163
violation occurred or is occurring for an injunction or other 7164
appropriate relief to enjoin or terminate the violation. 7165

(D) Any person who wishes to make a complaint against a 7166
person who holds a license shall submit the complaint in writing 7167
to the appropriate section of the board within three years after 7168
the date of the action or event upon which the complaint is based. 7169

Sec. 4747.04. The hearing aid dealers and fitters licensing 7170
board shall meet annually to elect a ~~chairman~~ chairperson and a 7171
~~vice-chairman~~ vice-chairperson, who shall act as ~~chairman~~ 7172
chairperson in the absence of the ~~chairman~~ chairperson. A majority 7173
of the board constitutes a quorum. The board shall meet when 7174
called by the ~~chairman~~ chairperson. The board shall: 7175

(A) Adopt rules for the transaction of its business; 7176

(B) Design and prepare qualifying examinations for licensing 7177
of hearing aid dealers, fitters, and trainees; 7178

(C) Determine whether persons holding similar valid licenses 7179
from other states or jurisdictions shall be required to take and 7180
successfully pass the appropriate qualifying examination as a 7181
condition for licensing in this state; 7182

(D) Determine whether charges made against any licensee 7183
warrant a hearing before the board; 7184

(E) Hold hearings to determine the truth and circumstances of 7185
all charges filed in writing with the board against any licensee 7186
and determine whether any license held by any person shall be 7187
revoked, suspended, or reissued; 7188

(F) Determine and specify the length of time each license 7189
that is suspended or revoked shall remain suspended or revoked; 7190

(G) Advise and assist the department of health in all matters 7191
relating to this chapter; 7192

(H) Deposit all payments collected under this chapter into 7193
the general operations fund created under section 3701.83 of the 7194
Revised Code to be used in administering and enforcing this 7195
chapter; 7196

(I) Establish a list of disqualifying offenses for licensure 7197
as a hearing aid dealer or fitter, or for a hearing aid dealer or 7198
fitter trainee permit, pursuant to sections 4747.05, 4747.10, 7199
4747.12, and 4776.10 of the Revised Code. 7200

Nothing in this section shall be interpreted as granting to 7201
the hearing aid dealers and fitters licensing board the right to 7202
restrict advertising which is not false or misleading, or to 7203
prohibit or in any way restrict a hearing aid dealer or fitter 7204
from renting or leasing space from any person, firm or corporation 7205
in a mercantile establishment for the purpose of using such space 7206
for the lawful sale of hearing aids or to prohibit a mercantile 7207
establishment from selling hearing aids if the sale would be 7208
otherwise lawful under this chapter. 7209

Sec. 4747.05. (A) The hearing aid dealers and fitters 7210
licensing board shall issue to each applicant, within sixty days 7211
of receipt of a properly completed application and payment of two 7212
hundred sixty-two dollars, a hearing aid dealer's or fitter's 7213
license if the applicant, if an individual: 7214

(1) Is at least eighteen years of age; 7215

(2) ~~Is a person of good moral character~~ Has not committed a 7216
disqualifying offense or a crime of moral turpitude, as those 7217
terms are defined in section 4776.10 of the Revised Code; 7218

(3) Is free of contagious or infectious disease; 7219

(4) Has successfully passed a qualifying examination 7220
specified and administered by the board. 7221

(B) If the applicant is a firm, partnership, association, or 7222
corporation, the application, in addition to such information as 7223
the board requires, shall be accompanied by an application for a 7224
license for each person, whether owner or employee, of the firm, 7225
partnership, association, or corporation, who engages in dealing 7226
in or fitting of hearing aids, or shall contain a statement that 7227
such applications are submitted separately. No firm, partnership, 7228
association, or corporation licensed pursuant to this chapter 7229
shall permit any unlicensed person to sell or fit hearing aids. 7230

(C)(1) Subject to divisions (C)(2), (3), and (4) of this 7231
section, the board shall not adopt, maintain, renew, or enforce 7232
any rule that precludes an individual from receiving or renewing a 7233
license issued under this chapter due to any past criminal 7234
activity or interpretation of moral character, unless the 7235
individual has committed a crime of moral turpitude or a 7236
disqualifying offense as those terms are defined in section 7237
4776.10 of the Revised Code. If the board denies an individual a 7238
license or license renewal, the reasons for such denial shall be 7239
put in writing. 7240

(2) Except as otherwise provided in this division, if an 7241
individual applying for a license has been convicted of or pleaded 7242
guilty to a misdemeanor that is not a crime of moral turpitude or 7243
a disqualifying offense less than one year prior to making the 7244
application, the board may use the board's discretion in granting 7245

or denying the individual a license. Except as otherwise provided 7246
in this division, if an individual applying for a license has been 7247
convicted of or pleaded guilty to a felony that is not a crime of 7248
moral turpitude or a disqualifying offense less than three years 7249
prior to making the application, the board may use the board's 7250
discretion in granting or denying the individual a license. The 7251
provisions in this paragraph do not apply with respect to any 7252
offense unless the board, prior to the effective date of this 7253
amendment, was required or authorized to deny the application 7254
based on that offense. 7255

In all other circumstances, the board shall follow the 7256
procedures it adopts by rule that conform to division (C)(1) of 7257
this section. 7258

(3) In considering a renewal of an individual's license, the 7259
board shall not consider any conviction or plea of guilty prior to 7260
the initial licensing. However, the board may consider a 7261
conviction or plea of guilty if it occurred after the individual 7262
was initially licensed, or after the most recent license renewal. 7263

(4) The board may grant an individual a conditional license 7264
that lasts for one year. After the one-year period has expired, 7265
the license is no longer considered conditional, and the 7266
individual shall be considered fully licensed. 7267

(D) Each license issued expires on the thirtieth day of 7268
January of the year following that in which it was issued. 7269

Sec. 4747.10. Each person currently engaged in training to 7270
become a licensed hearing aid dealer or fitter shall apply to the 7271
hearing aid dealers and fitters licensing board for a hearing aid 7272
dealer's and fitter's trainee permit. The board shall issue to 7273
each applicant within thirty days of receipt of a properly 7274
completed application and payment of one hundred fifty dollars, a 7275
trainee permit if such applicant ~~is~~ meets all of the following 7276

criteria: 7277

(A) ~~At~~ Is at least eighteen years of age; 7278

(B) ~~The~~ Is the holder of a diploma from an accredited high 7279
school, or possesses an equivalent education; 7280

(C) ~~A person of good moral character~~ Has not committed a 7281
disqualifying offense or a crime of moral turpitude, as those 7282
terms are defined in section 4776.10 of the Revised Code; 7283

(D) ~~Free~~ Is free of contagious or infectious disease. 7284

Subject to the next paragraph, the board shall not deny a 7285
trainee permit issued under this section to any individual based 7286
on the individual's past criminal history or an interpretation of 7287
moral character unless the individual has committed a 7288
disqualifying offense or crime of moral turpitude as those terms 7289
are defined in section 4776.10 of the Revised Code. Except as 7290
otherwise provided in this paragraph, if an individual applying 7291
for a trainee permit has been convicted of or pleaded guilty to a 7292
misdemeanor that is not a crime of moral turpitude or a 7293
disqualifying offense less than one year prior to making the 7294
application, the board may use the board's discretion in granting 7295
or denying the individual a trainee permit. Except as otherwise 7296
provided in this paragraph, if an individual applying for a 7297
trainee permit has been convicted of or pleaded guilty to a felony 7298
that is not a crime of moral turpitude or a disqualifying offense 7299
less than three years prior to making the application, the board 7300
may use the board's discretion in granting or denying the 7301
individual a trainee permit. The provisions in this paragraph do 7302
not apply with respect to any offense unless the board, prior to 7303
the effective date of this amendment, was required or authorized 7304
to deny the application based on that offense. 7305

In all other circumstances not described in the preceding 7306
paragraph, the board shall follow the procedures it adopts by rule 7307

that conform to this section. 7308

In considering a renewal of an individual's trainee permit, 7309
the board shall not consider any conviction or plea of guilty 7310
prior to the issuance of the initial trainee permit. However, the 7311
board may consider a conviction or plea of guilty if it occurred 7312
after the individual was initially granted the trainee permit, or 7313
after the most recent trainee permit renewal. If the board denies 7314
an individual for a trainee permit or renewal, the reasons for 7315
such denial shall be put in writing. Additionally, the board may 7316
grant an individual a conditional trainee permit that lasts for 7317
one year. After the one-year period has expired, the permit is no 7318
longer considered conditional, and the individual shall be 7319
considered to be granted a full trainee permit. 7320

Each trainee permit issued by the board expires one year from 7321
the date it was first issued, and may be renewed once if the 7322
trainee has not successfully completed the qualifying requirements 7323
for licensing as a hearing aid dealer or fitter before the 7324
expiration date of such permit. The board shall issue a renewed 7325
permit to each applicant upon receipt of a properly completed 7326
application and payment of one hundred five dollars. No person 7327
holding a trainee permit shall engage in the practice of dealing 7328
in or fitting of hearing aids except while under supervision by a 7329
licensed hearing aid dealer or fitter. 7330

Sec. 4747.12. The hearing aid dealers and fitters licensing 7331
board may revoke or suspend a license or permit if the person who 7332
holds such license or permit: 7333

(A) Is convicted of a ~~felony~~ disqualifying offense or a 7334
~~misdemeanor involving~~ crime of moral turpitude as those terms are 7335
defined in section 4776.10 of the Revised Code. The record of 7336
conviction, or a copy thereof certified by the clerk of the court 7337
or by the judge in whose court the conviction occurs, is 7338

conclusive evidence of such conviction; 7339

(B) Procured a license or permit by fraud or deceit practiced 7340
upon the board; 7341

(C) Obtained any fee or made any sale of a hearing aid by 7342
fraud or misrepresentation; 7343

(D) Knowingly employed any person without a license or a 7344
person whose license was suspended or revoked to engage in the 7345
fitting or sale of hearing aids; 7346

(E) Used or caused or promoted the use of any advertising 7347
matter, promotional literature, testimonial, guarantee, warranty, 7348
label, brand, insignia, or any other representation, however 7349
disseminated or published, which is misleading, deceptive, or 7350
untruthful; 7351

(F) Advertised a particular model or type of hearing aid for 7352
sale when purchasers or prospective purchasers responding to the 7353
advertisement cannot purchase the specified model or type of 7354
hearing aid; 7355

(G) Represented or advertised that the service or advice of a 7356
person licensed to practice medicine will be used or made 7357
available in the selection, fitting, adjustment, maintenance, or 7358
repair of hearing aids when such is not true, or using the words 7359
"doctor," "clinic," or similar words, abbreviations, or symbols 7360
which connote the medical profession when such use is not 7361
accurate; 7362

(H) Is found by the board to be a person of habitual 7363
intemperance or gross immorality; 7364

(I) Advertised a manufacturer's product or used a 7365
manufacturer's name or trademark in a manner which suggested the 7366
existence of a relationship with the manufacturer which did not or 7367
does not exist; 7368

(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;

(K) Engaged in the fitting and sale of hearing aids under a false name or an alias;

(L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease;

(M) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;

(N) Permitted another person to use ~~his~~ the licensee's license.

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:

(a) Has a good reputation for integrity, has not been convicted of a ~~felony~~ disqualifying offense as defined in section 4776.10 of the Revised Code within the last ~~twenty~~ three years or any ~~offense involving crime of~~ crime of moral turpitude as that term is defined in section 4776.10 of the Revised Code, and has not been adjudicated incompetent for the purpose of holding the license, as provided in section 5122.301 of the Revised Code, without having been restored to legal capacity for that purpose.

(b) Depending upon the class of license for which application is made, for a continuous period of at least two years immediately preceding application for a license, has been engaged in investigatory or security services work for a law enforcement or

other public agency engaged in investigatory activities, or for a 7399
private investigator or security guard provider, or engaged in the 7400
practice of law, or has acquired equivalent experience as 7401
determined by rule of the director of public safety. 7402

(c) Demonstrates competency as a private investigator or 7403
security guard provider by passing an examination devised for this 7404
purpose by the director, except that any individually licensed 7405
person who qualifies a corporation for licensure shall not be 7406
required to be reexamined if the person qualifies the corporation 7407
in the same capacity that the person was individually licensed. 7408

(d) Submits evidence of comprehensive general liability 7409
insurance coverage, or other equivalent guarantee approved by the 7410
director in such form and in principal amounts satisfactory to the 7411
director, but not less than one hundred thousand dollars for each 7412
person and three hundred thousand dollars for each occurrence for 7413
bodily injury liability, and one hundred thousand dollars for 7414
property damage liability. 7415

(e) Pays the requisite examination and license fees. 7416

(2) A corporation may be licensed as a private investigator 7417
under a class B license, or as a security guard provider under a 7418
class C license, or as a private investigator and a security guard 7419
provider under a class A license, if an application for licensure 7420
is filed by an officer of the corporation and the officer, another 7421
officer, or the qualifying agent of the corporation satisfies the 7422
requirements of divisions (A)(1) and (F)(1) of this section. 7423
Officers and the statutory agent of a corporation shall be 7424
determined in accordance with Chapter 1701. of the Revised Code. 7425

(3) At least one partner in a partnership shall be licensed 7426
as a private investigator, or as a security guard provider, or as 7427
a private investigator and a security guard provider. Partners in 7428
a partnership shall be determined as provided for in Chapter 1775. 7429

or 1776. of the Revised Code. 7430

(B) An application for a class A, B, or C license shall be 7431
completed in the form the director prescribes. In the case of an 7432
individual, the application shall state the applicant's name, 7433
birth date, citizenship, physical description, current residence, 7434
residences for the preceding ten years, current employment, 7435
employment for the preceding seven years, experience 7436
qualifications, the location of each of the applicant's offices in 7437
this state, and any other information that is necessary in order 7438
for the director to comply with the requirements of this chapter. 7439
In the case of a corporation, the application shall state the name 7440
of the officer or qualifying agent filing the application; the 7441
state in which the corporation is incorporated and the date of 7442
incorporation; the states in which the corporation is authorized 7443
to transact business; the name of its qualifying agent; the name 7444
of the officer or qualifying agent of the corporation who 7445
satisfies the requirements of divisions (A)(1) and (F)(1) of this 7446
section and the birth date, citizenship, physical description, 7447
current residence, residences for the preceding ten years, current 7448
employment, employment for the preceding seven years, and 7449
experience qualifications of that officer or qualifying agent; and 7450
other information that the director requires. A corporation may 7451
specify in its application information relative to one or more 7452
individuals who satisfy the requirements of divisions (A)(1) and 7453
(F)(1) of this section. 7454

The application described in this division shall be 7455
accompanied by all of the following: 7456

(1) One recent full-face photograph of the applicant or, in 7457
the case of a corporation, of each officer or qualifying agent 7458
specified in the application as satisfying the requirements of 7459
divisions (A)(1) and (F)(1) of this section; 7460

(2) Character references from at least five reputable 7461

citizens for the applicant or, in the case of a corporation, for 7462
each officer or qualifying agent specified in the application as 7463
satisfying the requirements of divisions (A)(1) and (F)(1) of this 7464
section, each of whom has known the applicant, officer, or 7465
qualifying agent for at least five years preceding the 7466
application, and none of whom are connected with the applicant, 7467
officer, or qualifying agent by blood or marriage; 7468

(3) An examination fee of twenty-five dollars for the 7469
applicant or, in the case of a corporation, for each officer or 7470
qualifying agent specified in the application as satisfying the 7471
requirements of divisions (A)(1) and (F)(1) of this section, and a 7472
license fee in the amount the director determines, not to exceed 7473
three hundred seventy-five dollars. The license fee shall be 7474
refunded if a license is not issued. 7475

(C)(1) Each individual applying for a license and each 7476
individual specified by a corporation as an officer or qualifying 7477
agent in an application shall submit one complete set of 7478
fingerprints directly to the superintendent of the bureau of 7479
criminal identification and investigation for the purpose of 7480
conducting a criminal records check. The individual shall provide 7481
the fingerprints using a method the superintendent prescribes 7482
pursuant to division (C)(2) of section 109.572 of the Revised Code 7483
and fill out the form the superintendent prescribes pursuant to 7484
division (C)(1) of section 109.572 of the Revised Code. An 7485
applicant who intends to carry a firearm as defined in section 7486
2923.11 of the Revised Code in the course of business or 7487
employment shall so notify the superintendent. This notification 7488
is in addition to any other requirement related to carrying a 7489
firearm that applies to the applicant. The individual or 7490
corporation requesting the criminal records check shall pay the 7491
fee the superintendent prescribes. 7492

(2) The superintendent shall conduct the criminal records 7493

check as set forth in division (B) of section 109.572 of the 7494
Revised Code. If an applicant intends to carry a firearm in the 7495
course of business or employment, the superintendent shall make a 7496
request to the federal bureau of investigation for any information 7497
and review the information the bureau provides pursuant to 7498
division (B)(2) of section 109.572 of the Revised Code. The 7499
superintendent shall submit all results of the completed 7500
investigation to the director of public safety. 7501

(3) If the director determines that the applicant, officer, 7502
or qualifying agent meets the requirements of divisions (A)(1)(a), 7503
(b), and (d) of this section and that an officer or qualifying 7504
agent meets the requirement of division (F)(1) of this section, 7505
the director shall notify the applicant, officer, or agent of the 7506
time and place for the examination. If the director determines 7507
that an applicant does not meet the requirements of divisions 7508
(A)(1)(a), (b), and (d) of this section, the director shall notify 7509
the applicant that the applicant's application is refused and 7510
refund the license fee. If the director determines that none of 7511
the individuals specified in the application of a corporation as 7512
satisfying the requirements of divisions (A)(1) and (F)(1) of this 7513
section meet the requirements of divisions (A)(1)(a), (b), and (d) 7514
and (F)(1) of this section, the director shall notify the 7515
corporation that its application is refused and refund the license 7516
fee. If the bureau assesses the director a fee for any 7517
investigation, the director, in addition to any other fee assessed 7518
pursuant to this chapter, may assess the applicant, officer, or 7519
qualifying agent, as appropriate, a fee that is equal to the fee 7520
assessed by the bureau. 7521

(4)(a) Subject to divisions (C)(4)(b), (c), and (d) of this 7522
section, the director shall not adopt, maintain, renew, or enforce 7523
any rule, or otherwise preclude in any way, an individual from 7524
receiving or renewing a license under this chapter due to any past 7525

criminal activity or interpretation of moral character, except as 7526
pursuant to division (A)(1)(a) of this section. If the director 7527
denies an individual a license or license renewal, the reasons for 7528
such denial shall be put in writing. 7529

(b) Except as otherwise provided in this division, if an 7530
individual applying for a license has been convicted of or pleaded 7531
guilty to a misdemeanor that is not a crime of moral turpitude or 7532
a disqualifying offense less than one year prior to making the 7533
application, the director may use the director's discretion in 7534
granting or denying the individual a license. Except as otherwise 7535
provided in this division, if an individual applying for a license 7536
has been convicted of or pleaded guilty to a felony that is not a 7537
crime of moral turpitude or a disqualifying offense less than 7538
three years prior to making the application, the director may use 7539
the director's discretion in granting or denying the individual a 7540
license. The provisions in this paragraph do not apply with 7541
respect to any offense unless the director, prior to the effective 7542
date of this amendment, was required or authorized to deny the 7543
application based on that offense. 7544

In all other circumstances, the director shall follow the 7545
procedures the director adopts by rule that conform to division 7546
(C)(4)(a) of this section. 7547

(c) In considering a renewal of an individual's license, the 7548
director shall not consider any conviction or plea of guilty prior 7549
to the initial licensing. However, the director may consider a 7550
conviction or plea of guilty if it occurred after the individual 7551
was initially licensed, or after the most recent license renewal. 7552

(d) The director may grant an individual a conditional 7553
license that lasts for one year. After the one-year period has 7554
expired, the license is no longer considered conditional, and the 7555
individual shall be considered fully licensed. 7556

(D) If upon application, investigation, and examination, the director finds that the applicant or, in the case of a corporation, any officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of this section, meets the applicable requirements, the director shall issue the applicant or the corporation a class A, B, or C license. The director also shall issue an identification card to an applicant, but not an officer or qualifying agent of a corporation, who meets the applicable requirements. The license and identification card shall state the licensee's name, the classification of the license, the location of the licensee's principal place of business in this state, and the expiration date of the license, and, in the case of a corporation, it also shall state the name of each officer or qualifying agent who satisfied the requirements of divisions (A)(1) and (F)(1) of this section.

Licenses expire on the first day of March following the date of initial issue, and on the first day of March of each year thereafter. Annual renewals shall be according to the standard renewal procedures contained in Chapter 4745. of the Revised Code, upon payment of an annual renewal fee the director determines, not to exceed two hundred seventy-five dollars. No license shall be renewed if the licensee or, in the case of a corporation, each officer or qualifying agent who qualified the corporation for licensure no longer meets the applicable requirements of this section. No license shall be renewed unless the licensee provides evidence of workers' compensation risk coverage and unemployment compensation insurance coverage, other than for clerical employees and excepting sole proprietors who are exempted therefrom, as provided for in Chapters 4123. and 4141. of the Revised Code, respectively, as well as the licensee's state tax identification number. No reexamination shall be required for renewal of a current license.

For purposes of this chapter, a class A, B, or C license 7589
issued to a corporation shall be considered as also having 7590
licensed the individuals who qualified the corporation for 7591
licensure, for as long as they are associated with the 7592
corporation. 7593

For purposes of this division, "sole proprietor" means an 7594
individual licensed under this chapter who does not employ any 7595
other individual. 7596

(E) The director may issue a duplicate copy of a license 7597
issued under this section for the purpose of replacement of a 7598
lost, spoliated, or destroyed license, upon payment of a fee the 7599
director determines, not exceeding twenty-five dollars. Any change 7600
in license classification requires new application and application 7601
fees. 7602

(F)(1) In order to qualify a corporation for a class A, B, or 7603
C license, an officer or qualifying agent may qualify another 7604
corporation for similar licensure, provided that the officer or 7605
qualifying agent is actively engaged in the business of both 7606
corporations. 7607

(2) Each officer or qualifying agent who qualifies a 7608
corporation for class A, B, or C licensure shall surrender any 7609
personal license of a similar nature that the officer or 7610
qualifying agent possesses. 7611

(3) Upon written notification to the director, completion of 7612
an application similar to that for original licensure, surrender 7613
of the corporation's current license, and payment of a 7614
twenty-five-dollar fee, a corporation's class A, B, or C license 7615
may be transferred to another corporation. 7616

(4) Upon written notification to the director, completion of 7617
an application similar to that for an individual seeking class A, 7618
B, or C licensure, payment of a twenty-five-dollar fee, and, if 7619

the individual was the only individual that qualified a 7620
corporation for licensure, surrender of the corporation's license, 7621
any officer or qualifying agent who qualified a corporation for 7622
licensure under this chapter may obtain a similar license in the 7623
individual's own name without reexamination. A request by an 7624
officer or qualifying agent for an individual license shall not 7625
affect a corporation's license unless the individual is the only 7626
individual that qualified the corporation for licensure or all the 7627
other individuals who qualified the corporation for licensure 7628
submit such requests. 7629

(G) If a corporation is for any reason no longer associated 7630
with an individual who qualified it for licensure under this 7631
chapter, an officer of the corporation shall notify the director 7632
of that fact by certified mail, return receipt requested, within 7633
ten days after the association terminates. If the notification is 7634
so given, the individual was the only individual that qualified 7635
the corporation for licensure, and the corporation submits the 7636
name of another officer or qualifying agent to qualify the 7637
corporation for the license within thirty days after the 7638
association terminates, the corporation may continue to operate in 7639
the business of private investigation, the business of security 7640
services, or both businesses in this state under that license for 7641
ninety days after the association terminates. If the officer or 7642
qualifying agent whose name is submitted satisfies the 7643
requirements of divisions (A)(1) and (F)(1) of this section, the 7644
director shall issue a new license to the corporation within that 7645
ninety-day period. The names of more than one individual may be 7646
submitted. 7647

Sec. 4749.04. (A) The director of public safety may revoke, 7648
suspend, or refuse to renew, when a renewal form has been 7649
submitted, the license of any private investigator or security 7650
guard provider, or the registration of any employee of a private 7651

investigator or security guard provider, for any of the following: 7652

(1) Violation of any of the provisions of division (B) or (C) 7653
of section 4749.13 of the Revised Code; 7654

(2) Conviction of a ~~felony~~ or disqualifying offense as 7655
defined in section 4776.10 of the Revised Code if the offense 7656
occurred within the last three years; 7657

(3) Conviction of a crime involving moral turpitude as 7658
defined in section 4776.10 of the Revised Code; 7659

(4) Conviction of an offense that occurred after the 7660
individual was initially licensed, or after the most recent 7661
renewal. 7662

~~(3)~~(5) Violation of any rule of the director governing 7663
private investigators, the business of private investigation, 7664
security guard providers, or the business of security services; 7665

~~(4)~~(6) Testifying falsely under oath, or suborning perjury, 7666
in any judicial proceeding; 7667

~~(5)~~(7) Failure to satisfy the requirements specified in 7668
division (D) of section 4749.03 of the Revised Code. 7669

Any person whose license or registration is revoked, 7670
suspended, or not renewed when a renewal form is submitted may 7671
appeal in accordance with Chapter 119. of the Revised Code. 7672

(B) In lieu of suspending, revoking, or refusing to renew the 7673
class A, B, or C license, or of suspending, revoking, or refusing 7674
to renew the registration of an employee of a class A, B, or C 7675
licensee, the director may impose a civil penalty of not more than 7676
one hundred dollars for each calendar day of a violation of any of 7677
the provisions of this section or of division (B) or (C) of 7678
section 4749.13 of the Revised Code or of a violation of any rule 7679
of the director governing private investigators, the business of 7680
private investigation, security guard providers, or the business 7681

of security services. 7682

Sec. 4749.06. (A) Each class A, B, or C licensee shall 7683
register the licensee's investigator or security guard employees, 7684
with the department of public safety, which shall maintain a 7685
record of each licensee and registered employee and make it 7686
available, upon request, to any law enforcement agency. The class 7687
A, B, or C licensee shall file an application to register a new 7688
employee no sooner than three days nor later than seven calendar 7689
days after the date on which the employee is hired. 7690

(B)(1) Each employee's registration application shall be 7691
accompanied by one recent photograph of the employee, the 7692
employee's physical description, and the registration fee the 7693
director determines, not to exceed forty dollars. 7694

(2) The employee shall submit one complete set of 7695
fingerprints directly to the superintendent of the bureau of 7696
criminal identification and investigation for the purpose of 7697
conducting a criminal records check. The employee shall provide 7698
the fingerprints using a method the superintendent prescribes 7699
pursuant to division (C)(2) of section 109.572 of the Revised Code 7700
and fill out the form the superintendent prescribes pursuant to 7701
division (C)(1) of section 109.572 of the Revised Code. An 7702
employee who intends to carry a firearm as defined in section 7703
2923.11 of the Revised Code in the course of business or 7704
employment shall so notify the superintendent. This notification 7705
is in addition to any other requirement related to carrying a 7706
firearm that applies to the employee. The individual or 7707
corporation requesting the criminal records check shall pay the 7708
fee the superintendent prescribes. 7709

The superintendent shall conduct the criminal records check 7710
as set forth in division (B) of section 109.572 of the Revised 7711
Code. If an employee intends to carry a firearm in the course of 7712

business or employment, pursuant to division (B)(2) of section 7713
109.572 of the Revised Code the superintendent shall make a 7714
request of the federal bureau of investigation for any information 7715
and review the information the bureau provides. The superintendent 7716
shall submit all results of the completed investigation to the 7717
director of public safety. 7718

(3) If, after investigation, the bureau finds that the 7719
employee has not been convicted of a ~~felony~~ disqualifying offense 7720
as defined in section 4776.10 of the Revised Code within the last 7721
~~twenty~~ three years, the director shall issue to the employee an 7722
identification card bearing the license number and signature of 7723
the licensee, which in the case of a corporation shall be the 7724
signature of its president or its qualifying agent, and containing 7725
the employee's name, address, age, physical description, and right 7726
thumb print or other identifying mark as the director prescribes, 7727
a recent photograph of the employee, and the employee's signature. 7728
The director may issue a duplicate of a lost, spoliated, or 7729
destroyed identification card issued under this section, upon 7730
payment of a fee fixed by the director, not exceeding five 7731
dollars. 7732

(C) Except as provided in division (E) of this section, no 7733
class A, B, or C licensee shall permit an employee, other than an 7734
individual who qualified a corporation for licensure, to engage in 7735
the business of private investigation, the business of security 7736
services, or both businesses until the employee receives an 7737
identification card from the department, except that pending the 7738
issuance of an identification card, a class A, B, or C licensee 7739
may offer for hire security guard or investigator employees 7740
provided the licensee obtains a waiver from the person who 7741
receives, for hire, security guard or investigative services, 7742
acknowledging that the person is aware the employees have not 7743
completed their registration and agreeing to their employment. 7744

(D) If a class A, B, or C licensee, or a registered employee 7745
of a class A, B, or C licensee, intends to carry a firearm, as 7746
defined in section 2923.11 of the Revised Code, in the course of 7747
engaging in the business or employment, the licensee or registered 7748
employee shall satisfactorily complete a firearms basic training 7749
program that includes twenty hours of handgun training and five 7750
hours of training in the use of other firearms, if any other 7751
firearm is to be used, or equivalency training, if authorized, or 7752
shall be a former peace officer who previously had successfully 7753
completed a firearms training course, shall receive a certificate 7754
of satisfactory completion of that program or written evidence of 7755
approval of the equivalency training, shall file an application 7756
for registration, shall receive a firearm-bearer notation on the 7757
licensee's or registered employee's identification card, and shall 7758
annually requalify on a firearms range, all as described in 7759
division (A) of section 4749.10 of the Revised Code. A private 7760
investigator, security guard provider, or employee is authorized 7761
to carry a firearm only in accordance with that division. 7762

(E) This section does not apply to commissioned peace 7763
officers, as defined in division (B) of section 2935.01 of the 7764
Revised Code, working for, either as an employee or independent 7765
contractor, a class A, B, or C licensee. For purposes of this 7766
chapter, a commissioned peace officer is an employee exempt from 7767
registration. 7768

(F) The registration of an investigator or security guard 7769
employee expires annually on the anniversary date of its initial 7770
issuance. Annual renewals shall be made pursuant to procedures the 7771
director establishes by rule and upon payment of a renewal fee the 7772
director determines, not to exceed thirty-five dollars. The 7773
director shall not renew the registration of any investigator or 7774
security guard employee who no longer meets the requirements of 7775
this section. No background check is required for annual renewal, 7776

but an investigator or security guard employee shall report any 7777
~~felony~~ conviction of a disqualifying offense to the employer and 7778
the director of public safety as a condition of continued 7779
registration. 7780

Sec. 4776.021. (A) As used in this section and section 7781
4776.04 of the Revised Code, "trainee license" means a license, 7782
certificate, registration, permit, card, or other authority that 7783
is issued or conferred by any agency described in division (B) of 7784
this section that authorizes the holder to engage as a trainee in 7785
a profession, occupation, or occupational activity, or to operate 7786
as a trainee certain specific equipment, machinery, or premises, 7787
over which the agency described in division (B) of this section 7788
has jurisdiction. 7789

(B) Except as provided in division (E) of this section, if 7790
any licensing agency issues trainee licenses, or if any agency 7791
that issues licenses under Chapter 3772., 4729., 4738., 4747., or 7792
4749. of the Revised Code issues trainee licenses, an applicant 7793
for a trainee license from the licensing agency or other specified 7794
agency, in addition to any other eligibility requirements for the 7795
license, shall submit a request to the bureau of criminal 7796
identification and investigation for a criminal records check of 7797
the applicant. Division (A) of section 4776.02 of the Revised Code 7798
applies with respect to a request required under this division. 7799

(C) Upon receipt of the completed form, the set of 7800
fingerprint impressions, and the fee provided for in division (B) 7801
of this section and division (A) of section 4776.02 of the Revised 7802
Code, the superintendent of the bureau of criminal identification 7803
and investigation shall conduct a criminal records check of the 7804
applicant under division (B) of section 109.572 of the Revised 7805
Code. Upon completion of the criminal records check, the 7806
superintendent shall report the results of the criminal records 7807

check and any information the federal bureau of investigation 7808
provides to the licensing agency or the agency that issues 7809
licenses under Chapter 3772., 4729., 4738., 4747., or 4749. of the 7810
Revised Code that was identified in the request for a criminal 7811
records check. 7812

(D) Except as provided in division (E) of this section, no 7813
licensing agency that issues trainee licenses, and no agency that 7814
issues licenses under Chapter 3772., 4729., 4738., 4747., or 4749. 7815
of the Revised Code and that issues trainee licenses shall issue a 7816
trainee license to an applicant if the licensing agency or other 7817
agency determines that the applicant would not be eligible for 7818
issuance of a license, certificate, registration, permit, card, or 7819
other authority to engage in the profession, occupation, or 7820
occupational activity for which the trainee license would apply, 7821
or for issuance of a license, certificate, registration, permit, 7822
card, or other authority to operate certain specific equipment, 7823
machinery, or premises with respect to which the trainee license 7824
would apply, whichever is applicable. 7825

(E) Divisions (B) to (D) of this section do not apply with 7826
respect to any person who is participating in an apprenticeship or 7827
training program operated by or under contract with the department 7828
of rehabilitation and correction. 7829

Sec. 4776.04. The results of any criminal records check 7830
conducted pursuant to a request made under this chapter and any 7831
report containing those results, including any information the 7832
federal bureau of investigation provides, are not public records 7833
for purposes of section 149.43 of the Revised Code and shall not 7834
be made available to any person or for any purpose other than as 7835
follows: 7836

(A) If the request for the criminal records check was 7837
submitted by an applicant for an initial license or restored 7838

license, as follows: 7839

(1) The superintendent of the bureau of criminal 7840
identification and investigation shall make the results available 7841
to the licensing agency for use in determining, under the agency's 7842
authorizing chapter of the Revised Code, whether the applicant who 7843
is the subject of the criminal records check should be granted a 7844
license under that chapter. 7845

(2) The licensing agency shall make the results available to 7846
the applicant who is the subject of the criminal records check. 7847

(B) If the request for the criminal records check was 7848
submitted by a person seeking to satisfy the criteria for being a 7849
qualified pharmacy technician that are specified in section 7850
4729.42 of the Revised Code or a person seeking to satisfy the 7851
requirements to be an employee of a pain management clinic as 7852
specified in section 4729.552 of the Revised Code, the 7853
superintendent of the bureau of criminal identification and 7854
investigation shall make the results available in accordance with 7855
the following: 7856

(1) The superintendent shall make the results of the criminal 7857
records check, including any information the federal bureau of 7858
investigation provides, available to the person who submitted the 7859
request and is the subject of the criminal records check. 7860

(2) The superintendent shall make the results of the portion 7861
of the criminal records check performed by the bureau of criminal 7862
identification and investigation under division (B)(1) of section 7863
109.572 of the Revised Code available to the employer or potential 7864
employer specified in the request of the person who submitted the 7865
request and shall send a letter of the type described in division 7866
(B)(2) of section 4776.02 of the Revised Code to that employer or 7867
potential employer regarding the information provided by the 7868
federal bureau of investigation that contains one of the types of 7869

statements described in that division. 7870

(C) If the request for the criminal records check was 7871
submitted by an applicant for a trainee license under section 7872
4776.021 of the Revised Code, as follows: 7873

(1) The superintendent of the bureau of criminal 7874
identification and investigation shall make the results available 7875
to the licensing agency or other agency identified in division (B) 7876
of section 4776.021 of the Revised Code for use in determining, 7877
under the agency's authorizing chapter of the Revised Code and 7878
division (D) of section 4776.021 of the Revised Code, whether the 7879
applicant who is the subject of the criminal records check should 7880
be granted a trainee license under that chapter and that division. 7881

(2) The licensing agency or other agency identified in 7882
division (B) of section 4776.021 of the Revised Code shall make 7883
the results available to the applicant who is the subject of the 7884
criminal records check. 7885

Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 4747., 7886
and 4749. and sections 4725.40 to 4725.59 of the Revised Code: 7887

(A) "Crime of moral turpitude" or "moral turpitude" means all 7888
of the following: 7889

(1) A violation of section 2903.01 or 2903.02 of the Revised 7890
Code; 7891

(2) A sexually oriented offense as defined in section 2950.01 7892
of the Revised Code; 7893

(3) An offense that is an offense of violence as defined in 7894
section 2901.01 of the Revised Code, if the offense is a felony of 7895
the first or second degree; 7896

(4) Complicity in committing an offense described in division 7897
(A)(1) of this section; 7898

(5) An attempt or conspiracy to commit or complicity in 7899
committing any offense described in division (A)(1), (2), (3), or 7900
(4) of this section if the attempt, conspiracy, or complicity is a 7901
felony of the first or second degree; 7902

(6) A violation of any former law of this state, any existing 7903
or former law applicable in a military court or in an Indian 7904
tribal court, or any existing or former law of any nation other 7905
than the United States that is or was substantially equivalent to 7906
any offense listed in division (A)(1), (2), (3), (4), or (5) of 7907
this section. 7908

(B) "Direct nexus" means that the nature of the offense for 7909
which the individual was convicted or to which the individual 7910
pleaded guilty has a direct bearing on the fitness or ability of 7911
the individual to perform one or more of the duties or 7912
responsibilities necessarily related to a particular occupation, 7913
profession, or trade. 7914

(C) "Disqualifying offense" means an offense that is a felony 7915
and that has a direct nexus to an individual's proposed or current 7916
field of licensure, certification, or employment. 7917

Sec. 5111.032. (A) As used in this section: 7918

(1) "Criminal records check" has the same meaning as in 7919
section 109.572 of the Revised Code. 7920

(2) "Department" includes a designee of the department of job 7921
and family services. 7922

(3) "Owner" means a person who has an ownership interest in a 7923
provider in an amount designated by the department of job and 7924
family services in rules adopted under this section. 7925

(4) "Provider" means a person, institution, or entity that 7926
has a provider agreement with the department of job and family 7927
services pursuant to Title XIX of the "Social Security Act," 49 7928

~~State Stat.~~ 620 (1965), 42 U.S.C. 1396, as amended. 7929

(B)(1) Except as provided in division (B)(2) of this section, 7930
the department of job and family services may require that any 7931
provider, applicant to be a provider, employee or prospective 7932
employee of a provider, owner or prospective owner of a provider, 7933
officer or prospective officer of a provider, or board member or 7934
prospective board member of a provider submit to a criminal 7935
records check as a condition of obtaining a provider agreement, 7936
continuing to hold a provider agreement, being employed by a 7937
provider, having an ownership interest in a provider, or being an 7938
officer or board member of a provider. The department may 7939
designate the categories of persons who are subject to the 7940
criminal records check requirement. The department shall designate 7941
the times at which the criminal records checks must be conducted. 7942

(2) The section does not apply to providers, applicants to be 7943
providers, employees of a provider, or prospective employees of a 7944
provider who are subject to criminal records checks under section 7945
5111.033 or 5111.034 of the Revised Code. 7946

(C)(1) The department shall inform each provider or applicant 7947
to be a provider whether the provider or applicant is subject to a 7948
criminal records check requirement under division (B) of this 7949
section. For providers, the information shall be given at times 7950
designated in rules adopted under this section. For applicants to 7951
be providers, the information shall be given at the time of 7952
initial application. When the information is given, the department 7953
shall specify which of the provider's or applicant's employees or 7954
prospective employees, owners or prospective owners, officers or 7955
prospective officers, or board members or prospective board 7956
members are subject to the criminal records check requirement. 7957

(2) At times designated in rules adopted under this section, 7958
a provider that is subject to the criminal records check 7959
requirement shall inform each person specified by the department 7960

under division (C)(1) of this section that the person is required, 7961
as applicable, to submit to a criminal records check for final 7962
consideration for employment in a full-time, part-time, or 7963
temporary position; as a condition of continued employment; or as 7964
a condition of becoming or continuing to be an officer, board 7965
member or owner of a provider. 7966

(D)(1) If a provider or applicant to be a provider is subject 7967
to a criminal records check under this section, the department 7968
shall require the conduct of a criminal records check by the 7969
superintendent of the bureau of criminal identification and 7970
investigation. If a provider or applicant to be a provider for 7971
whom a criminal records check is required does not present proof 7972
of having been a resident of this state for the five-year period 7973
immediately prior to the date the criminal records check is 7974
requested or provide evidence that within that five-year period 7975
the superintendent has requested information about the individual 7976
from the federal bureau of investigation in a criminal records 7977
check, the department shall require the provider or applicant to 7978
request that the superintendent obtain information from the 7979
federal bureau of investigation as part of the criminal records 7980
check of the provider or applicant. Even if a provider or 7981
applicant for whom a criminal records check request is required 7982
presents proof of having been a resident of this state for the 7983
five-year period, the department may require that the provider or 7984
applicant request that the superintendent obtain information from 7985
the federal bureau of investigation and include it in the criminal 7986
records check of the provider or applicant. 7987

(2) A provider shall require the conduct of a criminal 7988
records check by the superintendent with respect to each of the 7989
persons specified by the department under division (C)(1) of this 7990
section. If the person for whom a criminal records check is 7991
required does not present proof of having been a resident of this 7992

state for the five-year period immediately prior to the date the 7993
criminal records check is requested or provide evidence that 7994
within that five-year period the superintendent of the bureau of 7995
criminal identification and investigation has requested 7996
information about the individual from the federal bureau of 7997
investigation in a criminal records check, the individual shall 7998
request that the superintendent obtain information from the 7999
federal bureau of investigation as part of the criminal records 8000
check of the individual. Even if an individual for whom a criminal 8001
records check request is required presents proof of having been a 8002
resident of this state for the five-year period, the department 8003
may require the provider to request that the superintendent obtain 8004
information from the federal bureau of investigation and include 8005
it in the criminal records check of the person. 8006

(E)(1) Criminal records checks required under this section 8007
for providers or applicants to be providers shall be obtained as 8008
follows: 8009

(a) The department shall provide each provider or applicant 8010
information about accessing and completing the form prescribed 8011
pursuant to division (C)(1) of section 109.572 of the Revised Code 8012
and the standard fingerprint impression sheet prescribed pursuant 8013
to division (C)(2) of that section. 8014

(b) The provider or applicant shall submit the required form 8015
and one complete set of fingerprint impressions directly to the 8016
superintendent for purposes of conducting the criminal records 8017
check using the applicable methods prescribed by division (C) of 8018
section 109.572 of the Revised Code. The applicant or provider 8019
shall pay all fees associated with obtaining the criminal records 8020
check. 8021

(c) The superintendent shall conduct the criminal records 8022
check in accordance with section 109.572 of the Revised Code. The 8023
provider or applicant shall instruct the superintendent to submit 8024

the report of the criminal records check directly to the director 8025
of job and family services. 8026

(2) Criminal records checks required under this section for 8027
persons specified by the department under division (C)(1) of this 8028
section shall be obtained as follows: 8029

(a) The provider shall give to each person subject to 8030
criminal records check requirement information about accessing and 8031
completing the form prescribed pursuant to division (C)(1) of 8032
section 109.572 of the Revised Code and the standard fingerprint 8033
impression sheet prescribed pursuant to division (C)(2) of that 8034
section. 8035

(b) The person shall submit the required form and one 8036
complete set of fingerprint impressions directly to the 8037
superintendent for purposes of conducting the criminal records 8038
check using the applicable methods prescribed by division (C) of 8039
section 109.572 of the Revised Code. The person shall pay all fees 8040
associated with obtaining the criminal records check. 8041

(c) The superintendent shall conduct the criminal records 8042
check in accordance with section 109.572 of the Revised Code. The 8043
person subject to the criminal records check shall instruct the 8044
superintendent to submit the report of the criminal records check 8045
directly to the provider. The department may require the provider 8046
to submit the report to the department. 8047

(F) If a provider or applicant to be a provider is given the 8048
information specified in division (E)(1)(a) of this section but 8049
fails to obtain a criminal records check, the department shall, as 8050
applicable, terminate the provider agreement or deny the 8051
application to be a provider. 8052

If a person is given the information specified in division 8053
(E)(2)(a) of this section but fails to obtain a criminal records 8054
check, the provider shall not, as applicable, permit the person to 8055

be an employee, owner, officer, or board member of the provider. 8056

(G) Except as provided in rules adopted under division (J) of 8057
this section, the department shall terminate the provider 8058
agreement of a provider or the department shall not issue a 8059
provider agreement to an applicant if the provider or applicant is 8060
subject to a criminal records check under this section and the 8061
provider or applicant has been convicted of, has pleaded guilty 8062
to, or has been found eligible for intervention in lieu of 8063
conviction for any of the following, regardless of the date of the 8064
conviction, the date of entry of the guilty plea, or the date the 8065
applicant or provider was found eligible for intervention in lieu 8066
of conviction: 8067

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 8068
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 8069
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 8070
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 8071
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 8072
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 8073
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 8074
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 8075
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 8076
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 8077
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 8078
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 8079
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 8080
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 8081
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 8082
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 8083
felonious sexual penetration in violation of former section 8084
2907.12 of the Revised Code, a violation of section 2905.04 of the 8085
Revised Code as it existed prior to July 1, 1996, a violation of 8086
section 2919.23 of the Revised Code that would have been a 8087

violation of section 2905.04 of the Revised Code as it existed 8088
prior to July 1, 1996, had the violation been committed prior to 8089
that date; 8090

(2) A violation of an existing or former municipal ordinance 8091
or law of this state, any other state, or the United States that 8092
is substantially equivalent to any of the offenses listed in 8093
division (G)(1) of this section. 8094

(H)(1)(a) Except as provided in rules adopted under division 8095
(J) of this section and subject to division (H)(2) of this 8096
section, no provider shall permit a person to be an employee, 8097
owner, officer, or board member of the provider if the person is 8098
subject to a criminal records check under this section and the 8099
person has been convicted of, has pleaded guilty to, or has been 8100
found eligible for intervention in lieu of conviction for any of 8101
the offenses specified in division (G)(1) or (2) of this section. 8102

(b) No provider shall employ a person who has been excluded 8103
from participating in the medicaid program, the medicare program 8104
operated pursuant to Title XVIII of the "Social Security Act," or 8105
any other federal health care program. 8106

(2)(a) A provider may employ conditionally a person for whom 8107
a criminal records check is required under this section prior to 8108
obtaining the results of a criminal records check regarding the 8109
person, but only if the person submits a request for a criminal 8110
records check not later than five business days after the 8111
individual begins conditional employment. 8112

(b) A provider that employs a person conditionally under 8113
authority of division (H)(2)(a) of this section shall terminate 8114
the person's employment if the results of the criminal records 8115
check request are not obtained within the period ending sixty days 8116
after the date the request is made. Regardless of when the results 8117
of the criminal records check are obtained, if the results 8118

indicate that the individual has been convicted of, has pleaded 8119
guilty to, or has been found eligible for intervention in lieu of 8120
conviction for any of the offenses specified in division (G)(1) or 8121
(2) of this section, the provider shall terminate the person's 8122
employment unless the provider chooses to employ the individual 8123
pursuant to division (J) of this section. 8124

(I) The report of a criminal records check conducted pursuant 8125
to this section is not a public record for the purposes of section 8126
149.43 of the Revised Code and shall not be made available to any 8127
person other than the following: 8128

(1) The person who is the subject of the criminal records 8129
check or the person's representative; 8130

(2) The director of job and family services and the staff of 8131
the department in the administration of the medicaid program; 8132

(3) A court, hearing officer, or other necessary individual 8133
involved in a case dealing with the denial or termination of a 8134
provider agreement; 8135

(4) A court, hearing officer, or other necessary individual 8136
involved in a case dealing with a person's denial of employment, 8137
termination of employment, or employment or unemployment benefits. 8138

(J) The department may adopt rules in accordance with Chapter 8139
119. of the Revised Code to implement this section. The rules may 8140
specify circumstances under which the department may continue a 8141
provider agreement or issue a provider agreement to an applicant 8142
when the provider or applicant has been convicted of, has pleaded 8143
guilty to, or has been found eligible for intervention in lieu of 8144
conviction for any of the offenses specified in division (G)(1) or 8145
(2) of this section. The rules may also specify circumstances 8146
under which a provider may permit a person to be an employee, 8147
owner, officer, or board member of the provider, when the person 8148
has been convicted of, has pleaded guilty to, or has been found 8149

eligible for intervention in lieu of conviction for any of the 8150
offenses specified in division (G)(1) or (2) of this section. 8151

Sec. 5111.033. (A) As used in this section: 8152

(1) "Applicant" means a person who is under final 8153
consideration for employment or, after September 26, 2003, an 8154
existing employee with a waiver agency in a full-time, part-time, 8155
or temporary position that involves providing home and 8156
community-based waiver services to a person with disabilities. 8157
"Applicant" also means an existing employee with a waiver agency 8158
in a full-time, part-time, or temporary position that involves 8159
providing home and community-based waiver services to a person 8160
with disabilities after September 26, 2003. 8161

(2) "Criminal records check" has the same meaning as in 8162
section 109.572 of the Revised Code. 8163

(3) "Waiver agency" means a person or government entity that 8164
is not certified under the medicare program and is accredited by 8165
the community health accreditation program or the joint commission 8166
on accreditation of health care organizations or a company that 8167
provides home and community-based waiver services to persons with 8168
disabilities through department of job and family services 8169
administered home and community-based waiver programs. 8170

(4) "Home and community-based waiver services" means services 8171
furnished under the provision of 42 C.F.R. 441, subpart G, that 8172
permit individuals to live in a home setting rather than a nursing 8173
facility or hospital. Home and community-based waiver services are 8174
approved by the centers for medicare and medicaid for specific 8175
populations and are not otherwise available under the medicaid 8176
state plan. 8177

(B)(1) The chief administrator of a waiver agency shall 8178
require each applicant to request that the superintendent of the 8179

bureau of criminal identification and investigation conduct a 8180
criminal records check with respect to the applicant. If an 8181
applicant for whom a criminal records check request is required 8182
under this division does not present proof of having been a 8183
resident of this state for the five-year period immediately prior 8184
to the date the criminal records check is requested or provide 8185
evidence that within that five-year period the superintendent has 8186
requested information about the applicant from the federal bureau 8187
of investigation in a criminal records check, the chief 8188
administrator shall require the applicant to request that the 8189
superintendent obtain information from the federal bureau of 8190
investigation as part of the criminal records check of the 8191
applicant. Even if an applicant for whom a criminal records check 8192
request is required under this division presents proof of having 8193
been a resident of this state for the five-year period, the chief 8194
administrator may require the applicant to request that the 8195
superintendent include information from the federal bureau of 8196
investigation in the criminal records check. 8197

(2) The chief administrator shall provide the following to 8198
each applicant for whom a criminal records check request is 8199
required under division (B)(1) of this section: 8200

(a) Information about accessing, completing, and forwarding 8201
to the superintendent of the bureau of criminal identification and 8202
investigation the form prescribed pursuant to division (C)(1) of 8203
section 109.572 of the Revised Code and the standard fingerprint 8204
impression sheet prescribed pursuant to division (C)(2) of that 8205
section; 8206

(b) Written notification that the applicant is to instruct 8207
the superintendent to submit the completed report of the criminal 8208
records check directly to the chief administrator. 8209

(3) An applicant given information and notification under 8210
divisions (B)(2)(a) and (b) of this section who fails to access, 8211

complete, and forward to the superintendent the form or the 8212
standard fingerprint impression sheet, or who fails to instruct 8213
the superintendent to submit the completed report of the criminal 8214
records check directly to the chief administrator, shall not be 8215
employed in any position in a waiver agency for which a criminal 8216
records check is required by this section. 8217

(C)(1) Except as provided in rules adopted by the department 8218
of job and family services in accordance with division (F) of this 8219
section and subject to division (C)(2) of this section, no waiver 8220
agency shall employ a person in a position that involves providing 8221
home and community-based waiver services to persons with 8222
disabilities if the person has been convicted of, has pleaded 8223
guilty to, or has been found eligible for intervention in lieu of 8224
conviction for any of the following, regardless of the date of the 8225
conviction, the date of entry of the guilty plea, or the date the 8226
person was found eligible for intervention in lieu of conviction: 8227

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 8228
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 8229
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 8230
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 8231
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 8232
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 8233
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 8234
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 8235
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 8236
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 8237
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 8238
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 8239
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 8240
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 8241
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 8242
2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 8243

felonious sexual penetration in violation of former section 8244
2907.12 of the Revised Code, a violation of section 2905.04 of the 8245
Revised Code as it existed prior to July 1, 1996, a violation of 8246
section 2919.23 of the Revised Code that would have been a 8247
violation of section 2905.04 of the Revised Code as it existed 8248
prior to July 1, 1996, had the violation been committed prior to 8249
that date; 8250

(b) A violation of an existing or former municipal ordinance 8251
or law of this state, any other state, or the United States that 8252
is substantially equivalent to any of the offenses listed in 8253
division (C)(1)(a) of this section. 8254

(2)(a) A waiver agency may employ conditionally an applicant 8255
for whom a criminal records check request is required under 8256
division (B) of this section prior to obtaining the results of a 8257
criminal records check regarding the individual, provided that the 8258
agency shall require the individual to request a criminal records 8259
check regarding the individual in accordance with division (B)(1) 8260
of this section not later than five business days after the 8261
individual begins conditional employment. 8262

(b) A waiver agency that employs an individual conditionally 8263
under authority of division (C)(2)(a) of this section shall 8264
terminate the individual's employment if the results of the 8265
criminal records check request under division (B) of this section, 8266
other than the results of any request for information from the 8267
federal bureau of investigation, are not obtained within the 8268
period ending sixty days after the date the request is made. 8269
Regardless of when the results of the criminal records check are 8270
obtained, if the results indicate that the individual has been 8271
convicted of, has pleaded guilty to, or has been found eligible 8272
for intervention in lieu of conviction for any of the offenses 8273
listed or described in division (C)(1) of this section, the agency 8274
shall terminate the individual's employment unless the agency 8275

chooses to employ the individual pursuant to division (F) of this 8276
section. 8277

(D)(1) The fee prescribed pursuant to division (C)(3) of 8278
section 109.572 of the Revised Code for each criminal records 8279
check conducted pursuant to a request made under division (B) of 8280
this section shall be paid to the bureau of criminal 8281
identification and investigation by the applicant or the waiver 8282
agency. 8283

(2) If a waiver agency pays the fee, it may charge the 8284
applicant a fee not exceeding the amount the agency pays under 8285
division (D)(1) of this section. An agency may collect a fee only 8286
if the agency notifies the person at the time of initial 8287
application for employment of the amount of the fee and that, 8288
unless the fee is paid, the person will not be considered for 8289
employment. 8290

(E) The report of any criminal records check conducted 8291
pursuant to a request made under this section is not a public 8292
record for the purposes of section 149.43 of the Revised Code and 8293
shall not be made available to any person other than the 8294
following: 8295

(1) The individual who is the subject of the criminal records 8296
check or the individual's representative; 8297

(2) The chief administrator of the agency requesting the 8298
criminal records check or the administrator's representative; 8299

(3) An administrator at the department; 8300

(4) A court, hearing officer, or other necessary individual 8301
involved in a case dealing with a denial of employment of the 8302
applicant or dealing with employment or unemployment benefits of 8303
the applicant. 8304

(F) The department shall adopt rules in accordance with 8305

Chapter 119. of the Revised Code to implement this section. The 8306
rules shall specify circumstances under which a waiver agency may 8307
employ a person who has been convicted of, has pleaded guilty to, 8308
or has been found eligible for intervention in lieu of conviction 8309
for an offense listed or described in division (C)(1) of this 8310
section. 8311

(G) The chief administrator of a waiver agency shall inform 8312
each person, at the time of initial application for a position 8313
that involves providing home and community-based waiver services 8314
to a person with a disability, that the person is required to 8315
provide a set of fingerprint impressions and that a criminal 8316
records check is required to be conducted if the person comes 8317
under final consideration for employment. 8318

(H)(1) A person who, on September 26, 2003, is an employee of 8319
a waiver agency in a full-time, part-time, or temporary position 8320
that involves providing home and community-based waiver services 8321
to a person with disabilities shall comply with this section 8322
within sixty days after September 26, 2003, unless division (H)(2) 8323
of this section applies. 8324

(2) This section shall not apply to a person to whom all of 8325
the following apply: 8326

(a) On September 26, 2003, the person is an employee of a 8327
waiver agency in a full-time, part-time, or temporary position 8328
that involves providing home and community-based waiver services 8329
to a person with disabilities. 8330

(b) The person previously had been the subject of a criminal 8331
background check relating to that position; 8332

(c) The person has been continuously employed in that 8333
position since that criminal background check had been conducted. 8334

Sec. 5111.034. (A) As used in this section: 8335

(1) "Anniversary date" means the later of the effective date 8336
of the provider agreement relating to the independent provider or 8337
sixty days after September 26, 2003. 8338

(2) "Criminal records check" has the same meaning as in 8339
section 109.572 of the Revised Code. 8340

(3) "Department" includes a designee of the department of job 8341
and family services. 8342

(4) "Independent provider" means a person who is submitting 8343
an application for a provider agreement or who has a provider 8344
agreement as an independent provider in a department of job and 8345
family services administered home and community-based services 8346
program providing home and community-based waiver services to 8347
consumers with disabilities. 8348

(5) "Home and community-based waiver services" has the same 8349
meaning as in section 5111.033 of the Revised Code. 8350

(B)(1) The department of job and family services shall inform 8351
each independent provider, at the time of initial application for 8352
a provider agreement that involves providing home and 8353
community-based waiver services to consumers with disabilities, 8354
that the independent provider is required to provide a set of 8355
fingerprint impressions and that a criminal records check is 8356
required to be conducted if the person is to become an independent 8357
provider in a department administered home and community-based 8358
waiver program. 8359

(2) Beginning on September 26, 2003, the department shall 8360
inform each enrolled medicaid independent provider on or before 8361
time of the anniversary date of the provider agreement that 8362
involves providing home and community-based waiver services to 8363
consumers with disabilities that the independent provider is 8364
required to provide a set of fingerprint impressions and that a 8365
criminal records check is required to be conducted. 8366

(C)(1) The department shall require the independent provider 8367
to complete a criminal records check prior to entering into a 8368
provider agreement with the independent provider and at least 8369
annually thereafter. If an independent provider for whom a 8370
criminal records check is required under this division does not 8371
present proof of having been a resident of this state for the 8372
five-year period immediately prior to the date the criminal 8373
records check is requested or provide evidence that within that 8374
five-year period the superintendent of the bureau of criminal 8375
identification and investigation has requested information about 8376
the independent provider from the federal bureau of investigation 8377
in a criminal records check, the department shall request that the 8378
independent provider obtain through the superintendent a criminal 8379
records request from the federal bureau of investigation as part 8380
of the criminal records check of the independent provider. Even if 8381
an independent provider for whom a criminal records check request 8382
is required under this division presents proof of having been a 8383
resident of this state for the five-year period, the department 8384
may request that the independent provider obtain information 8385
through the superintendent from the federal bureau of 8386
investigation in the criminal records check. 8387

(2) The department shall provide the following to each 8388
independent provider for whom a criminal records check request is 8389
required under division (C)(1) of this section: 8390

(a) Information about accessing, completing, and forwarding 8391
to the superintendent of the bureau of criminal identification and 8392
investigation the form prescribed pursuant to division (C)(1) of 8393
section 109.572 of the Revised Code and the standard fingerprint 8394
impression sheet prescribed pursuant to division (C)(2) of that 8395
section; 8396

(b) Written notification that the independent provider is to 8397
instruct the superintendent to submit the completed report of the 8398

criminal records check directly to the department. 8399

(3) An independent provider given information and 8400
notification under divisions (C)(2)(a) and (b) of this section who 8401
fails to access, complete, and forward to the superintendent the 8402
form or the standard fingerprint impression sheet, or who fails to 8403
instruct the superintendent to submit the completed report of the 8404
criminal records check directly to the department, shall not be 8405
approved as an independent provider. 8406

(D) Except as provided in rules adopted by the department in 8407
accordance with division (G) of this section, the department shall 8408
not issue a new provider agreement to, and shall terminate an 8409
existing provider agreement of, an independent provider if the 8410
person has been convicted of, has pleaded guilty to, or has been 8411
found eligible for intervention in lieu of conviction for any of 8412
the following, regardless of the date of the conviction, the date 8413
of entry of the guilty plea, or the date the person was found 8414
eligible for intervention in lieu of conviction: 8415

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 8416
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 8417
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 8418
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 8419
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 8420
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 8421
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 8422
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 8423
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 8424
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 8425
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 8426
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 8427
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 8428
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 8429
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.141, 8430

2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, 8431
felonious sexual penetration in violation of former section 8432
2907.12 of the Revised Code, a violation of section 2905.04 of the 8433
Revised Code as it existed prior to July 1, 1996, a violation of 8434
section 2919.23 of the Revised Code that would have been a 8435
violation of section 2905.04 of the Revised Code as it existed 8436
prior to July 1, 1996, had the violation been committed prior to 8437
that date; 8438

(2) A violation of an existing or former municipal ordinance 8439
or law of this state, any other state, or the United States that 8440
is substantially equivalent to any of the offenses listed in 8441
division (D)(1) of this section. 8442

(E) Each independent provider shall pay to the bureau of 8443
criminal identification and investigation the fee prescribed 8444
pursuant to division (C)(3) of section 109.572 of the Revised Code 8445
for each criminal records check conducted pursuant to a request 8446
made under division (C) of this section. 8447

(F) The report of any criminal records check conducted by the 8448
bureau of criminal identification and investigation in accordance 8449
with section 109.572 of the Revised Code and pursuant to a request 8450
made under division (C) of this section is not a public record for 8451
the purposes of section 149.43 of the Revised Code and shall not 8452
be made available to any person other than the following: 8453

(1) The person who is the subject of the criminal records 8454
check or the person's representative; 8455

(2) An administrator at the department or the administrator's 8456
representative; 8457

(3) A court, hearing officer, or other necessary individual 8458
involved in a case dealing with a denial or termination of a 8459
provider agreement related to the criminal records check. 8460

(G) The department shall adopt rules in accordance with 8461

Chapter 119. of the Revised Code to implement this section. The 8462
rules shall specify circumstances under which the department may 8463
either issue a provider agreement to an independent provider or 8464
allow an independent provider to maintain an existing provider 8465
agreement when the independent provider has been convicted of, has 8466
pleaded guilty to, or has been found eligible for intervention in 8467
lieu of conviction for an offense listed or described in division 8468
(D)(1) or (2) of this section. 8469

Sec. 5120.07. (A) There is hereby created the ex-offender 8470
reentry coalition consisting of the following ~~seventeen~~ eighteen 8471
members or their designees: 8472

- (1) The director of rehabilitation and correction; 8473
- (2) The director of aging; 8474
- (3) The director of alcohol and drug addiction services; 8475
- (4) The director of development; 8476
- (5) The superintendent of public instruction; 8477
- (6) The director of health; 8478
- (7) The director of job and family services; 8479
- (8) The director of mental health; 8480
- (9) The director of developmental disabilities; 8481
- (10) The director of public safety; 8482
- (11) The director of youth services; 8483
- (12) The chancellor of the Ohio board of regents; 8484
- (13) A representative or member of the governor's staff; 8485
- (14) The director of the rehabilitation services commission; 8486
- (15) The director of the department of commerce; 8487
- (16) The executive director of a health care licensing board 8488

created under Title XLVII of the Revised Code, as appointed by the 8489
chairperson of the coalition; 8490

(17) The director of veterans services; 8491

(18) An ex-offender appointed by the director of 8492
rehabilitation and correction. 8493

(B) The members of the coalition shall serve without 8494
compensation. The director of rehabilitation and correction or the 8495
director's designee shall be the chairperson of the coalition. 8496

(C) In consultation with persons interested and involved in 8497
the reentry of ex-offenders into the community, including but not 8498
limited to, service providers, community-based organizations, and 8499
local governments, the coalition shall identify and examine social 8500
service barriers and other obstacles to the reentry of 8501
ex-offenders into the community. Not later than one year after 8502
April 7, 2009, and on or before the same date of each year 8503
thereafter, the coalition shall submit to the speaker of the house 8504
of representatives and the president of the senate a report, 8505
including recommendations for legislative action, the activities 8506
of the coalition, and the barriers affecting the successful 8507
reentry of ex-offenders into the community. The report shall 8508
analyze the effects of those barriers on ex-offenders and on their 8509
children and other family members in various areas, including but 8510
not limited to, the following: 8511

(1) Admission to public and other housing; 8512

(2) Child support obligations and procedures; 8513

(3) Parental incarceration and family reunification; 8514

(4) Social security benefits, veterans' benefits, food 8515
stamps, and other forms of public assistance; 8516

(5) Employment; 8517

(6) Education programs and financial assistance; 8518

(7) Substance abuse, mental health, and sex offender treatment programs and financial assistance;	8519 8520
(8) Civic and political participation;	8521
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	8522 8523 8524
(D)(1) The report shall also include the following information:	8525 8526
(a) Identification of state appropriations for reentry programs;	8527 8528
(b) Identification of other funding sources for reentry programs that are not funded by the state;	8529 8530
(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:	8531 8532 8533 8534
(a) The amount of funding received;	8535
(b) The number of program participants;	8536
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	8537 8538
(d) The type of post-program tracking that is utilized;	8539
(e) Information about employment rates and recidivism rates of ex-offenders.	8540 8541
(E) The coalition shall cease to exist on December 31, 2014.	8542
Sec. 5502.011. (A) As used in this section, "department of public safety" and "department" include all divisions within the department of public safety.	8543 8544 8545
(B) The director of the department of public safety is the	8546

chief executive and administrative officer of the department. The 8547
director may establish policies governing the department, the 8548
performance of its employees and officers, the conduct of its 8549
business, and the custody, use, and preservation of departmental 8550
records, papers, books, documents, and property. The director also 8551
may authorize and approve investigations to be conducted by any of 8552
the department's divisions. Whenever the Revised Code imposes a 8553
duty upon or requires an action of the department, the director 8554
may perform the action or duty in the name of the department or 8555
direct such performance to be performed by the director's 8556
designee. 8557

(C) In addition to any other duties enumerated in the Revised 8558
Code, the director or the director's designee shall do all of the 8559
following: 8560

(1) Administer and direct the performance of the duties of 8561
the department; 8562

(2) Pursuant to Chapter 119. of the Revised Code, approve, 8563
adopt, and prescribe such forms and rules as are necessary to 8564
carry out the duties of the department; 8565

(3) On behalf of the department and in addition to any 8566
authority the Revised Code otherwise grants to the department, 8567
have the authority and responsibility for approving and entering 8568
into contracts, agreements, and other business arrangements; 8569

(4) Make appointments for the department as needed to comply 8570
with requirements of the Revised Code; 8571

(5) Approve employment actions of the department, including 8572
appointments, promotions, discipline, investigations, and 8573
terminations; 8574

(6) Accept, hold, and use, for the benefit of the department, 8575
any gift, donation, bequest, or devise, and may agree to and 8576
perform all conditions of the gift, donation, bequest, or devise, 8577

that are not contrary to law; 8578

(7) Apply for, allocate, disburse, and account for grants 8579
made available under federal law or from other federal, state, or 8580
private sources; 8581

(8) Develop a list of disqualifying offenses for licensure as 8582
a private investigator or a security guard provider pursuant to 8583
sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised 8584
Code; 8585

(9) Do all other acts necessary or desirable to carry out 8586
this chapter. 8587

(D)(1) The director of public safety may assess a reasonable 8588
fee, plus the amount of any charge or fee passed on from a 8589
financial institution, on a drawer or indorser for each of the 8590
following: 8591

(a) A check, draft, or money order that is returned or 8592
dishonored; 8593

(b) An automatic bank transfer that is declined, due to 8594
insufficient funds or for any other reason; 8595

(c) Any financial transaction device that is returned or 8596
dishonored for any reason. 8597

(2) The director shall deposit any fee collected under this 8598
division in an appropriate fund as determined by the director 8599
based on the tax, fee, or fine being paid. 8600

(3) As used in this division, "financial transaction device" 8601
has the same meaning as in section 113.40 of the Revised Code. 8602

(E) The director shall establish a homeland security advisory 8603
council to advise the director on homeland security, including 8604
homeland security funding efforts. The advisory council shall 8605
include, but not be limited to, state and local government 8606
officials who have homeland security or emergency management 8607

responsibilities and who represent first responders. The director 8608
shall appoint the members of the council, who shall serve without 8609
compensation. 8610

(F) The director of public safety shall adopt rules in 8611
accordance with Chapter 119. of the Revised Code as required by 8612
section 2909.28 of the Revised Code and division (A)(1) of section 8613
2909.32 of the Revised Code. The director shall adopt rules as 8614
required by division (D) of section 2909.32 of the Revised Code, 8615
division (E) of section 2909.33 of the Revised Code, and division 8616
(D) of section 2909.34 of the Revised Code. The director may adopt 8617
rules pursuant to division (A)(2) of section 2909.32 of the 8618
Revised Code, division (A)(2) of section 2909.33 of the Revised 8619
Code, and division (A)(2) of section 2909.34 of the Revised Code. 8620

Sec. 5743.99. (A)(1) Except as provided in division (A)(2) of 8621
this section, whoever violates section 5743.10, 5743.11, or 8622
5743.12 or division (C) of section 5743.54 of the Revised Code is 8623
guilty of a misdemeanor of the first degree. If the offender has 8624
been previously convicted of an offense under this division, 8625
violation is a felony of the fourth degree. 8626

(2) Unless the total number of cigarettes exceeds one 8627
thousand two hundred, an individual who violates section 5743.10 8628
of the Revised Code is guilty of a minor misdemeanor. If the 8629
offender has been previously convicted of an offense under this 8630
division, violation is a misdemeanor of the first degree. 8631

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 8632
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 8633
felony of the fourth degree. If the offender has been previously 8634
convicted of an offense under this division, violation is a felony 8635
of the second degree. 8636

(C) Whoever violates section 5743.41 or 5743.42 of the 8637
Revised Code is guilty of a misdemeanor of the fourth degree. If 8638

the offender has been previously convicted of an offense under 8639
this division, violation is a misdemeanor of the third degree. 8640

(D) Whoever violates section 5743.21 of the Revised Code is 8641
guilty of a misdemeanor of the first degree. If the offender has 8642
been previously convicted of an offense under this division, 8643
violation is a felony of the fifth degree. 8644

(E) Whoever violates division (F) of section 5743.03 of the 8645
Revised Code is guilty of a misdemeanor of the fourth degree. 8646

(F) Whoever violates any provision of this chapter, or any 8647
rule promulgated by the tax commissioner under authority of this 8648
chapter, for the violation of which no penalty is provided 8649
elsewhere, is guilty of a misdemeanor of the fourth degree. 8650

(G) In addition to any other penalty imposed upon a person 8651
convicted of a violation of section 5743.112 or 5743.60 of the 8652
Revised Code who was the operator of a motor vehicle used in the 8653
violation, the court ~~shall~~ may suspend for not less than thirty 8654
days or more than three years the offender's driver's license, 8655
commercial driver's license, temporary instruction permit, 8656
probationary license, or nonresident operating privilege. ~~The~~ If 8657
the court imposes such a suspension, the court shall send a copy 8658
of its suspension order and determination to the registrar of 8659
motor vehicles, and the registrar, pursuant to the order and 8660
determination, shall impose a suspension of the same duration. No 8661
judge shall suspend the first thirty days of suspension of an 8662
offender's license, permit, or privilege required by this 8663
division. The court, in lieu of suspending the offender's driver's 8664
or commercial driver's license or permit or nonresident operating 8665
privilege, instead may require the offender to perform community 8666
service for a number of hours determined by the court. 8667

Section 2. That existing sections 109.57, 109.572, 109.578, 8668
2151.356, 2152.02, 2152.18, 2152.26, 2705.031, 2907.24, 2913.02, 8669

2923.122, 2925.14, 2925.38, 2947.23, 2949.08, 2953.31, 2953.32, 8670
2953.34, 2953.36, 2967.191, 3119.01, 3119.05, 3123.58, 3772.10, 8671
4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 8672
4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 8673
4510.41, 4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 8674
4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 8675
4740.06, 4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 8676
4749.04, 4749.06, 4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 8677
5502.011, and 5743.99 of the Revised Code are hereby repealed. 8678

Section 3. The Department of Public Safety shall conduct a 8679
study on the advisability and feasibility of there being held in 8680
this state a one-time amnesty program for the payment of fees and 8681
fines owed by persons who have pleaded guilty to or been convicted 8682
of motor vehicle traffic and equipment offenses or have had their 8683
driver's license, commercial driver's license, or temporary 8684
instruction permit suspended for any reason by this state. The 8685
Department may confer with any public or private organization or 8686
entity that the Department determines could be of assistance to 8687
the Department in conducting the study. The Department shall study 8688
all aspects of such a program, including its scope, duration, the 8689
amounts or percentages of fees or fines persons would be permitted 8690
to pay under the program, and which persons would be eligible to 8691
participate in the program. 8692

Not later than six months after the effective date of this 8693
section, the Department shall issue a report containing the 8694
results of the study. The Department shall furnish copies of its 8695
report to the Governor, the Ohio Senate, and the Ohio House of 8696
Representatives. 8697

Section 4. The General Assembly, applying the principle 8698
stated in division (B) of section 1.52 of the Revised Code that 8699
amendments are to be harmonized if reasonably capable of 8700

simultaneous operation, finds that the following sections, 8701
presented in this act as composites of the sections as amended by 8702
the acts indicated, are the resulting versions of the sections in 8703
effect prior to the effective date of the sections as presented in 8704
this act: 8705

Section 149.43 of the Revised Code as amended by both Sub. 8706
H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly. 8707

Section 4503.234 of the Revised Code as amended by both Sub. 8708
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 8709

Section 4507.164 of the Revised Code as amended by both Sub. 8710
H.B. 5 and Am. Sub. H.B. 153 of the 129th General Assembly. 8711

Section 5. The amendment of section 5120.07 of the Revised 8712
Code is not intended to supersede the earlier repeal, with delayed 8713
effective date, of that section. 8714